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WHEN: Tuesday, April 17, 2001 at 9:00 a.m.

WHERE: Office of the Federal Register
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Washington, DC
(3 blocks north of Union Station Metro)

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Rules and Regulations

Federal Register

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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Docket Number: TMD–00–02–FR]

RIN 0581–AA40

National Organic Program; Correction of the Effective Date Under Congressional Review Act (CRA)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule: correction of effective date under CRA.

SUMMARY: The Agricultural Marketing Service (AMS) is correcting the effective date of the final rule (65 FR 80548), promulgated under the Organic Foods Production Act of 1990, that establishes the National Organic Program (NOP). The NOP establishes national standards for the production and handling of organically produced products, including a national list of substances approved for or prohibited from use in organic production and handling. This change in the effective date meets the requirements of the Congressional Review Act (CRA) enacted as part of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801–808), which requires that, before this rule can take effect, AMS must submit a copy of the rule to each House of the Congress and to the Comptroller General, together with a concise general statement of the rule and its proposed effective date. This information was provided to Congress and the Comptroller General on February 20, 2001.

EFFECTIVE DATE: The effective date of the final rule published at 65 FR 80548, December 21, 2000, is corrected to April 21, 2001.

FOR FURTHER INFORMATION CONTACT: Richard Mathews, Senior Agricultural Marketing Specialist, USDA–AMS–TMP–NOP, Room 2510–So., Ag Stop 0268, P.O. Box 96456, Washington, DC 20090–6456; Telephone: (202) 205–7806; Fax: (202) 205–7808.

SUPPLEMENTARY INFORMATION: The final rule published at 65 FR 80548 establishes the NOP under the direction of AMS, an arm of the United States Department of Agriculture (USDA). The NOP will facilitate domestic and international marketing of fresh and processed food that is organically produced and assure consumers that such products meet consistent, uniform standards. The NOP establishes national standards for the production and handling of organically produced products, including a national list of substances approved for or prohibited from use in organic production and handling. The NOP includes a national accreditation program for state officials and private persons who want to be accredited as certifying agents. Under the NOP, certifying agents will certify whether production and handling operations comply with the requirements of 7 CFR part 205, and will enforce program requirements. The final rule includes requirements that products must meet to be labeled as organic or as containing organic ingredients. The program is authorized under the Organic Foods Production Act of 1990.

This action corrects the effective date of the final rule in order to meet the requirements of the Small Business Regulatory Enforcement Fairness Act of 1966 (5 U.S.C. 801–808). The act requires that before a final rule can take effect, it must be submitted to each House of the Congress and to the Comptroller General, along with a concise general statement of the rule and its proposed effective date. We have determined that the report to Congress and to the Comptroller General was not received, as previously thought, concurrent with the transmission of the rule to the **Federal Register**. This information was provided to Congress and the Comptroller General on February 20, 2001. Under 5 U.S.C. 801–808, the effective date of a major rule is, as pertinent here, ''the later of the date occurring 60 days after the date on which * * * the Congress received the [required] report * * * or * * * the rule is published in the **Federal Register** * * *''. Thus the published effective date which was 60 days following the date of publication of the rule in the **Federal Register**, is erroneous; rather the actual effective date of the rule is 60 days after the receipt by Congress of the final rule, or April 21, 2001. This final rule corrects the previously published effective date.

Because the correction of the effective date is required by law, we find good cause under 5 U.S.C. 553(b)(3)(B) and 555(d)(3) to waive public comment thereon.

The rule is now scheduled to become effective on April 21, 2001.

Dated: March 14, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–6836 Filed 3–19–01; 8:45 am]

BILLING CODE 3410–02–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Interim final rule with request for comments.

SUMMARY: The NCUA Board is amending its chartering and field of membership manual to make two changes to ease the burden on applicants for community charters, expansions or conversions. First, applicants need not submit documentation to establish a community area that is the same as one the NCUA has previously determined to be a well-defined local community, neighborhood or rural district. Second, the Board is deleting the category of common characteristics and background of residents from the examples of acceptable documentation because it has proven to generate documentation of limited relevance.

DATES: *Effective Date:* This rule is effective March 20, 2001.

Comment Date: Comments must be received on or before May 21, 2001.

ADDRESSES: Comments should be directed to Becky Baker, Secretary of the Board. Mail or hand deliver comments to: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428. Or,

you may fax comments to (703) 518–6319, or e-mail comments to regcomments@ncua.gov. *Please send comments by one method only.*

FOR FURTHER INFORMATION CONTACT: J. Leonard Skiles, Chairman, Field of Membership Task Force, at (703) 518–6320 or Sheila A. Albin, Associate General Counsel, Operations, at (703) 518–6540.

SUPPLEMENTARY INFORMATION:

Background

NCUA's chartering and field of membership policy is set out in Interpretive Ruling and Policy Statement 99–1, Chartering and Field of Membership Policy (IRPS 99–1), as amended by IRPS 00–01. The policy is incorporated by reference in NCUA's regulations at 12 CFR 701.1. It is also published as NCUA's Chartering and Field of Membership Manual (Chartering Manual), which is the document most interested parties use and to which references in the following discussion are made.

The Chartering Manual requires community charter applicants to establish that an area is a ''well-defined local community, neighborhood, or rural district.'' Chartering Manual, Chapter 2, V.A.1. It provides that an applicant may submit a letter describing how the area meets the standards for interaction or common interest for certain geographic and population sizes, namely, a single political jurisdiction such as a county with 300,000 or fewer people, or multiple, contiguous political jurisdictions with 200,000 or fewer people. Applicants must submit maps and information about population and the political jurisdiction. Regional directors currently have delegated authority to approve charter applications or amendments of this size. NCUA Delegations of Authority, Chartering 3A and 3B.

For larger areas in terms of population and geographic size, the Chartering Manual provides for applicants to submit a narrative summary and documentation supporting the finding of interaction and common interests in the proposed community. The Chartering Manual provides examples of the type of documentation that an applicant may submit but does not require or specify particular documentation.

In 2000, the regional offices received 27 community expansions and 104 community conversion requests. Of these 131 requests, 15 required NCUA Board approval.

Presently, the preparation and processing of a community charter, expansion or conversion request that requires NCUA Board approval are extensive. Credit unions often take a year or more to prepare a community charter application and credit unions may also use outside consultants to assist them.

A significant part of any application requiring Board approval is the documentation supporting the finding that the requested area is a ''well-defined local community, neighborhood, or rural district.'' NCUA's Chartering and Field of Membership Manual (Chartering Manual), Chapter 2, V.A.2 at p. 2–45. In this regard, applications contain detailed information to demonstrate the residents of the proposed area have common interests or interact sufficiently to meet the statutory ''local'' requirement, along with supporting documentation as suggested in the Chartering Manual. Often, this portion of an application runs hundreds of pages.

A practice has arisen in which applicants for an area that the Board has already approved as a community obtain copies of that portion of an earlier application addressing the community requirements and resubmit the identical documents as part of their own application. The NCUA has processed numerous requests for all or part of approved charter applications under the Freedom of Information Act.

The Chartering Manual provides examples of documentation that applicants may consider using to support the area as a community, neighborhood or rural district. One of these examples is: ''Common characteristics and background of residents (for example, income, religious beliefs, primary ethnic groups, similarity of occupations, household types, primary age, group, etc.).'' Id. at 2–46. This documentation has proven to be of limited relevance in determining whether the area meets the community requirements.

Although this category is only one of eight examples of the type of documentation that is acceptable, the Board is aware that applicants may feel compelled to provide documentation in all categories. Mere statistical data about religious beliefs, ethnicity, age or income may encourage questionable assumptions and, as a matter of public policy, the Board does not want to encourage the classification of credit union members on such bases. To the extent that meaningful similarities exist among residents, an applicant may address them under the last suggested example of documentation demonstrating that residents share common interests or interact.

The Amendments

The first amendment provides that applicants for an area that is the same as one the NCUA has previously determined to be a well-defined local community, neighborhood or rural area need not submit a summary or any documentation to meet that requirement. The Board believes this amendment provides a common sense approach for documentation requirements by eliminating redundant proof by subsequent applicants for the same exact geographic area that either it or regional directors have already addressed. Applicants need only identify in their applications the fact of the prior approval and their reliance on the summary and documentation already part of the agency's records. Nevertheless, applicants may be required to submit their own summary and documents if the agency has reason to believe that the documents on file from previous applications are no longer accurate or are insufficient.

The second amendment is the deletion of the example of documentation for community requirements for common characteristics and background of residents. As discussed above, this documentation has proven to be of little value and, therefore, is an unnecessary burden for applicants and an administrative waste of time for NCUA staff.

These amendments will help reduce the time involved in the community application process, reduce costs for credit unions seeking to serve a previously approved community, and reduce regional and Board staff time and preparation.

The Board wants to note that these amendments only apply to required documentation to support the proposed area as a community. They do not eliminate any of the remaining requirements necessary to process a community application, such as addressing safety and soundness concerns and the requirement for business and marketing plans.

In conjunction with promulgation of this rule, the Board has approved a delegation of authority to regional directors to approve applications for new community charters and charter amendments, including expansions of existing community charters and conversions of any type of federal charter to community charter, regardless of the number of residents, where the Board has previously determined that

the community requirements have been met for the same exact geographic area.

Interim Final Rule

The NCUA Board is issuing this amendment to its chartering regulation as an interim final rule because it is an interpretation of an existing regulation and merely addresses agency procedures for processing chartering applications. The Board believes the amendments further the public interest in removing unnecessary regulatory burden for the public and promotes the efficient use of agency resources and staff. Accordingly, for good cause, the Board finds that, pursuant to 5 U.S.C. 553(b)(3)(B), notice and public procedures are impracticable, unnecessary, and contrary to the public interest; and, pursuant to 5 U.S.C. 553(d)(3), the rule shall be effective immediately and without 30 days advance notice of publication. Although the rule is being issued as an interim final rule and is effective immediately, the NCUA Board encourages interested parties to submit comments.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact a regulation may have on a substantial number of small credit unions (primarily those under $1 million in assets). The amendments will not have a significant economic impact on a substantial number of small credit unions and therefore, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

The NCUA Board has determined that this interim final rule does not increase, and will in fact reduce, paperwork requirements under the Paperwork Reduction Act and regulations of the Office of Management and Budget.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the Administrative Procedures Act. 5 U.S.C. 551. The rule has been submitted to the Office of Management and Budget for its determination of whether this is a major rule.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their regulatory actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This rule will apply to some state-chartered credit unions, but it will not have 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. NCUA has determined that this rule does not constitute a policy that has federalism implications for purposes of the executive order.

Agency Regulatory Goal

NCUA's goal is clear, understandable regulations that impose a minimal regulatory burden. We request your comments on whether the proposed amendments are understandable and minimally intrusive if implemented as proposed.

List of Subjects in 12 CFR Part 701

Credit, Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on March 8, 2001.

Becky Baker,

Secretary of the Board.

Accordingly, NCUA amends 12 CFR part 701 as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, 1789. Section 701.6 is also authorized by 15 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.*, 42 U.S.C. 1981 and 3601–3610. Section 701.35 is also authorized by 12 U.S.C. 4311–4312.

2. Section 701.1 is revised to read as follows:

§ 701.1 Federal credit union chartering, field of membership modifications, and conversions.

National Credit Union Administration policies concerning chartering, field of membership modifications, and conversions are set forth in Interpretive Ruling and Policy Statement 99–1, Chartering and Field of Membership Policy (IRPS 99–1), as amended by IRPS 00–1 and IRPS 01–1. Copies may be obtained by contacting NCUA at the address found in § 792.2(g)(1) of this chapter. The combined IRPS are incorporated into this section.

(Approved by the Office of Management and Budget under control number 3133–0015.)

Note: The text of the Interpretive Ruling and Policy Statement (IRPS 99–1) does not, and the following amendments will not, appear in the Code of Federal Regulations.

3. Amend IRPS 99–1, Chapter 2, Section V. A.2 by adding the following paragraph as the eleventh paragraph in the section, immediately before the paragraph that begins ''A community credit union is frequently * * *'' as follows:

An applicant need not submit a narrative summary or documentation to support a proposed community charter, amendment or conversion as a well-defined local community, neighborhood, or rural district if the NCUA has previously determined that the same exact geographic area meets that requirement in connection with consideration of a prior application. Applicants may contact the appropriate regional office to find out if the area they are interested in has already been determined to meet the community requirements. If the area is the same as a previously approved area, an applicant need only include a statement to that effect in the application. Applicants may be required to submit their own summary and documentation regarding the community requirements if NCUA has reason to believe that prior submissions are not sufficient or are no longer accurate.

4. Amend IRPS 99–1, Chapter 2, Section V. A.2 by removing from the tenth paragraph in the section the seventh bulleted item that begins with the words ''common characteristics.''

[FR Doc. 01–6804 Filed 3–19–01; 8:45 am]

BILLING CODE 7535–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–30–AD; Amendment 39–12043; AD 2000–25–08]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS–350B, BA, B1, B2, and D; and AS–355E, F, F1, F2, and N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) that applies to Eurocopter France (ECF) Model AS–350B, BA, B1, B2, and D; and AS–355E, F, F1, F2, and N helicopters. That AD currently requires inspecting the main gearbox suspension bi-directional cross beam (cross beam) for cracks, replacing the cross beam if a crack is found, and adding time intervals for repetitive dye-penetrant inspections on cross beams with 5,000 or more hours time-in-service (TIS). This amendment requires the same inspections as the existing AD but would delete repetitive dye-penetrant inspections on cross beams with 5,000 or more hours TIS. This amendment is prompted by the discovery that repetitive dye-penetrant inspections were erroneously required in the existing AD. The actions specified by this AD are intended to prevent failure of the cross beam that could lead to rotation of the main gearbox, severe vibrations, and a subsequent forced landing.

DATES: Effective April 24, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 24, 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 2000–10–10, Amendment 39–11734 (65 FR 32016, May 22, 2000), which applies to ECF Model AS–350B, BA, B1, B2, and D; and AS–355E, F, F1, F2, and N helicopters, was published in the **Federal Register** on September 11, 2000 (65 FR 54823). That action proposed to require visually inspecting and dye-penetrant inspecting the cross beam for cracks and replacing the cross beam if a crack is found.

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.

The FAA estimates that 454 helicopters of U.S. registry will be affected by this AD, that it will take approximately 0.5 work hour to accomplish each visual inspection, with an estimated average of 150 visual inspections, 3 work hours to accomplish a dye-penetrant inspection, and 6 work hours to replace the cross beam, if necessary, per helicopter. Required parts will cost approximately $6,000 per cross beam. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $5,012,160 to perform 150 visual inspections, one dye-penetrant inspection, and to replace one cross beam on all 454 helicopters.

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 39–11734 (65 FR 32016, May 22, 2000), and by adding a new airworthiness directive (AD), Amendment 39–12043, to read as follows:

2000–25–08 Eurocopter France: Amendment 39–12043. Docket No. 2000–SW–30–AD. Supersedes AD 2000–10–10, Amendment 39–11734, Docket No. 99–SW–39–AD.

Applicability: Model AS–350B, BA, B1, B2, and D; and AS–355E, F, F1, F2, and N helicopters, with main gearbox suspension bi-directional cross beam (cross beam), part number (P/N) 350A38–1018-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 (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the cross beam that could lead to rotation of the main gearbox, severe vibrations, and a subsequent forced landing, accomplish the following:

(a) For cross beams having 2,000 or more hours time-in-service (TIS) or 10,000 or more operating cycles, whichever occurs first:

Note 2: The Master Service Recommendations and the flight log contain accepted procedures that are used to determine the cumulative operating cycles on the rotorcraft.

(1) Within 30 hours TIS, and thereafter at intervals not to exceed 30 hours TIS or 150 operating cycles, whichever occurs first, visually inspect the cross beam for a crack in accordance with paragraph 2.B.1) of Eurocopter France Service Bulletin No. 05.00.28, applicable to Model AS–350 helicopters, or Eurocopter France Service Bulletin No. 05.00.29, applicable to Model AS–355 helicopters, both dated May 26, 1997.

(2) If a crack is found, remove the cross beam and replace it with an airworthy cross beam.

(b) For cross beams having 5,000 or more hours TIS:

(1) Within 550 hours TIS or 2,750 operating cycles, whichever occurs first, perform a dye-penetrant inspection in accordance with paragraph 2.B.2) of Eurocopter France Service Bulletin No. 05.00.28, applicable to Model AS–350 helicopters, or Eurocopter Service Bulletin No. 05.00.29, applicable to Model AS–355 helicopters, both dated May 26, 1997.

(2) If a crack is found, remove the cross beam and replace it with an airworthy cross beam.

(c) Before installing any replacement cross beams, regardless of TIS or operating cycles, inspect the replacement cross beam in accordance with paragraph (b)(1) of this AD.

(d) Modifying the helicopter in accordance with paragraph 2.B of the Accomplishment Instructions in Eurocopter Service Bulletin No. 63.00.07, applicable to Model AS–350B, BA, B1, B2, and D helicopters, or Eurocopter Service Bulletin No. 63.00.13, applicable to Model AS–355E, F, F1, F2, and N helicopters, both dated April 7, 1997, constitutes terminating action for the requirements of this AD.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Regulations Group, FAA, Rotorcraft Directorate. 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.

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

(g) The visual and dye-penetrant inspections shall be done in accordance with paragraphs 2.B.1) and 2.B.2) of Eurocopter France Service Bulletin No. 05.00.28 or No. 05.00.29, as applicable. Both service bulletins are dated May 26, 1997. 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.

(h) This amendment becomes effective on April 24, 2001.

Note 4: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 96–156–071(B)R1 and AD 96–155–053(B)R1, both dated June 4, 1997.

Issued in Fort Worth, Texas, on December 7, 2000.

Henry A. Armstrong,

Manager, Rotorcraft Directorate,, Aircraft Certification Service.

[FR Doc. 01–6284 Filed 3–19–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–22–AD; Amendment 39–12146; AD 2001–05–09]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Model 430 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for Bell Helicopter Textron Canada (BHTC) Model 430 helicopters that requires modifying the electrical system. This amendment is prompted by the loss of electrical power due to design deficiencies discovered during single-pilot Instrument Flight Rules (IFR) flight testing. The actions specified by this AD are intended to prevent loss of electrical power and subsequent loss of control of the helicopter.

DATES: Effective April 24, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 24, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101, telephone (817) 280–3391, fax (817) 280–6466. 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: Robert McCallister, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0110, telephone (817) 222–5121, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD for BHTC Model 430 helicopters was published in the **Federal Register** on August 9, 2000 (65 FR 48645). That action proposed to require implementing the following electrical system changes in accordance with Alert Service Bulletin No. 430–99–10, dated December 16, 1999 (ASB):

- Modify the electrical bus distribution system to include emergency, essential, and nonessential busses. Relocate electrical system circuit breakers accordingly.
- Add a second redundant aircraft DC power supply with associated circuit breaker for each full authority digital engine control electronic control unit.
- Modify AC inverter switching logic to prevent inadvertent loss of AC power.
- Modify electrical bonding of the DC generator ground circuits by increasing the size of the hardware securing the ground shunt bus bar to the airframe structure.

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. However, additional FAA engineering evaluation of the required modification was conducted after publication of the NPRM. That evaluation necessitated an extension of the compliance date from December 31, 2000 to May 1, 2001 to meet the intent of not grounding helicopters when this AD is effective. Except for that change, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed. The FAA has determined that changing the compliance date will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 3 helicopters of U.S. registry will be affected by this AD, that it will take approximately 140 work hours per helicopter to accomplish the required actions, and that the average labor rate is $60 per work hour. The manufacturer states in the ASB that they will provide the 100 percent warranty credit for the parts and will allow a maximum warranty credit of $7700 for labor costs. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $2100, assuming the stated credit for parts and labor.

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 adding a new airworthiness directive to read as follows:

2001–05–09 Bell Helicopter Textron Canada: Amendment 39–12146. Docket No. 2000–SW–22–AD.

Applicability: Model 430 helicopters, serial numbers 49002, 49004 through 49006, 49008 through 49016, 49018 through 49025, and 49027 through 49036, 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 at the next 600-hour inspection or before further flight after May 1, 2001, whichever occurs first, unless accomplished previously.

To prevent loss of electrical power and subsequent loss of control of the helicopter, accomplish the following:

(a) Modify the electrical system in accordance with the Accomplishment Instructions, paragraphs 1 through 6, of Bell Helicopter Textron Alert Service Bulletin No. 430–99–10, dated December 16, 1999.

(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 2: 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 may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with the Accomplishment Instructions, paragraphs 1 through 6, of Bell Helicopter Textron Alert Service Bulletin No. 430–99–10, dated December 16, 1999. 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 Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101, telephone (817) 280–3391, fax (817) 280–6466. 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 24, 2001.

Note 3: The subject of this AD is addressed in Transport Canada, Canada, AD CF–2000–08, dated March 21, 2000.

Issued in Fort Worth, Texas, on March 5, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–6285 Filed 3–19–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Southeast Alaska; 01–002]

RIN 2115–AA97

Safety Zone; Crescent Harbor, Sitka, AK

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard has received an application to remove the annual 4th of July Safety Zone in Sitka, AK. The current Safety Zone in 33 CFR 165.1707, an established 100 yd radius safety zone along the navigable waters of Crescent Harbor, Sitka, Alaska is no longer necessary as this location is no longer utilized for conducting fireworks displays. This action will remove the annual 4th of July safety zone in 33 CFR 165.1707. The Coast Guard Marine Safety Detachment Sitka has monitored the 4th of July maritime vessel traffic for the last two years, and has determined that a safety zone is no longer required.

DATES: This rule becomes effective April 19, 2001.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at U.S. Coast Guard, Marine Safety Detachment Sitka, 329 Harbor Drive, Room 202, Sitka, Alaska between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (907) 966–5454.

FOR FURTHER INFORMATION CONTACT: Chief Warrant Officer Don Pack, Supervisor, U.S. Coast Guard Marine Safety Detachment Sitka, (907) 966–5454.

SUPPLEMENTARY INFORMATION:

Regulatory History

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. The 4th of July fireworks display is no longer being conducted in Crescent Harbor. The fireworks displays are conducted from a ramp on the Northeast shoreline on Japonski Island, which offer a better spectator view with less maritime vessel traffic. Because the Safety Zone was originally created to protect vessels and persons from the specific harm of the fireworks display that was launched in Crescent Harbor from a barge, the cessation of that display makes it unnecessary to continue the Safety Zone. For this reason, comment on the removal of the Safety Zone is unnecessary, as well as impracticable.

Background and Purpose

Each year on or about the 3rd of July, fireworks display activities are conducted over the navigable waters of Sitka Channel, Sitka, AK. In previous years, this display was launched from a barge, which was located in Crescent Harbor, Sitka, Alaska. The sponsor has requested to change this location and will now conduct this 1-hour activity on

the shoreline ramp on the northeast side of Japonski Island, Sitka, AK.

This final rule will remove the annual safety zone in Crescent Harbor associated with the fireworks display, as it is no longer necessary. The sponsor now uses a shoreline ramp on the northeast side of Japonski Island, thus greatly reducing the hazard to vessels and individuals located in the area previously designated as a safety zone.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of the Executive Order 12866 and does not require an assessment of potential costs and benefits under sections 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This is because lifting the safety zone will allow greater access and mobility to vessels located within Crescent Harbor.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule will have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000. Because the effects of this rule are positive, by allowing greater access and mobility to vessels within Crescent Harbor, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact the office listed in **ADDRESSES** in this preamble.

Collection of Information

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

Federalism

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

Consultation and Coordination with Indian Tribal Governments

This proposed rule will not have tribal implications; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal law. Therefore, it is exempt from the consultation requirements of Executive Order 13175. If tribal implications are identified during the comment period we will undertake appropriate consultations with the affected Indian tribal officials.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

Unfunded Mandates Reform Act

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

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and record keeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard is amending 33 CFR Part 165 as follows:

PART 165

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231: 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

§ 165.1707 [Removed]

2. Remove § 165.1707.

Dated: February 26, 2001.

R.C. Lorigan,

Captain, U.S. Coast Guard, Captain of the Port, Southeast Alaska.

[FR Doc. 01–6903 Filed 3–19–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 187

[USCG–1999–6420]

RIN 2115–AD35

Vessel Identification System

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations on the voluntary Vessel Identification System (VIS). VIS is a nationwide system for collecting information on vessels and vessel ownership to help identify and recover stolen vessels, deter vessel theft, and assist in deterring and discovering security-interest and insurance fraud. These amendments concern the requirements for States electing to participate in VIS. The changes improve the integrity and uniformity of the system and reflect recent statutory changes.

DATES: This final rule is effective April 19, 2001.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–1999–6420 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, call LCDR Nancy Goodridge, Office of Information Resources, Coast Guard, telephone 202–267–0254, electronic mail NGoodridge@comdt.uscg.mil. For questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Regulatory History

The following table outlines the regulatory history of this rulemaking project:

Document type	Federal Register cite	Date published	Comments
Advance Notice of Proposed Rulemaking	54 FR 38358	9/15/1989	Requested comments and information on establishing a Vessel Identification System (VIS).
Notice of Proposed Rulemaking	58 FR 51920	10/5/1993	Proposed requirements for States electing to participate in VIS, as required by statute.
Interim Final Rule	60 FR 20310	4/25/1995	Established the requirements for participating in VIS; became effective 4/24/1996, with the exception of 33 CFR part 187, subpart D.
Re-opening of comment period and notice of public hearing.	60 FR 53727	10/17/1995	Reopened the comment period for the Interim Final Rule and scheduled two public hearings.
Change in effective date	61 FR 6943	2/23/1996	Delayed the effective date of 33 CFR part 187 subpart D until 4/24/1998.
Re-opening of comment period	62 FR 54385	10/20/1997	Reopened the comment period for the Interim Final Rule (60 FR 20310).
Change in effective date	63 FR 19657	4/21/1998	Delayed the effective date of 33 CFR part 187 subpart D until 4/24/1999.
Change in effective date	64 FR 19039	4/19/1999	Delayed the effective date of 33 CFR part 187 subpart D until 10/24/1999.
Final Rule (removing subpart D)	64 FR 56965	10/22/1999	Removed 33 CFR part 187 subpart D, which never went into effect.
Supplemental Notice of Proposed Rulemaking	65 FR 7925	02/16/2000	Revised the proposed requirements for States electing to participate in VIS, as required by statute.

Background and Purpose

The Secretary of Transportation is required to establish a Vessel Identification System (VIS) (46 U.S.C. 12501). VIS is a nationwide system for collecting information on vessels and vessel owners and other information that will assist law enforcement officials in their investigations of stolen vessels or other crimes, such as fraud. It benefits consumers, lenders, insurers, the marine industry, and national boating organizations by increasing the probability of recovering stolen vessels and by decreasing the probability of a person unknowingly purchasing a vessel that is stolen or that has a lien or other claim against it. In turn, VIS should decrease the probability of theft. The responsibility for establishing VIS was delegated by the Secretary of Transportation to the Coast Guard (49 CFR 1.46).

This Final Rule concerns the Coast Guard's regulations in 33 CFR part 187 (Vessel Identification System), which—

(1) Establish minimum requirements for States electing to participate in VIS;

(2) Prescribe guidelines for State vessel titling systems; and

(3) Explain how States may obtain certification of compliance with the vessel titling system guidelines for the purpose of conferring preferred status under 46 U.S.C. 31322(d) on mortgages, instruments, or agreements for State-titled vessels.

State participation in VIS is entirely voluntary; however, to participate, States must comply with certain requirements to ensure the integrity and uniformity of the information provided to VIS.

Most of the information to be included in VIS is already collected by States that number vessels under 33 CFR part 174. This rule amends the requirements in 33 CFR part 187 for States electing to participate in VIS.

This rule also creates a new 33 CFR part 187, subpart D, Guidelines for State Vessel Titling Systems, and clarifies the procedures for obtaining certification of compliance with those guidelines. Under 46 U.S.C. 31322(d)(1), a perfected mortgage covering the whole of a vessel titled in a State that participates in VIS and has a certified vessel titling system will be deemed to be a preferred mortgage. Compliance with the State titling guidelines and requests for certification are entirely voluntary by a State.

Discussion of Comments and Changes to the Proposed Rule

We received a total of fifteen comments to this rulemaking. In the following paragraphs, the Coast Guard discusses the comments received and explains any changes made to the regulations. The Coast Guard first discusses general comments, and secondly discusses comments regarding specific sections of the regulations. A significant number of the changes are the result of comments and recommendations developed jointly by the primary stakeholders in VIS. These stakeholders include representatives of State numbering and titling agencies, the marine lending industry, and the maritime law community.

General Comments

Many of these comments were in response to our proposed changes to the Standard Numbering System (SNS) requirements in 33 CFR part 174. Several commentors believed that the changes to the SNS were more costly than we originally estimated and would potentially impose additional information collection requirements.

The Coast Guard agrees that the issues relating to the SNS should be studied further, prior to making any permanent changes to the regulations in 33 CFR part 174. We have therefore removed this section from the rulemaking and will address those comments in a separate rulemaking. We believe that while VIS is dependent upon the SNS, changes to the SNS can be developed subsequent to this rulemaking without a negative effect on VIS. The comments received regarding the SNS and changes proposed to 33 CFR part 174 will be taken into account and addressed in the SNS rulemaking.

We additionally received several comments regarding VIS and the changes proposed in 33 CFR part 187. All comments received throughout the course of this project were considered in the development of this Final Rule. The issues raised by the comments, and the sections that have been revised or added since the publication of the SNPRM, are discussed.

One comment suggested that the use and acceptance of electronic titles and signatures be considered for the future with VIS.

The Coast Guard believes that the use and acceptance of electronic titles and electronic signatures is beyond the scope of this rulemaking. However, the Coast Guard is committed to utilizing new technology to improve VIS and will consider electronic titles and electronic signatures in any future revisions.

One comment cautioned that there will be redundancy of data created between State databases, and the Coast Guard's database. The comment asked—

- Which agency would be responsible for contacting boat owners with problem certificates of documentation and State titles?
- What will happen to the bank's ship mortgages and/or State liens?
- Who will bear the expense to correct the problems?

VIS will make it easier to detect redundancy across the States' databases. To assist in detecting redundancy, VIS will automatically contact applicable States whenever any redundant data has been detected. This will only happen, however, after a State has submitted the data to VIS. The Coast Guard recommends that States check VIS prior to the issuance of documents to ensure the vessel is not registered in another State and prevent the problems that redundancy can cause. In regards to responsibility, the agency that issues the documentation will continue to be responsible for contacting vessel owners and bearing any expenses incurred with any problems.

The plan to provide for a consolidated builder's certification and certificate of origin is one of the subjects in another rulemaking project. The docket number for that project is USCG 1998–4784. We anticipate that the availability of a single document acceptable to the States for numbering and titling and to the Coast Guard for vessel documentation will encourage manufacturers to use only that document. However, the Coast Guard cautions the commenter that there is no Federal authority to mandate a specific form for the COO. Only the individual States may determine what will be acceptable in their systems.

Procedures for Certification of Compliance With Guidelines for State Vessel Titling Systems Section (§ 187.9)

One comment said that requiring HINs for all recreational vessels seems excessive. A review of the recreational vessels with a Certificate of Number in Connecticut indicates approximately 27,000 vessels have HINs. Recreational vessels constructed before 1972 do not possess a HIN. The State is able to process about 200 HINs annually. The need to process 27,000 is not possible. Therefore, we suggest that only vessels constructed on or after 1972 be required to have a HIN.

The goal is to eventually have a valid HIN on every numbered vessel in the United States without regard to when it may have been built. The Coast Guard agrees that it is not reasonable to expect States to immediately issue HINs to all vessels that currently do not have valid ones. The requirement for a State to assign a HIN to a vessel that does not have a valid one applies only if the vessel is transferred to a new owner (sold within State) or moved into a new State of principal operation. In the meantime, section 187.9(b) provides that the State number or Coast Guard documentation number will be used as the vessel identification number in VIS.

One comment stated there was an issue regarding the resolution of the unique vessel identification number. The National Association of State Boating Law Administrators (NASBLA), and the International Association of Marine Investigators (IAMI) have both gone on record in support of a 17-digit Hull Identification Number (HIN). The rulemaking project to establish that number has dragged on since 1992. The Comment asked—

- What is the Coast Guard's position on the number;
- What does the Coast Guard want; and
- When will the Coast Guard make a final decision?

While the Coast Guard recognizes that the issues are related, the makeup of the HIN is outside the scope of this project. Because of controversy and conflict there is no consensus on the format for an expanded HIN and the Coast Guard lacks sufficient data to demonstrate that the benefits clearly outweigh the costs and burdens, particularly for small entities and builders of high volume, low cost boats. Therefore, the proposal to expand the HIN format was withdrawn on June 29, 2000 (65 FR 40069) and a study was begun to gather data on costs and benefits. We will review the results of the study and decide whether to issue a new regulatory project.

Information To Identify a Vessel Owner (§ 187.101)

One comment said that this section and § 187.103 would require the redesign of Certificate of Number and Certificate of Decal applications. This process is complicated and will take several years. Another comment stated that building additional computer storage capacity, and extensive programming changes would be needed. To build additional computer storage capacity as well as implement extensive programming changes will also take time.

The Coast Guard understands that some changes will need to be made, however, we reiterate that participation in VIS is voluntary. The SNS Rulemaking will address this further with its proposal to give States four years to change applicable Certificates and forms. This will reduce costs and allow any new forms to be redesigned and purchased as supplies of the old forms are depleted.

One comment stated that the regulation should make clear that the information a State must collect to identify a vessel owner in § 187.101 and the information to identify a vessel in § 187.103 must be made available to VIS as is done in § 187.105.

We agree and have added language to those sections, as well as § 187.107, to make clear that this information must be made available to VIS.

Three comments discussed the question of what information should be made available publicly. Two comments said there should be a charge for this information. One comment proposed the addition of two new sections to address this issue.

The Coast Guard will use these comments in a future project when we establish what exactly will be released, to whom, how it will be released, and how much it will cost.

One comment stated that it would be expensive for them to change their system to collect and store residential address information for an owner and each lien holder and that mailing address information should be sufficient.

The Coast Guard understands that systems will require some change, however the residential address information is required for law enforcement purposes.

One comment stated that using the Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN), as unique vessel owner identifiers, would require clear Federal and State authority.

States have the option to provide another unique owner identifier if they are not able, under State law, to collect the SSN or ITIN. The ITIN should not be a Privacy Act issue for corporate owners.

Information To Identify a Vessel (§ 187.103)

One comment suggested that the Coast Guard develop a realistic and uniform definition for the term ''charter boat'' as it relates to the needs of the National Marine Fisheries Service (NMFS).

The Coast Guard agrees. According to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802), ''charter fishing'' is defined as ''fishing from a vessel carrying a passenger for hire (as defined in section 2101(21a) of Title 46 who is engaged in recreational fishing.'' The Coast Guard will work closely with stakeholders to develop clear guidance defining the categories and commercial activities identified in VIS.

Another comment stated that the original proposal from NMFS would require several changes to State registration systems. This is unacceptable because it would cost too much.

The only change that is being implemented at the request of NMFS is the addition of ''charter fishing'' as a category of primary use. Other data requests from NMFS were outside the scope of this rulemaking.

One comment stated that they use the term ''homemade'' to distinguish between privately constructed vessels from commercially constructed vessels. The commentor requested that they continue to have the ability to use this term.

There is no regulation that defines terms to be used in the manufacture/make field, therefore the term ''homemade'' is an acceptable term to use.

Information on Titled Vessels (§ 187.105)

One comment recommended requiring that a participating State collect and make available to VIS information concerning the discharge of a security interest or the surrender of a certificate of title.

This issue was discussed in previous notices. Again, we disagree because it would impose an additional burden on the States.

Information To Assist Law Enforcement Officials (§ 187.107)

One comment asked since their respective State does not require non-mechanical vessels to be registered, will this information be required in VIS? The Coast Guard understands that all vessels may not be registered in a State. Therefore if a vessel is not registered, it does not need to be reported in VIS.

One comment stated that it was understood that much of the information listed in § 187.107(b) is noted in the police report, and could be available by requesting it from the reporting enforcement agency.

This information is strictly optional and not required to be reported to VIS.

Participating State Requirements (§ 187.201)

One comment stated that a reference was made to States utilizing microfiche or microfilm or other electronic storage to retain information. However, this is limited to a number of years. The States' data storage cannot compare to what is retained by the Coast Guard, in detail and in length of time. The life of a boat is many more years than most State storage systems. The lack of this information being available greatly jeopardizes the history of a boat. VIS should accommodate keeping essential boat information and not depend on States for this. Another comment also expressed concern about the retention of information for a history of transactions involving a vessel.

We believe there is some confusion as to exactly what information VIS will archive. VIS will archive information on a particular vessel only if the vessel's registration has been inactive for ten years. And archived information will be retained for an additional 50 years. Past transactions, including change of vessel ownership as well as change of State of registration, will be recorded and stored with a particular vessel to track and build its history. The reference to microfiche and microfilm in Part 187.201(d) refers specifically to certificates and other evidence that establish the accuracy of the information, not the information itself.

One comment stated that during the months of February, March, and April hundreds of vessel registrations with changes arrive daily. The DMV will not be able to provide to VIS changes in registration information during these three months.

State personnel will process vessel registrations just as they currently do in the normal course of business. The daily summary of registration changes will be generated automatically by the computer program that is developed when a State initially elects to participate in VIS. Personnel processing daily transactions, require no additional effort. If a State falls behind in processing transactions, that would not affect the viability of VIS.

Dealer and Manufacturer Provisions (§ 187.307)

Two comments stated that States were concerned with whether dealers and manufacturers would support the change to regulate boat dealers.

This requirement applies only to States that choose to seek certification to obtain preferred mortgage status for State-titled vessels. The principal stakeholders in this rulemaking process recommended application of this regulation and we agree. The Coast Guard will consider an amendment if, at a later date, it is determined that the State restrictions on boat dealers and manufacturers participation can be deleted without adversely impacting the effectiveness of VIS.

Surrender of Title for Purposes of Documentation (§ 187.315)

One comment stated that in Subpart D of this section, the amendments included in the Coast Guard Authorization Act of 1998 clearly state that Federal statute now prohibits a vessel from being both documented by the Coast Guard and titled by a State (46 U.S.C. 12124). In the section on Federalism, this Federal Law is referred to concluding that States should consider amending their laws and regulations on this issue. The comment asked whether a State would be accepted into VIS if they do not conform to this Federal law.

The answer is no. At the present time there are several States which require titling of documented vessels. Since those laws are in conflict with Federal law, the Coast Guard strongly recommends that States amend their laws and regulations on this issue to alleviate the conflict. The National Vessel Documentation Center is undertaking a separate rulemaking project to provide for the surrender of

State titles when a vessel is documented under Federal law.

Procedures for Perfection of Security Interests (§ 187.323)

We received two comments pointing out that States employ different procedures for security interest perfection on State boat titles. Some States deem the perfection to have occurred when the State boat title application and necessary fees are delivered to the proper State filing office; other States deem legal perfection to occur when the secured party is actually noted on the certificate of title. A State may make its own choice as to determination of the date and time of perfection. One comment suggested that this issue could be clarified by replacing the word ''Delivery'' at the beginning of § 187.323(a)(1) with the word ''Submission.''

We agree and have made the recommended change in both § 187.323(a)(1) and in § 187.323(a)(4).

Regulatory Evaluation

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This rule imposes zero mandatory costs. For States that choose to participate in VIS, we expect an average one-time cost of $55,000 per State and an average recurring cost (for correcting inaccurate data entries) equal to $0.75 times 2 percent of the number of annual registration changes per State.

I. Costs

This rule does not impose mandatory costs on States. A State may elect to participate in VIS but is not compelled to do so. Participation is entirely voluntary. In our estimation of hour and cost burdens, we assumed a 100% participation rate in VIS by 2009.

The total cost of this rulemaking to a State participating in VIS is the sum of the one-time costs and recurring costs. Over the 10-year period of analysis, the present-value total cost of this rule to States that elect to participate in VIS is estimated to be $2,917,450.

(a) One-Time Costs

The only one-time cost is the cost of developing the VIS/State database interface and update programming at the State level. We estimate the average cost of developing VIS at the State level would be $55,000 per participant. Assuming a 100% participation rate by the year 2009, we estimate that the total one-time cost of developing VIS, in present-value terms, would be $2,366,574 in 1999 dollars.

(b) Recurring Costs

There are two recurring costs. The first is the cost to produce a daily summary update of registration changes, which is transmitted to VIS. The second is the cost of correcting data entry errors of registration changes.

The daily summary update of registration changes will be generated automatically by the computer program that is developed when a State initially elects to participate in VIS. Consequently, the Coast Guard estimates that the cost to a State of producing approximately 250 annual summary updates would be zero. If a State improperly enters the data for a change of registration, an error report is generated from VIS. A State that receives an error report will be required to correct the data entry. We estimate 2 percent of a State's registration changes will be improperly entered and generate error reports. In most cases, we expect the error will be limited to a particular field in the data set, and its correction will be quick.

We estimate it would cost an average of $0.75 to correct a data entry (assuming it takes an average of 3 minutes or 0.05 hours at an average of $15 per hour to correct an entry). The corrected data entry will then be automatically included in that day's summary update. So, if a State has an average of 100,000 registration changes per year, we would expect an average of 2,000 data entry mistakes and a recurring cost of $1,500 per year ($100,000 \times 0.02 \times \$0.75 = \$1,500$).

The present-value total recurring cost of this rule to States is estimated to be $550,876. When added to the estimated present-value total start-up cost to States of $2,366,574, the present-value total cost of this rule to States over the 10-year period of analysis is $2,917,450 ($550,876 + $2,366,574 = $2,917,450).

The present-value total cost of this rule to States and to the Federal government to support and maintain VIS is estimated to be $8,688,439 in 1999 dollars ($2,917,450 to States and $5,770,989 to the Federal government).

II. Benefits

The primary benefits of VIS will come from its ability to serve as a tracking device for vessels, with the vessel identifier serving much like the Vehicle Identification Number found in automobiles. As a tracking device, the benefits of VIS will be in the—

(1) Improved odds of recovering a stolen or missing vessel, which benefits boat owners and insurers, and local and State law enforcement agencies;

(2) Decreased odds of unknowingly purchasing a stolen vessel, which can be a financial disaster if the rightful owner shows up to claim it; and

(3) Decreased odds of unknowingly purchasing a vessel that has a lien, unpaid taxes, or other claim(s) lodged against it, which can become the responsibility of the new owner.

VIS establishes penalties for those persons who—

(1) Intentionally provide false information to the issuing authority regarding the identification of a vessel; or

(2) Tamper with, remove, or falsify a unique vessel identification number.

Combining those penalties with its feature as a tracking device, a secondary benefit of VIS will be the reduction in theft of vessels. A third benefit of VIS will be the preferred mortgage status of a perfected mortgage covering the whole of a vessel titled in a State that participates in VIS and has a certified vessel titling system.

Collection of Information

This rule calls for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). We submitted a copy of the rule, as required by 44 U.S.C. 3507(d), to the Office of Management and Budget (OMB) for its review of the collection of information. OMB approved the collection. The section numbers are §§ 187.11, 187.13, 187.101, 187.103, 187.105, 187.107, 187.201, and 187.301 and the corresponding approval number is OMB Control Number 2115–0607. You need not respond to a collection of information unless it displays a currently valid control number from OMB.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not

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

This rule affects U.S. States. It imposes zero mandatory costs. According to the U.S. Bureau of the Census, none of the States eligible to participate in VIS has a population less than 50,000. Thus, there are no small entities affected and no impact upon small entities.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Federalism

We have analyzed this rule under Executive Order 13132 and have determined that it does not have federalism implications to warrant the preparation of a Federalism Assessment under that Order.

This rule is not expected to infringe upon the rights of States to regulate, or preempt existing State regulations. State participation is entirely voluntary. However, once electing to participate, a State must comply with the requirements to ensure integrity and uniformity of information in both the Standard Numbering System and VIS. Likewise, requesting certification that a State vessel titling system complies with the guidelines is also voluntary. Such certification, for participating States, confers preferred status on mortgages covering the whole of vessels titled in that State.

However, Federal law (46 U.S.C. 12124) prohibits a vessel from being both documented by the Coast Guard and titled by a State. This prohibition applies to all State-titled vessels, whether or not the title-issuing State participates in VIS or follows the titling guidelines. States that require documented vessels to be titled should consider amending their laws and regulations on this issue.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their regulatory actions not specifically required by law. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

We considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. This rule establishes a nationwide information system for identifying vessels and vessel owners, and guidelines for State vessel titling systems. This action clearly will have no environmental consequences. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 187

Administrative practice and procedure, Marine safety, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard revises 33 CFR part 187 to read as follows:

PART 187—VESSEL IDENTIFICATION SYSTEM

Subpart A—General

Sec.
187.1 Which States are affected by this part?
187.3 What vessels are affected by this part?
187.5 What are the purposes of this part?
187.7 What are the definitions of terms used in this part?
187.9 What is a vessel identifier and how is one assigned?
187.11 What are the procedures to participate in VIS?
187.13 What are the procedures for obtaining certification of compliance with guidelines for State vessel titling systems?
187.15 When is a mortgage a preferred mortgage?

Subpart B—Information To Be Collected by Participating States

187.101 What information must be collected to identify a vessel owner?
187.103 What information must be collected to identify a vessel?
187.105 What information on titled vessels must be collected and what may be collected?
187.107 What information must be made available to assist law enforcement officials and what information may be made available?

Subpart C—Requirements for Participating in VIS

187.201 What are the compliance requirements for a participating State?
187.203 What are the voluntary provisions for a participating State?

Subpart D—Guidelines for State Vessel Titling Systems

187.301 What are the eligibility requirements for certification of a State titling system to confer preferred mortgage status?
187.303 What terms must a State define?
187.304 What vessels must be titled?
187.305 What are the requirements for applying for a title?
187.307 What are dealer and manufacturer provisions?
187.309 What are the requirements for transfer of title?
187.311 What are the application requirements for a certificate of title because of a transfer by operation of law or order of court?
187.313 Must a State honor a prior State title, Coast Guard documentation, and foreign registry?
187.315 What happens when a title is surrendered for the purposes of documentation?
187.317 What information must be on a certificate of title?
187.319 What are the requirements for applying for a redundant title?
187.321 What are the hull identification number (HIN) provisions?

187.323 What are the procedures for perfection of security interests?
187.325 Is a State required to specify procedures for the assignment of a security interest?
187.327 What are a State's responsibilities concerning a discharge of security interests?
187.329 Who prescribes and provides the forms to be used?
187.331 What information is to be retained by a State?

Appendix A to Part 187—Participating Authorities

Appendix B To Part 187—Participating and Certified Vessel Titling Authorities

Authority: 46 U.S.C. 2103; 49 CFR 1.46.

Subpart A—General

§ 187.1 Which States are affected by this part?

States electing to participate in the Vessel Identification System (VIS) are affected by this part.

§ 187.3 What vessels are affected by this part?

Only vessels numbered or titled by a participating State are affected by this part. Vessels documented under 46 U.S.C. chapter 121 and 46 CFR parts 67 and 68 are not affected.

§ 187.5 What are the purposes of this part?

The purposes of this part are to—

(a) Establish minimum requirements for States electing to participate in VIS;

(b) Prescribe guidelines for State vessel titling systems; and

(c) Explain how to obtain certification of compliance with State guidelines for vessel titling systems for the purpose of conferring preferred status on mortgages, instruments, or agreements under 46 U.S.C. 31322(d).

§ 187.7 What are the definitions of terms used in this part?

As used in this part—

Approved Numbering System means a numbering system approved by the Secretary of Transportation under 46 U.S.C. Chapter 123.

Certificate of Documentation means the certificate issued by the Coast Guard for a documented vessel under 46 U.S.C. 12103 (Form CG–1270).

Certificate of Origin or *COO* means a document establishing the initial chain of ownership, such as a manufacturer's certificate of origin (MCO) or statement of origin (MSO), an importer's certificate of origin (ICO) or statement of origin (ISO), or a builder's certification (Form CG–1261; see 46 CFR part 67).

Certificate of Ownership means the Certificate of Ownership issued by the Coast Guard under 46 CFR part 67 (Form CG–1330).

Commandant means the Commandant of the United States Coast Guard.

Dealer means any person who engages wholly or in part in the business of buying, selling, or exchanging new or used vessels, or both, either outright or on conditional sale, bailment, lease, chattel mortgage or otherwise. A dealer must have an established place of business for the sale, trade, and display of such vessels.

Documented vessel means a vessel documented under 46 U.S.C. chapter 121.

Hull Identification Number or *HIN* means the number assigned to a vessel under subpart C of 33 CFR part 181.

Issuing authority means either a State that has an approved numbering system or the Coast Guard in a State that does not have an approved numbering system.

Manufacturer means any person engaged in the business of manufacturing or importing new vessels for the purpose of sale or trade.

Owner means a person, other than a secured party, having property rights in, or title to, a vessel. ''Owner'' includes a person entitled to use or possess a vessel subject to a security interest in another person, but does not include a lessee under a lease not intended as security.

Participating State means a State certified by the Commandant as meeting the requirements of subpart C of this part. States meeting this definition will be listed in Appendix A to this part.

Person means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity and includes a trustee, receiver, assignee, or similar representative of any of them.

Secured party means a lender, seller, or other person in whose favor there is a security interest under applicable law.

Security interest means an interest that is reserved or created by an agreement under applicable law and that secures payment or performance of an obligation.

State means a State of the United States, the District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, U.S. Virgin Islands, and any other territory or possession of the United States.

Titled vessel means a vessel titled by a State.

Titling authority means a State whose vessel titling system has been certified by the Commandant under subpart D of this part. Titling authorities participating in VIS will be listed in Appendix B to this part.

Vessel includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

Vessel Identification System or *VIS* means a system for collecting information on vessels and vessel ownership as required by 46 U.S.C. 12501.

§ 187.9 What is a vessel identifier and how is one assigned?

(a) The vessel identifier for a vessel having a valid HIN is the HIN.

(b) If a vessel does not have a valid HIN, a vessel identifier is assigned under the following table:

TABLE 187.9(b)—VESSEL IDENTIFIER ASSIGNMENTS

If the vessel is:	And does not have a valid HIN:	Then the vessel identifier is:
(1) Documented		The official number assigned by the Coast Guard under 46 CFR part 67.
(2) Documented	And is transferred to a new owner	The HIN assigned by the Coast Guard.
(3) Undocumented	And must be numbered under 33 CFR parts 173 and 174.	The number issued on a certificate of number by the issuing authority of the State of principal operation, provided the number will not be used in the future to identify a different vessel.
(4) Undocumented	And is transferred to a new owner	The HIN assigned by the issuing authority of the State of principal operation.
(5) Undocumented	And the vessel is required to be numbered or titled in a new State of principal operation.	The HIN assigned by the issuing authority of the State of principal operation.

§ 187.11 What are the procedures to participate in VIS?

(a) A State must submit a written request to the Commandant (G–OPB) certifying that it will comply with the VIS participation requirements in subpart C of this part.

(b) The Commandant will review the request and determine if the State is complying with the VIS participation requirements. If so, the Commandant will certify compliance by listing the State in Appendix A to this part.

(c) Appendix A to this part will list those States certified by the Commandant to participate in VIS. When the Commandant determines that a State is not complying with the participation requirements, it will lose its certification and will be deleted from Appendix A to this part.

§ 187.13 What are the procedures for obtaining certification of compliance with guidelines for State vessel titling systems?

(a) A State must submit a written request to the Commandant (G–OPB). The request must include a copy of the State's titling laws, regulations and administrative procedures, and certify that the State will comply with the VIS participation requirements in subpart C of this part.

(b) The Commandant will review the request and determine if the State is complying with the Guidelines for State Vessel Titling Systems in subpart D of this part. If the State is complying with the guidelines, the Commandant will certify compliance and list the State in Appendix B to this part.

(c) Appendix B to this part will list States certified by the Commandant. When the Commandant determines that a State is not complying with the vessel titling guidelines, it will lose its certification and be deleted from Appendix B to this part.

§ 187.15 When is a mortgage a preferred mortgage?

A mortgage, instrument, or agreement granting a security interest perfected under State law covering the whole of a vessel titled under the law of a participating State is a preferred mortgage if the State is certified under § 187.13.

Subpart B—Information to be Collected by Participating States

§ 187.101 What information must be collected to identify a vessel owner?

(a) A participating State must collect the following information for a vessel it has numbered or titled when an individual owns the vessel and make it available to VIS:

(1) Names of all owners.

(2) Principal residence of one owner.

(3) Mailing Address, if different from the address in paragraph (a)(2) of this section.

(4) One of the following unique identifiers for each owner:

(i) Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN).

(ii) If the SSN or ITIN is not available, birth date and driver's license number.

(iii) If the SSN, ITIN, and driver's license number are not available, birth date and other unique identifier prescribed by the State.

(b) A participating State must collect the following information for a vessel that it has numbered or titled when the vessel's owner is not an individual, but a business or other type of organization:

(1) Names of all businesses or organizations that own the vessel.

(2) Principal address of one business or organization.

(3) Mailing address, if different from the address in paragraph (b)(2) of this section.

(4) Taxpayer Identification Number (TIN) for the principal business or organization.

(5) If the TIN for the principal business or organization is not available, one of the following unique identifiers for a corporate officer, a partner, or the individual who signed the application for numbering:

(i) Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN).

(ii) If the SSN or ITIN is not available, birth date and driver's license number.

(iii) If the SSN, ITIN, and driver's license number are not available, birth date and other unique identifier prescribed by the State.

§ 187.103 What information must be collected to identify a vessel?

A participating State must collect the following information on a vessel it has numbered or titled and make it available to VIS:

(a) Manufacturer's hull identification number (HIN), if any.

(b) Official number, if any, assigned by the Coast Guard or its predecessor.

(c) Number on certificate number assigned by the issuing authority of the State.

(d) Expiration date of certificate of number.

(e) Number previously issued by an issuing authority.

(f) Name of manufacturer, builder, or make.

(g) Model year, manufacture year, or year built.

(h) Overall length.

(i) Vessel type. Authorized terms are ''open motorboat'', ''cabin motorboat'', ''auxiliary sail'', ''sail only'', ''personal watercraft'', ''pontoon'', ''houseboat'', ''rowboat'', ''canoe/kayak'', or ''other''.

(j) Hull material. Authorized terms are ''wood'', ''aluminum'', ''steel'', ''fiberglass'', ''rigid hull inflatable'', ''rubber/vinyl/canvas'', or ''other''.

(k) Propulsion type. Authorized terms are ''propeller'', ''sail'', ''water jet'', ''air thrust'', or ''manual''.

(l) Engine drive type. Authorized terms are ''outboard'', ''inboard'', or ''inboard/stern drive''.

(m) Fuel. Authorized terms are ''gasoline'', ''diesel'', or ''electric''.

(n) Primary use. Authorized terms are ''pleasure'', ''rent or lease'', ''dealer or manufacturer demonstration'', ''charter fishing'', ''commercial fishing'', ''commercial passenger carrying'', or ''other commercial operation''.

§ 187.105 What information on titled vessels must be collected and what may be collected?

(a) A participating State must collect the following information on a vessel it has titled and make it available to VIS:

(1) Information required under § 187.103.

(2) Title number.

(3) Issuance date of the most recently issued title or redundant.

(4) Where evidence may be found on the security interest or lien against the vessel.

(5) Name of each secured party.

(6) Address (city and State) of each secured party.

(b) A participating State may collect the following information on a vessel it has titled and make it available to VIS:

(1) Information concerning the discharge of the security interest.

(2) Information concerning the surrender of the certificate of title.

§ 187.107 What information must be made available to assist law enforcement officials and what information may be made available?

(a) A participating State must make the following information available to VIS for use by law enforcement officials:

(1) Vessel identifier(s), as required by § 187.9.

(2) Notice of law enforcement status. Authorized terms are ''lost'', ''stolen'', ''destroyed'', ''abandoned'', or ''recovered''.

(3) Date of notice of law enforcement status.

(4) Point of contact for the agency or official reporting the status.

(5) National Crime Information Center code for the reporting agency or official.

(b) A participating State may make the following information available to law enforcement officials:

(1) Notice that the vessel is being sought for a law enforcement purpose

other than a purpose listed in paragraph (a)(2) of this section.

(2) Location of vessel when reported lost, stolen, destroyed, abandoned, or recovered.

(3) Vessel insurance policy number.

(4) Name of insurance company.

(5) Address of insurance company.

(6) Mailing address of insurance company, if different from the address in paragraph (b)(5) of this section.

(7) Telephone number of insurance company.

(8) Date the vessel was recovered.

(9) Location of the vessel when recovered.

(10) Names and telephone numbers of contacts not listed under paragraph (a)(4) of this section.

(11) Request to be notified if vessel is sighted.

(12) Purpose of sighting notification request.

(13) Date and time vessel last sighted.

(14) Location of vessel when last sighted.

Subpart C—Requirements for Participating in VIS

§ 187.201 What are the compliance requirements for a participating State?

A participating State must comply with the following requirements:

(a) Collect the required information listed in subpart B of this part and provide that information to VIS under the applicable Coast Guard-State Memorandum of Agreement.

(b) Obtain specific evidence of ownership, such as the COO or current certificate of title and/or number, to identify a vessel's owner.

(c) Retain previously issued evidence of ownership, such as certificate of number, title, or Certificate of Documentation, and notify the issuing authority or the Coast Guard by mail or electronic message.

(d) Retain information identifying the type of evidence used to establish the accuracy of the information required to be made available to VIS and make it available to the Commandant upon request.

(e) Update the information required to be made available to VIS by providing, within 48 hours, a copy of transactions that enter, modify, or cancel records in the vessel files.

§ 187.203 What are the voluntary provisions for a participating State?

A participating State may—

(a) Provide VIS with the optional information listed in subpart B of this part;

(b) Make available to VIS updated information provided by the vessel owner, government agency, or secured party about a vessel that has been moved to a non-participating State of principal operation; and

(c) Interact with non-participating States to make information available to, or request information from, VIS concerning a vessel or nationwide statistics.

Subpart D—Guidelines for State Vessel Titling Systems

§ 187.301 What are the eligibility requirements for certification of a State titling system to confer preferred mortgage status?

The Commandant, under 46 U.S.C. 31322(d)(1)(A) and § 187.13, may certify a State vessel titling system that meets the requirements of this subpart as complying with the guidelines for vessel titling systems. This certification is for the purpose of conferring preferred mortgage status on a mortgage, instrument, or agreement granting a security interest perfected under State law, covering the whole of a vessel titled in that State. The State must also comply with the VIS participation requirements of § 187.11 and subpart C of this part and make vessel information it collects available to VIS.

§ 187.303 What terms must a State define?

A State must define the terms ''certificate of origin'', ''dealer'', ''documented vessel'', ''issuing authority'', ''manufacturer'', ''owner'', ''person'', ''secured party'', ''security interest'', ''titling authority'', and ''vessel'' substantially as defined in § 187.7.

§ 187.304 What vessels must be titled?

A State must require that all vessels required to be numbered in the State under 46 U.S.C. chapter 123 be titled only in that State, if that State issues titles to that class of vessels.

§ 187.305 What are the requirements for applying for a title?

(a) A State must require application for a title within a specified period of time, not to exceed 60 days, after a vessel required to be titled is first purchased, ownership is transferred, or there is a change in vessel data listed on the certificate of title.

(b) A State must require disclosure in its titling application form of any secured party holding an unsatisfied security interest in the vessel.

(c) The application must include an entry for identification of the State or country in which the vessel was last numbered, titled, documented, or registered under the laws of a foreign country.

(d) A State must require that a COO for a vessel be submitted together with the application for any new vessel not previously numbered, titled, documented, or registered under the laws of a foreign country.

(e) A State must require that the application include a signed certification that the statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury or similar penalties as prescribed by State law.

§ 187.307 What are dealer and manufacturer provisions?

A State must include the following provisions applicable to any dealer or manufacturer building, buying, acquiring, selling, or transferring a vessel in that State:

(a) Dealers or manufacturers must not be allowed to apply for a certificate of title for a vessel not required to be numbered. Dealers or manufacturers owning a new or used vessel primarily used in their business, held for sale or lease, and required to be numbered may be permitted or required to apply for a certificate of title for the vessel. The State may impose other reporting requirements on dealers or manufacturers.

(b) Dealers or manufacturers transferring a vessel required to be titled in the name of the dealer or manufacturer must be required to assign the title to the new owner or, for a new vessel, assign a COO for a new vessel. Dealers or manufacturers transferring a vessel permitted to be titled in their name must be required to assign to the new owner any certificate of title which has been issued and not surrendered.

(c) Dealers or manufacturers must not be permitted to provide a redundant COO if VIS contains information concerning the vessel.

(d) Dealers or manufacturers must be permitted to provide a redundant COO to the vessel owner only upon receipt of information concerning the original certificate and the circumstances of its loss, theft, mutilation, or destruction and receipt of any recovered original COO or remains from the vessel owner. This information must be declared under penalty of perjury or similar penalties as prescribed by State law. The term ''REDUNDANT'' must be clearly and permanently marked on the face of a redundant COO.

(e) Dealers or manufacturers must be required to maintain for at least 3 years a record of any vessel bought, sold, exchanged, or received for sale or exchange, and open such records for inspection by the State.

§ 187.309 What are the requirements for transfer of title?

To complete the sale, assignment, or transfer of a titled vessel, a State must require that a manufacturer, dealer, or individual must deliver the vessel's certificate of title to the new owner or new owner's designee, except for transfers by operation of law or order of court.

§ 187.311 What are the application requirements for a certificate of title because of a transfer by operation of law or order of court?

A State must require a new owner to apply for a certificate of title within a specified period of time, not to exceed 60 days, after ownership of a vessel is transferred by operation of law or order of court. This application must include an original or authenticated copy of the legal transfer document.

§ 187.313 Must a State honor a prior State title, Coast Guard documentation, and foreign registry?

(a) A State must honor a title issued by another State as proof of ownership for transfer or sale of a vessel and for applying for a certificate of number or title in the new State of principal operation.

(b) A State must honor a Coast Guard-issued Certificate of Ownership or a Certificate of Deletion as proof of ownership and deletion from documentation.

(c) A State must honor an authenticated copy of a foreign registry, or evidence of deletion from the foreign registry, as proof of ownership and deletion from the foreign registry.

§ 187.315 What happens when a title is surrendered for the purposes of documentation?

A State title is invalid when it is surrendered to the Coast Guard in exchange for a Certificate of Documentation. Upon notification from the Coast Guard of the surrender of a title, a State must process the cancellation of the title.

§ 187.317 What information must be on a certificate of title?

(a) A certificate of title must contain the following information concerning the vessel:

(1) Names of all owners (individuals, businesses, and organizations).

(2) Address of one individual, business, or organization owning the vessel.

(3) Title number.

(4) Date of issuance of title.

(5) Vessel identifier under § 187.9.

(6) Name of manufacturer, builder, or make.

(7) Model year, manufacture year, or year built.

(8) Overall length.

(9) Vessel type. Authorized terms are ''open motorboat'', ''cabin motorboat'', ''auxiliary sail'', ''sail only'', ''personal watercraft'', ''pontoon'', ''houseboat'', ''rowboat'', ''canoe/kayak'', or ''other''.

(10) Hull material. Authorized terms are ''wood'', ''aluminum'', ''steel'', ''fiberglass'', ''rigid hull inflatable'', ''rubber/vinyl/canvas'', or ''other''.

(11) Propulsion type. Authorized terms are ''propeller'', ''sail'', ''water jet'', ''air thrust'', or ''manual''.

(12) Engine drive type. Authorized terms are ''outboard'', ''inboard'', or ''inboard/stern drive''.

(13) Name of each secured party.

(14) Address (city and State) of each secured party.

(15) Recording or perfection date of new security interest and original recording or perfection date of any security interest outstanding.

(b) Space must be provided on the title form for assignment of interests in the vessel, with a signed certification that the statements made are true and correct to the best of the owner's knowledge, information, and belief, under penalty of perjury or similar penalties as prescribed by State law.

§ 187.319 What are the requirements for applying for a redundant title?

(a) A State must require the holder (owner or secured party) of an original title to apply for a redundant title after the discovery of the loss, theft, mutilation, or destruction of the original.

(b) The holder must provide information, declared under penalty of perjury or similar penalties as prescribed by State law, concerning the original certificate and the circumstances of its loss, theft, mutilation, or destruction.

(c) The holder must surrender to the State any recovered original title or remains.

(d) The State must clearly and permanently mark the face of a redundant certificate of title with the term ''REDUNDANT.''

§ 187.321 What are the hull identification number (HIN) provisions?

A State must—

(a) Upon proof of ownership, assign an HIN and require that it be affixed to a vessel that does not have an HIN at the time of application for certificate of number or title; and

(b) Prohibit removal or alteration of an HIN without authorization from the Commandant.

§ 187.323 What are the procedures for perfection of security interests?

(a) A State must specify, at a minimum, the following procedures for perfection of a security interest in a vessel titled in that State:

(1) Submission of an application for new or amended certificate of title on which the secured party must be noted.

(2) Surrender of any outstanding certificate of number and any outstanding title issued by another State.

(3) Surrender of the Certificate of Documentation of any documented vessel that is to be numbered and titled by the State.

(4) Submission of an authenticated copy of any foreign registry of the vessel and evidence of deletion from the foreign registry of the vessel that is to be numbered and titled by the State.

(5) Determination of the date of perfection.

(b) A State must recognize, under 46 U.S.C. 31322(e)(1), that, if a vessel is covered by a preferred mortgage when an application for a certificate of title is filed in that State, then the status of the preferred mortgage covering the vessel is determined by the law of the jurisdiction in which the vessel is currently titled or documented.

(c) A State must recognize, under 46 U.S.C. 31322(d)(2), that, if a vessel titled in a State is covered by a preferred mortgage, that mortgage will continue to be a preferred mortgage even if the vessel is no longer titled in the State where the mortgage, instrument, or agreement granting a security interest perfected under State law became a preferred mortgage.

(d) A State must recognize, under 46 U.S.C. 31322(d)(1), the preferred status of a mortgage, instrument, or agreement granting a security interest perfected under State law covering the whole of a vessel titled in a State after the Commandant has certified that State's titling system and the State participates in VIS with respect to the vessel.

(e) The State must provide that the perfection procedures required to be established under this section do not apply to—

(1) A lien given by statute or rule of law to a supplier of services or materials for the vessel;

(2) A lien given by statute to the United States, a State, or a political subdivision thereof;

(3) A lien arising out of an attachment of a vessel;

(4) A security interest in a vessel created by a dealer or manufacturer who holds the vessel for sale, irrespective of whether the vessel is titled;

(5) A security interest claimed in a vessel's proceeds, as defined in the Uniform Commercial Code in effect in the State, if the security interest in the vessel did not have to be noted on a vessel's title in order to be perfected; or

(6) Any vessel for which a certificate of title is not required in the State.

§ 187.325 Is a State required to specify procedures for the assignment of a security interest?

Yes, a State must specify the procedures that apply to the assignment of a security interest in a vessel titled in that State.

§ 187.327 What are a State's responsibilities concerning a discharge of security interests?

A State must specify the evidence and information that a secured party is required to submit regarding discharge of a security interest and establish procedures for its submission.

§ 187.329 Who prescribes and provides the forms to be used?

A State must prescribe and provide the forms needed to comply with the titling system.

§ 187.331 What information is to be retained by a State?

A State must retain the evidence used to establish the accuracy of the information required for vessel titling purposes and make it available on request to the Coast Guard, participating States, and law enforcement authorities.

Appendix A to Part 187—Participating Authorities

The following States comply with the requirements for participating in VIS:

[Reserved].

Appendix B to Part 187—Participating and Certified Titling Authorities

The following States comply with the requirements for participating in VIS and have a certified titling system: [Reserved].

Dated: November 14, 2000.

R.C. North,

Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 01–6906 Filed 3–19–01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[TN–T5–2001–01a; FRL–6956–6]

Clean Air Act Full Approval of Operating Permit Program; Tennessee and Memphis-Shelby County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking final action to fully approve the operating permit programs of the Tennessee Department of Environment and Conservation and the Memphis-Shelby County Health Department. The Tennessee and Memphis-Shelby County operating permit programs were submitted in response to the directive in the 1990 Clean Air Act (CAA) Amendments that permitting authorities develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources within the permitting authorities' jurisdiction. EPA granted interim approval to the Tennessee and Memphis-Shelby County operating permit programs on July 29, 1996. Tennessee and Memphis-Shelby County revised their programs to satisfy the conditions of the interim approval and this action approves those revisions. Other program changes made by Tennessee since the interim approval was granted are also being addressed in this action.

DATES: This direct final rule is effective on May 21, 2001 without further notice unless EPA receives adverse comments in writing by April 19, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect. The public comments will be addressed in a subsequent final rule based on the proposed rule published in this **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Kim Pierce, Regional Title V Program Manager, Air & Radiation Technology Branch, EPA Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8909. Copies of the Tennessee and Memphis-Shelby County submittals, and other supporting documentation relevant to this action, are available for inspection during normal business hours at EPA Region 4, Air & Radiation Technology Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8909.

FOR FURTHER INFORMATION CONTACT: Kim Pierce, EPA, EPA Region 4, at (404) 562–9124 or pierce.kim@epa.gov/.

SUPPLEMENTARY INFORMATION: This section provides additional information by addressing the following questions:

What is the operating permit program?
What is being addressed in this document?
What are the program changes that EPA is approving?
What is involved in this final action?

What Is the Operating Permit Program?

The CAA Amendments of 1990 required all state and local permitting authorities to develop operating permit programs that met certain federal criteria. In implementing the operating permit programs, the permitting authorities require certain sources of air pollution to obtain permits that contain all applicable requirements under the CAA. The focus of the operating permit program is to improve enforcement by issuing each source a permit that consolidates all of the applicable CAA requirements into a federally enforceable document. By consolidating all of the applicable requirements for a facility, the source, the public, and the permitting authorities can more easily determine what CAA requirements apply and how compliance with those requirements is determined.

Sources required to obtain an operating permit under this program include ''major'' sources of air pollution and certain other sources specified in the CAA or in EPA's implementing regulations. For example, all sources regulated under the acid rain program, regardless of size, must obtain permits. Examples of major sources include those that have the potential to emit 100 tons per year or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen oxides (NO_X), or particulate matter (PM_{10}); those that emit 10 tons per year of any single hazardous air pollutant (specifically listed under the CAA); or those that emit 25 tons per year or more of a combination of hazardous air pollutants (HAPs). In areas that are not meeting the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter, major sources are defined by the gravity of the nonattainment classification. For example, in ozone nonattainment areas classified as ''serious,'' major sources include those with the potential of emitting 50 tons per year or more of volatile organic compounds or nitrogen oxides.

What Is Being Addressed in This Document?

Where an operating permit program substantially, but not fully, met the criteria outlined in the implementing regulations codified at 40 Code of Federal Regulations (CFR) part 70, EPA granted interim approval contingent on the state revising its program to correct the deficiencies. Because the Tennessee and Memphis-Shelby County operating permit programs substantially, but not fully, met the requirements of part 70, EPA granted interim approval to each program in a rulemaking published on July 29, 1996 (61 FR 39335). The interim approval notice described the conditions that had to be met in order for the Tennessee and Memphis-Shelby County programs to receive full approval. Since that time, Tennessee has submitted ten revisions to its interimly approved operating permit program; these revisions are dated July 15, 1997, June 16, 1998, February 5, 1999, February 24, 1999, March 5, 1999, June 16, 1999, July 2, 1999, November 30, 1999, December 30, 1999, and August 21, 2000. Memphis-Shelby County has submitted two revisions, dated October 11, 1999 and May 2, 2000, to its interimly approved program. This **Federal Register** notice describes the changes that have been made to the Tennessee and Memphis-Shelby County operating permit programs since interim approval was granted.

What Are the Program Changes That EPA Is Approving?

As stipulated in the July 29, 1996 rulemaking, full approval of the Tennessee and Memphis-Shelby County operating permit programs was made contingent upon satisfaction of the following conditions:

(1) Provide a justification for not addressing the requirement in 40 CFR 70.3(b)(3) allowing for a source not subject to the program to apply for and receive an operating permit. Tennessee responded by adding Subparagraph 1200–3–9–.02(11)(a)5. to its rules allowing a source to opt into the operating permit program. The state-effective rule change was submitted to EPA on March 5, 1999. Memphis-Shelby County, which adopts the State's regulations by reference, subsequently adopted the revised rule and submitted documentation of the adoption to EPA on May 2, 2000.

(2) Remove the exemption from permitting requirements for insignificant activities contained in Subparagraph 1200–3–9–.04(5)(f). Tennessee removed the exemption language and submitted the revised rule to EPA on December 30, 1999. Memphis-Shelby County subsequently adopted the revised rule and submitted documentation of the adoption to EPA on May 2, 2000.

(3) Revise Subparagraph 1200–3–9–.04(5) to specify, consistent with 40 CFR 70.5(c), that permit applications may not omit information needed to determine the fee amount. This condition was based on EPA's concern that some facilities may overlook emissions from insignificant emission units, and thereby not be assessed the correct fee amount. However, EPA later determined that this was a nonissue because both Tennessee and Memphis-Shelby County require facilities to pay fees based on actual or allowable emissions of regulated air pollutants; emissions from insignificant activities are not included in the fee schedules that have been approved pursuant to 40 CFR 70.9(b).

(4) Revise Subparagraph 1200–3–9–.04(5)(c)(3) to eliminate the exemption from compliance certification requirements for insignificant activities and to require monitoring, recordkeeping, and reporting for insignificant activities, as determined to be necessary. Tennessee revised Subparagraphs 1200–3–9–.04(5)(c)(2) and (3) to eliminate the exemption and to require monitoring, recordkeeping, and reporting for insignificant activities, as necessary. The state-effective rule change was submitted to EPA on December 30, 1999. Memphis-Shelby County subsequently adopted the revised rule and submitted documentation of the adoption to EPA on May 2, 2000.

(5) Revise certain insignificant activities listed in Subparagraph 1200–3–9–.04(5) to eliminate potential conflicts with federal applicable requirements. The State responded by eliminating some of the activities and adding specific applicable requirements gatekeeper language to other activities with potential conflicts. The revised rule was submitted to EPA on December 30, 1999 and was determined to be adequate. Memphis-Shelby County subsequently adopted the revised rule and submitted documentation of the adoption to EPA on May 2, 2000.

(6) Provide a sufficient description of the insignificant activities and emission units listed in Subparagraphs 1200–3–9–.04(5)(f) and (g) to demonstrate that exclusion of these activities and units from permit applications would not interfere with identifying and imposing applicable requirements. In the alternative, Tennessee and Memphis-Shelby County were given the option of revising their rules to limit emissions from the listed activities and emission units to levels that truly are insignificant in comparison to the levels required to be permitted. For other operating program approvals, EPA has accepted emission thresholds of no more than 5 tons per year of regulated air pollutants and 1000 pounds per year of HAPs as insignificant. EPA believes that these thresholds are sufficiently below applicability thresholds for many applicable requirements to ensure, in combination with appropriate gatekeeper language, that units potentially subject to applicable requirements are included in permit applications. Tennessee responded by adding language to Subparagraph 1200–3–9–.04(5) that limits potential emissions from the listed activities to 5 tons per year of each regulated air pollutant and 1000 pounds per year of each HAP. Tennessee also replaced the activities listed in Subparagraph 1200–3–9–.04(5)(g) with the list of ''trivial'' activities and emission units that EPA included in the ''White Paper for Streamlined Development of Part 70 Permit Applications'' guidance memorandum dated July 10, 1995. EPA has determined that the emission units and activities on the trivial list do not have specific applicable requirements and have extremely small emissions. Tennessee submitted the regulatory revisions to EPA on December 30, 1999. Memphis-Shelby County subsequently adopted the revisions and submitted documentation of the adoption to EPA on May 2, 2000.

(7) Revise Subparagraph 1200–3–9–.04(5)(h) to eliminate language exempting certain emissions increases from permit amendment and modification procedures. The State repealed Subparagraph 1200–3–9-.04(5)(h) in its entirety and submitted the state-effective rule change to EPA on December 30, 1999. The County subsequently adopted the revised rule and submitted documentation of the adoption to EPA on May 2, 2000.

(8) Revise Subparagraph 1200–3–9–.02(11)(b) to remove the language limiting the domain of federal applicable requirements to only those in effect on December 15, 1993. The State removed the limiting language and submitted the state-effective rule change to EPA on March 5, 1999. The County subsequently adopted the State's regulatory change and submitted documentation of the adoption to EPA on May 2, 2000.

(9) Revise Subparagraph 1200–3–9–.02(11)(e)4.(i) to provide that if a facility is granted a general permit and is later determined to not qualify to operate under the general permit, the facility

will be subject to an enforcement action for operation without an operating permit. The State revised Subparagraph 1200–3–9–.02(11)(e)4.(i) accordingly and submitted the state-effective rule change to EPA on February 5, 1999. The County subsequently adopted the revised rule and submitted documentation of the adoption to EPA on May 2, 2000.

(10) Revise Paragraph 1200–3–20–.06(5) of the Tennessee SIP to clarify that exceedances of emission limits contained in certain SIP requirements that become operating permit terms or conditions (i.e., New Source Performance Standards (NSPSs) and National Emission Standards for Hazardous Air Pollutants (NESHAPs)) will be considered by the State as violations. Furthermore, the State must submit the revised rule to EPA for approval into the SIP. In response, the State removed all NSPS and NESHAP provisions from its SIP and now implements these standards through its approved operating permit program by including all applicable requirements in its operating permits. In addition, the State developed a general condition that is included in all of its operating permits stating that the provisions of Chapter 1200–3–20 apply exclusively to rules in the Tennessee SIP.

(11) Revise Subparagraph 1200–3–31–.04(1)(a) for consistency with the permit reopening requirements in 40 CFR 70.7(f)(1)(i), which requires the completion of permit openings not later than 18 months after promulgation of a new applicable requirement in cases of permits with remaining permit terms of three or more years. The State amended Subparagraph 1200–3–31–.04(1)(a) to include the 18-month reopening requirement and submitted the state-effective rule change to EPA on February 24, 1999. The County subsequently adopted the revised rule and submitted documentation of the adoption to EPA on May 2, 2000.

(12) Finish adopting regulations which, at a minimum, satisfy the conflict of interest provisions of sections 128 and 129(e) of the CAA, and submit the state-effective regulations to EPA for approval in the Tennessee SIP. The State submitted a new Chapter 1200–3–17 entitled ''Conflict of Interest'' to EPA on February 21, 1997. The State also submitted a supplemental Attorney General's Legal Opinion to EPA on June 16, 1999, certifying that the new Chapter 1200–3–17 satisfies the conflict of interest requirements of sections 128 and 129(e) of the CAA. This condition did not apply to Memphis-Shelby County.

The County was, however, required to address the following two additional conditions for full approval of its operating permit program:

(1) Clarify in a supplemental legal opinion that the County's program requires a source submitting an application for a permit to certify its compliance status with regards to all applicable requirements. On May 2, 2000, the County submitted a supplemental legal opinion supporting its application-based approach as a method resulting in a binding, legally enforceable compliance certification.

(2) Revise its regulations to ensure that sufficient operating permit fees are collected to fund the operating permit program and that these fees are used solely for operating permit program costs. The County responded by amending Section 14.5–37 of the Shelby County Air Pollution Code to provide that operating permit fees ''shall be used exclusively for and be sufficient to pay the direct and indirect costs of the major stationary source operating permit program * * *'' The amended code was submitted to EPA on May 2, 2000.

In addition to the operating permit program submittals that addressed the interim approval conditions, Tennessee submitted revisions to its operating permit fee rule on July 15, 1997, June 16, 1998, July 2, 1999, and August 21, 2000. As discussed in the **Federal Register** notice proposing interim approval of the Tennessee and Memphis-Shelby County operating permit programs (61 FR 9661, March 11, 1996), both the State and the County elected to assess operating permit fees below the federal presumptive minimum amount. To determine the fee amount each year, the State prepares a workload analysis and then conducts rulemaking if the fee rule needs to be changed. As a result of these workload analyses, the State has been able to reduce its fee amount each year. Copies of the workload analyses for the fiscal years 1996 through 2001 were submitted to EPA to justify the State's annual fee amounts. The State also submitted a fee program update on November 30, 1999, pursuant to 40 CFR 70.9(c), demonstrating the adequacy of its operating permit program. Memphis-Shelby County has not changed its annual fee amount since the operating permit program received interim approval in 1996. The County submitted a fee program update on October 11, 1999, pursuant to 40 CFR 70.9(c), demonstrating that its operating permit program is also being adequately funded.

What Is Involved in This Final Action?

The Tennessee Department of Environment and Conservation and the Memphis-Shelby County Health Department have fulfilled the conditions of the interim approval granted on July 29, 1996, and EPA is taking final action by this notice to fully approve the Tennessee and Memphis-Shelby County operating permit programs. EPA is also taking action to approve other program changes made by Tennessee since the interim approval was granted.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to grant final full approval should adverse comments be filed. This action will be effective May 21, 2001 unless the Agency receives adverse comments by April 19, 2001.

If EPA receives such comments, then EPA will withdraw the final rule and inform the public that the 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. 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 21, 2001 and no further action will be taken on the proposed rule.

Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12988

As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the Executive Order. This rule does not impose an information collection burden under the

provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined in Executive Order 12866, and it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to 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 officials 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.''

Today's 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.

E. 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. 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 final 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, 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 CAA. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies 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 governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because part 70 approvals under section 502 of the CAA do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because this approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. (See *Union Electric Co.,* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).)

G. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995, 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 costs to state, local, or tribal governments in the aggregate, or to the 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 approval action promulgated does not include a federal mandate that may result in estimated 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 requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

H. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. section 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. section 804(2).

I. 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 21, 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) of the CAA).

J. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

In reviewing operating permit programs, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the state to use VCS, EPA has no authority to disapprove an operating permit program for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews an operating permit program, to use VCS in place of an operating permit program that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of NTTAA do not apply.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: March 12, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

For reasons set out in the preamble, Appendix A of part 70 of title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

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

2. Appendix A to part 70 is amended by adding paragraphs (f) and (j) in the entry for Tennessee to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Tennessee

* * * * *

(f) The Tennessee Department of Environment and Conservation submitted program revisions on July 15, 1997, June 16, 1998, February 5, 1999, February 24, 1999, March 5, 1999, June 16, 1999, July 2, 1999, November 30, 1999, December 30, 1999, and August 21, 2000. The rule revisions contained in the February 5, 1999, February 24, 1999, March 5, 1999, June 16, 1999, and December 30, 1999, submittals adequately addressed the conditions of the interim approval effective on August 28, 1996, and which would expire on December 1, 2001. The State's operating permit program is hereby granted final full approval effective on May 21, 2001.

* * * * *

(j) The Memphis-Shelby County Health Department submitted program revisions on October 11, 1999 and May 2, 2000. The rule revisions contained in the May 2, 2000, submittal adequately addressed the conditions of the interim approval effective on August 28, 1996, and which would expire on December 1, 2001. The County's operating permit program is hereby granted final full approval effective on May 21, 2001.

* * * * *

[FR Doc. 01–6863 Filed 3–19–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7750]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the third column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Donna M. Dannels, Division Director, Policy and Assessment Division, Mitigation Directorate, 500 C Street SW., room 411, Washington, DC 20472, (202) 646–3098.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Associate Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Associate Director finds that the delayed effective dates would be contrary to the public interest. The Associate Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No

environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date
New Eligibles—Emergency Program			
Georgia:			
Homer, town of, Banks County	130271	January 3, 2001	April 18, 1975.
Jenkinsburg, town of, Butts County	130525	.....do.	
Tennessee: Oakland, town of, Fayette County	470418	.....do.	
Texas:			
Dickens County, unincorporated areas	480198	January 4, 2001.	
Floyd County, unincorporated areas	480817	.....do	July 17, 1977 FHBM.
Kent County, unincorporated areas	481231	.....do.	
Kimble County, unincorporated areas	481232	.....do.	Jan. 15, 1982 FHBM.
Rule, town of, Haskell County	480854	.....do.	
Schleicher County, unincorporated areas	480999	.....do.	
Wyoming: Kirby, town of, Hot Springs County	560102	Jan. 10, 2001.	
Georgia: Lenox, town of, Cook County	130569	Jan. 12, 2001.	
Michigan: Girard, township of, Branch County	261044	Jan. 16, 2001.	
Ohio: Mount Orab, village of, Brown County	390621	.....do.	
Texas:			
Crane County, unincorporated areas	481211	.....do.	
Happy, city of, Swisher County	481011	.....do.	
Jayton, city of, Kent County	481690	.....do.	
Parmer County, unincorporated areas	480970	.....do.	
Spur, city of, Dickens County	480788	.....do	Nov. 12, 1976.
Texline, town of, Dallam County	481129	.....do.	
Washington County, unincorporated areas	481188	.....do	May 24, 1977.
New Eligibles—Regular Program			
Florida: Wellington, village of, Palm Beach County [1]	125157	Jan. 3, 2001.	
North Dakota: Tuttle, city of, Kidder County	380041	.....do	NSFHA.
Texas:			
Hill Country Village, town of, Bexar County	481106	Jan. 4, 2001	Aug. 23, 1977.
Tioga, town of, Grayson County	481624	Jan. 16, 2001	July 17, 1995.
Missouri: Augusta, village of, St. Charles County	290461	Jan. 31, 2001	Dec. 6, 1999.
Reinstatements			
Pennsylvania: New Kensington, city of, Westmoreland County.	420891	June 14, 1973, Emer Sept. 29, 1978, Reg. Dec. 14, 2000, Susp. Jan. 2, 2001, Rein.	Nov. 20, 2000.
Ohio: Creston, village of, Wayne County	390575	Oct. 17, 1994, Reg Jan. 16, 1998, With. Jan. 16, 2001, Rein.	May 3, 1993.
Illinois: Palos Heights, city of, Cook County	170142	July 16, 1980, Reg Jan. 12, 2001, With. Jan. 23, 2001, Rein.	Nov. 6, 2000.
Orland Park, village of, Cook County	170140	Feb. 4, 1981, Reg. Jan. 12, 2001, With. Jan. 29, 2001, Rein.	Do.
Suspensions			
Illinois:			
La Grange, village of, Cook County	170114	Jan. 12, 2001	Nov. 6, 2000.

State/location	Community No.	Effective date of eligibility	Current effective map date
Lincolnwood, village of, Cook County	171001	.....do	Do.
North Riverside, village of, Cook County	170135	.....do	Do.
Pennsylvania: Gilpin, township of, Armstrong County.	421306	.....do	August 23, 2000.
Virginia: Monterey, town of, Highland County	510379	.....do	Dec. 20, 2000.
Pennsylvania:			
Delaware, township of, Pike County	421963	Jan. 19, 2001	Oct. 6, 2000.
Milford, township of, Pike County	422642	.....do	Do.
Regular Program Conversions			
Region V			
Illinois:			
Bedford Park, village of, Cook County	171007	Jan. 5, 2001, Suspension Withdrawn	Jan. 5, 2001.
Des Plaines, city of, Cook County	170081	.....do	Do.
East Hazel Crest, village of, Cook County	170085	.....do	Do.
Evanston, city of, Cook County	170090	.....do	Do.
Ford Heights, village of, Cook County	170084	.....do	Do.
Golf, village of, Cook County	170098	.....do	Do.
Hanover Park, village of, Cook County	170099	.....do	Do.
Hillside, village of, Cook County	170104	.....do	Do.
Hoffman Estates, village of, Cook County	170107	.....do	Do.
La Grange, village of, Cook County	170114	.....do	Do.
Lincolnwood, village of, Cook County	171001	.....do	Do.
North Riverside, village of, Cook County	170135	.....do	Do.
Oak Forest, city of, Cook County	170136	.....do	Do.
Palos Hills, city of, Cook County	170143	.....do	Do.
Schiller Park, village of, Cook County	170159	.....do	Do.
Indiana: Indianapolis, city of, Marion County.	180159	.....do	Jan. 5, 2001.
Region III			
Pennsylvania:			
Blooming Grove, township of, Pike County	421962	Jan. 19, 2001, Suspension Withdrawn	Oct. 6, 2000.
Delaware, township of, Pike County	421963	.....do	Do.
Dingman, township of, Pike County	421964	.....do	Do.
Greene, township of, Pike County	421965	.....do	Do.
Lackawaxen, township of, Pike County	421966	.....do	Do.
Lehman, township of, Pike County	421967	.....do	Do.
Matamoras, borough of, Pike County	420758	.....do	Do.
Milford, borough of, Pike County	420759	.....do	Do.
Milford, township of, Pike County	422642	.....do	Do.
Palmyra, township of, Pike County	421968	.....do	Do.
Porter, township of, Pike County	422500	.....do	Do.
Shohola, township of, Pike County	421969	.....do	Do.
Westfall, township of, Pike County	421970	.....do	Do.
Virginia: Hardy County, unincorporated areas	540051	.....do	Jan. 19, 2001.
West Virginia: Moorefield, town of, Hardy County	540052	.....do	Do.

[1] The Village of Wellington adopted the Palm Beach County Flood Insurance Rate Map (FIRM), dated June 2, 1992, panel 0100B.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension; With.—Withdrawn; NSFHA.—Non Special Flood Hazard Area.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Margaret E. Lawless,

Acting Executive Associate Director for Mitigation.

[FR Doc. 01–6766 Filed 3–19–01; 8:45 am]

BILLING CODE 6718–05–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 98–206; FCC 00–418]

Fixed Satellite Service and Terrestrial System in the Ku-Band; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: On February 16, 2001 (66 FR 10601), the Commission published final rules in the Report and Order, which permits non-geostationary satellite orbit and fixed-satellite service providers to operate in certain segments of the Ku-band. This document contains correction to that rule.

DATES: Effective March 19, 2001.

FOR FURTHER INFORMATION CONTACT: Tom Derenge, Office of Engineering and Technology, (202) 418–2451.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission published a document amending part 2 in the **Federal Register** of February 16, 2001 (66 FR 10601). This document corrects the **Federal Register** as it appeared. In rule FR Doc. 01–3710 published on February 16, 2001 (66 FR 10601), the Commission is correcting the table in United States (US) Footnote for US 355 to reflect the correct ''degree (°), minute (′) , and second (″)'' symbols.

In rule FR Doc. 01–3170 published on February 16, 2001 (66 FR 10601), make the following correction:

§ 2.106 [Corrected]

1. On page 10619, in § 2.106, the table in US355 is corrected to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

United States (US) Footnotes

* * * * *

US355 * * *

Observatory	West longitude	North latitude	Elevation
Arecibo Obs	66°45′11″	18°20′46″	496 m
Green Bank Telescope (GBT)	79°50′24″	38°25′59″	825 m
Very Large Array (VLA)	107°37′04″	34°04′44″	2126 m
Very Long Baseline Array (VLBA) Stations:			
Pie Town, NM	108°07′07″	34°18′04″	2371 m
Kitt Peak, AZ	111°36′42″	31°57′22″	1916 m
Los Alamos, NM	106°14′42″	35°46′30″	1967 m
Ft. Davis, TX	103°56′39″	30°38′06″	1615 m
N. Liberty, IA	91°34′26″	41°46′17″	241 m
Brewster, WA	119°40′55″	48°07′53″	255 m
Owens Valley, CA	118°16′34″	37°13′54″	1207 m
St. Croix, VI	64°35′03″	17°45′31″	16 m
Hancock, NH	71°59′12″	42°56′01″	309 m
Mauna Kea, HI	155°27′29″	19°48′16″	3720 m

* * * * *

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–6410 Filed 3–19–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–560; MM Docket No. 99–326; RM–9755, RM–9910]

Radio Broadcasting Services; Bowling Green, Bardstown, Lebanon Junction, and Auburn, KY; and Byrdstown, TN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of WRUS, Inc., substitutes Channel 244C2 for Channel 244A at Bowling Green, Kentucky, reallots Channel 244C2 from Bowling Green to Auburn, Kentucky, and modifies Station WBVR–FM's license accordingly. To accommodate the reallotment, we also (a) substitute Channel 255A for vacant Channel 244A at Byrdstown, Tennessee; and (b) substitute Channel 297A for Channel 244A at Bardstown, Kentucky, reallot Channel 297A from Bardstown to Lebanon Junction, Kentucky, and modify Station WOKH(FM)'s license accordingly (RM–9910). At the request of WRUS, Inc., we dismiss the petition to substitute Channel 244C3 for Channel 244A at Bowling Green, Kentucky (RM–9755). *See 64* FR 67535, December 2, 1999. Channel 244C2 can be reallotted to Auburn in compliance with the Commission's minimum distance separation requirements with a site restriction of 30.9 kilometers (19.2 miles) northeast at petitioner's requested site. The coordinates for Channel 244C2 at Auburn are 37–02–29 North Latitude and 86–26–36 West Longitude. *See* **SUPPLEMENTARY INFORMATION,** *infra.*

DATES: Effective April 16, 2001.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–326, adopted February 21, 2001, and released March 2, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Additionally, Channel 255A can be substituted for vacant Channel 244A at Byrdstown in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.1 kilometers (8.2 miles) southeast at petitioner's requested site. The coordinates for Channel 255A at Byrdstown are 36–30–23 North Latitude and 85–00–32 West Longitude. Channel 297A can be reallotted to Lebanon Junction in compliance with the Commission's minimum distance separation requirement with a site restriction of 13.6 kilometers (8.5 miles) southeast at petitioner's requested site. The coordinates for Channel 297A at Lebanon Junction are 37–47–00 North Latitude and 85–35–28 West Longitude.

On November 24, 1993, Station WBVR–FM filed an application (File No. BPH–931124IE) to downgrade to Channel 244A, which was granted on April 1, 1994. The FM Table of Allotments erroneously still reflects Channel 244C3 at Bowling Green, Kentucky.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by removing Channel 244C3 at Bowling Green and by adding Auburn, Channel 244C2; by removing Channel 244A at Bardstown and by adding Lebanon Junction, Channel 297A.

3. Section 73.202(b), the Table of FM Allotments under Tennessee, is amended by removing Channel 244A at Byrdstown and adding Channel 255A at Byrdstown.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–6820 Filed 3–19–01; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF42

Endangered and Threatened Wildlife and Plants; Final Rule To Remove the Aleutian Canada Goose From the Federal List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, have determined that the Aleutian Canada goose (*Branta canadensis leucopareia*) is no longer an endangered or threatened species pursuant to the Endangered Species Act of 1973 (Act), as amended. This determination is based on available data indicating that the population of Aleutian Canada goose in North America has recovered, primarily as a result of four activities: the removal of introduced arctic foxes (*Alopex lagopus*) and red foxes (*Vulpes vulpes*) from some of its nesting islands; the release of captive-reared and wild, translocated family groups of geese to fox-free islands to establish new breeding colonies; protection of the Aleutian Canada goose throughout its range from mortality due to hunting and disease; and protection and management of migration and wintering habitat. This action removes the Aleutian Canada goose from the List of Endangered and Threatened Wildlife, thereby eliminating the regulatory protection offered by the Act, but would not affect protection provided to the subspecies by the Migratory Bird Treaty Act, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), or State laws and regulations. Section 4(g) of the Act requires us to implement a system in cooperation with the States to monitor a recovered species for at least 5 years following delisting. This rule includes the outline of a monitoring plan for the Aleutian Canada goose.

DATES: This rule is effective March 20, 2001.

ADDRESSES: The administrative file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Ecological Services Field Office—Anchorage, 605 West 4th Avenue, Room G–61, Anchorage, Alaska 99501 (telephone (907) 271–2888).

FOR FURTHER INFORMATION CONTACT: Ann Rappoport or Greg Balogh at (907) 271–2888 or the above address.

SUPPLEMENTARY INFORMATION:

Background

The Aleutian Canada goose is a small, island nesting subspecies of Canada goose. Morphologically (in form), it resembles other small Canada goose subspecies, but nearly all Aleutian Canada geese surviving past their first winter have a distinct white neck ring at the base of a black neck. Other distinguishing characteristics include an abrupt forehead, separation of the white cheek patches by black feathering along the throat in most individuals, and a narrow border of dark feathering at the base of the white neck ring. The Aleutian Canada goose is the only subspecies of Canada goose whose range once included both North America and Asia (Amaral 1985). It formerly nested in the northern Kuril and Commander islands, in the Aleutian Archipelago and on islands south of the Alaska Peninsula east to near Kodiak Island. The species formerly wintered in Japan, and in the coastal western United States south to Mexico. Delacour (1954) considered coastal British Columbia within the former wintering range of this subspecies; however, there are no bona fide records of Aleutian Canada geese from this area (P. Springer, pers. comm. 1999).

The decline of the Aleutian Canada goose was primarily the result of the introduction of Arctic foxes (*Alopex lagopus*) and, to a lesser extent, red foxes (*Vulpes vulpes*) to its breeding islands for the purpose of developing a fur industry. Between 1750 and 1936, Arctic and red foxes were introduced to more than 190 islands within the breeding range of the Aleutian Canada goose in Alaska (Bailey 1993). Several life-cycle stages of the goose, including eggs, goslings, and flightless, molting geese are vulnerable to predation by foxes. The decrease of Aleutian Canada geese on Agattu Island between 1906, when they were termed the most abundant bird (Clark 1910), and 1937, when only a few pairs were observed (Murie 1959), attests to the precipitous nature of their decline. At the time of its listing as endangered in 1967, its known breeding range was limited to Buldir Island, a small, isolated island in the western Aleutian Islands (Jones 1963). A historical record indicates that Arctic foxes were introduced to Buldir Island in 1924, but this is either incorrect or the introduction failed to establish a population (Bailey 1993).

Hunting throughout its range in the Pacific Flyway, especially on the migration and wintering range in California, and loss and alteration of habitat on its migration and wintering range also contributed to the subspecies' decline. Hunting was likely a limiting factor when populations were low.

In response to reduced population levels, we classified the Aleutian Canada goose as endangered on March 11, 1967 (32 FR 4001). Congress afforded additional protection with passage of the Endangered Species Act of 1973. We approved a recovery plan for the Aleutian Canada goose in 1979 and revised it in 1982 and 1991 (U.S. Fish and Wildlife Service 1991). We began recovery activities in 1974. Important features of the recovery program in Alaska and the western United States included: banding of birds on the breeding grounds to identify important wintering and migration areas; closure of principal wintering and migration areas to hunting of all Canada geese; acquisition, protection, and management of important wintering and migration habitat; removal of foxes from potential nesting islands; propagation and release of captive Aleutian Canada geese on fox-free nesting islands in the Aleutians; and translocation of molting family groups of wild geese from Buldir Island to other fox-free islands in the Aleutians.

At the time of its listing, data on which to base a population estimate of Aleutian Canada geese were limited. Boeker (in Kenyon 1963) speculated during a 1963 expedition that only 200–300 birds were on Buldir Island. We believed breeding birds to be confined to that one island, and the migration routes and wintering range were unknown. A spring count at a principal migration stopover near Crescent City, California, in 1975 revealed 790 individuals (Springer *et al.* 1978).

We subsequently found small breeding groups of Aleutian Canada geese on Kiliktagik Island in the Semidi Islands south of the Alaska Peninsula in 1979 (Hatch and Hatch 1983), and on Chagulak Island in the central Aleutians in 1982 (Bailey and Trapp 1984). Geese from Chagulak Island are morphologically identical to those from the western Aleutians. Semidi Islands geese are morphologically similar to geese from the Aleutian Islands but tend to have darker breasts, more variable

neck rings and a less distinct subtending line below the neck ring (D. Pitkin, U.S. Fish and Wildlife Service, pers. comm. 1999). Genetic studies indicate that geese from both Chagulak Island and the Semidi Islands are more closely related to Aleutian Canada geese than other Canada goose subspecies (Shields and Wilson 1987; Pierson *et al.* 2000). We consider the Chagulak Island and Semidi Islands geese to be remnant populations of the previously more continuously distributed Aleutian Canada goose.

Marking of Aleutian Canada geese on Buldir Island beginning in 1974, and later on Chagulak Island and Kiliktagik Island, helped reveal their wintering range and migration routes. These marking studies indicate that there are two, relatively discrete breeding segments of Aleutian Canada geese—the Aleutian Islands segment, including birds from Chagulak Island and the western Aleutian Islands, and the Semidi Islands segment. A recent genetic study found that geese from the Semidi Islands are genetically distinct from geese from the western Aleutian Islands, indicating limited contemporary gene flow and/or major shifts in gene frequency through genetic drift (the random change in gene frequencies in small populations due to chance) (Pierson *et al.* 2000).

Most Aleutian Canada geese that nest in the Aleutian Islands winter in California, primarily on agricultural lands where they feed on grass, waste beans, and grain, including corn and sprouting winter wheat (Woolington *et al.* 1979, Dahl 1995, Springer and Lowe 1998). They arrive on the wintering grounds in mid-October. Some geese stop in the Crescent City area in coastal northwest California, but most continue on to the vicinities of Colusa in the Sacramento Valley and Modesto in the northern San Joaquin Valley. The lands used by Aleutian Canada geese near Colusa, California, are primarily privately owned farms and Reclamation District (local government) land. The 733-acre Butte Sink National Wildlife Refuge in the Colusa area is actively managed to attract geese and other waterfowl.

By mid-December, nearly all Aleutian Canada geese are near Modesto, where they winter primarily on two privately owned ranches and on the adjacent San Joaquin River National Wildlife Refuge. In previous years, a large proportion of geese from the Modesto area would periodically shift southward to the nearby Grassland Ecological Area near Los Banos and Gustine. The lands in the Grassland Ecological Area are owned by the Fish and Wildlife Service, State of California, and private duck hunting clubs. Recently, up to several thousand geese have been using night roosts on private duck hunting clubs in this area.

Small numbers of Aleutian Canada geese from the Aleutian Islands stop near El Sobrante on lands owned by a public utility in north San Francisco Bay in late fall and early winter before continuing on to Modesto. The number of birds observed at El Sobrante has steadily declined in recent years from a high of 140 geese in 1985 to a low of 8 birds in 1997. Twenty-one Aleutian Canada geese were observed there in early 1998 (Dunne 1998). Small numbers of wintering Aleutian Canada geese have been occasionally observed in northwestern California near Crescent City, on the Humboldt Bay National Wildlife Refuge, and on the Eel River bottoms (P. Springer, pers. comm. 1999). Six hundred Aleutian Canada geese wintered in the Crescent City area in 1997–1998 (Fisher 1998).

Small numbers of Aleutian Canada geese also occasionally appear in other areas, especially during migration. The most frequent of these areas include Willapa Bay in south coastal Washington, the Willamette Valley in Oregon, Humboldt Bay and vicinity in northern California, and the Sacramento-San Joaquin Delta in San Francisco Bay, California. See Springer and Lowe (1998) for a more thorough discussion of the distribution of Aleutian Canada geese and factors affecting their distribution.

On the northward migration in spring, most Aleutian Canada geese stage near Crescent City, where the birds roost nightly on Castle Rock, an offshore island protected as a National Wildlife Refuge. Some geese also roost on nearby Prince Island, which is owned by the Tolowa Indians, and on Goat Rock, a unit of the Oregon Islands National Wildlife Refuge, just north of the California/Oregon border. During the day birds graze on privately owned farms in the Smith River bottoms and on lands owned and managed by the State of California. In recent years, Aleutian Canada geese have been departing the Crescent City area increasingly early in spring and spending several weeks feeding in privately owned pastures in the New River area in south coastal Oregon near the town of Langlois. These birds roost at night on offshore islands that are part of the Oregon Islands National Wildlife Refuge. In the spring of 1998, about 10,000 Aleutian Canada geese were observed in the Langlois area (Fisher 1998).

The small numbers of geese that breed in the Semidi Islands winter exclusively in coastal Oregon near Pacific City. These birds forage during the day on pastures at two privately owned dairies and roost at night on Haystack Rock in the Oregon Islands National Wildlife Refuge or on the ocean. Since fall 1996, small numbers of geese that nest in the Aleutian Islands have wintered with the Semidi Islands geese in Oregon. In winter 1997–1998, about 20 geese from the Aleutians wintered with the Semidi Islands geese (D. Pitkin, U.S. Fish and Wildlife Service, pers. comm. 1999).

An important component of the Recovery Plan, establishment of closed areas for hunting Canada geese, has contributed to the recovery of the Aleutian Canada goose. Six closed areas for Aleutian Canada geese currently exist, including: islands in Alaska west of Unimak Island, beginning in 1973; northwestern California, the Modesto area, and the Colusa area, beginning in 1975; and the Pacific City area and central and south coastal Oregon, beginning in 1982. In addition, closures of Canada goose hunting in northwestern Oregon and southwestern Washington beginning in 1985 to protect dusky Canada geese (*B. c. occidentalis*) have provided protection for Aleutian Canada geese. Occasionally, hunters kill a few Aleutian Canada geese that are using habitats outside of the closed hunting areas.

Initial population increases of Aleutian Canada geese were likely in response to hunting closures in California and Oregon to protect the geese during migration and during winter. However, a substantial increase in numbers was dependent on reestablishing geese on former nesting islands. Release of captive-reared birds on fox-free islands in the Aleutians was largely unsuccessful due to low survival rates. Once the number of geese on Buldir Island was large enough, we initiated translocation of wild geese from Buldir Island to other fox-free islands. This approach was much more successful, and the release of captive-reared birds was phased out.

As new breeding colonies became established in the Aleutian Islands, the number of Aleutian Canada geese increased rapidly. Annual rates of increase between 1975 and 1989 ranged from 6 to 35 percent, and by winter 1989–1990, the peak winter count reached 6,300 geese. We reclassified the Aleutian Canada goose from endangered to threatened in 1990 (55 FR 51106, December 12, 1990).

Summary of Federal Actions

We first designated the Aleutian Canada goose as an endangered species in the United States on March 11, 1967

(32 FR 4001), under the Endangered Species Preservation Act of 1966 (Public Law 89–669, 80 Stat. 926). The Endangered Species Conservation Act of 1969 (Public Law 91–135, 83 Stat. 275), which replaced the 1967 law, authorized the listing of foreign species; the Aleutian Canada goose was included on the foreign species list (proposed April 14, 1970 (36 FR 6069); final June 2, 1970 (35 FR 8495)). We proposed the reclassification of the species from endangered to threatened status on September 29, 1989 (54 FR 40142), and finalized the reclassification on December 12, 1990 (55 FR 51106). On April 9, 1998 (63 FR 17350), we published a Notice of Status Review on the Aleutian Canada goose and notified the public of our intent to propose the removal of the subspecies from the threatened species list. Our proposed rule to delist the Aleutian Canada goose was published August 3, 1999 (64 FR 42058).

Summary of Current Status

Since the subspecies was reclassified from endangered to threatened in 1990, the overall population of Aleutian Canada geese has sustained a strong increase in numbers. Table 1 summarizes peak counts and indirect population estimates of Aleutian Canada geese on the wintering grounds since the subspecies was reclassified as threatened in 1990. Peak counts are counts of the geese on the wintering grounds near Modesto, California, and during early spring as they arrive at and leave their primary roosts at Castle Rock and Prince Island in northwestern California, and Goat Island in southwestern Washington. Indirect counts are based on a ratio of marked to unmarked birds. (See Other Factors in Support of Delisting for a more detailed discussion of survey techniques). The most recent and highest population estimate of Aleutian Canada geese from the Aleutian Islands is of birds from their staging area near Crescent City in spring 2000. This preliminary estimate suggests that the Aleutian Canada goose population is now about 37,000 individuals (Table 1). Since 1990, the annual rate of growth of the population, based on peak counts of birds in California, has averaged about 20 percent. The overall annual growth rate of the population since recovery activities began in the 1970s has been about 14 percent (M. Fisher, U.S. Fish and Wildlife Service, pers. comm. 1999).

TABLE 1.—PEAK COUNT AND INDIRECT ESTIMATES OF ALEUTIAN CANADA GEESE IN CALIFORNIA (ALEUTIAN ISLAND NESTING GEESE) AND NEAR PACIFIC CITY, OREGON (SEMIDI ISLANDS NESTING GEESE)

Year	California		Pacific City, OR [1]
	Peak count	Indirect count	
1989–1990	6,300	.....	115
1990–1991	7,000	.....	128
1991–1992	7,800	.....	126
1992–1993	11,680	.....	132
1993–1994	15,700	.....	105
1994–1995	19,150	21,769	97
1995–1996	21,421	24,643	105
1996–1997	22,815	23,977	114
1997–1998	27,700	28,984	118
1998–1999	32,281	28,628	122
1999–2000	36,978	33,496	129

[1] Dave Pitkin, (U.S. Fish and Wildlife Service, pers. comm. 2000). These estimates have been modified since the FEDERAL REGISTER publication of the proposal to delist this subspecies (64 FR 42058).

Despite protection on both the breeding and wintering grounds, the Semidi Islands geese have sustained slower growth than the remainder of the population since 1993 (Table 1). The reasons for this are not clear, although counts from the wintering range in Oregon indicate poor recruitment in recent years.

Predictably, marked increases of geese on the wintering grounds are mirrored by similar increases on most breeding islands, although nesting geese are far more difficult to enumerate than those on wintering and migration habitat. At the time of their listing, we believed Aleutian Canada geese to be nesting only on Buldir Island, but based on later discoveries, they also probably nested on Chagulak Island and in the Semidi Islands. Our earliest estimate of the number of geese on Buldir Island was 200–300 birds in 1963 (see Kenyon 1963). By 1995, the last year we surveyed the breeding islands, we estimated the number of breeding geese on Buldir Island was 7,000. Assuming 40% of the population are breeders (Byrd 1995), and the population on Buldir Island grew at the same rate as that of the entire subspecies, then by 1995 the number of birds on Buldir Island was probably about 17,500. We released geese on Agattu Island periodically from 1974 to 1984 (U.S. Fish and Wildlife Service 1991). By 1990, 100 birds were nesting there, and in 1995, we estimated 700 birds were nesting there (total 1,750 geese; Byrd 1995). We found similar increases at Alaid-Nizki. We first released geese on Alaid-Nizki in 1981, and, by 1987, they were nesting there. We estimated the number of breeding geese on Alaid-Nizki in 1995 at 248 (or 620 total geese). Byrd (1995) states that the number of geese breeding at Agattu could approach 2,000 in the future and 500 at Alaid-Nizki. It is unknown how numerous geese on Buldir Island will become. Elsewhere in the Aleutian Islands, we estimate that in 1995 about 10 birds nested in the Rat Islands and about 40 birds nested at Chagulak Island (Byrd 1995).

We have also documented recent breeding of Aleutian Canada geese at Amchitka, Amukta, and Little Kiska Islands. Although the current status of Aleutian Canada geese on these islands is unknown, we believe reestablishment of breeding populations via translocations to Amchitka and Little Kiska Islands and natural recolonization of Amukta Island to have a low probability of success. We believe the presence of bald eagles (*Haliaeetus leucocephalus*), a major predator of geese, on islands east of Buldir Island to be a factor that has limited the success of translocations to Amchitka, Little Kiska, and Kiska Islands. We are encouraged, however, by recent reports of several nests and numerous mated pairs sighted on Amchitka Island from

11–21 June, 2000 (M. Murray, Department of Energy, pers. comm. 2000).

We believe the small group of geese nesting on Chagulak Island to be stable in number, but the terrain is steep and nesting habitat is limited. We have removed foxes from most of the islands near Chagulak, and to bolster the population of geese in this portion of the Aleutians, we translocated geese from Buldir Island to Yunaska Island in 1994 and 1995. We also translocated geese from Buldir Island to Skagul Island in the Rat Island group in 1994 and 1995. We have not conducted subsequent surveys on these islands to determine if the translocations have resulted in establishment of breeding populations there. However, in winter 1997–1998, we observed 15 marked, female geese translocated to Yunaska Island and 13 marked, female geese translocated to Skagul Island in California. These sightings indicate that translocated female geese now of reproductive age still survive and may already be breeding on these islands.

In the Semidi Islands, investigators studying Aleutian Canada geese found 14 nests on Kiliktagik Island and 3 nests on Anowik Island in 1995, which is 11 nests (39 percent) fewer than were found on the same islands in 1992 (Beyersdorf and Pfaff 1995). Hatching success and overall nesting success of geese in the Semidi Islands in 1995 were lower than their counterparts in the western Aleutian Islands. In addition, recruitment rates for Semidi Islands geese were low compared with rates we observed among Aleutian Island birds based on censuses of hatching-year birds on the wintering grounds each fall in coastal Oregon (D. Pitkin and R. Lowe, U.S. Fish and Wildlife Service, pers. comm. 1999). The reason for lower productivity of Aleutian Canada geese in the Semidi Islands is unknown.

Aleutian Canada Goose Recovery

In accordance with the Act, we appointed a team of experts to write a plan for recovery of the Aleutian Canada goose. The original recovery plan was approved on August 7, 1979, and later revised on September 8, 1982, and September 30, 1991 (U.S. Fish and Wildlife Service 1991). The most recent version of the recovery plan was written after the Aleutian Canada goose was reclassified as threatened in 1990, and established objectives for measuring recovery and indicating when delisting was appropriate. Recovery plans and objectives are intended to guide and measure recovery, but are supposed to be flexible enough to adjust to new information.

The Aleutian Canada Goose Recovery Plan (U.S. Fish and Wildlife Service 1991) identified the following recovery objectives: (1) The overall population of Aleutian Canada geese includes at least 7,500 geese, and the long-term trend appears upwards; (2) at least 50 pairs of geese are nesting in each of three geographic parts of the historic range—western Aleutians (other than Buldir Island), central Aleutians, and Semidi Islands, for 3 or more consecutive years; and (3) a total of 25,000–35,000 acres (ac) (10,125–14,175 hectares (ha)) of specific land parcels identified by the recovery team as feeding and roosting habitat needed for migration and wintering are secured and are being managed for Aleutian Canada geese. The recovery plan states that failure to achieve a specific acreage target of migration and wintering habitat would not preclude delisting of the Aleutian Canada goose if otherwise warranted. A discussion of the status of the Aleutian Canada goose relative to the recovery objectives follows:

(1) The most recent estimate of the overall population of Aleutian Canada geese is approximately 37,000 birds (December 1999 peak spring count), nearly 5-times the population objective for delisting. The population trend of Aleutian Canada geese continues upward, and has averaged about 20 percent annual growth since the subspecies was reclassified as threatened in 1990. We believe that the subspecies is no longer threatened or endangered and its population is likely to continue to grow in size in the future.

(2) The objective of 50 or more pairs of Aleutian Canada geese nesting in each of 3 geographic parts of the historic range—western Aleutians (other than Buldir Island), central Aleutians, and Semidi Islands, has not been met. The population of Aleutian Canada geese nesting in the western Aleutians far exceeds the delisting objective, with self-sustaining breeding populations established on three islands—Buldir, Agattu, and Alaid-Nizki. In addition, we have received a recent report of numerous breeding birds on Amchitka Island (M. Murray, Department of Energy, pers. comm. 2000). Primarily on the strength of recovery in the western Aleutian Islands, the Recovery Team recommended delisting the subspecies (Byrd 1995).

We have not surveyed geese nesting in the central Aleutians since 1993, but existing data suggest the size of the breeding group at Chagulak Island has been stable at about 20–25 pairs since the time of their discovery in 1982. Chagulak Island is very steep and has limited nesting habitat. A substantial increase in the number of birds in the central Aleutian Islands likely will require colonization of new islands. Although we discovered nesting by Aleutian Canada geese on nearby Amukta Island, we do not know if they are currently nesting there or if breeding occurs on Yunaska Island as a result of the translocation of geese there in 1994 and 1995. We have also removed foxes from several other nearby islands, including Carlisle, Herbert, Kagamil, Uliaga, and Seguam, and these islands could be colonized by Aleutian Canada geese in the future. We believe that increasing numbers of Aleutian Canada geese in the central Aleutians is desirable. However, we do not view the lack of evidence that there are at least 50 pairs of geese breeding in the central Aleutians as a barrier to delisting because they appear to be from the same breeding segment as the western Aleutian geese. We came to this conclusion based on their similar physical characteristics, some preliminary data on mitochondrial DNA (Shields and Wilson 1987), and their use of the same wintering area. However, limited sightings of birds color-banded at Chagulak Island suggest they follow a northward migration route that is slightly more easterly. This has been most evident in the spring when several birds were seen in the Willamette Valley of Oregon (Springer and Lowe 1998).

The Semidi Islands breeding segment more than doubled in size following closure of the wintering area to hunting in 1982. Since 1990, it has fluctuated moderately in size on its wintering area, averaging about 120 geese. However, the lack of an increase in these birds since 1993, given protection of the birds on the breeding and wintering grounds, and the availability of unexploited breeding and wintering habitat, cannot be fully explained with existing information. Local farmers in Oregon maintain that these geese have used the same local farms for at least 65 years and have never been numerous (R. Lowe, U.S. Fish and Wildlife Service, pers. comm. 1999). Despite lack of a persistent and positive population response of Semidi Islands geese in recent years, we believe this is not a barrier to delisting the Aleutian Canada goose subspecies because of the health and vigor of the subspecies as a whole. Furthermore, we can continue to protect this breeding segment from various forms of take under provisions of the Migratory Bird Treaty Act (see Summary of Factors Affecting the Species below).

We will continue to monitor the status of the Semidi Islands breeding segment of Aleutian Canada geese on its wintering grounds.

Although the criteria of 50 or more pairs nesting in each of 3 geographic parts of their historic range has not been fully met, the Recovery Team in 1995 considered the following factors overriding: the population is approximately three times higher (now nearly five times higher) than the minimum suggested for delisting; the population is continuing to increase at a high rate; self-sustaining breeding populations now occur in the western Aleutians on Buldir, Agattu, and Alaid-Nizki Islands and perhaps on Amchitka as well (M. Murray, Department of Energy, pers. comm. 2000); and we have removed foxes from islands in the central Aleutians, and translocations of birds there have bolstered goose numbers.

(3) We have not fully met the recovery objective of conserving and managing 25,000–35,000 ac (10,125–14,175 ha) of migration and wintering habitat; however, the recovery team allowed that not attaining this acreage target would not preclude delisting if this action was otherwise warranted. The original target of greater than 25,000 ac (10,125 ha) was derived by summing the acreage of most parcels of land that have been used by Aleutian Canada geese on their wintering grounds and on principal migration stopovers outside of Alaska since their recovery began. At the time the recovery plan was finalized and the target migration and wintering habitat was identified, much of the information that we know now about the distribution of the bird was unknown. The acreage target reflects inclusion of parcels that are no longer used by Aleutian Canada geese (e.g., in Del Norte County: McLaughlin, Log Pond, Southern Ferguson, Bliss, and Bennett Tracts). The distribution of geese across the landscape shifts somewhat each year depending on weather patterns, the availability of food, and other factors not fully understood by scientists. Detailed maps of lands currently used by this subspecies have been developed by Lyon (2000). It should also be recognized that private landowners have throughout the last 3 decades contributed to the recovery of the Aleutian Canada goose by managing their lands to accommodate the needs of the geese. Thus, we do not believe that all the lands utilized by the Aleutian Canada goose must be held in the public trust to ensure the long-term survival of the species.

Aleutian Canada geese have responded very favorably to management actions taken on the species' behalf by the Service, States, and private landowners throughout the birds' migration and wintering areas. About 7,500 ac (3,038 ha) of currently used winter and migration habitat are secure (Table 2), and we have an active acquisition program for both fee title and perpetual conservation easements in the Sacramento and San Joaquin Valleys. This total secure acreage does not include 33,108 ac (13,409 ha) of National Wildlife Refuge land and 67,000 ac (27,136 ha) of private land protected under perpetual conservation easements within the Grassland Ecological Area located approximately 40 miles south of the main use area for Aleutian Canada geese. Aleutian Canada geese have discovered this vast area of suitable habitat just south of their normal wintering range (D. Woolington, U.S. Fish and Wildlife Service, pers. comm. 2000), and we anticipate their use of this area to increase. We expect that hazing of geese off private lands to the north will hasten the use of this area. To this end, delisting, with its associated easing of restrictions on hazing of birds, may actually result in relief of some of the winter habitat crowding currently experienced by this rapidly growing population.

We believe that, currently, enough feeding and roosting habitat for both migrating and overwintering geese is publicly held to ensure the continued viability of the subspecies at or near current population levels. If habitat availability were in any way limiting population growth of this subspecies, we would expect to see a leveling off in the population, not the steady high rate of growth that the subspecies has exhibited for many years now.

We acknowledge the existence of one bottleneck in publicly held land that is suitable as goose habitat: spring migration feeding habitat in Northwestern California, particularly in the Smith River bottoms, near Crescent City (P. Springer, pers. comm. 2000). The concentration of relatively large numbers of Aleutian Canada geese on this small area of migration habitat, most of which is in private ownership, has created conflicts between landowners and geese. Such conflicts also occur elsewhere in the subspecies' wintering and migration habitats, but the problem is most acute here. Typically the conflicts occur over sprouting grain or pasture grass that is used by both geese and livestock. This remains an increasingly controversial area for Aleutian Canada geese because only about 750 ac (304 ha) of State land are now actively managed as foraging habitat for geese in this area. Most other public land in that area is not particularly suitable as pasture land.

Many geese forage on intensively managed, privately owned pastures in this area during their brief fall stopover and more extensive spring stopover. Most owners of these pastures are currently willing to support some of the burden resulting from foraging geese, although most of these landowners would like to see more goose management taking place on nearby publicly held lands. However, because the urgency of this situation (geese grazing on private lands) will only increase with increasing goose numbers, we do not see this as a threat to the subspecies. That is, the problem of goose grazing on private lands becomes more acute because there are more geese. If there are more geese, the threat that the subspecies will eventually become extinct is further diminished. But because the burden upon these landowners is rapidly increasing due to the rapid growth of the Aleutian Canada goose population, it is incumbent upon us to continue efforts to secure additional public lands in this area. Such efforts are under way. In addition, the Service in the Modesto area and the State of California in northwestern California are more actively managing their lands to attract geese away from private parcels. We, along with the State of California, also provide technical assistance to willing landowners to help them manage their lands for geese. Given the success of efforts by us, the State of California, and some private landowners to address crop depredation, and the size and growth rate of the Aleutian Canada goose population, we do not believe that the current shortage of publicly held spring migration habitat in this area places this subspecies in danger of extinction now or in the foreseeable future.

A less intense, but increasingly serious problem is developing on private pastures in the Langlois area of southern coastal Oregon where 10,000–20,000 geese concentrate for a week or longer in the spring after leaving the Smith River bottoms. Specifically, the geese are using about 150 acres (61 ha) within the New River Area of Critical Environmental Concern (ACEC) designated by the Bureau of Land Management. This habitat is suitable for resting and roosting, but not for feeding. Most suitable goose habitat in the area (about 2,000 acres (810 ha)) occurs on adjacent private lands (S. Richardson, U.S. Fish and Wildlife Service, pers. comm. 2000). The ACEC 1995 Management Plan provides direction in land management for enhancing goose population recovery. The easing of

restrictions on hazing that will come with the delisting of this subspecies will allow those landowners that do not welcome these geese to keep them off their land. Again, we view this as a problem that is only manifesting itself due to the large population size of this goose. Therefore, the fact that the problem even exists attests to the fact that this species is no longer in danger of extinction now or in the foreseeable future.

We acknowledge the important role that private landowners have played in the recovery of the Aleutian Canada goose. Aleutian Canada geese have used and continue to heavily use private lands for feeding, loafing, and roosting. Some landowners actively manage their lands for geese with technical assistance from State and Service wildlife biologists. Other landowners have shown considerable patience as goose numbers have increased and geese have impacted their crops and competed with their livestock for grass. The crop depredation problem will almost certainly intensify as Aleutian Canada goose numbers continue to increase.

TABLE 2.—SECURE LANDS IN MIGRATION OR WINTERING AREAS UNDER FEDERAL, STATE, OR PRIVATE OWNERSHIP AND CURRENTLY BEING MANAGED FOR ALEUTIAN CANADA GEESE

Location	Owner/manager	Acreage	Goose use
Castle Rock [1]	FWS	13	Roosting.
Prince Island [1]	Tribal	6	Roosting.
Lake Earl Wildlife Area [1]	State of CA	470	Feeding.
Lake Earl Project [1]	State of CA	230	Feeding.
833 Reclamation District [2]	Local Govt.	2,000	Feeding/roosting.
Butte Sink NWR [2]	FWS	733	Feeding/roosting.
East Bay Utility District [3]	Local Govt.		Feeding/roosting.
San Joaquin River NWR [4]	FWS	[5] 1,607	Feeding/roosting.
Faith Ranch [4]	Gallo Family	1,964	Feeding/roosting.
Oregon Islands NWR [6]	FWS	45	Roosting.
Nestucca Bay NWR [6]	FWS	120	Feeding.
Floras Lake Park [6]	Curry County	300	Roosting.
Total		7,488	

[1] Northwestern California area.
[2] Colusa, California area.
[3] El Sobrante area.
[4] Modesto area.
[5] The refuge has 6,108 acres, but only 1,607 acres are suitable for Aleutian Canada geese.
[6] Oregon.

In order to facilitate the expected future population growth, we plan to secure additional parcels of migration and wintering habitat. Acquisition of additional goose habitat remains a top priority for the San Joaquin River National Wildlife Refuge for geese that nest in the Aleutian Islands, and for the Nestucca Bay National Wildlife Refuge in coastal Oregon for geese that nest in the Semidi Islands. We intend that acquisition of refuge lands will be accompanied by appropriate increases in refuge operating budgets to facilitate effective management of these new parcels for this subspecies.

Although we describe above future land acquisition activities with regard to Aleutian Canada goose management, we have not based our decision to delist this subspecies based on the anticipated outcome of any of these negotiations. The sustained growth in the population of the Aleutian Canada goose over the last 3 decades has occurred despite a mosaic of landownership patterns within its migratory and wintering habitat. We have no reason to suspect that this population increase will not continue once the species is delisted. Future planned Federal and State acquisition and management activities will likely further enhance future population growth. Land acquisition or conservation activities within and near the San Joaquin River National Wildlife Refuge that are under way are as follows:

(1) We are in the process of acquiring 3,100 ac (1,256 ha) south of Highway 132 and along the San Joaquin River. About a quarter of this parcel is considered to be suitable winter range for Aleutian Canada geese, mostly as roost pond habitat, with some foraging opportunities as well.

(2) We are negotiating a perpetual conservation easement with the owner of a 2,147 ac (870 ha) ranch, 1,548 acres (627 ha) of which is suitable habitat for Aleutian Canada geese. The landowner is currently working with the Service to manage this land for geese. This ranch is included within the authorized boundary of the San Joaquin River National Wildlife Refuge. The negotiations for this parcel are in their final stages.

(3) We are negotiating for fee title acquisition of 423 acres (171 ha) of ranch land, 413 acres (167 ha) of which has a high potential for use by geese. However, whether this parcel will be managed for use by geese, or will be converted to riparian forest, is currently unclear. On a different portion of the same ranch, we are negotiating a perpetual conservation easement on 3,907 acres (1,582 ha), 3,880 acres (1,571 ha) of which is suitable for use by Aleutian Canada geese for feeding, loafing, and roosting. Agricultural practices used on these parcels favor Aleutian Canada geese, although conflicts between the geese and the landowner are intensifying as goose numbers increase. This ranch is also included within the authorized boundary of the San Joaquin River National Wildlife Refuge.

Activities to acquire or conserve other lands within the wintering and migration range of the Aleutian Canada geese include:

(1) Negotiation for purchase of the two dairies on which Aleutian Canada geese from the Semidi Islands winter. These dairies are within the authorized boundary of the Nestucca Bay National Wildlife Refuge. The Service has made offers on both pieces of property, but the owner has declined the offers; and

(2) Evaluation by the State of California of acquisition proposals for additions to the Lake Earl Wildlife Area in northwestern California as suitable goose foraging habitat.

Other Factors in Support of Delisting

The Aleutian Canada Goose Recovery Team lists three additional factors in support of removing the Aleutian Canada goose from the list of threatened and endangered species (Byrd 1995). First, a program designed to reestablish Aleutian Canada geese in the Asian portion of their range is under way through our cooperation with Japanese and Russian wildlife agencies. Lee (1998) provides a chronological history of this effort, which began in the 1970s through contact between the recovery team and the Japanese Association for Wild Geese Protection. In 1983, we provided 15 captive Aleutian Canada geese for captive breeding in Japan, but subsequent attempts to reintroduce these geese to the wild were largely unsuccessful.

Russian biologists entered the cooperative program in the late 1980s. In 1992, we transported 19 captive Aleutian Canada geese to Petropavlovsk, Kamchatka, Russia to establish a captive population of geese as a nucleus for reintroduction of Aleutian Canada geese in Russia. In 1993, a Japanese/Russian team identified Ekarma Island in the northwest Kuril Islands as a suitable fox-free island for future releases of Aleutian Canada geese. A total of 86 captive-reared geese were released in 1995, 1996, and 1997. In winter 1997–1998, Japanese scientists observed at least 15 Aleutian Canada geese on the wintering grounds in Japan, including 4 marked birds from the 1997 release of 33 geese. Seven of the birds appeared to be a family group, and Gerasimov (1998) speculated that the unmarked Aleutian Canada geese may have been progeny of birds from the earlier releases on Ekarma Island. We are very encouraged by the early successes of the goose restoration efforts in Russia and Japan, and will continue to support and participate in this international phase of the overall restoration program.

The State of California and some cooperating local landowners have implemented a plan to reduce depredation by geese on privately owned pastures in the Smith River bottoms in northwestern California. This plan focuses on providing high-quality forage for geese on about 200 ac (81 ha) of managed pastures owned by the State of California and hazing birds off private pastures. In addition, a multi-agency ''Lake Earl Working Group'' was formed to address the depredation problem in the vicinity of Lake Earl in northwestern California, and local farmers are working with the State of California to help manage State lands for geese through fertilization of pastures and grazing by livestock. Results are encouraging thus far. In 1995 almost no use by geese occurred on State lands. The amount of time geese spent on State land increased to 12 percent in 1996, 20 percent in 1997, and 44 percent in 1998, but decreased to 37 percent in 1999.

Although intensive management of State lands in northwestern California has provided considerable relief to landowners, a finite amount of forage is available there and these lands must also be managed for other wildlife species and habitat values. Furthermore, most State lands consist of poor soils, which are not as amenable to intensive management for geese as nearby privately owned parcels.

We have developed a new procedure to monitor the population of Aleutian Canada geese wintering in California, enabling us to detect and respond early to any future reversal in population growth. We currently use two procedures to measure population size. The first involves coordinated peak counts of Aleutian Canada geese on the wintering grounds near Modesto, and during early spring as they arrive at and leave their primary roosts at Castle Rock and Prince Island in northwestern California, and Goat Island in southwestern Oregon. This technique has proved extremely reliable in the past; however, because numbers of Aleutian Canada geese are now large, obtaining complete counts is difficult. In addition, Aleutian Canada geese now often winter in mixed flocks with the similar-looking cackling Canada goose (*Branta canadensis minima*). As a result, we recently developed an indirect survey technique that is based on a ratio of marked to unmarked birds. Comparisons of surveys using the indirect method with ''complete'' counts of geese suggest a high degree of concordance between the methods. We anticipate that the indirect count method will become more reliable and widely used if the Aleutian Canada goose population continues to grow.

In summary, the Recovery Plan for the Aleutian Canada goose identified three criteria to use for evaluating when recovery had occurred and when delisting was appropriate. To date, only one recovery objective, attainment of a total population of the subspecies of at least 7,500, has been completely achieved, but we believe that the population is of sufficient size, and threats to the subspecies have been sufficiently reduced, to warrant delisting.

Contrary to our expectations, the Aleutian Canada geese in the central Aleutians have not recovered despite protection of these birds both on the breeding and wintering grounds. Similarly, the segment of birds breeding in the Semidi Islands has not increased in number as much as we had hoped, although it is not known how large this group of birds was historically. Nevertheless, the explosive growth of the western Aleutian breeding segment assures the future viability of the Aleutian Canada goose subspecies for the foreseeable future.

We remain concerned about the lack of growth of the Semidi Islands breeding segment. However, in recent history this small group of birds has been relatively stable, and obvious threats have been removed. We believe we can effectively protect this breeding segment from various forms of take under provisions of the Migratory Bird Treaty Act (see Summary of Factors Affecting the Species below). With regard to conservation and management of migration and wintering habitat, we believe enough habitat is currently held in public ownership and conservation easements to ensure the continued viability of the subspecies at or near the current population level. However, we encourage additional acquisition and management of appropriate parcels of land, both to secure wintering and migration habitat and to reduce future conflicts between geese and farmers.

Summary of Issues and Recommendations

In the August 3, 1999, proposed rule (64 FR 42058) and associated notifications, we invited all interested parties to submit comments or information that might contribute to the final delisting determination for this subspecies. The public comment period ended November 1, 1999. We contacted and sent more than 180 announcements of the proposed rule to appropriate Federal and State agencies, borough and county governments, scientific organizations, recovery team members, and other interested parties. We also published announcements of the proposed rule in Alaska in ''The Anchorage Daily News'' on August 9, 16, and 22, 1999, and in Crescent City, California, in ''The Daily Triplicate'' on September 9, 1999. We received responses to requests for peer review of the proposed rule to delist the Aleutian Canada goose from three individuals who are experts in Aleutian Canada goose biology.

Including our peer reviewers, we received a total of 11 written comments from individuals and organizations. Three organizations and two individuals supported the delisting proposal. One individual (not a peer reviewer) did not

support delisting. Three organizations and two individuals did not clearly state a position.

We grouped and discussed comments of a similar nature under the following issue headings. In addition, we considered and incorporated, as appropriate, into the final rule all biological and commercial information obtained through the public comment period.

Issue 1: Three commenters were concerned about the lack of public lands managed for Aleutian Canada geese on the migration and wintering grounds, and of the potential conflicts with private land owners as the Aleutian goose population continues to increase.

Our response: Although it is not feasible to secure as public land all the migration and wintering habitat used by this growing population, we are continuing a program of habitat protection through a variety of activities as described in the section titled ''Summary of Factors Affecting the Species,'' including: (1) fee title land acquisition, (2) establishment of conservation easements, (3) habitat management, and (4) implementation of a Disease and Contaminants Hazard Contingency Plan. We intend to continue our work with State agencies, private landowners, and other partners to help alleviate current and future problems associated with Aleutian Canada goose-induced crop depredation. The protection and management of migration and wintering habitat is a high priority in the recently developed Pacific Flyway Management Plan for Aleutian Canada geese (Pacific Flyway Council 1999). However, we believe that enough habitat is currently held in public ownership (mostly Federal and State) and in perpetual conservation easements to ensure the continued viability of the subspecies at or near current population levels. Future habitat acquisition and management efforts will facilitate future growth of this population.

Issue 2: Three commenters were concerned about the status of the geese that nest in the Semidi Islands, and recommended additional study of the factors limiting the growth of this breeding population.

Our response: We believe that the Semidi Islands breeding segment is an important component of the Aleutian Canada goose population, and agree that additional research is necessary to determine what factors have prevented these geese from experiencing the same population growth as their western counterparts. The Pacific Flyway Council (1999) has recommended additional study of the Semidi Islands nesting geese as a high priority. With regard to protection of the existing Semidi Islands-nesting geese, we believe that the protective measures available under the Migratory Bird Treaty Act (i.e., continued hunting closures, and regulation of various forms of take) will provide adequate protection.

We rejected the notion of retaining threatened species status for the Semidi Islands subpopulation of Aleutian Canada geese while delisting the remainder of the subspecies. For this particular listing action, the listed entity in question is the entire Aleutian Canada goose subspecies. We have not recognized any distinct vertebrate population segments within this subspecies. Our decision to delist is based upon our analysis of the status of the listed entity: the entire subspecies. Although recent genetic analysis found that geese from the Semidi Islands and the western Aleutian Islands could be considered separate management units (Pierson *et al*. 2000), we consider the Chagulak Island and Semidi Islands geese remnant populations of the previously more continuously distributed Aleutian Canada goose.

Issue 3: One commenter was concerned that our motivation to delist the Aleutian Canada goose is influenced more by political pressures than biological considerations, as evidenced by the fact that only one of three recovery goals has been completely achieved. The commenter stated that this approach could set a bad precedent for other decisions affecting the status of listed species.

Our response: We are required to base listing decisions on the best available scientific and commercial information. Biological information collected throughout the recovery program, and resulting from our recent public status review, clearly indicate that the Aleutian Canada goose population has reached a sufficient size (nearly five times the delisting threshold set by the recovery team), and that the threats to its continued existence have been eliminated or reduced enough to warrant delisting. Goals identified during the recovery planning process provide a guide for measuring the success of recovery, but are not intended to be absolute prerequisites, and should not preclude a reclassification or delisting action if such action is otherwise warranted.

Issue 4: One commenter recommended that additional genetic analyses of the three breeding segments be conducted to fully identify their relationships within the subspecies, and among other Canada goose subspecies. In particular, the existing evidence is not adequate to fully associate the central Aleutian (Chagulak Island) breeding segment with the western Aleutian geese.

Our response: Our Ecological Services, Anchorage Field Office recently contracted for more extensive genetic analysis of recently rediscovered archived tissue samples of Aleutian Canada geese, including samples of geese that bred on the Semidi Islands. We expect the results of this study to increase our understanding of the genetic relationships within this subspecies.

While we agree that additional genetic analyses could provide information that would help reduce uncertainty regarding the relationships of the three breeding segments of Aleutian Canada geese, we do not believe the information that could be gained would suggest a change in our management strategies for the subspecies. Based on available biological and historical information, we consider the Chagulak Island and Semidi Islands geese to be remnant populations of the previously more continuously distributed Aleutian Canada goose. Accordingly, we determined that the central and western breeding segments were similar enough to warrant translocating western Aleutian geese into the central Aleutians at Yunaska Island in 1994 and 1995 for the purpose of supplementing the existing breeding population.

Issue 5: A cooperator from Russia indicated that the delisting action was premature, apparently because the goal of establishing a breeding population of Aleutian Canada geese in Asia has not been reached.

Our response: Recovery activities in Asia, including captive breeding and reintroduction of geese to the wild, are under way, but it is difficult to predict when a self-sustaining wild population will become established. We intend to continue cooperating with our Asian counterparts as they endeavor to return the Aleutian geese to their historic range in Russia and Japan. In any event, we believe that the North American population alone has progressed to a point where the subspecies no longer requires protection under the Endangered Species Act. Furthermore, because this subspecies had become extirpated from Russia prior to its initial listing, birds breeding in Russia were not considered to be part of the listed entity. Aleutian Canada geese were listed only in the United States and Japan (50 CFR 17.11).

Summary of Factors Affecting the Species

In accordance with the Act and implementing regulations at 50 CFR part 424, a species shall be listed if the Secretary of the Interior determines that one or more of five factors listed in section 4(a)(1) of the Act threatens the continued existence of the species. A species may be delisted according to § 424.11(d) if the best available scientific and commercial data indicate that the species is neither endangered nor threatened for one of the following reasons:

1. Extinction;
2. Recovery; or
3. Original data for classification of the species were in error.

After a thorough review of all available information, we have determined that Aleutian Canada geese are no longer in danger of extinction throughout all or a significant portion of their range, and are not likely to become endangered within the foreseeable future. A substantial recovery has taken place since the mid-1970s, and none of the five factors addressed in section 4(a)(1) of the Act places this subspecies of Canada goose in danger of extinction now or in the foreseeable future. These factors and their relevance to Aleutian Canada geese are discussed below.

A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Threats to habitat of Aleutian Canada geese still exist in the form of development and modification of wintering and migration habitat, and the continued presence of foxes on former nesting islands in Alaska. Conversion of farmlands used by migrating and wintering geese to other human uses is always a threat, although it does not appear to have been a serious problem in recent years. On the breeding grounds, we have addressed the primary threat to goose habitat through fox trapping and continue with these efforts. On the migration and wintering grounds, we have addressed goose habitat issues through: (1) Fee title acquisition; (2) establishment of conservation easements to protect migration and wintering habitat, and (3) management of migration and wintering habitat for geese.

Breeding Areas

Habitat improvement of Aleutian Canada goose breeding grounds through fox removal has been and continues to be a high-priority conservation effort. Since 1949, we have restored 33 islands, totaling more than 596,000 ac (241,393 ha), by removing arctic and red foxes. In 1998, 2 additional islands were cleared of foxes, and 11 islands are scheduled for restoration between 1999 and 2004. Initial confirmation surveys indicate we successfully removed foxes from 223,000 ac (90,320 ha) on Attu Island in 1999. Attu Island is close to Agattu Island and to the Alaid-Nizki Island group, all of which have rapidly growing reestablished populations of Aleutian Canada geese. Once colonized by geese, Attu will provide a substantial amount of available nesting habitat. If follow-up surveys confirm that Attu Island is fox-free, transplanting family groups of Aleutian Canada geese will be logistically feasible.

Even if additional fox-free nesting islands are not colonized by Aleutian Canada geese, we believe that the availability of currently unoccupied, but fox-free nesting habitat in the Aleutian Islands is not likely to limit population growth. We do not consider reintroduction of foxes to goose nesting islands in the Aleutians to be a threat to the subspecies. Nearly all Aleutian Canada goose breeding habitat is within the boundaries of the Alaska Maritime National Wildlife Refuge. Service policy prohibits introduction of exotic species unless the species would have value as a biological control agent and would be compatible with the objectives of the Refuge. The Comprehensive Conservation Plan (CCP) for the Alaska Maritime National Wildlife Refuge indicates that the Refuge will be managed to favor indigenous populations, restore endangered species and other species to natural levels, and monitor and eradicate introduced wildlife. The CCP further specifies that wildlife populations management will concentrate on increasing the number and range of the Aleutian Canada goose, and indicates that eradication of introduced arctic and red foxes on the refuge is essential to allow natural populations of birds to reestablish themselves. Accordingly, we cannot imagine a scenario in which the Refuge would permit the reintroduction of foxes. Doing so would be counter to nearly all of the Refuge's goals. Parties caught conducting such reintroductions without a permit would be acting illegally, and would likely be prosecuted.

Despite the availability of suitable but unoccupied nesting habitat, natural expansion to unoccupied islands east of Buldir is not expected to occur rapidly. Bald eagles, a predator of Aleutian Canada geese, are common on these islands and may limit population expansion. However, based on our knowledge of the interactions between eagles and geese, we do not anticipate that eagles would ever cause population level effects on this subspecies.

Migration and Wintering Areas

On the migration and wintering grounds, threats to goose habitat have been substantially reduced through: (1) Fee title acquisition; (2) establishment of conservation easements to protect migration and wintering habitat, and (3) management of migration and wintering habitat for geese. About 7,500 ac (3,038) of winter and migration habitat are now securely in the public ownership (Table 2) and are being used by Aleutian Canada geese. In addition, 33,108 ac (13,409 ha) of National Wildlife Refuge land and 67,000 ac (27,136 ha) of private land protected under perpetual conservation easements within the Grassland Ecological Area are located approximately 40 miles south of the main use area for Aleutian Canada geese and have recently been used by Aleutian Canada geese. Efforts to manage these lands and conservation easements for the benefit of Aleutian Canada geese and to assist willing private landowners in managing their land for geese, have been described above.

We believe that enough migration and wintering habitat is currently held in public ownership or conservation easements to ensure the continued viability of the subspecies at or near current numbers. If habitat availability were in any way limiting population growth of this subspecies, we would expect to see a leveling off in the population. Instead, as described earlier in this rule, the subspecies annual population growth rate has averaged about 20% since 1990.

We acknowledge that the amount of public land in the spring migration areas in the Smith River bottoms area is not currently sufficient to accommodate all the geese that stop there, forcing them to also graze on nearby private land for a short period of time each year. Private landowners have throughout the last 3 decades contributed to the recovery of the Aleutian Canada goose by managing their lands so as to accommodate the needs of the geese. We do not believe that the current shortage of publicly held spring migration habitat in this area places this subspecies in danger of extinction now or in the foreseeable future given the population size and growth rate of the Aleutian Canada goose population and the success of efforts to address crop depredation by us, the State of California, and some private landowners.

The concentration of relatively large numbers of Aleutian Canada geese on small areas of wintering and migration habitat, most of which is in private ownership, has created conflicts between landowners and geese. Typically the conflicts occur over sprouting grain or pasture grass that is used by both geese and livestock. The problem is most acute in northwestern California, particularly in the Smith River bottoms, because only about 750 ac (304 ha) of State land are now actively managed as foraging habitat for geese in this area. An increasingly serious problem is developing on private pastures in the Langlois area of southern coastal Oregon where 10,000–20,000 geese concentrate for a week or longer in the spring after leaving the Smith River bottoms.

The crop depredation problem will almost certainly intensify as Aleutian Canada goose numbers continue to increase. As goose numbers increase, goose use of private lands may also increase, and the resulting crop depredation is likely to increase. Consequently, requests for permits allowing for lethal hazing under the Migratory Bird Treaty Act are likely to increase. We do not view this as a threat to the survival of the subspecies, because the problem (geese grazing on private lands) becomes more acute directly as a result of increasing goose populations. If the goose population increases, the threat that the subspecies will eventually become extinct is further diminished. Thus, we do not believe that crop depredation and subsequent lethal hazing will ever be a factor that affects this subspecies at the population scale. To the contrary, an increased need for lethal hazing will serve as an indicator of an increasing goose population. In the San Joaquin Valley and Modesto area of California, delisting, with its associated easing of restrictions on hazing of birds, may actually result in relief of some of the winter habitat crowding as hazing of geese off private lands will hasten use of nearby public lands within the Grasslands Ecological Area. Finally, as discussed further in the section on regulatory mechanisms, we can control the amount of lethal hazing because permits are required under the Migratory Bird Treaty Act.

The size of the current population and the management practices on currently used goose habitats also lead us to believe that potential threats such as development, variable market conditions, changing agricultural practices, and adverse climactic conditions do not currently threaten the continued survival of the Aleutian Canada goose now or in the foreseeable future. We believe that the size of the population is such that we would have time to intervene on behalf of the subspecies should any of these become threats to the continued survival of the subspecies.

Further improvements to Aleutian Canada goose habitat are ongoing through fee title acquisition of land, and establishment of conservation easements. Efforts are also under way to increase the amount of public land that can be managed for feeding, loafing, and roosting by Aleutian Canada geese and to explore the possibilities of developing programs with private landowners that will provide additional foraging grounds for the geese in the Smith River bottoms area. These efforts were described earlier in this document. The intent is to provide attractive, high-quality habitat for geese on managed lands to reduce crop depredation on neighboring private farms and ranches. These future habitat acquisition and management efforts are not necessary to assure the viability of the subspecies, but rather to accommodate its future growth.

B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Historically, Aleuts residing in the Aleutian Islands harvested Aleutian Canada geese for food. In addition, market hunters on the wintering grounds, and more recently, sport hunters, harvested Aleutian Canada geese in the Pacific Flyway. After introduced foxes had reduced the breeding range and production of the Aleutian Canada goose and prior to the identification of the goose's wintering range, sport hunting also limited population growth. Therefore, establishment of areas closed to hunting was an effective conservation measure and was shown to be responsible for early increases in goose numbers.

Delisting of the Aleutian Canada goose will not result in overutilization of the subspecies because take will still be governed by the Migratory Bird Treaty Act and corresponding regulations codified in 50 CFR part 20. After the Aleutian Canada goose is delisted, we must decide if, and when, they can be taken for recreational hunting and for other purposes. A regulatory framework already exists for managing migratory waterfowl in the United States (U.S. Fish and Wildlife Service 1988). (See discussion of existing regulatory mechanisms under factor D.)

Other than sport hunting, no appreciable demand for Aleutian Canada geese for commercial or recreational purposes is anticipated. There may be a small demand for birds for scientific purposes. As with hunting, we will regulate take for scientific purposes through the Migratory Bird Treaty Act.

C. Disease or Predation

Because many waterfowl species in the Pacific Flyway are now highly concentrated on the greatly reduced wetland acres of their wintering grounds, they are vulnerable to disease. Disease and other health factors accounted for 28 percent of the known mortality of Aleutian Canada geese on wintering and migration areas between 1975 and 1991 (n = 583 birds; Springer and Lowe 1998). Avian cholera, a highly infectious disease caused by the bacterium *Pasteurella multocida*, has been identified as the cause of mortality of most of the Aleutian Canada geese found dead on the wintering grounds near Modesto. From 1983 to 1998, the number of Aleutian Canada geese that are known to have died annually from avian cholera has ranged from none to 155. However, an exceptional cold period during December 1998 in California set the stage for an extensive and intense avian cholera outbreak during January 1999. Approximately 809 Aleutian Canada geese died of avian cholera during that month. Additional birds probably died that are not included in this mortality count; coyotes (*Canis latrans*) likely carried off and scavenged some of the goose carcasses before we could find them. Although this avian cholera outbreak was the worst known for Aleutian Canada geese, it claimed only about 2.5 percent of the total population. Rapid response to the outbreak and effective management of afflicted wetlands minimized the disease toll on the subspecies.

Based on these data, we conclude that disease is a chronic, low-level problem on the wintering grounds, which may occasionally flare up into a severe outbreak. However, even the most severe outbreak did not result in population level impacts (i.e., during the year of the most severe avian cholera outbreak ever known, the Aleutian Canada goose population still increased substantially). In addition, effective land management should prevent future outbreaks from having serious consequences at the population level. The Aleutian Canada Goose Recovery Team has prepared and revised a Disease and Contamination Hazard Contingency Plan that provides information and direction to reduce the incidence and severity of both disease

and contamination hazards (Byrd *et al.* 1996). We implement this plan through an active program of collecting and disposing of dead and diseased waterfowl to reduce exposure of healthy geese.

Currently, we employ seasonal biologists to monitor Aleutian Canada geese and other geese in the Sacramento and San Joaquin Valleys and in the Crescent City area. Much of this effort is focused on the San Joaquin River National Wildlife Refuge and neighboring areas and includes monitoring for disease outbreaks. When a disease outbreak occurs, these employees and other Refuge staff begin an intensive effort of carcass retrieval and disposal to break the cycle of cholera infection. Refuge staff also have the ability to manage disease by managing water levels at roost sites and wetland basins to avoid concentrating bacteria in those waters. Such efforts will continue even with the delisting of the Aleutian Canada goose.

Besides disease, other sources of mortality of Aleutian Canada geese include shooting (49 percent), drowning (see Factor E below), collisions and predation (12 percent), and trapping accidents (2 percent) (Springer and Lowe 1998). Collectively, they account for only a small amount of annual mortality. Shooting of Aleutian Canada geese occurred prior to establishment of hunting closures, but declined after closures were established. Occasionally, Aleutian Canada geese are shot outside the closed areas (Springer and Lowe 1998).

On the breeding grounds, predators still prevent breeding on many islands. As mentioned above, we continue to implement an aggressive program to eradicate introduced foxes from islands within the Alaska Maritime National Wildlife Refuge. However, on islands east of Buldir, predation by bald eagles, in concert with the high degree of site fidelity exhibited by geese, may limit colonization of new nesting islands. Nonnative rats, ground squirrels, and voles have also been introduced on a variety of islands within the nesting range of the Aleutian Canada goose and will be difficult, if not impossible, to eradicate. These species may prey on Aleutian Canada goose eggs, hatchlings, or goslings if they have the opportunity, although a study completed in the Semidi Islands suggests that ground squirrels were not a predator of goose eggs (Beyersdorf and Pfaff 1995). Predation of goslings in the Semidi Islands by ground squirrels and Glaucous-winged gulls (*Larus glaucescens*) may be a factor limiting production of this breeding segment, although it has not been quantified (Beyersdorf and Pfaff 1995).

D. The Inadequacy of Existing Regulatory Mechanisms

Upon being delisted, the Aleutian Canada goose will also be taken off the State lists in Washington and Oregon (B. Bortner, U.S. Fish and Wildlife Service, pers. comm. 2000). This species has never been listed on California's endangered species list, so no change in State status will result from this rule (D. Yparraguirre, California Department of Fish and Game, pers. comm. 2000). In Alaska, the Aleutian Canada goose is a species of special concern, and will likely remain so after Federal delisting (T. Rothe, Alaska Department of Fish and Game, pers. comm. 2000).

Aleutian Canada geese will remain protected under the Migratory Bird Treaty Act, which regulates taking of all migratory birds in the United States. Soon after delisting this subspecies, we will evaluate, with cooperation from the States through the Pacific Flyway Council, and with public comment, whether protections should be relaxed to allow some take through sport hunting and other means, and to manage current and future depredation problems on the wintering grounds and along migration routes. Thus this rulemaking may affect the status of waterfowl hunting seasons, which undergo annual formal section 7 consultation. An effective regulatory framework is in place to manage waterfowl (U.S. Fish and Wildlife Service 1988). This annual rulemaking process provides for participation by the States through the Flyway Councils and opportunity for public input.

The Pacific Flyway Council, which is composed of wildlife agency directors from each of the western States and Canadian provinces in the Pacific Flyway, including Alaska, will participate in the formulation of any regulations regarding future hunting of Aleutian Canada geese. An Aleutian Canada Goose Subcommittee of the Pacific Flyway Study Committee (waterfowl experts from the Flyway States) has undertaken the drafting of a management plan for the Aleutian Canada goose that will ensure that overutilization does not occur (T. Rothe, Alaska Department of Fish and Game, pers. comm. 2000). Continued closure of Canada goose hunting in the wintering area of the Semidi Islands geese will be a part of any regulatory framework for Aleutian Canada geese.

Two recent case histories provide good examples of the effectiveness of waterfowl management under the provisions of the Migratory Bird Treaty Act. By the mid-1980s, populations of the cackling Canada goose and Pacific white-fronted goose (*Anser albifrons frontalis*) had plummeted from 400,000 and 500,000 to 25,800 birds and 91,700 birds, respectively. As a result of reductions in sport hunting bag limits, establishment of areas closed to hunting on the wintering grounds, and voluntary reductions in take by Alaska Natives on the breeding grounds, the population of cackling Canada geese has increased to more than 200,000 birds and, Pacific white-fronted geese, to more than 300,000 birds (R. Oates, U.S. Fish and Wildlife Service, pers. comm. 2000).

The Migratory Bird Treaty Act does not prevent habitat modification or destruction; however, we believe that sufficient habitat is currently held in public trust and conservation easements to allow for the continued existence of this subspecies at current population levels. We also believe the provisions of the Migratory Bird Treaty Act will allow sufficient protection of the Aleutian Canada goose, including the small group of birds that breeds in the Semidi Islands and winters near Pacific City, Oregon, to prevent the need to relist it.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

Three incidences of drowning of Aleutian Canada geese in ocean surf have occurred in recent years (Springer *et al.* 1989, Pitkin and Lowe 1994): 43 geese near Crescent City, California, in 1984; 23 geese near Pacific City, Oregon, in 1987; and 10 geese near Pacific City, Oregon, in 1993. All drowning incidents were related to storms. Because the number of birds in the Semidi Islands breeding segment is small, we are concerned about these drowning incidents, but little can be done to prevent their reoccurrence. Although these drowning incidents contributed to the decline of this breeding segment to just 97 birds in 1995, the Semidi Islands breeding segment grew to about 129 birds by 2000. As stated earlier, in making our decision of whether to delist this subspecies, we considered the status of the listed entity: the subspecies as a whole. We considered the status of the various breeding segments only to the extent that they affected the status of the subspecies. It is possible that future studies and analysis may cause us to consider a subpopulation of this subspecies to be a listable entity (e.g., a distinct vertebrate population segment). If this is the case, and if the status of any subpopulation of this subspecies warrants the protections afforded by the Act, then we will make efforts to provide these protections by listing the entity.

At their lowest population level, Aleutian Canada geese may have numbered in the low hundreds (see Kenyon 1963) and were distributed on three widely separated remnant nesting islands. Populations that go through small population bottlenecks may exhibit reduced genetic variability and suffer from inbreeding depression. Such populations may not be able to successfully adapt to changes in the environment or to random events. The lack of recent growth of the Semidi Islands breeding segment of Aleutian Canada geese has led to speculation that this breeding segment was inbred and lacked genetic variability. A recent genetic study showed several potential indicators of a recent genetic bottleneck, including the fact that the Semidi Islands geese have fewer alleles per loci, as well as a lower haplotype and nucleotide diversity when compared to Buldir Island birds, indicating lower overall genetic diversity. However, statistical tests were inconclusive (Pierson *et al.* 1998).

In summary, we have carefully reviewed all available scientific and commercial data and conclude the threats that caused the population of Aleutian Canada geese to decline no longer pose a risk to the continued survival of the listed entity: the entire subspecies. This determination is based on available data indicating that the population of Aleutian Canada goose in North America has recovered, primarily as a result of four activities: the removal of introduced arctic fox and red fox from some of its nesting islands; the release of captive-reared and wild, translocated family groups of geese to fox-free islands to establish new breeding colonies; protection of the Aleutian Canada goose throughout its range from mortality due to hunting and disease; and protection and management of migration and wintering habitat. This recovery indicates that the subspecies as a whole is no longer endangered or likely to become endangered in the foreseeable future throughout all or a significant portion of its range. Therefore, the subspecies no longer meets the Act's definitions of endangered or threatened. Under these circumstances, removal from the List of Endangered and Threatened Wildlife is appropriate.

In accordance with 5 U.S.C. 553(d), we have determined that this rule relieves an existing restriction and good cause exists to make the effective date of this rule immediate. Delay in implementation of this delisting would cost government agencies staff time and monies conducting formal section 7 consultation on actions that may affect a species no longer in need of the protections under the Act. Relieving the existing restriction associated with this listed species will enable Federal agencies to minimize any further delays in project planning and implementation for actions that may affect Aleutian Canada geese.

Effects of This Rule

This final rule will remove the protections afforded to the Aleutian Canada goose in North America under the Act. Removal of protections for the Aleutian Canada goose in North America under the Act does not alter the protections provided to the Aleutian Canada goose under the Migratory Bird Treaty Act. The Migratory Bird Treaty Act regulates the taking of migratory birds for educational, scientific, and recreational purposes. It also states that the Secretary of the Interior is authorized and directed to determine, if, and by what means, the take of migratory birds should be allowed, and to adopt suitable regulations permitting and governing the take. In adopting regulations, the Secretary is to consider such factors as distribution and abundance to ensure that take is compatible with the protection of the species.

Some protections of the Act provided to the Aleutian Canada goose through incidental take permits associated with Habitat Conservation Plans (HCPs) issued under section 10(a)(1)(B) of the Act will continue by virtue of the Aleutian Canada goose remaining as a covered species in HCPs that continue to cover other listed species. Because many HCPs contain an implementing agreement (IA), and such agreements form a legally binding contract, all signatories must fulfill their responsibilities under the IA, even if the permittee chooses to surrender the permit. The term of the IA typically is the same as the term of the permit.

Although the Aleutian Canada goose in North America will be delisted, it will still continue to be covered by existing HCPs. Eight multi-species HCPs include the Aleutian Canada goose. The Aleutian Canada goose will no longer be a covered listed species under these existing multi-species HCPs; instead the Aleutian Canada goose becomes a covered non-listed species under the same HCP as of the effective date of this final rule. In order to receive No Surprises assurances, as well as a promise that the Service will not pursue prosecution under the Migratory Bird Treaty Act, the permit holder must continue to abide by all of the original conditions of the permit (50 CFR 17.22(b)(5) and 17.32(b)(5)) after the Aleutian Canada goose is delisted. If the permittee's actions violate the terms of the permit, then the permittee is outside the safety net of No Surprises and would therefore also be subject to permit revocation and possible prosecution for illegal take under the Migratory Bird Treaty Act.

HCP regulations at 50 CFR 17.22(b)(5) state: ''The assurances in this paragraph (b)(5) apply only to incidental take permits issued in accordance with paragraph (b)(2) of this section [issuance criteria for HCPs] where the conservation plan is being properly implemented, and apply only with respect to species adequately covered by the conservation plan.'' The definition of ''adequately covered'' can be found at 50 CFR 17.3, which states: ''* * * with respect to unlisted species, that a proposed conservation plan has satisfied the permit issuance criteria under 10(a)(2)(B) of the ESA that would otherwise apply if the unlisted species covered by the plan were actually listed. For the Service to cover a species under a conservation plan, it must be listed on the section 10(a)(1)(B) permit.''

After the effective date of this rule, Federal agencies will no longer be required to consult with the Service under section 7 of the ESA if activities they authorize, fund, or carry out may affect the Aleutian Canada goose. For actions covered by completed consultations where incidental take was anticipated, we will not refer those actions for prosecution under the Migratory Bird Treaty Act, provided that the Federal agency and permittee/designee continue to comply with the Reasonable and Prudent Measures (50 CFR 402.02), and implementing Terms and Conditions (50 CFR 402.14(i)(1)(iv)), of our biological opinion. However, the Aleutian Canada goose will still be afforded protection under the Migratory Bird Treaty Act.

This rule will not affect the Aleutian Canada goose's Appendix I status under CITES, and CITES permits will still be required to import and export Aleutian Canada geese to and from the United States. CITES permits will not be granted if the export will be detrimental to the survival of the subspecies or if a goose was not legally acquired.

Delisting of the Aleutian Canada goose under the Act will not affect ongoing negotiations to secure habitat in the migration and wintering grounds (see discussion under factor A). We will continue to acquire or conserve additional lands for Aleutian Canada geese and other migratory waterfowl through fee title acquisition of land or establishment of conservation easements.

Monitoring

Section 4(g)(1) of the Act requires that we monitor species for at least 5 years after delisting. If evidence acquired during this monitoring period shows that endangered or threatened status should be reinstated to prevent a significant risk to the subspecies, we may use the emergency listing authority provided by the Act to do so. At the end of the 5-year monitoring period, we will decide if relisting, continued monitoring, or an end to monitoring activities is appropriate. We have developed the following plan for monitoring Aleutian Canada geese following delisting.

Monitoring Plan

This monitoring plan is designed to detect changes in the status of the Aleutian Canada goose primarily by: (1) monitoring population size on wintering and migration areas; (2) monitoring productivity of the Semidi Islands population segment on the wintering grounds; and (3) monitoring the status of breeding birds on nesting islands in Alaska.

(1) Monitoring population size on wintering and migration areas: We plan to monitor the population of Aleutian Canada geese by using either or both the indirect population estimation procedure based on a marked to unmarked ratio of birds on their wintering grounds in the Modesto area, or direct counts of geese as they leave their roosts while staging in northwestern California in spring. Aleutian Canada geese nesting in the Semidi Islands will be most effectively monitored by conducting counts of foraging birds on their wintering grounds near Pacific City, Oregon.

(2) Monitoring productivity of the Semidi Islands breeding segment on its wintering range: Lack of productivity on Kiliktagik and Anowik Islands appears to be the principal factor in the lack of growth in the Semidi Islands breeding segment. The reasons for this lack of productivity are not understood. Because it is possible to distinguish hatching year birds from older birds on their winter range, we plan to monitor production of the Semidi Islands geese by making direct counts of birds on their winter range in Oregon.

(3) Monitoring the status of breeding birds on nesting islands in Alaska: The status of Aleutian Canada geese on their nesting islands was last summarized in 1995 (Beyersdorf and Pfaff 1995, Byrd 1995). At least once during the 5-year monitoring period we plan to determine the status of nesting Aleutian Canada geese on all the known nesting islands (Agattu, Alaid-Nizki, Buldir, Chagulak, Amukta, Kiliktagik, Anowik), and islands on which transplants of geese have occurred but for which the current breeding status is unknown (Little Kiska, Amchitka, Skagul, Yunaska). Although we have not recently surveyed Amchitka Island, we have reliable reports of breeding there (M. Murray, Department of Energy, pers. comm. 2000).

In addition, monitoring on the migration and wintering areas will attempt to determine the survival of birds translocated to fox-free islands, the success of the program to reduce the number of geese grazing on private land, and the incidence of avian cholera and other sources of mortality.

We will conduct a status review if during, or after, the 5-year monitoring period, it appears that a reversal of the recent recovery has taken place. We have not established any firm thresholds that if reached will trigger a status review, but the following factors will be considered:

(1) The overall population of Aleutian Canada geese declines by 25 percent below the current level, and there is a negative population trend for 2 or more years based on either direct or indirect population estimates of birds in migration and wintering areas; and if

(2) Through disease or other random events, Aleutian Canada geese decline appreciably and may be extirpated from one or more of their principal nesting islands (Agattu, Alaid-Nizki, or Buldir Islands).

We may determine that monitoring is no longer warranted if data indicate that the overall population of Aleutian Canada geese is stable at current levels or increasing and that no known factors threaten the subspecies. If we identify one or more factors that are believed to have the potential to cause a decline, monitoring will be continued beyond the 5-year period. Consistent with all other flyway management plans, the Pacific Flyway Management Plan for the Aleutian Canada Goose (Pacific Flyway Council 1999) includes a population objective and monitoring activities to assess the effects of management activities.

We remain committed to monitoring the status of the Aleutian Canada geese associated with the Semidi Islands as long as necessary. Consequently, we will continue to monitor this breeding segment beyond the 5-year period on an annual basis on the wintering grounds and occasionally on the breeding grounds. The Pacific Flyway Council (1999) recommends that additional research of the limiting factors affecting the Semidi Islands geese be initiated within the 5-year monitoring period.

In addition to monitoring the status of the Aleutian goose in the United States, we also intend to actively support and participate in the ongoing efforts to restore Aleutian Canada geese in Russia and Japan.

Executive Order 12866

This rule was not reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

Paperwork Reduction Act

The OMB regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act, require that Federal agencies obtain approval from OMB before collecting information from the public. The OMB regulations at 5 CFR 1320.3(c) define a collection of information as the obtaining of information by or for an agency by means of identical questions posed to, or identical reporting, record keeping, or disclosure requirements imposed on ten or more persons. Furthermore, 5 CFR 1320.3(c)(4) specifies that ''ten or more persons'' refers to the persons to whom a collection of information is addressed by the agency within any 12-month period. For purposes of this definition, employees of the Federal Government are not included.

This rule does not include any collections of information that require approval by OMB under the Paperwork Reduction Act. The information needed to monitor the status of the Aleutian Canada goose following delisting will be collected primarily by our personnel. We do not anticipate a need to request data or other information from ten or more persons during any 12-month period to satisfy monitoring information needs. If it becomes necessary to collect information from 10 or more non-Federal individuals, groups, or organizations per year, we will first obtain information collection approval from OMB.

National Environmental Policy Act

We have determined that we do not need to prepare an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of all references cited herein is available upon request from

the Ecological Services Field Office—Anchorage (see **ADDRESSES** section).

Authors

The primary authors of this rule are Brian Anderson and Anthony DeGange (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulations Promulgation

For the reasons set out in the preamble, we hereby amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

§ 17.11 [Amended]

2. Section 17.11(h) is amended by removing the entry for ''Goose, Aleutian Canada, *Branta canadensis leucopareia*'' under ''BIRDS'' from the List of Endangered and Threatened Wildlife.

Dated: November 28, 2000.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 01–6894 Filed 3–19–01; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013–1013–01; I.D. 011101B]

RIN 0648–A082

Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Groundfish Fisheries Off Alaska; Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska; Correction

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

ACTION: Emergency interim rule; correction.

SUMMARY: This document corrects the emergency interim rule implementing Steller sea lion protection measures and announcing final 2001 harvest specifications and associated management measures for the groundfish fisheries of the Bering Sea and Aleutian Islands (BSAI) management area and the Gulf of Alaska (GOA). The emergency interim rule was published in the **Federal Register** January 22, 2001.

DATES: Effective from January 18, 2001, through July 17, 2001, except for 50 CFR 679.22(a)(11)(v), (a)(12)(v), and (b)(3)(iv), which will be effective from 1200 hours (Noon) A.l.t., June 10, 2001, through July 17, 2001.

FOR FURTHER INFORMATION CONTACT: Melanie Brown, Sustainable Fisheries Division, Alaska Region, 907–586–7459 or email at *melanie.brown@noaa.gov*.

SUPPLEMENTARY INFORMATION: This document corrects text and tables in the preamble and regulatory text to 50 CFR part 679 of the emergency interim rule implementing Steller sea lion protection measures and announcing final 2001 harvest specifications for the groundfish fisheries of the BSAI and GOA that was published in the **Federal Register** on January 22, 2001 (66 FR 7276). Also, in the regulatory text of the emergency interim rule, Table 21 is reprinted in its entirety because it was sent incorrectly for publication.

Corrections

In the emergency interim rule implementing Steller sea lion protection measures and announcing final 2001 harvest specifications for the groundfish fisheries of the BSAI and GOA, published on January 22, 2001 (66 FR 7276), FR Doc. 01–1744, corrections are made as follows:

1. On page 7283, column 1, correct the first complete paragraph to read as follows: ''In the GOA, three of the haulout sites that qualify for closure to 10 nm under criteria in the 1998–1 BiOp, Point Elrington, The Needles, and Glacier Island, lie entirely within Alaska State waters. The State of Alaska has developed temporal and spatial Steller sea lion protection measures for pollock harvests. Because these sites are located in waters under State jurisdiction and the State has implemented Steller sea lion protection measures, these sites are not established as pollock trawl exclusion zones under this emergency rule.''

2. On page 7287, column 1, in the first paragraph after Table 5 to the preamble, line 17, the reference to ''§ 679.22(a)(8)'' is corrected to read ''§ 679.22(a)(12)''.

3. On page 7287, column 2, line 11 of the incomplete paragraph, the reference to ''(§ 679.22(a)(8)(iii)(B))'' is corrected to read ''(§ 679.22(a)(12)(iii)(B))''.

4. On page 7292, Table 11 to the preamble is reprinted to read as follows:

TABLE 11—BERING SEA SUBAREA POLLOCK ALLOCATIONS TO THE COOPERATIVE AND OPEN ACCESS SECTORS OF THE INSHORE POLLOCK FISHERY. AMOUNTS ARE EXPRESSED IN METRIC TONS

	A/B season TAC	A season inside SCA[1]	B season inside SCA	C/D season TAC	C season inside SCA[1]	D season inside SCA
Cooperative sector						
Vessels > 99 ft	n/a	65,036	n/a	n/a	n/a	49,031
Vessels ≤ 99 ft	n/a	16,447	n/a	n/a	n/a	16,447
Total	240,976	81,483	27,161	361,465	39,286	65,478
Open access sector	944	3192	106	1,415	154	[2] 256
Total inshore	241,920	81,802	27,267	362,880	39,440	65,734

[1]Steller sea lion conservation area established at § 679.22(a)(11)(iv).

[2] SCA limitations for vessels less than or equal to 99 ft LOA that are not participating in a cooperative will be established on an inseason basis in accordance with § 679.22(a)(11)(iv)(D)(*2*) which specifies that ''The Regional Administrator will prohibit directed fishing for pollock by vessels greater than 99 ft (30.2 m) LOA, catching pollock for processing by the inshore component before reaching the inshore SCA harvest limit during the A and D seasons to accommodate fishing by vessels less than or equal to 99 ft (30.2 m) inside the SCA for the duration of the inshore seasonal opening.''

5. On page 7300, footnote 2 to Table 19 to the preamble is corrected to read as follows:

''[2]Pollock is apportioned in the Western/Central Regulatory areas to the Shelikof Strait conservation area (defined at § 679.22(b)(3)(iii)(B)) in the A and B seasons only (§ 679.22(b)(3)(iii)(A)) in accordance with § 679.22(b)(3)(iii)(C) and the remainder to the three statistical areas in the combined Western/Central Regulatory Area outside the Shelikof Strait based on the relative distribution of pollock biomass at 56 percent, 4 percent, and 40 percent in Regulatory areas 610, 620, and 630 respectively. During the C and D seasons, pollock is apportioned based on the relative distribution of pollock biomass at 42 percent, 25 percent, and 33 percent in Regulatory Areas 610, 620, and 630 respectively. These seasonal apportionments are shown in Tables 21 and 22. In the West Yakutat and Southeast Outside Districts of the Eastern Regulatory Area, pollock is not divided into seasonal allowances.''

6. On page 7301, in column 1, paragraph 1 after Table 20 to the preamble, line 12, the reference ''§ 679.23(d)(2)'' is corrected to read ''§ 679.23(d)(3)'' and in paragraph 2, line 4, the reference ''§ 679.22(b)(2)(iii)(B)'' is corrected to read ''§ 679.22(b)(3)(iii)(B)''.

7. On page 7301, in column 2, in the last line of the incomplete paragraph after Table 20 to the preamble, the reference ''(§ 679.22(b)(2)(iii)(C))'' is corrected to read ''(§ 679.22(b)(3)(iii)(C))''.

8. On page 7302, in footnote 1 to Table 22 to the preamble, the expiration date for pollock is corrected from ''June 10, 2001'' to read ''July 17, 2001 ''.

9. On page 7303, in Table 23 to the preamble, under the TAC column for Central B Season (40%), correct ''12,250 '' to read ''12,100 '';

§ 679.22 [Corrected]

9a. On page 7316, column 3, amendatory instruction 8 is corrected to read as follows:

''8. In § 679.22, paragraphs (a)(7), (a)(8), and (b)(2) are suspended until July 17, 2001, and paragraphs (a)(11), (a)(12), (a)(13), (b)(3), and (b)(6) are added to read as follows:''

10. Under § 679.22:

a. On page 7317, columns 1–3, the table under paragraph (a)(11)(iv)(D)(*1*) is correctly revised to read as follows:

(a) * * *

(11) * * *

(iv) * * *

(D) * * *

(*1*) * * *

SEASONAL DFA APPORTIONMENT AND HARVEST LIMITS WITHIN THE SCA

(in metric tons)

	A/B (40% of annual DFA)		C/D (60% of annual DFA)	
Industry Sector	A–SCA limit	B–SCA limit	C–SCA limit	D–SCA limit
Inshore	81,802	27,267	39,440	65,734
Inshore Open Access	319	106	154	256
C/P	38,564	12,854	0	0
Mothership	14,607	4,869	0	0
CDQ	28,247	9,339	9,567	15,718

b. On page 7317, column 1, paragraph (a)(11)(iv)(D)(*2*) is corrected to read as follows:

(a) * * *

(11) * * *

(iv) * * *

(D) * * *

(*2*) *Inshore catcher vessels greater than 99 ft (30.2 m) LOA*. The Regional Administrator will prohibit directed fishing for pollock by vessels greater than 99 ft (30.2 m) LOA, catching pollock for processing by the inshore component before reaching the inshore SCA harvest limit during the A and D seasons to accommodate fishing by vessels less than or equal to 99 ft (30.2 m) inside the SCA for the duration of the inshore seasonal opening. The Regional Administrator will estimate how much of the inshore seasonal allowance is likely to be harvested by catcher vessels less than or equal to 99 ft (30.2 m) LOA and reserve a sufficient amount of the inshore SCA allowance to accommodate fishing by such vessels after the closure of the SCA to inshore vessels greater than 99 ft (30.2 m) LOA. The Regional Administrator will prohibit directed fishing for all inshore catcher vessels within the SCA when the inshore limit specified in paragraph (a)(11)(iv)(D)(*1*) of this section has been met.

c. On page 7317, column 2, paragraphs (a)(11)(v)(A)(*2*), (a)(11)(v)(A)(*3*) and (a)(11)(v)(C) are corrected to read as follows:

(a) * * *

(11) * * *

(v) * * *

(A) * * *

(*2*) *Area 8*. All waters within the SCA, as defined in 50 CFR 679.22(a)(11)(iv)(B), east to a line connecting the point 55° 30′ N lat./166° W long. with the point 54° 51′ N lat./164° 33′ 33″ W long., and west to the eastern boundary of area 518, as described in figure 1 of this part, and including 20 nm seaward of selected sites. These sites are listed in Table 21 to this part and are identifiable by ''Bering Sea'' in column 2 and ''8 '' in column 16.

(*3*) *Area 9*. All waters within the SCA, as defined in 50 CFR 679.22(a)(11)(iv)(B), east to the eastern boundary of area 518, as described in figure 1 of this part, west to the western boundary of area 518, as described in figure 1 of this part, and north to 55° N lat., and including 20 nm seaward of selected sites. These sites are listed in Table 21 to this part and are identifiable by ''Bering Sea'' in column 2 and ''9'' in column 16.

* * * * *

(C) Directed fishing for groundfish by all federally permitted vessels is prohibited within 3 nm of selected sites in Steller sea lion management areas 7, 8, and 9. These sites are listed in Table 21 to this part and are identifiable by a

''Y'' in column 14 and ''7'', ''8'', or ''9'' in column 16.

d. On page 7317, column 3, paragraph (a)(12)(iii)(A) is corrected to read as follows:

(a) * * *

(12) * * *

(iii) *Western and Central Aleutian Islands closures*—(A) *General.* Trawling is prohibited within 20 nm of selected rookery and haulout sites in the Aleutian islands subarea when the Regional Administrator announces by notification in the **Federal Register** that the criteria for a trawl closure in a district set out in paragraph (a)(12)(iii)(B) of this section have been met. These sites are listed in Table 21 to this part and are identifiable by a designation of ''Aleutian Islands'' in column 2, ''R'' or ''H'' in column 7, ''Y'' or ''N'' in column 14, and ''C'' in column 15.

* * * * *

e. On page 7318, column 1, paragraph (a)(12)(iv) is corrected to read as follows:

(a) * * *

(12) * * *

(iv) *Pollock closure.* Until 1200 hours, A.l.t., June 10, 2001, directed fishing for pollock is prohibited at all times within the Aleutian Islands subarea. After 1200 hours, A.l.t., June 10, 2001, refer to paragraph (a)(12)(v) of this section for fishing prohibitions.

f. On page 7318, column 1, paragraph (a)(12)(v)(C) is corrected to read as follows:

(a) * * *

(12) * * *

(v) * * *

(C) Directed fishing for groundfish by all federally permitted vessels is prohibited within 3 nm of selected sites in Steller sea lion management areas 12 and 13. These sites are listed in Table 21 to this part and are identifiable by a ''Y'' in column 14 and ''12'' or ''13'' in column 16.

g. On page 7319, column 1, paragraph (b)(3)(iv)(C) is corrected to read as follows:

(b) * * *

(3) * * *

(iv) * * *

(C) Directed fishing for groundfish by all federally permitted vessels is prohibited within 3 nm of selected sites in Steller sea lion management areas 1, 2, 3, 4, 5, 6, 10, and 11. These sites are listed in Table 21 to this part and are identifiable by an ''Y'' in column 14 and ''1'', ''2'', ''3'', ''4'', ''5'', ''6'', ''10'' or ''11'' in column 16.

h. On page 7319, column 1, paragraph (b)(5) is corrected by redesignating it as paragraph (b)(6).

§ 679.60 [Corrected]

11. On page 7321, column 1, after § 679.60(d)(1)(iv), add paragraph ''(2) [Reserved]''.

12. On page 7323, column 3, instruction 12 is corrected to read ''In 50 CFR part 679, Tables 4, 5, and 6 to part 679 are suspended, and Table 21 to part 679 is added to read as follows:''

Table 21 to Part 679 [Corrected]

13. On page 7324, Table 21 to part 679 is reprinted to read as follows:

BILLING CODE 3510–22–S

Table 21 to 50 CFR Part 679 Steller Sea Lion Protection Areas in the Bering Sea, Aleutian Islands and Gulf of Alaska

Column Number 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Site name	Management Region	Boundaries from Latitude (N)	Boundaries from Longitude (W)	Boundaries to [2] Latitude (N)	Boundaries to [2] Longitude (W)	ESA listed o RPA*	No transi zone 3 nm	Critical habitat nm	Directed fishing for pollock prohibited within. . . (nm) Jan. 20 - Jun. 1	Directed fishing for pollock prohibited within. . . (nm) Jun. 10 - Nov. 1	Trawling prohibited within . . . (nm) Jan. 1 - Jun. 10	Trawling prohibited within . . . (nm) Year-round	3 nm closur Y or N	Closure areas under 11/30/00 RPA Open Closed	Closure areas under 11/30/00 RPA Area Number
St. Lawrence I./S Punuk I.	Bering Sea	63 04.00 N	168 51.00 W			H		20					N	C	8
St. Lawrence I./SW Cape	Bering Sea	63 18.00 N	171 26.00 W			H		20					N	C	8
Hall I.	Bering Sea	60 37.00 N	173 00.00 W			H		20					N	C	8
St Paul I./Sea Lion Rock	Bering Sea	57 06.00 N	170 17.50 W			H		20					N	C	8
St Paul I./NE Pt.	Bering Sea	57 15.00 N	170 06.50 W			H		20					N	C	8
Walrus I. (Pribilofs)	Bering Sea	57 11.00 N	169 56.00 W			R	3	20	20	20		10	Y	C	8
St. George I./Dalnoi Pt.	Bering Sea	56 36.00 N	169 46.00 W			H		20					N	C	8
St. George I./S Rookery	Bering Sea	56 33.50 N	169 40.00 W			H		20					N	C	8
Cape Newenham	Bering Sea	58 39.00 N	162 10.50 W			H		20					N	C	8
Round (Walrus Islands)	Bering Sea	58 36.00 N	159 58.00 W			H		20					N	C	8
Attu I./Cape Wrangell	Aleutian Island	52 54.60 N	172 27.90 E	52 55.40 N	172 27.20 E	R	3	20				10	Y	C	13
Agattu I./Gillon Pt	Aleutian Island	52 24.13 N	173 21.31 E			R	3	20				10	Y	C	13
Attu I./Chirikof Pt.	Aleutian Island	52 49.75 N	173 26.00 E			H		20					Y	C	13
Agattu I./Cape Sabak	Aleutian Island	52 22.50 N	173 43.30 E	52 21.80 N	173 41.40 E	R	3	20				10	Y	C	13
Alaid I.	Aleutian Island	52 46.50 N	173 51.50 E	52 45.00 N	173 56.50 E	H		20					Y	C	13
Shemya I.	Aleutian Island	52 44.00 N	174 08.70 E			H		20					Y	C	13
Buldir I.	Aleutian Island	52 20.25 N	175 54.03 E	52 20.38 N	175 53.85 E	R	3	20				10	Y	C	13
Kiska I./Cape St. Stephen	Aleutian Island	51 52.50 N	177 12.70 E	51 53.50 N	177 12.00 E	R	3	20				10	Y	C	13
Kiska I./Sobaka & Vega	Aleutian Island	51 49.50 N	177 19.00 E	51 48.50 N	177 20.50 E	H		20					Y	C	13
Kiska I./Lief Cove	Aleutian Island	51 57.16 N	177 20.41 E	51 57.24 N	177 20.53 E	R	3	20				10	Y	C	13
Kiska I./Sirius Pt.	Aleutian Island	52 08.50 N	177 36.50 E			H		20					Y	C	13
Tanadak I. (Kiska)	Aleutian Island	51 56.80 N	177 46.80 E			H		20					Y	C	13
Segula I.	Aleutian Island	51 59.90 N	178 05.80 E	52 03.06 N	178 08.80 E	H		20					Y	C	13
Ayugadak Point	Aleutian Island	51 45.36 N	178 24.30 E			R	3	20				10	Y	C	13
Rat I./Krysi Pt.	Aleutian Island	51 49.98 N	178 12.35 E			RPA							Y	C	13
Little Sitkin I.	Aleutian Island	51 59.30 N	178 29.80 E			H		20					Y	C	13
Amchitka I./Column Rocks	Aleutian Island	51 32.32 N	178 49.28 E			R	3	20				10	Y	C	13
Amchitka I./East Cape	Aleutian Island	51 22.26 N	179 27.93 E	51 22.00 N	179 27.00 E	R	3	20				10	Y	C	13
Amchitka I./Cape Ivakin	Aleutian Island	51 24.46 N	179 24.21 E			RPA							Y	C	13
Semisopochnoi/Petrel Pt.	Aleutian Island	52 01.40 N	179 36.90 E	52 01.50 N	179 39.00 E	R	3	20				10	N	C	13
Semisopochnoi I./Pochnoi Pt.	Aleutian Island	51 57.30 N	179 46.00 E			R	3	20				10	Y	C	13
Amatignak I./Nitrof Pt.	Aleutian Island	51 13.00 N	179 07.80 W			H		20					Y	C	13
Unalga & Dinkum Rocks	Aleutian Island	51 33.67 N	179 04.25 W	51 35.09 N	179 03.66 W	H		20					Y	C	13
Ulak I./Hasgox Pt.	Aleutian Island	51 18.90 N	178 58.90 W	51 18.70 N	178 59.60 W	R	3	20				10	Y	C	13
Kavalga I.	Aleutian Island	51 34.50 N	178 51.73 W	51 34.50 N	178 49.50 W	H		20					N	C	13
Tag I.	Aleutian Island	51 33.50 N	178 34.50 W			R	3	20				10	Y	C	13
Ugidak I.	Aleutian Island	51 34.95 N	178 30.45 W			H		20					Y	C	13
Gramp Rock	Aleutian Island	51 28.87 N	178 20.58 W			R	3	20				10	Y	C	13
Tanaga I./Bumpy Pt.	Aleutian Island	51 55.00 N	177 58.50 W	51 55.00 N	177 57.10 W	H		20					Y	C	13
Bobrof I.	Aleutian Island	51 54.00 N	177 27.00 W			H		20					Y	C	13
Kanaga I./Ship Rock	Aleutian Island	51 46.70 N	177 20.72 W			H		20					Y	C	13
Kanaga I./North Cape	Aleutian Island	51 56.50 N	177 09.00 W			H		20					Y	C	13
Adak I.	Aleutian Island	51 35.50 N	176 57.10 W	51 37.40 N	176 59.60 W	R	3	20				10	Y	O	12
Little Tanaga Strait	Aleutian Island	51 49.09 N	176 13.90 W			H		20					Y	O	12
Great Sitkin I.	Aleutian Island	52 06.00 N	176 10.50 W	52 06.60 N	176 07.00 W	H		20					N	O	12
Anagaksik I.	Aleutian Island	51 50.86 N	175 53.00 W			H		20					Y	O	12
Kasatochi I.	Aleutian Island	52 11.11 N	175 31.00 W			R	3	20				10	Y	O	12
Atka I./N. Cape	Aleutian Island	52 24.20 N	174 17.80 W			H		20					Y	O	12
Amlia I./Sviech. Harbor	Aleutian Island	52 01.80 N	173 23.90 W			H		20					Y	O	12
Sagigik I.	Aleutian Island	52 00.50 N	173 09.30 W			H		20					Y	O	12
Amlia I./East	Aleutian Island	52 05.70 N	172 59.00 W	52 05.75 N	172 57.50 W	H		20					Y	O	12
Tanadak I. (Amlia)	Aleutian Island	52 04.20 N	172 57.60 W			H		20					Y	O	12
Agligadak I.	Aleutian Island	52 06.09 N	172 54.23 W			R	3	20				20	Y	O	12

Column Number 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Site name	Management Region	Boundaries from		Boundaries to [2]		ESA listed o RPA*	No transi zone 3 nm	Critical habitat nm	Directed fishing for pollock prohibited within. . . (nm)		Trawling prohibited within . . . (nm)		3 nm closur Y or N	Closure areas under 11/30/00 RPA	
		Latitude (N)	Longitude (W)	Latitude (N)	Longitude (W)				Jan. 20 - Jun. 1	Jun. 10 - Nov. 1	Jan. 1 - Jun. 10	Year-round		Open Closed	Area Number
Seguam I./Saddleridge Pt.	Aleutian Island	52 21.05 N	172 34.40 W	52 21.02 N	172 33.60 W	R	3	20				20	Y	O	12
Seguam I./Finch Pt.	Aleutian Island	52 23.40 N	172 27.70 W	52 23.25 N	172 24.30 W	H		20					N	O	12
Seguam I./South Side	Aleutian Island	52 21.60 N	172 19.30 W	52 15.55 N	172 31.22 W	H		20					Y	O	12
Amukta I. & Rocks	Aleutian Island	52 27.25 N	171 17.90 W			H		20					Y	O	12
Chagulak I.	Aleutian Island	52 34.00 N	171 10.50 W			H		20					Y	O	12
Yunaska I.	Aleutian Island	52 41.40 N	170 36.35 W			R	3	20				10	Y	O	12
Uliaga	Bering Sea	53 04.00 N	169 47.00 W	53 05.00 N	169 46.00 W	H		20		20			Y	C	9
Chuginadak	Gulf of Alaska	52 46.70 N	169 41.90 W			H		20		20			Y	C	11
Kagamil	Bering Sea	53 02.10 N	169 41.00 W			H		20		20			Y	C	9
Samalga	Gulf of Alaska	52 46.00 N	169 15.00 W			RPA				20			Y	C	11
Adugak I.	Bering Sea	52 54.70 N	169 10.50 W			R	3	20	20	20		10	Y	C	9
Umnak I./Cape Aslik	Bering Sea	53 25.00 N	168 24.50 W			H		20	20	20			Y	C	9
Ogchul I.	Gulf of Alaska	52 59.71 N	168 24.24 W			R	3	20	20	20		10	Y	C	11
Bogoslof I./Fire Island	Bering Sea	53 55.69 N	168 02.05 W			R	3	20	20	20		10	Y	C	9
Polivnoi Rock	Gulf of Alaska	53 15.96 N	167 57.99 W			H		20					N	C	11
Emerald I.	Gulf of Alaska	53 17.50 N	167 51.50 W			H		20		20			Y	C	11
Unalaska/Cape Izigan	Gulf of Alaska	53 13.64 N	167 39.37 W			RPA			20	20			Y	C	11
Unalaska/Bishop Pt	Bering Sea	53 58.40 N	166 57.50 W			RPA			20	20			Y	C	8
Akutan I./Reef-lava	Bering Sea	54 08.10 N	166 06.19 W	54 09.10 N	166 05.50 W	H		20	20	20			Y	C	8
Unalaska I./Cape Sedanka	Gulf of Alaska	53 50.50 N	166 05.00 W			H		20					N	C	10
Old Man Rocks	Gulf of Alaska	53 52.20 N	166 04.90 W			H		20	20	20			Y	C	10
Akutan I./Cape Morgan	Gulf of Alaska	54 03.39 N	165 59.65 W	54 03.70 N	166 03.68 W	R	3	20	20	20	20	10	Y	C	10
Akun I./Billings Head	Bering Sea	54 17.62 N	165 32.06 W	54 17.57 N	165 31.71 W	R	3	20	20	20	20	10	Y	C	8
Rootok	Gulf of Alaska	54 03.90 N	165 31.90 W	54 02.90 N	165 29.50 W	RPA				20			Y	C	10
Tanginak I.	Gulf of Alaska	54 12.00 N	165 19.40 W			H		20	20				Y	C	10
Tigalda/Rocks NE	Gulf of Alaska	54 09.60 N	164 59.00 W	54 09.12 N	164 57.18 W	H		20	20	20			Y	C	10
Unimak/Cape Sarichef	Bering Sea	54 34.30 N	164 56.80 W			RPA			20	20			Y	C	8
Aiktak	Gulf of Alaska	54 10.99 N	164 51.15 W			RPA			20				Y	C	10
Ugamak I.	Gulf of Alaska	54 13.50 N	164 47.50 W	54 12.80 N	164 47.50 W	R	3	20	20	20	20	10	Y	C	10
Round (GOA)	Gulf of Alaska	54 12.05 N	164 46.60 W			RPA				20			Y	C	10
Sea Lion Rock (Amak)	Bering Sea	55 27.82 N	163 12.10 W			R	3	20	20	20	20	10	Y	O	7
Amak I. and rocks	Bering Sea	55 24.20 N	163 09.60 W	55 26.15 N	163 08.50 W	H		20	20	20			Y	O	7
Bird I.	Gulf of Alaska	54 40.00 N	163 17.2 W			H		20	10	10			Y	C	6
Caton I.	Gulf of Alaska	54 22.70 N	162 21.30 W			H		20					N	C	6
South Rocks	Gulf of Alaska	54 18.14 N	162 41.3 W			H		20	10	10			Y	C	6
Clubbing Rocks (S)	Gulf of Alaska	54 41.98 N	162 26.7 W			R	3	20	10	10		10	Y	C	6
Clubbing Rocks (N)	Gulf of Alaska	54 42.75 N	162 26.7 W			R	3	20	10	10		10	Y	C	6
Pinnacle Rock	Gulf of Alaska	54 46.06 N	161 45.85 W			R	3	20	10	10		10	Y	C	6
Sushilnoi Rocks	Gulf of Alaska	54 49.30 N	161 42.73 W			RPA				10			Y	C	6
Olga Rocks	Gulf of Alaska	55 00.45 N	161 29.81 W	54 59.09 N	161 30.89 W	RPA			10	10			Y	C	6
Jude I.	Gulf of Alaska	55 15.75 N	161 06.27 W			H		20	10	10			Y	O	5
Sea Lion Rocks (Shumagins)	Gulf of Alaska	55 04.70 N	160 31.04 W			H		20	10	10			Y	O	5
Nagai I./Mountain Pt.	Gulf of Alaska	54 54.20 N	160 15.40 W	54 56.00 N	160 15.00 W	H		20					N	O	5
The Whaleback	Gulf of Alaska	55 16.82 N	160 05.04 W			H		20	10	10			Y	O	5
Chernabura I.	Gulf of Alaska	54 45.18 N	159 32.99 W	54 45.87 N	159 35.74 W	R	3	20	10	10		10	Y	O	5
Castle Rock	Gulf of Alaska	55 16.47 N	159 29.77 W			H		20		10			Y	O	5
Atkins I.	Gulf of Alaska	55 03.20 N	159 17.40 W			R	3	20	10	10		10	Y	O	5
Spitz I.	Gulf of Alaska	55 46.60 N	158 53.90 W			H		20		10			Y	O	5
Mitrofania	Gulf of Alaska	55 50.20 N	158 41.90 W			RPA			10	10			Y	O	5
Kak	Gulf of Alaska	56 17.30 N	157 50.10 W			RPA				10			Y	C	4
Lighthouse Rocks	Gulf of Alaska	55 46.79 N	157 24.89 W			H		20	10	10			Y	C	4
Sutwik I.	Gulf of Alaska	56 31.05 N	157 20.47 W	56 32.00 N	157 21.00 W	H		20		10			Y	C	4
Chowiet I.	Gulf of Alaska	56 00.54 N	156 41.42 W	56 00.30 N	156 41.60 W	R	3	20	10	10		10	Y	C	4
Nagai Rocks	Gulf of Alaska	55 49.80 N	155 47.50 W			H		20	10	10			Y	C	4
Chirikof I.	Gulf of Alaska	55 46.50 N	155 39.50 W	55 46.44 N	155 43.46 W	R	3	20	10	10		10	Y	C	4

Column Number 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Site name	Management Region	Boundaries from		Boundaries to [2]		ESA listed o RPA*	No transi zone 3 nm	Critical habitat nm	Directed fishing for pollock prohibited within. . . (nm)		Trawling prohibited within . . . (nm)		3 nm closur Y or N	Closure areas under 11/30/00 RPA	
		Latitude (N)	Longitude (W)	Latitude (N)	Longitude (W)				Jan. 20 - Jun. 1	Jun. 10 - Nov. 1	Jan. 1 - Jun. 10	Year-round		Open Closed	Area Number
Puale Bay	Gulf of Alaska	57 40.60 N	155 23.10 W			H		20	10	10			Y	O	3
Kodiak/Cape Ikolik	Gulf of Alaska	57 17.20 N	154 47.50 W			H		20	10				Y	O	3
Takli I.	Gulf of Alaska	58 01.75 N	154 31.25 W			H		20		10			Y	O	3
Cape Kuliak	Gulf of Alaska	58 08.00 N	154 12.50 W			H		20					N	O	3
Cape Gull	Gulf of Alaska	58 11.50 N	154 09.60 W	58 12.50 N	154 10.50 W	H		20		10			Y	O	3
Kodiak/Cape Ugat	Gulf of Alaska	57 52.41 N	153 50.97 W			H		20	10	10			Y	C	2
Sitkinak/Cape Sitkinak	Gulf of Alaska	56 34.30 N	153 50.96 W			H		20	10	10			Y	O	3
Shakun Rock	Gulf of Alaska	58 32.80 N	153 41.50 W			H		20	10	10			Y	C	2
Twoheaded I.	Gulf of Alaska	56 54.50 N	153 32.75 W	56 53.90 N	153 33.74 W	H		20	10	10			Y	O	3
Cape Douglas (Shaw I.)	Gulf of Alaska	59 00.00 N	153 22.50 W			RPA				10			Y	C	2
Kodiak/Cape Barnabas	Gulf of Alaska	57 10.20 N	152 53.05 W			H		20	10	10			Y	O	3
Kodiak/Gull Point	Gulf of Alaska	57 21.45 N	152 36.30 W			H		20	10	10			Y	O	3
Latax Rocks	Gulf of Alaska	58 40.10 N	152 31.30 W			H		20	10	10			Y	C	2
Ushagat I./SW	Gulf of Alaska	58 54.75 N	152 22.20 W			H		20		10			Y	C	2
Ugak I.	Gulf of Alaska	57 23.60 N	152 17.50 W	57 21.90 N	152 17.40 W	H		20		10			Y	O	3
Sea Otter I.	Gulf of Alaska	58 31.15 N	152 13.30 W			H		20	10	10			Y	C	2
Long I.	Gulf of Alaska	57 46.82 N	152 12.90 W			H		20	10				Y	C	2
Sud I.	Gulf of Alaska	58 54.00 N	152 12.50 W			H		20					N	C	2
Kodiak/Cape Chiniak	Gulf of Alaska	57 37.90 N	152 08.25 W			H		20	10	10			Y	C	2
Sugarloaf I.	Gulf of Alaska	58 53.25 N	152 02.40 W			R	3	20	10	10		10	Y	C	2
Sea Lion Rocks (Marmot)	Gulf of Alaska	58 20.53 N	151 48.83 W			H		20	10	10			Y	C	2
Marmot I.	Gulf of Alaska	58 13.65 N	151 47.75 W	58 09.90 N	151 52.06 W	R	3	20	10	10		10	Y	C	2
Nagahut Rocks	Gulf of Alaska	59 06.00 N	151 46.30 W			H		20					N	C	2
Perl	Gulf of Alaska	59 05.75 N	151 39.75 W			RPA			10	10			Y	C	2
Gore Point	Gulf of Alaska	59 12.00 N	150 58.00 W			H		20					N	C	2
Outer (Pye) I.	Gulf of Alaska	59 20.50 N	150 23.00 W	59 21.00 N	150 24.50 W	R	3	20	10	10		10	Y	C	2
Steep Point	Gulf of Alaska	59 29.05 N	150 15.40 W			RPA				10			Y	C	2
Seal Rocks (Kenai)	Gulf of Alaska	59 31.20 N	149 37.50 W			H		20					N	C	2
Chiswell Islands	Gulf of Alaska	59 36.00 N	149 34.00 W			H		20	10	10			Y	C	2
Rugged Island	Gulf of Alaska	59 50.00 N	149 23.10 W	59 51.00 N	149 24.70 W	RPA			10				Y	C	2
Point Elrington	Gulf of Alaska	59 56.00 N	148 15.20 W			H		20					Y	O	1
Perry I.	Gulf of Alaska	60 44.00 N	147 54.60 W			H		20					N	O	1
The Needle	Gulf of Alaska	60 06.64 N	147 36.17 W			H		20					Y	O	1
Point Eleanor	Gulf of Alaska	60 35.00 N	147 34.00 W			H		20					N	O	1
Wooded I. (Fish I.)	Gulf of Alaska	59 52.90 N	147 20.65 W			R		20	10	10			Y	O	1
Glacier Island	Gulf of Alaska	60 51.30 N	147 14.50 W			RPA							Y	O	1
Seal Rocks (Cordova)	Gulf of Alaska	60 09.78 N	146 50.30 W			R		20	10	10			Y	O	1
Cape Hinchinbrook	Gulf of Alaska	60 14.00 N	146 38.50 W			RPA				10			Y	O	1
Middleton I.	Gulf of Alaska	59 28.30 N	146 18.80 W			H		20					N	O	1
Hook Point	Gulf of Alaska	60 20.00 N	146 15.60 W			H		20		10			Y	O	1
Cape St. Elias	Gulf of Alaska	59 47.50 N	144 36.20 W			H		20	10	10			Y	O	1
Cape Fairweather	Gulf of Alaska	58 47.50 N	137 56.30 W			H							N	NA	NA
Graves Rock	Gulf of Alaska	58 14.30 N	136 45.40 W			H							N	NA	NA

* RPA sites meet the criteria in the 1998 Biological Opinion for the protection of Steller sea lions but are not listed in 50 CFR part 226.

These sites are not included in closures of CH in the Aleutian Islands subarea upon attainment of CH limits specified for the Aleutian Islands Atka mackerel fishery.

[1]Vessels less than or equal to 60 ft. LOA are exempted from the 10 nm closure at Sea Lion Rocks (Shumigan). 3nm mile fishing closure still applies to vessel less than or equal to 60 ft. LOA at this location.

[2]Where two sets of coordinates are given, the baseline extends in a clock-wise direction from the first set of geographic coordinates along the shoreline at mean lower-low water to the second set of coordinates. Where only one set of coordinates is listed, that location is the base point.

Dated: March 12, 2001.

Rolland A. Schmitten,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–6748 Filed 3–20–01; 8:45 am]

BILLING CODE 3510–22–C

Proposed Rules

Federal Register
Vol. 66, No. 54
Tuesday, March 20, 2001

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–314–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, –200B, –200F, –200C, –100B, –300, –100B SUD, –400, –400D, –400F, and 747 SR Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes. This proposal would require repetitive inspections to find cracking of the frame web, strap, inner chords, and inner chord angle of the forward edge frame of the number 5 main entry door cutout, and repair, if necessary. This action is necessary to find and fix such cracking, which could result in severing of the frame, inability of the edge frame to react door stop loads, and consequent rapid depressurization of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by May 4, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–314–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–314–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Rick Kawaguchi, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1153; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–314–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–314–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports indicating that cracking has been found in the frame strap and inner chord angle of the forward edge frame of the number 5 main entry door cutout at body station 2231 on several Boeing Model 747 series airplanes. The cracking originated at the fastener hole locations because of fatigue. Fatigue cracks in the frame web, strap, inner chords, and inner chord angle of the forward edge frame of the number 5 main entry door cutout, if not found, could extend to the inner chord of the frame and cause the inner chord to break, leading to failure of the outer chord and adjacent fuselage skin. This condition, if not corrected, could result in inability of the edge frame to react door stop loads, and consequent rapid depressurization of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–53A2450, Revision 2, including Appendix A, dated January 4, 2001, which describes procedures for repetitive detailed visual, high frequency eddy current (HFEC), open hole HFEC, and low frequency eddy current inspections to find cracking of the frame web, strap, inner chords, and inner chord angle of the forward edge frame of the number 5 main entry door cutout. If cracking is found, the service bulletin specifies to contact Boeing for repair instructions.

Explanation of Requirements of Proposed Rule

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

specified in the service bulletin described previously, except as discussed below.

Difference Between Service Bulletin and This Proposed AD

The service bulletin specifies that the manufacturer must be contacted for repair of certain conditions, but this proposal would require the repair of those conditions to be accomplished per a method approved by the FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings. For a method to be approved, the approval letter must specifically reference this AD.

Interim Action

This is considered to be interim action. The manufacturer has advised that it currently is developing a modification that will positively address the unsafe condition addressed by this AD. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking.

Cost Impact

There are approximately 1,314 airplanes of the affected design in the worldwide fleet. The FAA estimates that 258 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 16 work hours per airplane to accomplish the proposed inspections, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $247,680 or $960 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 2000–NM–314–AD.

Applicability: Model 747 series airplanes, as listed in Boeing Alert Service Bulletin 747–53A2450, Revision 2, dated January 4, 2001, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To find and fix cracking of the frame web, strap, inner chords, and inner chord angle of the forward edge frame of the number 5 main entry door cutout, which could result in severing of the frame, inability of the edge frame to react door stop loads, and consequent rapid depressurization of the airplane, accomplish the following:

Repetitive Inspections (No Terminating Action)

(a) Inspect the airplane for cracks per Boeing Alert Service Bulletin 747–53A2450, Revision 2, including Appendix A, dated January 4, 2001; at the later of the times specified in either paragraph (a)(1) or (a)(2) of this AD, per Table 1 of this AD, as follows:

TABLE 1.—INSPECTION REQUIREMENTS

Type of Inspection	Area to inspect
(1) Detailed Visual	Strap inner chords forward and aft of the web, and exposed web adjacent to the inner chords on station 2231 frame from stringer 23 through 31 per Figure 5 or Figure 6 of the service bulletin, as applicable.
(2) Surface High Frequency Eddy Current (HFEC).	Station 2231 inner chord angles at lower main sill interface per Figure 5 or Figure 6 of the service bulletin, as applicable.
(3) Open Hole HFEC	Station 2231 frame fastener locations per Figures 4 and 7, and either Figure 5 or 6 of the service bulletin, as applicable.
(4) Surface HFEC	Around fastener locations on station 2231 inner chords from stringer 23 through 31 per Figure 5 or Figure 6 of the service bulletin, as applicable.
(5) Low Frequency Eddy Current	Station 2231 frame strap in areas covered by the reveal per Figure 5 or Figure 6 of the service bulletin, as applicable.

(1) Where the compliance time in the logic diagram in Figure 1 of Boeing Alert Service Bulletin 747–53A2450, Revision 2, dated January 4, 2001, specifies a compliance time beginning, ''from receipt of this service bulletin,'' this AD requires the compliance time begin ''after the effective date of this AD.'' Repeat the inspections after that at intervals not to exceed 3,000 flight cycles.

(2) Within 3,000 flight cycles after accomplishment of the inspections specified in Figure 1 of Boeing Alert Service Bulletin 747–53A2450, dated May 4, 2000, or Revision 1, dated July 6, 2000. Repeat the inspections after that at intervals not to exceed 3,000 flight cycles.

Note 2: There is no terminating action currently available for the inspections required by paragraph (a) of this AD.

Note 3: Where there are differences between the AD and the alert service bulletin, the AD prevails.

Repair

(b) If any cracking is found during any inspection required by paragraph (a) of this AD, before further flight, repair per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

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, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

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

Special Flight Permit

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

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

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–6792 Filed 3–19–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–323–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–90–30 Series Airplanes. This proposal would require revising the wiring of the selective calling (SELCAL) system. This action is necessary to prevent inadvertent very high frequency transmissions and subsequent loss of radio communications for airplane and/or airport operations; and to prevent inadvertent high frequency transmissions and subsequent electrical shock to ground service personnel and/or damage to the airplane during fueling operations or fuel tank maintenance. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by May 4, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–323–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–323–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712.

FOR FURTHER INFORMATION CONTACT: George Mabuni, Aerospace Engineer, Systems and Equipment Branch, ANM–130L; FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5341; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–323–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the

FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–323–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that, whenever any reset buttons of the Gables five channel selective calling (SELCAL) control panel are pressed, inadvertent high frequency (HF) and very high frequency (VHF) radio transmissions occur on the SELCAL control panel of McDonnell Douglas Model MD–90–30 series airplanes. The inadvertent HF or VHF transmissions are identified as an ''OPEN MIC'' signal, which results in blocking the selected radio frequency while the reset button is pressed. During inadvertent VHF transmissions, this blocking could cause the loss of radio communications for airplane and/or airport operations. Additionally, during inadvertent HF transmissions, there exists a potential radio frequency power hazard from the HF antenna, which could result in electrical shock to ground service personnel and/or damage to the airplane during fueling operations or fuel tank maintenance.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin MD90–23A018, Revision 01, dated August 10, 2000, which describes procedures for revising the wiring of the SELCAL system (including installing up to five diodes and reidentifying existing wires with sleeving). Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

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

Cost Impact

There are approximately 36 Model MD–90–30 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 21 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $22 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $2,982, or $142 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 2000–NM–323–AD.

Applicability: Model MD–90–30 series airplanes, as listed in Boeing Alert Service Bulletin MD90–23A018, Revision 01, dated August 10, 2000; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent inadvertent very high frequency transmissions and subsequent loss of radio communications for airplane and/or airport operations; and to prevent inadvertent high frequency transmissions and subsequent electrical shock to ground service personnel and/or damage to the airplane during fueling operations or fuel tank maintenance, accomplish the following:

Revise Wiring

(a) Within 6 months after the effective date of this AD, revise the wiring of the selective calling (SELCAL) system (including installing up to five diodes and reidentifying existing wires with sleeving), per Boeing Alert Service Bulletin MD90–23A018, Revision 01, dated August 10, 2000.

Alternative Methods of Compliance

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

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

Special Flight Permit

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

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–6790 Filed 3–19–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–322–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–81, –82, –83, and –87 Series Airplanes, and MD–88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–9–81, –82, –83, and –87 Series Airplanes, and MD–88 airplanes. This proposal would require revising the wiring of the selective calling (SELCAL) system. This action is necessary to prevent inadvertent very high frequency transmissions and subsequent loss of radio communications for airplane and/or airport operations; and to prevent inadvertent high frequency transmissions and subsequent electrical shock to ground service personnel and/or damage to the airplane during fueling operations or fuel tank maintenance. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by May 4, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–322–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9–anm–nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–322–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

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

FOR FURTHER INFORMATION CONTACT: George Mabuni, Aerospace Engineer, Systems and Equipment Branch, ANM–130L; FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5341; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–322–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–322–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that, whenever any reset buttons of the Gables five channel selective calling (SELCAL) control panel are pressed, inadvertent high frequency (HF) and very high frequency (VHF) radio transmissions occur on the SELCAL control panel of McDonnell Douglas Model DC–9–81, –82, –83, and –87 series airplanes, and MD–88 airplanes. The inadvertent HF or VHF transmissions are identified as an ''OPEN MIC'' signal, which results in blocking the selected radio frequency while the reset button is pressed. During inadvertent VHF transmissions, this blocking could cause the loss of radio communications for airplane and/or airport operations. Additionally, during inadvertent HF transmissions, there exists a potential radio frequency power hazard from the HF antenna, which could result in electrical shock to ground service personnel and/or damage to the airplane during fueling operations or fuel tank maintenance.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin MD80–23A100, Revision 02, dated February 8, 2001, which describes procedures for revising the wiring of the SELCAL system (including installing up to five diodes and reidentifying existing wires with sleeving). Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

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

Cost Impact

There are approximately 208 Model DC–9–81, –82, –83, and –87 series airplanes, and MD–88 airplanes of the affected design in the worldwide fleet. The FAA estimates that 157 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $22 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $22,294, or $142 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 2000–NM–322–AD.

Applicability: Model DC–9–81, –82, –83, and –87 series airplanes, and MD–88 airplanes, as listed in Boeing Alert Service Bulletin MD80–23A100, Revision 02, dated February 8, 2001; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent inadvertent very high frequency transmissions and subsequent loss of radio communications for airplane and/or airport operations; and to prevent inadvertent high frequency transmissions and subsequent electrical shock to ground service personnel and/or damage to the airplane during fueling operations or fuel tank maintenance, accomplish the following:

Revise Wiring

(a) Within 6 months after the effective date of this AD, revise the wiring of the selective calling (SELCAL) system (including installing up to five diodes and reidentifying existing wires with sleeving), per Boeing Alert Service Bulletin MD80–23A100, Revision 02, dated February 8, 2001.

Note 2: Revision of the wiring of the SELCAL done before the effective date of this AD, per Boeing Alert Service Bulletin MD80–23A100, Revision 01, dated August 24, 2000, is considered acceptable for compliance with the requirements of paragraph (a) of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permit

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

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–6791 Filed 3–19–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–257–AD]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 and –145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to all EMBRAER Model EMB–145 series airplanes, that currently requires repetitive replacement of the bleed-air check valve and associated gaskets on the bleed low-pressure line of the engine, with new parts. This action would continue to require repetitive replacement of the bleed-air check valve and associated gaskets. Additionally, this action would require repetitive replacement of an additional bleed-air check valve with a check valve having the same part number or a new improved check valve; eventual replacement of the bleed-air check valves with new improved check valves and various follow-on actions; and would add airplanes to the applicability of the existing AD. This proposal is prompted by issuance of mandatory

continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the bleed-air check valve on the bleed low-pressure line of the engine, which could result in engine compressor stall and consequent stall flameout of the affected engine.

DATES: Comments must be received by April 19, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–257–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–257–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington, or at the Atlanta Aircraft Certification Office, One Crown Center, 1895 Phones Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Robert Capezzuto, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6071; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–257–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–257–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On May 10, 1999, the FAA issued AD 99–11–01, amendment 39–11172 (64 FR 26835, May 18, 1999), applicable to all EMBRAER Model EMB–145 series airplanes to require repetitive replacement of the bleed-air check valve and associated gaskets on the bleed low-pressure line of the engine, with new parts. That action was prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The requirements of that AD are intended to prevent failure of the bleed-air check valve on the bleed low-pressure line of the engine. Such failure could result in engine compressor stall and consequent flameout of the affected engine.

Actions Since Issuance of AD 99–11–01

Since the issuance of that AD, the Departmento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, notified the FAA that an unsafe condition may exist on all EMBRAER Model EMB–145 and EMB–135 series airplanes. The DAC has advised the FAA that premature wearing has been reported of bleed-air check valves on the bleed low-pressure line that were installed in accordance with AD 99–11–01. Failure of the bleed-air check valve on the bleed low-pressure line of the engine could result in engine compressor stall and consequent flameout of the affected engine.

Similar Airplane Models

The bleed-air check valves on EMBRAER Model EMB–145 series airplanes are identical to those installed on EMBRAER Model EMB–135 series airplanes. Therefore, both of these airplane models may be subject to the same unsafe condition.

Explanation of Relevant Service Information

EMBRAER has issued Service Bulletin No. 145–36–0011, Change No. 01, dated March 23, 2000, which describes, among other items, procedures for repetitive replacement of the bleed-air check valves on the bleed low-pressure line with new check valves having the same part numbers. Change No. 01 of the service bulletin also describes procedures for replacement of the check valves with new, improved check valves that would eliminate the need to perform repetitive replacements of the check valves. For airplanes on which the new improved check valves have been installed, Change No. 01 of the service bulletin also describes procedures for replacing the bleed air check valve on the Auxiliary Power Unit (APU) bleed tube assembly, and reworking the flanges of the right-hand engine bleed tube assembly. Additionally, Change No. 01 of the service bulletin adds Model EMB–135 to the effectivity of the service bulletin. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The DAC classified this service bulletin as mandatory and issued Brazilian airworthiness directive 1999–04–01R2, dated May 30, 2000, in order to assure the continued airworthiness of these airplanes in Brazil.

FAA's Conclusions

These airplane models are manufactured in Brazil and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral

airworthiness agreement, the DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 99–11–01, amendment 39–11172 (64 FR 26835, May 18, 1999). The proposed AD would continue to require repetitive replacement of the bleed-air check valve and associated gaskets on the bleed low-pressure line of the engine, with new parts. The proposed AD would also require repetitive replacement of an additional bleed-air check valve with a check valve having the same part number or a new, improved check valve; eventual replacement of the bleed-air check valves with new, improved check valves; and would add airplanes to the applicability of the existing AD. The actions would be required to be accomplished in accordance with the service bulletin described previously.

Cost Impact

There are approximately 135 airplanes of U.S. registry that would be affected by this proposed AD.

The repetitive replacements that are currently required by AD 99–11–01, and retained in this proposed AD, take approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $16,200, or $120 per airplane, per each repetitive replacement.

The new actions that are proposed in this AD action would take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be $8,100, or $60 per airplane, per repetitive replacement.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–11172 (64 FR 26835, May 18, 1999), and by adding a new airworthiness directive (AD), to read as follows:

Empresa Brasileira de Aeronautica S.A. (EMBRAER): Docket 2000–NM–257–AD. Supersedes AD 99–11–01, amendment 39–11172.

Applicability: All Model EMB–135 and EMB–145 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f) 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 failure of the bleed-air check valve on the bleed low-pressure line of the engine, which could result in engine compressor stall and consequent flameout of the affected engine; accomplish the following:

Restatement of Requirements of AD 99–11–01

(a) For Model EMB–145 series airplanes: Prior to the accumulation of 2,000 total flight hours, or within 100 flight hours after June 2, 1999 (the effective date of AD 99–11–01, amendment 39–11172), whichever occurs later: Replace the bleed-air check valve, having part number (P/N) 816603–1, and associated gaskets, having P/N 24096–250C, on the bleed low-pressure line of the left-and right-hand engines, with new parts having the same P/N's; per EMBRAER Alert Service Bulletin 145–36–A011, dated March 19, 1999. Thereafter, repeat the replacement at intervals not to exceed 2,000 flight hours in accordance with the alert service bulletin.

New Requirements of This AD

Note 2: The replacement interval of 2,000 flight hours specified in paragraph(a) of this AD is required only until the requirements of paragraph (b) of this AD are implemented.

(b) For all airplanes: Replace any bleed-air check valve on the bleed-air low pressure line of the right-hand engine, having either P/N 816603–1 or P/N 816603–2 and associated gaskets having P/N 24096–250C on the bleed low-pressure line of the left- and right-hand engines with a new check valve having the same P/N or with a new, improved check valve having P/N 816603–3 and associated gaskets having P/N 24096–250C, per EMBRAER Service Bulletin 145–36–0011, Change No. 01, dated March 23, 2000; at the later of the times specified in paragraph (b)(1) or (b)(2) of this AD.

(1) Before 1,600 total flight hours or within 1,600 flight hours since the last replacement of the check valve, whichever occurs later; or

(2) Within 200 flight hours after the effective date of this AD.

(c) For all airplanes: If the bleed-air check valves of the right- and left-hand engine bleed tube assembly are replaced with a check valve having either P/N 816603–1 or P/N 816603–2 per paragraph (b) of this AD, repeat the replacement requirements of paragraph (b) of this AD, per EMBRAER Service Bulletin 145–36–0011, Change No. 01, dated March 23, 2000, every 1,600 flight hours, until the requirements of paragraph (e) of this AD are accomplished.

(d) For all airplanes that replace the bleed-air check valves of the right- and left-hand engines with P/N 816603–3 per paragraph (b) of this AD, before further flight, replace the bleed air check valve on the bleed tube

assembly of the auxiliary power unit (APU), and rework the flanges of the right- and left-hand engine bleed tube assembly; per EMBRAER Service Bulletin 145–36–0011, Change No. 01, dated March 23, 2000. Accomplishment of these actions constitutes terminating action for the requirements of this AD.

(e) Within 4,000 flight hours after the effective date of this AD, replace any bleed-air check valves having P/N 816603–1 or P/N 816603–2 with bleed-air check valves having P/N 816603–3; and, before further flight, do the actions specified in paragraph (d) of this AD. Replacement of all bleed-air check valves with P/N 816603–3 check valves and accomplishment of the actions specified in paragraph (d) of this AD, constitute terminating action for the requirements of this AD.

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

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

Special Flight Permits

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

Note 4: The subject of this AD is addressed in Brazilian airworthiness directive 1999–04–01R2, dated May 30, 2000.

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–6793 Filed 3–19–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–361–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes. The existing AD requires repetitive freeplay checks of the elevator, and replacement of worn elevator power control actuator (PCA) reaction link rod-end bearings and the PCA rod-end bearing, if necessary. That AD also provides an optional terminating action for the repetitive checks. This action would remove the optional terminating action provided by the existing AD, expand the applicability of the existing AD, and require repetitive freeplay checks of the elevator at a revised repeat interval and repetitive lubrication of bearings of the elevator actuator load loop and hinge line. The actions specified by the proposed AD are intended to prevent unacceptable airframe vibration during flight, which could lead to excessive wear of bearings of the elevator PCA load loop and hinge line and result in reduced controllability of the airplane.

DATES: Comments must be received by May 4, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–361–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–361–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Dennis Stremick, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2776; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–361–AD.'' The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–361–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On January 11, 1989, the FAA issued AD 89–03–05, amendment 39–6120 (54 FR 3430, January 24, 1989), applicable to certain Model 757 series airplanes, to require periodic freeplay checks of the elevator, and replacement of worn elevator power control actuator (PCA) reaction link rod-end bearings and the PCA rod-end bearing, if necessary. That action was prompted by reports of

excessive wear of elevator PCA rod-end and reaction link rod-end bearings. The requirements of that AD are intended to prevent unacceptable airframe vibration during flight.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, there have been numerous occurrences of airframe vibration attributed to excessive freeplay in the bearing of the elevator PCA load loop. The existing AD contains an optional terminating action that involves replacement of the old-design PCA reaction link rod-end bearings with improved bearings. If this optional terminating action is accomplished, the modified airplane is only subject to freeplay checks per the Boeing Maintenance Manual (BMM). The FAA has determined that the freeplay check in the BMM does not accurately measure freeplay of the elevator.

In addition, since the issuance of the existing AD, corrosion has been detected in the bearings of the elevator PCA load loop and hinge line. This corrosion has been attributed to inappropriate lubrication of the bearings. The interval at which the bearings are lubricated is currently specified by the Boeing Maintenance Planning Document.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 757–27A0086, Revision 2, dated July 27, 1989, which describes procedures for repetitive freeplay checks of the elevator. The procedures in this service bulletin are similar to those in Boeing Service Bulletin 757–27A0086, dated June 9, 1988, which was referenced as the appropriate source of service information for the repetitive freeplay checks required by the existing AD. Revision 2 clarifies that certain corrective actions need be done only if replacement of the bearing of the PCA reaction link rod-end does not correct excessive freeplay in the elevator. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 89–03–05 to continue to require repetitive freeplay checks of the elevator, and replacement of worn elevator power control actuator (PCA) reaction link rod-end bearings and the PCA rod-end bearing, if necessary. The proposed AD would remove the optional terminating action specified in the existing AD, expand the applicability of the existing AD, and require new repetitive freeplay checks of the elevator at a revised repeat interval and repetitive lubrication of bearings in the elevator PCA load loop and hinge line. The repetitive freeplay checks would be required to be done per Boeing Service Bulletin 757–27A0086, Revision 2, except as discussed below in the section called ''Differences Between Proposed Rule and Service Bulletin.'' The repetitive lubrication of the bearings in the elevator PCA load loop and hinge line would be required to be done per the Maintenance Planning Document.

Explanation of Revised Repetitive Interval

For airplanes subject to the existing AD, this proposed AD would revise the repetitive inspection interval from an interval stated in flight hours to an interval stated in calendar time. The FAA finds that this change is appropriate because, as stated previously, the unsafe condition addressed by this AD is related to corrosion, which is a function of time rather than flight hours.

Differences Between Proposed Rule and Service Bulletin

Although Boeing Service Bulletin 757–27A0086, Revision 2, lists an effectivity that includes certain Model 757 series airplanes having line positions 2 through 136, the requirements of this proposed AD would apply to all Boeing Model 757 series airplanes. As stated previously, the FAA has determined that the freeplay check in the BMM is not adequate to prevent excessive freeplay in the bearings of the elevator PCA load loop and hinge line and consequent unacceptable airframe vibration. Therefore, the FAA finds that the freeplay checks of the elevator proposed in this action are necessary for all Boeing Model 757 series airplanes.

Boeing Service Bulletin 757–27A0086, Revision 2, specifies that the freeplay checks of the elevator in that bulletin should be repeated at each ''C'' check until improved PCA reaction link rod-end bearings are installed, and thereafter, the checks should be repeated at each ''2C'' check. The FAA finds that such intervals are inadequate to ensure that excessive freeplay in the bearings of the elevator PCA load loop is detected and corrected in a timely manner. Therefore, the proposed AD would require freeplay checks of the elevator to be done at intervals not to exceed 18 months.

Cost Impact

There are approximately 906 airplanes of the affected design in the worldwide fleet.

The cost impact for the existing AD was calculated based on an estimated average labor cost of $40 per work hour. Since the issuance of that AD, the FAA has revised the figures it has used over the past several years in calculating the economic impact of AD activity. In order to account for various inflationary costs in the airline industry, the FAA has determined that it is necessary to increase the labor rate used in these calculations from $40 per work hour to $60 per work hour. The cost impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

The actions that are currently required by AD 89–03–05 affect approximately 90 airplanes of U.S. registry. Those actions take approximately 30 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $162,000, or $1,800 per airplane, per check cycle.

The FAA estimates that 598 airplanes of U.S. registry would be affected by this new proposed AD. The new actions that are proposed in this AD action would take approximately 28 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be $1,004,640, or $1,680 per airplane, per check cycle.

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

Regulatory Impact

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6120 (54 FR 3430, January 24, 1989), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 2000–NM–361–AD. Supersedes 89–03–05, amendment 39–6120.

Applicability: All Model 757 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (f)(1) 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 unacceptable airframe vibration during flight, which could lead to excessive wear of elevator bearings and result in reduced controllability of the airplane, accomplish the following:

Restatement of Requirements of AD 89–03–05

Repetitive Elevator Freeplay Checks

(a) For Boeing Model 757 series airplanes listed in Boeing Alert Service Bulletin 757–27A0086, dated June 9, 1988, on which the elevator power control actuator (PCA) rod-end and reaction link rod-end bearings are lubricated at intervals of 1,000 flight hours or less, in accordance with Boeing Service Letter 757–SL–27–26, dated April 1, 1988, and on which paragraph (d) of AD 89–03–05 was not done: Within the next 90 days after March 6, 1989 (the effective date of AD 89–03–05, amendment 39–6120), or prior to the accumulation of 4,000 flight hours total time-in-service, whichever occurs later, and thereafter at intervals not to exceed 4,000 flight hours, perform an elevator freeplay check in accordance with Boeing Alert Service Bulletin 757–27A0086, dated June 9, 1988, or Revision 2, dated July 27, 1989. Doing paragraph (d) of this AD ends the repetitive inspections required by this paragraph.

(b) For Boeing Model 757 series airplanes listed in Boeing Alert Service Bulletin 757–27A0086, dated June 9, 1988, not subject to paragraph (a) of this AD, and on which paragraph (d) of AD 89–03–05 was not done: Within the next 90 days after March 6, 1989, or prior to the accumulation of 3,000 flight hours total time-in-service, whichever occurs later, and thereafter at intervals not to exceed 3,000 flight hours, perform an elevator freeplay check in accordance with Boeing Alert Service Bulletin 757–27A0086, dated June 9, 1988, or Revision 2, dated July 27, 1989. Doing paragraph (d) of this AD ends the repetitive inspections required by this paragraph.

Replacement

(c) If freeplay of the elevator exceeds the limits specified in the service bulletin during any check per this AD: Before further flight, replace elevator PCA reaction link rod-end bearings and PCA rod-end bearings, as necessary, with new, improved bearings, in accordance with Boeing Alert Service Bulletin 757–27A0086, dated June 9, 1988, or Revision 2, dated July 27, 1989. After the effective date of this AD, use only Revision 2 of the service bulletin.

New Requirements of this AD

Repetitive Elevator Freeplay Checks

(d) For all airplanes, do elevator freeplay checks per Boeing Service Bulletin 757–27A0086, Revision 2, dated July 27, 1989. Before further flight after the freeplay checks, lubricate the bearings in the elevator PCA load loop and hinge line. Do these actions per the schedule in Table 1 of this AD:

TABLE 1—COMPLIANCE SCHEDULE

For airplanes subject to...	Do the initial check and lubrication...	Repeat the check and lubrication thereafter at least every...	Inspection per paragraph (d) ends the requirements of...
Paragraph (a) of this AD	At the *earlier* of 4,000 flight hours after the most recent inspection per paragraph (a) of AD 89–03–05. OR 18 months after the effective date of this AD	18 months	Paragraph (a) of this AD.
Paragraph (b) of this AD	At the *earlier* of Within 3,000 flight hours after the most recent inspection per paragraph (b) of AD 89–03–05. OR Within 18 months after the effective date of this AD	18 months	Paragraph (b) of this AD.
Neither paragraph (a) nor (b) of this AD.	At the *later* of 3,000 total flight hours OR 90 days after the effective date of this AD	18 months	N/A.

Replacement

(e) If freeplay of the elevator exceeds the limits specified in the service bulletin during any check per paragraph (d) of this AD: Before further flight, replace elevator PCA reaction link rod-end bearings and PCA rod-end bearings, as necessary, with new, improved bearings, per Boeing Alert Service Bulletin 757–27A0086, Revision 2, dated July 27, 1989.

Alternative Methods of Compliance

(f)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

(2) Alternative methods of compliance, approved previously in accordance with AD 89–03–05, amendment 39–6120, are NOT considered to be approved as alternative methods of compliance with this AD.

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

Special Flight Permits

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

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

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–6789 Filed 3–19–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Chapter I

[Docket No. RM01–5–000]

Electronic Tariff Filings

March 14, 2001.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of inquiry and informational conference.

SUMMARY: The Federal Energy Regulatory Commission is inviting comments on its regulatory requirements regarding the format for electronic tariffs filed at the Commission in order to improve the efficiency of the tariff filing process. The Commission also is announcing an informational conference by Commission staff with interested members of the public and industry in order to demonstrate the use of its current electronic natural gas tariff system (FASTR) and an example of an Extensible Markup language (XML) tagged format. The informational conference will also provide a venue for questions, comments, and clarifications regarding the matters raised in this NOI.

DATES: The Informational Conference will be held on April 24, 2001. Comments on this NOI are due on June 25, 2001.

ADDRESSES: Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426.

FOR FURTHER INFORMATION CONTACT: Barbara Bourque, Office of Markets, Tariffs, and Rates, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426; telephone (202) 208–2338.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is inviting comments on its regulatory requirements regarding the format for electronic tariffs[1] filed at the Commission,[2] in order to improve the efficiency of the tariff filing process. Electronic tariffs will reduce the burden and expense associated with paper tariffs, and help make tariff information available to the public in a faster and more efficient manner. In the long run, this effort should reduce the costs for the regulated entities.

The Commission is inviting comments on selected issues related to the filing of electronic tariffs in order to develop a notice of proposed rulemaking, and thereafter a final rule, with respect to the filing of electronic tariffs. Specifically, the Commission is seeking comments on how tariffs can most efficiently be filed and maintained electronically, and whether the format and structure of tariffs can be changed so they provide the most useful information to the Commission and the public. The Commission also is establishing a staff informational conference, to assist industry participants in the preparation of their comments on this NOI. At this conference the Commission staff will demonstrate possible methods of electronic tariff filing, and issues related to electronic tariff filing can be discussed. The conference will be held on April 24, 2001. The Commission anticipates that there will be additional opportunities for the industry to participate in the development of the technical specifications prior to implementation of the electronic filing requirement.

II. Background

In order to increase the efficiency with which it carries out its program responsibilities, the Commission has been implementing measures to use information technology to reduce the amount of paperwork required in its proceedings.[3] This NOI is a step in the process of replacing paper tariffs with electronic tariffs by instituting a process that will lead to a final rule requiring the filing of tariffs electronically. The Commission advocates the use of the most efficient, cost effective, and accurate technology to obtain the data required for its use and to inform the public.

Both the legislative and executive branches of the Federal government have set as goals the substitution of electronic means of communication and information storage for paper means. For example, the Government Paperwork Elimination Act directs agencies to provide for the optional use and acceptance of electronic documents and signatures, and electronic record-keeping, where practical.[4] Similarly, Office of Management and Budget Circular A–130 requires agencies to employ electronic information collection techniques by October 2003, where such means will reduce the burden on the public, increase efficiency, reduce costs, and help provide better service.[5] This requirement applies to all filings, including tariff filings.

As part of its statutory responsibilities, the Commission requires regulated entities to file tariffs which include, among other things, their respective rates, and terms and conditions of service. The gas and electric tariffs are filed at the Commission in the form of numbered

[1] For purposes of this Notice of Inquiry (NOI), the term ''tariff'' includes tariffs, rate schedules, service agreements, and conditions of service filed with the Commission.

[2] The entities covered by this NOI are those that submit tariff filings with the Commission pursuant to the Natural Gas Act, the Natural Gas Policy Act, the Outer Continental Shelf Lands Act, the Federal Power Act, the Interstate Commerce Act, and any other relevant statute. It also includes entities that may make voluntary tariff filings, such as reciprocity filings pursuant to Order No. 888.

[3] *See* Electronic Filing of Documents, Order No. 619, 65 FR 57088 (September 21, 2000), FERC Stats. and Regs., Regulations Preambles, ¶ 31,107 (2000).

[4] Pub. L. No. 105–277, Sections 1702–1704.

[5] Circular A–130, Para. 8.a.1(k).

tariff sheets.[6] When changes to the tariffs are required, the companies file substitute or revised tariff sheets, which supersede the effective tariff sheets on file. The use of tariff sheets as the base unit for the tariff allows for changes to be submitted to the Commission without the necessity of refiling the entire tariff.

Oil pipeline tariffs do not use the tariff sheet format. The tariff format consists of parts identified by item numbers. Changes are filed either as complete tariffs [7] or tariff supplements.[8] The changes being made by the new filing are identified by the item number, and can be revisions, insertions, and cancellations.

In 1988, the Commission required natural gas pipelines to file formatted electronic versions of certain tariffs on diskette in addition to filing paper copies.[9] These regulations, however, retained the tariff page concept. Each pipeline files electronically only the tariff page or pages that are being revised. In Order No. 888, the Commission required that public utilities submit a complete electronic version of all transmission tariffs and service agreements in a word processor format, with the diskette labeled as to the format (including version) used, initially and each time changes are filed.[10] The electronic filing requirements do not extend to oil pipelines, which still are required to file only paper copies of their tariffs.

Since the issuance of the Commission's 1988 rule requiring the filing of electronic versions of gas pipeline tariffs, automated processes and the Internet have become central to the business infrastructure. In recognition of this change and the OMB mandate for electronic filing, the Commission's goal is to establish electronically maintained tariffs, in lieu of paper tariffs. To achieve this goal, the Commission is proposing to require electronic filing of tariffs in a format that will make those tariffs easily accessible over the Internet. Adopting a format which facilitates easy document access via the Internet will make it easy for customers to locate and use the tariff provisions of the companies subject to the Commission's jurisdiction.

A second goal in requiring electronic tariff filing is to make it possible to analyze tariff information through data base analysis. To facilitate data base analysis, the Commission needs to have the tariff in an electronic format that allows the Commission and the public to extract information from the filing. The tariff contains specific information which needs to be captured for analytical purposes. The Commission is soliciting comments from industry on the best way to structure the tariff to facilitate data base management and analysis. Specifically, the Commission is interested in comments on the format which will best facilitate the capture of the necessary data.

In considering electronic filing of tariffs, three issues appear to be presented: (1) Whether the existing ''tariff sheet'' model for gas and electric tariffs is conducive to electronic filing; (2) whether there should be further standardization of tariff formats across companies and industries; and (3) what electronic format should be used in making the filings.

(1) Sheet vs. Section Based Tariffs

The filing of tariffs electronically may make obsolete the concept of the ''tariff sheet'' as a basic unit for the gas and electric tariffs. The ''tariff sheet'' method was designed to permit replacement of individual pages in a tariff book. If tariffs are filed electronically, there will no longer be a need to physically replace pages in a tariff book.

The use of tariff sheet filing has, in the past, caused certain difficulties in finding tariff provisions. In pleadings before the Commission, parties frequently refer to the section that is being changed rather than the tariff page. For example, reference is frequently made to General Terms and Conditions, section 12.1, rather than to the particular tariff page on which this section is located. Under a tariff sheet method, it can become difficult to determine which tariff page is being referenced.

Another problem with the current system is that the company may make multiple filings to change different parts of its tariff language or rates on the same tariff page. While these proposed changes are pending Commission action, the tariff includes multiple versions of the same tariff page, some of which may be effective and others suspended and not yet effective. The tariff book also does not include the redline/strikeout version of the proposed changes. Thus, it is difficult to figure out what the currently effective tariff provisions are. A further problem is that when a paragraph of text is added or deleted from one page of the tariff, there is a domino effect on many of the subsequent pages. Unchanged tariff provisions are pushed forward or backward on the subsequent tariff pages. Thus, the company has to file changes to many subsequent tariff pages because their appearance changes even though there are no substantive changes on those sheets.

Once the Commission moves to electronic filing, there will no longer be a need to replace individual tariff sheets. The Commission, therefore, is contemplating a departure from the current sheet-based system to a section-based system to facilitate electronic filing and administration of tariffs. Under this proposed revision, individual sections of a tariff would be filed, reviewed, and authorized as sections, independent of specific tariff sheet identification. This would permit the electronic filing of the affected sections rather than individual pages and would avoid cascading pagination problems associated with mid-tariff text insertions.

(2) Need for Standardized Tariff Structure

The Commission is seeking comments on whether it would be advisable to develop a standardized tariff structure or layout either for use across all jurisdictional companies, regardless of industry, or whether further standards should be developed for each separate industry. Currently, for the electric industry, Appendix B to Order No. 888–A provides a detailed outline of the structure required for a ''pro forma open access transmission tariff.'' [11] For the natural gas industry, the ''form and composition of tariff'' is described in Part 154, Subpart B of the Commission's regulations.[12] For the oil industry, the ''form of tariff'' is described at § 341.3 of the Commission's regulations.

The Commission is seeking comment on whether it would be worthwhile to develop a standardized layout for tariffs.

[6] Such tariff pages are frequently identified using the following nomenclature, Third Revised Sheet No. 100, superseding Second Revised Sheet No. 100.

[7] For example, to indicate that a new tariff had been filed to supersede an existing tariff, the tariff woudl state: FERC No. 46 cancels FERC No. 45.

[8] For example, a supplement filed to amend a tariff could be identified as: Supplement No. 1 to FERC No. 46.

[9] *See* Natural Gas Data Collection System, Order No. 493, 53 FR 15023 (April 27, 1988), FERC Stats. and Regs., Regulations Preambles, ¶ 30,808 (1988), which required the electronic filing of Volume No. 1 tariff sheets (18 CFR 154.4). Statements of conditions of service made pursuant to § 311 of the Natural Gas Policy Act (18 CFR 284.123(e)) and the Outer Continental Shelf Lands Act (18 CFR 330.2(b)) are not required to be filed electronically.

[10] 61 FR 21540 (May 10, 1996), FERC Stats. and Regs. (1991–1996), Regulations Preambles ¶ 31,036 at pp. 31,764–65 (1996).

[11] Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, Order No. 888–A, 62 FR 12274 (March 14, 1997), FERC Stats. and Regs., Regulations Preambles ¶ 31,048 (1997).

[4] *See* 18 CFR 154.101–154.112.

This would not involve any material changes to the substance of tariffs. Under this approach, all companies would use the same headings (*i.e.,* same outline) for their respective tariffs. The development of a standardized tariff could make it easier for the Commission and the public to compare similar tariff provisions across companies and industries. Also, if changes to the layout or structure of tariffs are to be made, it may be more efficient to make those changes at the same time the utilities are adapting their tariffs for electronic filing.

Therefore, the Commission is requesting comment on whether a standardized tariff outline should be adopted for all three industries, whether such standards should be developed for each industry separately, and whether, if such standards are developed, they should be undertaken at the same time as the development of electronic filing formats. The Commission also is looking at what level of detail should be adopted for a standardized tariff outline in order to accommodate all three industries. Given the disparities in size and complexity of the operations of different companies, and the unique tariff provisions that often arise from these disparities, the Commission is seeking comment on the level of detail that a standardized tariff should have. For example, most tariffs contain sections for general terms and conditions, rates, and rate schedules. The Commission is seeking comment on whether additional categories should be added and what those categories should be.

(3) Format for Electronic Tariff

Another issue is what electronic format should be used for filings to capture the information needed to facilitate data base management. The Commission's goal is to adopt a stable, nonproprietary filing format that is independent of computer operating systems and that can be created using various software applications. The Commission, therefore, does not think that filing in proprietary word processing formats will provide the needed stability, since these formats are constantly being revised and are not easily interchangeable.

The current electronic gas tariffs are filed as ASCII [13] text files, with header information to identify the information to be included for each tariff change, such as pipeline name, tariff number, and the Commission order to which the filing refers.[14] The Commission, however, has found that filings using this format frequently contain errors that need to be corrected before the filing can be accepted. The Commission is looking for comments on whether more recently developed methods of electronic formatting would provide a more reliable and efficient method of providing for electronically filed tariffs. For example, generic, nonproprietary markup languages, such as Extensible Markup language (XML), are being used as methods of ''tagging'' information in documents that can then be separately extracted or searched. Tagging identifies specific information contained in a document. For example, each filed tariff change could include tags for the relevant information, such as the utility name, the section being changed, the name for that section, the effective date, and certain sections of tariff text. The tagged information could then be extracted and separately searched.

In order to aid in the understanding of the issues before comments are filed, the Commission staff will hold an informational conference at which the current system for managing gas tariffs (FASTR [15]) and the use of XML will be explained and demonstrated.

III. Specific Questions For Response by Commenters

1. The Commission seeks comments on whether to adopt a section-based tariff system, as opposed to a sheet-based system, for all utilities. The following are some issues that should be considered.

(a) Would adopting a section-based system be easier to use in referencing tariff provisions? What problems arise by departing from a sheet-based system for electric and gas utilities?

(b) How should a section-based system be organized? Should utilities be able to file any section of the tariff or should there be a uniform unit of tariff text that would need to be filed? For example, should major tariff sections, labeled sub-sections, numbered paragraphs, or some other unit be the smallest section afforded separate authorization status?

2. The Commission also seeks comment on the merits of requiring a restructuring of the internal tariff content so that common provisions would always be found in similarly labeled and organized sections for all companies within a particular industry and/or across industries. The following are some issues that should be addressed.

(a) Would a common tariff structure be beneficial either across industries or within each industry? For example, comments should focus on whether differences in tariff organization create difficulties for customers doing business on several pipelines/transmission companies.

(b) Should the same common tariff structure apply across the gas pipeline, electric public utility, and oil pipeline industries or should a separate standard be adopted for each industry?

(c) If standards are to remain industry specific, are the current form and composition of tariff requirements sufficient for each industry or is there a need for further standardization?

(d) What are the issues involved in standardizing the tariff format within industries and across industries? What would be the costs, administrative difficulties, and business impacts of achieving a common tariff structure? Are the benefits worth the costs?

(e) Would it be more efficient to standardize tariff structure at the same time that the requirements for electronically filing tariffs are developed or should these efforts be undertaken independently?

(f) Instead of requiring companies to physically restructure their tariffs, could the same benefits be achieved by including information (*e.g.* tags, links, or bookmarks) along with the tariff that will identify a standardized topic or topics addressed by particular sections? In concept, this would resemble an electronic index which would permit a user to identify all tariff sections associated with standardized topics.

3. Comments are requested on the electronic format to be used in making electronic tariff filings, and should address the following issues.

(a) What are the performance criteria that should be used in establishing the format?

(b) What type of format should be used (*e.g.,* ASCII or XML tagged data)? If a tagged format is used, should tagging be used to identify tariff content elements, or should tagging be used only to identify tariff transmittal information? What data should be tagged (*e.g.,* rates, services, etc.) and to what level of detail?

(c) What formats do jurisdictional entities currently use to create and maintain their tariffs and how easy would it be to change those formats to accommodate other possible formats, such as tagged file formats, like XML?

[13] ASCII refers to the American Standard Code for Information Interchange, a code for character representation.

[14] A sample gas electronic tariff filing is attached as Appendix A. (The header information is identified using ''TF'' codes which are read by the Commission's FASTR system and do not appear in the electronic view.)

[15] FASTR can be accessed on the Commission's website at *www.ferc.fed.us/gas/gastariffs/index.htm.*

What issues would a requirement to use XML pose for the regulated companies?

(d) To what extent, if any, should the formats differ for different types of filings, *e.g.,* electric wholesale tariffs, as opposed to electric or gas transmission tariffs.

4. The obligation that tariff sheets be kept open and available for public inspection applies to each regulated firm in the gas, electric, and oil sectors. The Commission maintains a complete set of tariff sheets for public access and tracks the effectiveness status of each tariff sheet.

(a) Does an electronic tariff system present new issues in assuring that tariff provisions are on file and available for public inspection?

(b) How do the regulated industries keep track of the status of tariff provisions (*e.g.* effective, proposed, suspended, etc.) and how is this status presented to the public? Should a link to the authorizing Commission order be required on Web-based presentation systems to allow customers to verify the effectiveness status of individual tariff sections?

(c) If both the Commission and the regulated industries maintain separate systems for tariff presentation, how can these systems be synchronized?

(d) In the event that certain information is determined to be confidential and not available for public review, how should such information be filed electronically?

5. What procedure should be used to move to an electronic tariff? Should the Commission require all tariffs to be re-filed in a revised electronic format on a set compliance schedule? If so, what is a reasonable compliance schedule? Or, should the compliance obligation be triggered when a company makes its first tariff filing after implementation of the standards?

IV. Informational Conference

The Commission's staff will convene an informational conference on April 24, 2001 with interested members of the public and industry in order to demonstrate the use of its current electronic natural gas tariff system (FASTR) and an example of an XML tagged format. The informational conference will also provide a venue for questions, comments, and clarifications regarding the matters raised in this NOI.

V. Procedure for Comments

The Commission invites interested persons to submit comments, data, views, and other information concerning the matters set out in this notice.

To facilitate the Commission's review of the comments, commenters are requested to provide an executive summary of their position on the issues raised in the NOI. Commenters are requested to identify each specific question posed by the NOI that their discussion addresses and to use appropriate headings. Additional issues the commenters wish to raise should be identified separately. The commenters should double space their comments.

Comments may be filed on paper or electronically via the Internet and must be received by the Commission within 60 days after the staff technical conference. Those filing electronically do not need to make a paper filing. For paper filings, the original and 14 copies of such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and should refer to Docket No. RM01–5–000.

Comments filed via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's website at *http://www.ferc.fed.us* and click on ''Make An E-Filing,'' and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgment to the sender's E-Mail address upon receipt of comments.

User assistance for electronic filing is available at 202–208–0258 or by E-Mail to *efiling@ferc.fed.us.* Comments should not be submitted to the E-Mail address. All comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference Room at 888 First Street, NE., Washington D.C. 20426, during regular business hours. Additionally, all comments may be viewed, printed, or downloaded remotely via the Internet through FERC's Homepage using the RIMS link. User assistance for RIMS is available at 202–208–2222, or by E-Mail to *rimsmaster@ferc.fed.us.*

VI. Document Availability

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's website (*http://www.ferc.fed.us*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

From the Commission's website on the Internet, this information is available in both the Commission Issuance Posting System (CIPS) and the Records and Information Management System (RIMS).

- CIPS provides access to the texts of formal documents issued by the Commission since November 14, 1994.
- CIPS can be accessed using the CIPS link or the Energy Information Online icon. The full text of this document is available on CIPS in ASCII and WordPerfect 8.0 format for viewing, printing, and/or downloading.
- RIMS contains images of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed from the Commission's website using the RIMS link or the Energy Information Online icon. Descriptions of documents back to November 16, 1981, are also available from RIMS-on-the-Web; requests for copies of these and other older documents should be submitted to the Public Reference Room.

User assistance is available for RIMS, CIPS, and the website during normal business hours from our Help line at (202) 208–2222 (E-Mail to *WebMaster@ferc.fed.us*) or the Public Reference at (202) 208–1371 (E-Mail to *public.referenceroom@ferc.fed.us*).

During normal business hours, documents can also be viewed and/or printed in the Commission's Public Reference Room, where RIMS, CIPS, and the Commission's website are available. User assistance is also available.

By direction of the Commission.

David P. Boergers,

Secretary.

Appendix A

Sample Electronic Tariff Filing

TF01003345111700Chandeleur Pipe Line Company
TF021 20Second Revised Volume No. 1
TF0351 100 5P158First Revised Sheet No. 51
TF04 Original Sheet No. 51
TF05C. D. Sorensen, Regulatory Specialist
TF06112000102700RM96–1–014 et al. 122000
TF079361093

GENERAL TERMS AND CONDITIONS

8.0 ACCOUNTING PROCEDURES (Cont'd)

8.4 Penalties (cont'd)

(a) Scheduling Penalties (cont'd)

(4) A scheduling penalty shall be accessed at any Receipt or Delivery Point where the month-end scheduling variance exceeds the tolerance of five (5) percent of the monthly nominations for that point.

(5) Should the month-end variance be due to Chandeleur's inability to receive or deliver

gas at that point, then the scheduling penalty shall not be assessed.

(6) The scheduling penalty shall be the current Rate Schedule IT Usage Rate multiplied by the quantity of gas in excess of the allowed variance.

(7) Any scheduling penalty assessed by Chandeleur against an affiliate will be flowed through to its firm Shippers. The penalties flowed through to firm Shippers will be apportioned on the basis of the firm Shippers' weighted contract demand, during the applicable penalty period.

(b) Imbalance Management Service

(1) A pipeline imbalance is where Chandeleur over or under delivers Shipper's actual receipts versus deliveries during any calendar month. Shippers can find their pipeline imbalance in their monthly Gas Balance Statement showing monthly and cumulative imbalances. Chandeleur will post on its website monthly pipeline imbalances along with Shippers' cumulative imbalances to facilitate Shippers correcting their imbalances by offsetting with other Shipper's imbalances.

(2) Two six (6) month balancing periods are defined as November 1 through April 30 and May 1 through October 31.

TF0352 200 5P158Second Revised Sheet No. 52
TF04 First Revised Sheet No. 52
TF05C. D. Sorensen, Regulatory Specialist
TF06112000102700RM96–1–014 et al. 122000
TF079361093

GENERAL TERMS AND CONDITIONS

8.0 ACCOUNTING PROCEDURES (Cont'd)

8.4 Imbalance Management Services (cont'd)

(b) Imbalance Management Service (cont'd)

(3) At the end of each six (6) month balancing period, Chandeleur will notify each Shipper whose pipeline imbalance exceeds the tolerance of either 2% of the Shipper's total receipts or 10,000 Dth. The Shipper will then have 45 days, from the date of the notification mailed by Chandeleur, in which to correct its imbalance. Shippers or their Agents may net their imbalance against any other Transportation Agreements on any Rate Schedule they have with Chandeleur and/or trade their imbalances against any Transportation Agreements on any Rate Schedule that other Shippers may have with Chandeleur without any limitation.

(4) Should Shipper not correct its imbalance within the 45-day grace period, Chandeleur shall arrange for offsetting contract imbalance by first netting against Shipper's other Transportation Agreements on any Rate Schedule with Chandeleur and then, if necessary, trading against other Shipper's Transportation Agreements on any Rate Schedule. Shipper will be obligated to settle per the pre-arranged contract imbalance offset.

(5) The 45-day grace period shall be extended by the number of days, if any, that Chandeleur is unable to receive or deliver all nominated volumes of gas.

(6) Upon correction of the imbalance, Chandeleur will reduce Shipper's imbalance by the net pipeline imbalance. Any imbalance remaining after correction will be rolled forward into the next six (6) month balancing period.

[FR Doc. 01–6869 Filed 3–19–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–00–129]

RIN 2115–AE47

Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Boca Grande, Charlotte County, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to permanently change the operating regulations of the Gasparilla Island Causeway Drawbridge across the Gulf Intracoastal Waterway, mile 34.3, in Boca Grande, FL. This proposed rule would increase the current opening schedule by three hours, moving the starting hour from 10 a.m. to 7 a.m., January 1 to May 31. During the scheduled opening period, the draw may open on the hour, quarter hour, half hour and three quarter hour. This change would improve the flow of vehicular traffic during the daytime hours in the winter tourist season.

DATES: Comments and related material must reach the Coast Guard on or before May 21, 2001.

ADDRESSES: You may mail comments and related material to Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Avenue, Miami, FL 33131. Commander (obr) maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Avenue, Room 406, Miami, FL 33131 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Dragon, Project Officer, Seventh Coast Guard District, Bridge Branch, at (305) 415–6743.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD07–00–129], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not plan to hold a public meeting. But you may submit a request for a meeting by writing to Bridge Branch, Seventh Coast Guard District, 909 SE. 1st Avenue, Room 406, Miami, FL 33131, explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Gasparilla Island Causeway Drawbridge across the Gulf Intracoastal Waterway, mile 34.3, has a vertical clearance of 9 feet at mean high water and a horizontal clearance of 81 feet. The owner of the bridge requested a change to current operating schedule in effect from January 1 through May 31. The owner requested that scheduled openings start at 7 a.m., three hours earlier than the current regulations provide, to ease the flow of seasonal vehicular traffic during the morning.

Discussion of Proposed Rule

The current operating regulations provide for the draw to open on signal, except from January 1 through May 31, from 10 a.m. until 5 p.m., the draw need only open on the hour, quarter hour, half hour, and three quarter hour. The bridge owner requested a change to the regulations so scheduled openings will begin at 7 a.m. and finish at 5 p.m. This proposed change would ease the flow of increased seasonal vehicular traffic over the bridge during the morning rush hour and would have little or no impact on vessel traffic. Vehicular traffic has steadily increased in volume since 1983, from approximately 1700 vehicles per day to approximately 2200 per day during the winter tourist season, while vessel traffic has remained constant.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary because it only extends the scheduled openings by three hours during the winter season.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities because the proposed rule only extends the scheduled openings by three hours each day during the winter season.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Mr. Barry Dragon at (305) 415–6743 for assistance in understanding and participating in this rulemaking.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph 32(e), of Commandant Instruction M16475.lC, this proposed rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.287(a–1) is revised to read as follows:

§ 117.287 Gulf Intracoastal Waterway.

* * * * *

(a–1) The draw of the Gasparilla Island Causeway drawbridge, mile 34.3, at Boca Grande shall open on signal; except that from January 1 to May 31, from 7 a.m. to 5 p.m., the draw need open only on the hour, quarter hour, half hour, and three quarter hour.

* * * * *

Dated: December 21, 2000.

T.W. Allen,

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

[FR Doc. 01–6905 Filed 3–19–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–01–004]

RIN 2115–AA97

Safety Zone: Indian Point Nuclear Power Station, Hudson River.

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a permanent safety zone on all waters of the Hudson River within a ten mile radius of the Indian Point Nuclear Power Station (IPNPS). This action is necessary to provide for the safety of life on navigable waters during an emergency at the IPNPS. This action establishes a permanent exclusion area that is only active when requested by the Nuclear Regulatory Commission (NRC) during activation of the facility's Emergency Planning Zone, and is intended to restrict vessel traffic in a portion of the Hudson River.

DATES: Comments and related material must reach the Coast Guard on or before May 21, 2001.

ADDRESSES: You may mail comments and related material to Waterways Oversight Branch (CGD01–01–004), Coast Guard Activities New York, 212 Coast Guard Drive, room 204, Staten

Island, New York 10305. The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room 204, Coast Guard Activities New York, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4012.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01–00–004), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

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

Background and Purpose

The Coast Guard proposes to establish a permanent safety zone that will be activated when requested by the NRC during activation of the IPNPS Emergency Planning Zone. The IPNPS is located in approximate position 41°16′12.4″ N 073°57′09.5″ W, about 1,600 yards south of the Peekskill Bay southern entrance channel. The safety zone encompasses all waters of the Hudson River between the Tappan Zee Bridge (mile 27.0) to the south, and latitude 41°26′35″ N at Breakneck Point to the north. The Coast Guard has established this safety zone once since 1997. During this incident, a temporary safety zone was established for 45 minutes with limited notice for preparation by the U.S. Coast Guard and no opportunity for public comment. Establishing a permanent safety zone by notice and comment rulemaking at least gives the public the opportunity to comment on the proposed zone location and size.

Discussion of Proposed Rule

The IPNPS is located south of Peekskill Bay, NY on the Hudson River. The proposed safety zone will only be enacted when requested by the NRC during activation of the IPNPS Emergency Planning Zone. The NRC will request activation of the safety zone only during a Site Area Emergency or a General Emergency. A Site Area Emergency involves actual or likely major failures of plant functions needed for the protection of the public. A General Emergency involves actual or imminent substantial core degradation or melting with potential for loss of containment integrity. This rule is being proposed to provide for the safety of life on navigable waters during these unplanned emergencies, to give the marine community the opportunity to comment on this zone, and to enable the Coast Guard to quickly assist the NRC activate their emergency plan during a radiological emergency at the IPNPS.

Generally, the plume exposure pathway for nuclear power plants shall consist of an area about 10 miles in radius as defined in 44 CFR 350. The Coast Guard determined the size of the safety zone by referring to the standard determined by State and local governments in consultation with the Federal Emergency Management Agency (FEMA) and the NRC. On May 3, 1996, FEMA reviewed and approved the State of New York Radiological Emergency Response Plan site-specific to the Indian Point Nuclear Power Generating Station, which included a 10-mile plume exposure pathway.

During activation of the safety zone, vessels shall not enter the zone and vessels within the zone shall immediately proceed out of the safety zone staying upwind of the power plant, and therefore out of the potential plume exposure area, if possible.

Regulatory Evaluation

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

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

This finding is based on the expected infrequency of this zone's activation as it has only been activated once in the past four years, and we will be excluding personnel from an area that they would not want to enter, or remain in, due to the possible exposure hazard.

Small Entities

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

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

This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the Hudson River during the times this zone is activated.

This safety zone would not have a significant economic impact on a substantial number of small entities for the following reasons: the expected infrequency of this zone's activation as it has only been activated once in the past four years, and we will be excluding personnel from an area that they would not want to enter, or remain in, due to the possible exposure hazard.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking.

If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4012.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. A rule with tribal implications has a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. This proposed rule fits paragraph 34(g) as it establishes a safety zone. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6 and 160.5; 49 CFR 1.46.

2. Add § 165.169 to read as follows:

§ 165.169 Safety Zone: Indian Point Nuclear Power Station (IPNPS), Hudson River.

(a) *Regulated Area.* The following area is a safety zone: All waters of the Hudson River between the Tappan Zee Bridge (mile 27.0) and latitude 41°26′35″ N at Breakneck Point.

(b) *Effective Period.* This section will only be activated during a Site Area or General Emergency at the IPNPS located south of Peekskill Bay, NY. Coast Guard Activities New York will cause notice of the activation of this safety zone to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including marine information and facsimile broadcasts.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) No vessels will be allowed to enter or remain in the safety zone without the permission of the Captain of the Port, New York.

(3) Vessels located within the safety zone shall immediately proceed out of the safety zone, staying upwind of the power plant if possible.

(4) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: March 6, 2001.

R.E. Bennis,

Rear Admiral, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 01–6904 Filed 3–19–01; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[TN–T5–2001–01b; FRL–6956–7]

Clean Air Act Proposed Full Approval of Operating Permit Program; Tennessee and Memphis-Shelby County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes full approval of the operating permit programs of the Tennessee Department of Environment and Conservation and the Memphis-Shelby County Health Department. In the final rules section of this **Federal Register**, EPA is approving the Tennessee and Memphis-Shelby County operating permit programs as a direct final rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. An explanation for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting should do so at this time.

DATES: Written comments must be received by April 19, 2001.

ADDRESSES: Written comments on this action should be addressed to Kim Pierce, Regional Title V Program Manager, Air & Radiation Technology

Branch, EPA Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8909. Copies of the Tennessee and Memphis-Shelby County submittals, and other supporting documentation relevant to this action, are available for inspection during normal business hours at EPA Region 4, Air & Radiation Technology Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8909.

FOR FURTHER INFORMATION CONTACT: Kim Pierce, EPA Region 4, at (404) 562–9124 or *pierce.kim@epa.gov/.*

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the final rules section of this **Federal Register**.

Dated: March 12, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 01–6864 Filed 3–19–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. RSPA–01–8663]

RIN 2137–AD56

Pipeline Safety: Hazardous Liquid Pipeline Accident Reporting Revisions

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking; request for comments on revised form.

SUMMARY: This notice of proposed rulemaking would amend the pipeline safety regulations to lower the reporting threshold for hazardous liquid pipeline spills from 50 barrels to 5 gallons. We are also seeking comments on revisions to the hazardous liquid accident form to improve its usefulness. On the revised accident form, reporting for spills from 5 gallons to less than 5 barrels will require minimal information. The improvements to the hazardous liquid accident form are necessary to address known deficiencies in the current information collection. The improved information on failure cause categories and more detailed information about the impact of failed pipelines will improve pipeline safety statistics, increasing the overall usefulness of the data and making analysis more efficient and meaningful.

DATES: Comments on the subject of this proposed rule must be received on or before May 21, 2001.

ADDRESSES: You may submit written comments by mail or in person by delivering an original and two copies to the Dockets Facility, U.S. Department of Transportation, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. Or, you may submit written comments to the docket electronically at the following Web address: *http://dms.dot.gov.* See the **SUPPLEMENTARY INFORMATION** section for additional filing information.

FOR FURTHER INFORMATION CONTACT: Roger Little by phone at (202) 366–4569, by e-mail at *roger.little@rspa.dot.gov,* or by mail at the Office Of Pipeline Safety, Room 7128, 400 7th St. SW., Washington, DC 20590 regarding the subject matter of this notice or to access comments in the docket.

SUPPLEMENTARY INFORMATION:

Filing Information, Electronic Access, and General Program Information

The Dockets facility is open from 10:00 a.m. to 5:00 p.m., Monday through Friday, except federal holidays. All comments should identify the docket number of this notice, RSPA–01–8663. You should submit the original and one copy. If you wish to receive confirmation of receipt of your comments, you must include a stamped, self-addressed postcard. To file written comments electronically, after logging onto *http://dms.dot.gov*, click on ''Electronic Submission.'' You can read comments and other material in the docket at this Web address: *http://dms.dot.gov.* General information about our pipeline safety program is available at this address: *http://ops.dot.gov.*

Background

RSPA Pipeline Safety Mission

RSPA's Office of Pipeline Safety has responsibility for assuring adequate safety and environmental protection for risks posed by the nation's approximately 2 million miles of natural gas and hazardous liquid pipelines. The OPS shares responsibility for inspecting and overseeing the nation's pipelines with state pipeline safety offices that also depend on the information RSPA collects.

RSPA Pipeline Safety Data

To fulfill its safety mission, RSPA maintains a hazardous liquid pipeline accident database that is widely recognized as the nation's best source of such information. The information that RSPA collects on reportable hazardous liquid accidents provides an important tool for identifying safety trends in the hazardous liquid pipeline industry. RSPA has collected hazardous liquid pipeline accident information since the early 1970s, with only one revision to the accident collection procedures in July 1984. Under 49 CFR part 195, RSPA is authorized to develop regulations, inspect facilities, and ensure compliance with standards established to ensure safety and environmental protection from risks to the public and the environment that are posed by hazardous liquid pipelines. Operators are required to report accidents according to the procedures established in 49 CFR 195.50. The information is used to identify safety trends for regulatory purposes and to target inspections of hazardous liquid pipeline facilities based on risk.

The Need for Pipeline Safety Data

Accurate, meaningful pipeline safety incident information is needed for general trending of pipeline safety data and risk assessment, for deciding which pipelines need rehabilitation vs. replacement, for analyzing cost benefits, and for comparing individual operator performance with industry performance. This safety information is used by RSPA for daily decision making in RSPA's assessment of pipeline risks, regulatory development, and programmatic resource allocation. In addition to the need for information for safety trending and diagnosis, RSPA uses the information in monitoring industry performance and regulatory compliance, and for planning company standard safety inspections. State pipeline safety programs with hazardous liquid pipeline safety responsibility also use the information for these purposes. The information is also widely used by third-parties, including state governors, Congress, metropolitan planners, pipeline research engineers, industry safety experts, the media, and the public.

Why Revise the Hazardous Liquid Accident Report Form?

In 1984, the RSPA hazardous liquid accident form was revised as a result of the Paperwork Reduction Act. The report has been in use since 1984 without revision, providing 16 years of data upon which pipeline safety analysis has been extensively conducted. Over the years we became aware of shortcomings in the data collection that need improvement. In recent years, the usefulness of the hazardous liquid accident data collection has been found to be limited due to the level of detail and accuracy, and the quality of the collected data. Recognizing the limitations to effective pipeline safety analysis that these data deficiencies cause, the National

Transportation Safety Board, the DOT Office of the Inspector General, and others have urged RSPA to improve the collection of pipeline safety data.

Department of Transportation Inspector General Recommendation

DOT's Office of the Inspector General, in a March 2000 audit report of RSPA's pipeline safety program, recommended that RSPA

> implement revisions in the collection and processing of pipeline accident data to expand accident causal categories for more detailed trend analysis, and to clarify accident form instructions so that operators will be more consistent and accurate in reporting accident causes.

National Transportation Safety Board Recommendation

In its special investigation report PB96–917002 (January 23, 1996), the National Transportation Safety Board (NTSB) issued recommendation P–96–1 which directed the Office of Pipeline Safety (OPS) to develop

> a comprehensive plan for the collection and use of gas and hazardous liquid pipeline accident data that details the type and extent of data to be collected, to provide the Research and Special Programs Administration (RSPA) with the capability to perform methodologically sound accident trend analysis and evaluations of pipeline operator performance using normalized accident data.

Congressional Recommendations

Recent significant pipeline accidents have focused the regulators, Congress, the media, and the public's attention on the need for better pipeline safety information. Congress has advised RSPA to seek quick action to improve the quantity, quality, and usefulness of safety information to better perform its safety mission.

During the 106th Congress, the proposed Pipeline Safety Improvement Act of 2000 (S. 2438) was considered by both houses of Congress. The proposed bill included provisions to require RSPA to gather improved pipeline spill information for spills as small as five gallons:

> SEC. 10. IMPROVED DATA AND DATA AVAILABILITY.
>
> (a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the Secretary shall develop and implement a comprehensive plan for the collection and use of gas and hazardous liquid pipeline data to revise the causal categories on the incident report forms to eliminate overlapping and confusing categories and include subcategories. The plan shall include components to provide the capability to perform sound incident trend analysis and evaluations of pipeline operator performance using normalized accident data.
>
> (b) REPORT OF RELEASES EXCEEDING 5 GALLONS.—Section 60117(b) is amended—
>
> (1) by inserting ''(1)'' before ''To''; 25
>
> (2) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);
>
> (3) inserting before the last sentence the following: ''(2) A person owning or operating a hazardous liquid pipeline facility shall report to the Secretary each release to the environment greater than five gallons of the hazardous liquid or carbon dioxide transported. This section applies to releases from pipeline facilities regulated under this chapter. A report must include the location of the release, fatalities and personal injuries, type of product, amount of product release, cause or causes of the release, extent of damage to property and the environment, and the response undertaken to clean-up the release.

Although this proposed Act did not achieve final passage in the last Congress, we believe the intention to require improved data collection is apparent.

White House Memorandum

In a letter to the Secretary of Transportation, the President (November 3, 2000) asked the Secretary of Transportation to provide for

> collection of more complete and detailed information on the causes of accidents, thereby facilitating better trends analysis and helping to prevent future accidents. Specifically, you should improve accident reporting forms as soon as possible for both hazardous liquid and natural gas pipelines by expanding causal categories and clarifying instructions so that data submissions are more consistent and accurate.

Industry Recognition of the Need for Better Information

The pipeline industry has recognized the need to improve the usefulness of the hazardous liquid pipeline data. In recent years, the American Society of Mechanical Engineers (ASME) B31.4 committee conducted annual reviews of hazardous liquid pipeline accident data collection to evaluate the usefulness of the information. The ASME B31.4 committee developed an extended set of pipeline failure causes. The findings of the ASME committee have been made available to OPS and others for additional scrutiny as part of the ongoing effort to seek improvements in data usefulness. The ASME causes have been widely recognized and have gained industry and government acceptance.

Joint Industry/State/Federal Data Team

RSPA has been working with a joint industry/State/Federal team since 1997 to examine hazardous liquid pipeline accident data needs. The team determined that standardization of accident causes based on the causes proposed by the ASME B31.4 committees would be the best way to address accident reporting deficiencies. The team determined that the American Petroleum Institute (API) could develop and collect additional hazardous liquid pipeline data with a voluntary reporting system. API developed the data collection scheme in a system known as the Pipeline Performance Tracking Initiative (PPTI), and is now pilot-testing the system using calendar year 1999 data.

Standardization of Accident Data Across Industry

RSPA plans to implement the recommendations of the NTSB, the DOT's Office of the Inspector General, Congress, and the White House by clarifying and standardizing the accident cause categories, and collecting better information for both natural gas and hazardous liquid pipeline accidents. Furthermore, the natural gas pipeline transmission industry has recently accepted the expanded ASME B31.4 accident cause categories.

RSPA acknowledges the need for consistent pipeline information for both natural gas and hazardous liquid pipeline accidents. Plans are currently underway to similarly revise natural gas transmission incident pipeline information. RSPA also plans to adopt a similar failure cause scheme for natural gas distribution pipeline incidents later in 2001. By adopting recognized industry proposed failure causal categories for natural gas and hazardous liquid pipeline incidents, we are taking a step toward further standardization of pipeline safety statistics for all pipeline types, increasing the overall usefulness of the data, and making analysis more efficient and meaningful.

Identified Shortcomings in RSPA Pipeline Safety Data

Some key deficiencies that have been identified and which are being addressed in the current proposed revision are: insufficient information about spills below 50 barrels and spills in water; absence of complete information; oversimplification of the failure cause categories on the current accident form (including a high percentage of causes reported in the ''OTHER'' category where accident cause does not fit into the three causes provided); and insufficient accident consequence and cause subelements for proper analysis.

RSPA's Approach for Improving Hazardous Liquid Accident Data

New Reporting Threshold

This notice proposes to lower the existing threshold for accident reporting for operators of hazardous liquid pipeline systems subject to RSPA regulations under Part 195. The existing threshold of 50 barrels would be lowered to the new threshold of 5 gallons. RSPA believes the consequence of spills as small as 5 gallons does not warrant full reporting to the extent justified for larger spills. Consequently, RSPA proposes to minimize the reporting burden for small spills by collecting only minimal information for spills from 5 gallons to less than 5 barrels, except where a spill of 5 gallons or more occurs in water. Spills between 5 gallons and less than 5 barrels that occur during normal maintenance activities are exempt if they are confined to the operator's property or pipeline right-of-way and they are cleaned up without delay. A spill of 5 or more barrels, or any accident reportable by the already existing criteria specified in section 195.50 will, as at present, require complete reporting.

In addition, because of the proposed reduction in the minimum spill reporting threshold, the requirement in § 195.50(c) for reporting highly volatile liquid (HVL) releases as small as 5 barrels is no longer needed. The proposed rule requires reporting of all releases down to 5 barrels, including HVLs. Therefore, we propose to delete § 195.50(c).

Improved Cause and Consequence Information

RSPA proposes to further improve the usefulness of the information collected on the hazardous liquid accident form RSPA F 7000–1 by strengthening the cause and consequence detail information. For details on the proposed changes, see the proposed form RSPA F 7000–1 and the proposed Instructions for Completing Form RSPA F 7000–1 in Docket No. RSPA–01–8663. The proposed accident report form revision will enhance safety and environmental protection from risks that hazardous liquid pipelines pose to people and the environment by helping RSPA to better identify safety trends and issues, target solutions, and monitor effectiveness and compliance.

Rulemaking Analyses

Executive Order 12866 and DOT Policies and Procedures

RSPA does not consider this proposed rulemaking to be a significant regulatory action under section 3(f) of Executive Order 12866. RSPA also does not consider this proposed rulemaking to be significant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979).

A copy of the Draft Regulatory Evaluation is available for review in the docket. This section summarizes the findings of the draft regulatory evaluation. This proposed rulemaking addresses the problems with the data collection of hazardous liquid pipeline accidents.

Introduction

In recent years, the usefulness of the hazardous liquid accident data collection has been found to be limited due to the level of detail and accuracy and the quality of the data collected. Recognizing the limitations to effective pipeline safety analysis that these data deficiencies cause, the National Transportation Safety Board, the Department of Transportation Office of the Inspector General, and others have urged RSPA to make the pipeline safety data which RSPA collects more useful.

This proposal amends the pipeline safety regulations to lower the reporting threshold for hazardous liquid pipeline spills from 50 barrels to 5 gallons, with an accompanying revision to the hazardous liquid accident form to improve its usefulness. On the revised accident form, reporting for spills from less than 5 barrels down to 5 gallons will require reporting minimal information, whereas any spill in water of 5 gallons or more, any spill of 5 barrels or more, or where otherwise reportable according to existing reporting criteria as outlined in 49 CFR 195.50, will require completion of the entire new proposed accident report. Additionally, RSPA proposes to further improve the usefulness of the information collected on the hazardous liquid accident form RSPA F 7000–1 by strengthening the cause and consequence detail information on the accident report.

Benefits

Accurate, meaningful pipeline safety incident information is needed for general trending of pipeline safety issues and for risk assessment applications, for deciding which pipelines need rehabilitation vs. replacement, for analyzing cost benefits, and for comparing individual operator performance with industry performance. This safety information is used by RSPA for daily decision making in RSPA's assessment of pipeline risks, regulatory development, and programmatic resource allocation. RSPA also uses the information in monitoring industry performance and regulatory compliance, and for planning company standard safety inspections.

Costs

RSPA estimates that it will take each operator 1 hour to complete the short form, and estimates the long form will take each operator 7 hours to complete.

Based on a survey by the American Petroleum Institute (API), RSPA estimates the number of incidents reported annually will be 1,839. Of these reports, RSPA estimates that 427 will require the long form and 1,412 will require the short form.

Below is RSPA's estimate for the new requirements and an estimate of the former requirement for comparison purposes.

427 long forms × 7 hours = 2,989 hours.
1,412 short forms × 1 hour = 1,422 hours.
1,839 forms total; 4,411 hours total.

If the average cost is $40 per hour, the total industry cost annually is $176,440 (4,411 × $40).

The previous cost to industry was 166 reports × 6 hours = 996 × $40 = $39,840. The net increase of the proposed change in the reporting threshold and the proposed changes to the forms is $136,600 annually.

Conclusion

RSPA believes that the additional cost of $136,600 annually is a relatively modest burden on the hazardous liquid pipeline industry. The benefits accruing to RSPA and the pipeline industry through the increase in the number of reports and the more detailed data should easily outweigh this modest cost. This increase in information received should allow RSPA and the hazardous liquid pipeline industry to identify safety issues and trends in the present state of pipeline safety, and to provide information that will allow operators to make changes to procedures and practices that will ultimately reduce pipeline accidents and improve pipeline safety.

Regulatory Flexibility Act

Dividing the incremental cost increase of $136,600 by the approximately 200 hazardous pipeline operators shows the average incremental cost increase of this proposal is $683 per operator. Based on this small increase in costs to the industry of this proposed rulemaking, I

certify, pursuant to section 605 of the Regulatory Flexibility Act (5 U.S.C. 605), that this proposed rulemaking would not have a significant impact on a substantial number of small entities. If you have any information that this conclusion about the impact on small entities is not correct, please provide that information to the public docket described in the Filing Information, Electronic Access, and General Program Information section of the preamble.

Paperwork Reduction Act

This rule contains information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507 (d)), the DOT has submitted a copy of the Paperwork Reduction Act Analysis to the Office of Management and Budget (OMB) for its review. The name of the information collection is ''Transportation of Hazardous Liquids by Pipeline: Recordkeeping and Accident Recordkeeping and Reporting Requirements (2137–0047).'' A copy of the Paperwork Reduction Act analysis is available for review in the docket. This paperwork burden is an amendment to an already existing information collection that includes additional information requirements that are not a part of this rulemaking.

The approximately 192 hazardous liquid pipeline operators will be required to submit approximately 1,839 incident reports annually. The total hour burden will be 4,411 hours costing $176,440 annually.

Organizations and individuals desiring to submit comments on the information collection should direct them to the addresses listed in the **ADDRESSES** section of the preamble. Comments must be sent within 60 days of the publication of this notice.

The OMB is specifically interested in the following issues concerning the information collection:

1. Evaluating whether the collection is necessary for the proper performance of the functions of the DOT, including whether the information would have a practical use;

2. Evaluating the accuracy of the DOT's estimate of the burden of the collection of information, including the validity of assumptions used;

3. Enhancing the quality, usefulness and clarity of the information to be collected; and

4. Minimizing the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

The Paperwork Reduction Act of 1995 does not require a person to respond to a collection of information unless a valid OMB control number is displayed. The valid OMB control number for this information collection will be published in the **Federal Register** after it is approved by OMB. For more details, see the Paperwork Reduction Analysis available for copying and review in the public docket.

Executive Order 13084

The proposed rules have been analyzed in accordance with the principles and criteria contained in Executive Order 13084, ''Consultation and Coordination with Indian Tribal Governments.'' Because the proposed rules would not significantly or uniquely affect the communities of the Indian tribal governments and would not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13084 do not apply.

Unfunded Mandates Reform Act of 1995

This proposed rulemaking would not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It would not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and would be the least burdensome alternative that achieves the objective of the rule.

National Environmental Policy Act

We have analyzed the proposed rules for purposes of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). Because the proposed rule parallels present reporting requirements and practices, we have preliminarily determined that the proposed rule would not significantly affect the quality of the human environment. Generally, collection of information does not constitute an environmental impact. A final determination on environmental impact will be made after the end of the comment period. If you disagree with our preliminary conclusion, please submit your comments to the docket as described above.

Executive Order 13132

The proposed rules have been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). The proposed rule change does not propose any regulation that (1) has substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government; (2) imposes substantial direct compliance costs on State and local governments; or (3) preempts state law. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply. Nevertheless, during our review of the existing hazardous liquid reporting requirements, representatives of state pipeline safety agencies gave us advice both in private sessions and in the form of formal recommendations for pursuing improved accident information. In addition, our pipeline safety advisory committees, which include representatives of state governments, have been briefed on our plans for improving accident data.

List of Subjects in 49 CFR Part 195

Anhydrous ammonia, Carbon dioxide, Incorporation by reference, Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

In consideration of the foregoing, we propose to amend 49 CFR Part 195 as follows:

PART 195—TRANSPORTATION OF HAZARDOUS LIQUIDS BY PIPELINE

1. The authority citation for part 195 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60118; and 49 CFR 1.53.

2. Amend § 195.50 to revise paragraph (b), to remove paragraph (c), and to redesignate paragraphs (d) through (f) as paragraphs (c) through (e), to read as follows:

§ 195.50 Reporting accidents.

* * * * *

(b) Release of 5 gallons (19 liters) or more of hazardous liquid or carbon dioxide, except that no report is required for a release of less than 5 barrels (0.8 cubic meters) if the release is:

(1) Not one described in § 195.52(a)(4);

(2) Attributable to a pipeline maintenance activity;

(3) Confined to company property or pipeline right-of-way; and

(4) Cleaned up promptly.

* * * * *

Issued in Washington, D.C. on January 17, 2000.

Stacey L. Gerard,

Associate Administrator for Pipeline Safety.

[FR Doc. 01–6822 Filed 3–19–01; 8:45 am]

BILLING CODE 4910–60–P

Notices

Federal Register

Vol. 66, No. 54

Tuesday, March 20, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 01–011–2]

Public Meeting; Veterinary Biologics; Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting; correction.

SUMMARY: We are correcting an error in a notice informing interested individuals of a public meeting on biologics for cancer diagnosis, prevention, and immunotherapy. The notice was published in the **Federal Register** on March 7, 2001 (66 FR 13696). The notice had the wrong e-mail address for Dr. Dave M. Dusek in **FOR FURTHER INFORMATION CONTACT**. This document corrects the e-mail address.

DATES: The public meeting will be held on Thursday and Friday, April 12 and 13, 2001, from 8 a.m. to approximately 5 p.m.

ADDRESSES: The public meeting will be held in the Scheman Building at the Iowa State Center, Iowa State University, Ames, IA.

FOR FURTHER INFORMATION CONTACT: For further information about the meeting, contact Dr. Dave M. Dusek, Center for Veterinary Biologics, Veterinary Services, APHIS, 510 South 17th Street, Suite 104, Ames, IA 50010–8197; phone (515) 232–5785, fax (515) 232–7120, or e-mail David.M.Dusek@usda.gov. For registration information, contact Ms. Dawne Buhrow at the Institute for International Cooperation in Animal Biologics, room 2160, College of Veterinary Medicine, Iowa State University, Ames, IA 50011; phone (515) 294–7632, fax (515) 294–8259, or e-mail iicab@iastate.edu. Information is also available online at *http://www.vetmed.iastate.edu/iicab/cancerbiologics.htm*.

Done in Washington, DC, this 15th day of March 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–6857 Filed 3–19–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Notice of Solicitation for Membership to the Forestry Research Advisory Council

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. app., the United States Department of Agriculture (USDA) announces solicitation for nominations to fill eight vacancies on the Forestry Research Advisory Council.

SUPPLEMENTARY INFORMATION: Section 1441 (c) of the Agriculture and Food Act of 1981 requires the establishment of the Forestry Research Advisory Council to provide advice to the Secretary of Agriculture on accomplishing efficiently the purposes of the Act of October 10, 1962 (16 U.S.C. 582a, et seq.), known as the McIntire-Stennis Act of 1962. The Council also provides advice related to the Forest Service research program, authorized by the Forest and Rangeland Resources Research Act of 1978 (Pub. L. 95–307, 92 Stat. 353, as amended; 16 U.S.C. 1600 (note)). The Council is composed of 20 voting members from the following membership categories:

- Federal and State agencies concerned with developing and utilizing the Nation's forest resources, in particular committee membership, will include representation from the National Forest System and Forest and Range Experiment Stations leaders, Forest Service;
- The forest industries;
- The forestry schools of the State-certified eligible institutions, and State agricultural experiment stations; and
- Volunteer public groups concerned with forests and related natural resources.

(Nomination of members representing the forestry schools will be sent to the Secretary by State-certified eligible forestry schools. This notice does not seek nominations representing those institutions.)

The Council membership is appointed with staggered terms of one, two, and three years. As a result of the staggered appointments, the terms of six members expired December 31, 2000. Nominations for a three-year appointment for all of the six vacant positions and two unfilled positions last year are sought. Nominees will be carefully reviewed for their broad expertise, leadership and relevancy to a membership category. Nominations for one individual who fits several of the categories, or for more than one person who fits one category will be accepted. Please indicate the specific membership category for each nominee. Each nominee must complete Form AD–755, Advisory Committee Membership Background Information (which can be obtained from the contact persons below) and will be vetted before selection. Send nominee's name, resume, and the completed Form AD–755 by mail to: Cooperative State Research, Education, and Extension Service; U. S. Department of Agriculture; Office of the Forestry Research Advisory Council; Mail Stop 2210; 1400 Independence Avenue, SW., Washington, DC 20250–2210. Nominations delivered by express mail or overnight courier service should be sent to: Office of the Forestry Research Advisory Council; Cooperative State Research, Education, and Extension Service; U. S. Department of Agriculture; Room 3211, Waterfront Centre; 800 9th Street, SW., Washington, DC 20024.

DATES: Nominations must be received on or before April 19, 2001.

FOR FURTHER INFORMATION CONTACT: Catalino A. Blanche, Designated Federal Officer, Forestry Research Advisory Council; Office of the Forestry Research Advisory Council; Cooperative State Research, Education, and Extension Service; U. S. Department of Agriculture; Mail Stop 2210; 1400 Independence Avenue, SW., Washington, DC 20250–2210; telephone: (202) 401–4190; fax: (202) 401–1706; e-mail: cblanche@reeusda.gov, or contact Dr. Hao Tran, Staff Assistant, Research and Development, Forest Service, U. S. Department of Agriculture; telephone: (202) 205–1293; fax: (202) 205–1530; e-mail: htran@fs.fed.us.

Done at Washington, DC this 12th day of March, 2001.

Dawn R. Riley,

Acting Deputy Under Secretary, Research, Education, and Economics.

[FR Doc. 01–6856 Filed 3–19–01; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Forest Service

Kirkpatrick Dam/Oklawaha River Restoration Project, Ocala National Forest, Putnam and Marion County Florida

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a draft environmental impact statement.

SUMMARY: The USDA Forest Service along with the Florida Department of Environmental Protection (FDEP), intends to prepare a draft environmental impact statement to authorize continued occupancy and use of national forest system land for operating and maintaining portions of Kirkpatrick Dam, Rodman Reservoir, and Eureka Lock in conjunction with the implementation of the partial restoration of the Oklawaha River.

DATES: A draft environmental impact statement is expected to be completed in April 2001. The final environmental impact statement is scheduled to be completed in December 2001.

ADDRESSES: You may request to be placed on the project mailing list and direct comments to: Marsha Kearney, Forest Supervisor, USDA Forest Service, 325 John Knox Rd., Tallahassee, Florida 32303.

FOR FURTHER INFORMATION CONTACT: George Hemingway, Special Projects Liaison, USDA Forest Service, 325 John Knox Rd., Tallahassee, Florida 32303, 850–942–9364.

SUPPLEMENTARY INFORMATION: The FDEP has applied for a permit to occupy and use national forest system land for operating and maintaining portions of Kirkpatrick Dam, Rodman Resevoir, and Eureka Lock. The FDEP is in the process of developing the Kirkpatrick Dam/Ocklawaha River Restoration Project for restoring a portion of the Cross Florida Barge Canal to its historic condition. The FDEP is considering four alternatives for this project: (1) Complete Restoration of the Oklawaha River, (2) Partial Restoration of the Oklawaha River, (3) Total Retention of the Rodman Reservoir, and (4) Partial Retention of the Rodman Reservoir. The FDEP has chosen the Partial Restoration of the Oklawaha River as its preferred alternative. This plan will restore river hydrology and floodplain function to historic conditions through breaching the dam, with limited removal and/or alteration of structures and topographical manipulation, and allowing for restoration by natural processes.

A Notice of Intent (NOI) to prepare a draft environmental impact statement for this project was prepared by the U.S. Army Corps of Engineers (COE) and published on February 6, 1996. The COE decisions include permitting activities for Section 9 and Section 10 of the Rivers and Harbors Act and for Section 404 of the Clean Water Act. The COE permitting decisions are several years away and the Forest Service decision is ripe for action at this time; therefore, the Forest Service intends to prepare its own draft environmental impact statement to support its land use decision. The Forest Supervisor for the National Forests in Florida will decide whether or not to permit continued occupancy and use of national forest system land by FDEP for operating and maintaining portions of Kirkpatrick Dam, Rodman Reservoir, and Eureka Lock, and the disposition and management of currently submerged national forest land in conjunction with the implementation of the Partial Restoration of the Oklawaha River.

The scoping process, as outlined by the Council on Environmental Quality (CEQ), will be utilized to involve Federal, State, and local agencies and other interested persons and organizations. Interested persons and organizations wishing to participate in the scoping process should contact the Forest Service at the above mentioned address. Environmental considerations include potential presence of historical or archeological resources, aesthetics, recreation demand, water quality, flood control, water supply, land use, wetlands, endangered and threatened species, and fish and wildlife habitats and values. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the Notice of Availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the CEQ for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: March 14, 2001.

Art Rohrbacher,

Acting Forest Supervisor, National Forests in Florida.

[FR Doc. 01–6810 Filed 3–19–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Availability of an Environmental Assessment for an Amendment to the White Mountain National Forest Land and Resource Management Plan; Grafton, Coos, and Carroll Counties, New Hampshire, and Oxford County, Maine

AGENCY: Forest Service, Agriculture.

ACTION: Notice of availability of an environmental assessment.

SUMMARY: The White Mountain National Forest proposes to amend the Forest Plan to address threatened, endangered, and sensitive species. Supervisor Donna L. Hepp (Responsible Official) made available copies of the Environmental Assessment for the Proposed Amendment to the White Mountain

National Forest Land and Resource Management Plan for Threatened, Endangered, and Sensitive Species. This amendment adds required Terms and Conditions from a Biological Opinion issued by the U.S. Fish and Wildlife Service, to minimize impacts to the federally endangered Indiana bat (*Myotis sodalis*). The amendment also provides new standards to protect the federally threatened small whorled pogonia (*Isotria medeoloides*) and includes new direction on protection of Regional Forester Sensitive Species. This notice is required pursuant to National Forest System Land and Resource Management Planning regulations (36 CFR 219.35(b)).

DATES: On April 21, 2000, the White Mountain National Forest initiated scoping for the proposal to amend the White Mountain National Forest Land and Resource Management Plan (Forest Plan). On January 22, 2001, White Mountain National Forest Supervisor Donna L. Hepp (Responsible Official) made available for public notice and comment an Environmental Assessment to amend the White Mountain National Forest Land and Resource Management Plan for Threatened, Endangered, and Sensitive species. The Environmental Assessment was available for public comment beginning January 22, 2001. Comments were accepted through February 21, 2001. A decision is expected in April of 2001.

ADDRESSES: The Forest Supervisor's address is Forest Supervisor, White Mountain National Forest, 719 North Main St., Laconia, NH 03246.

FOR FURTHER INFORMATION CONTACT: Leighlan Prout, Forest Biologist, at 603–528–8721 or TTY 603–528–8722.

Responsible Official: Donna L. Hepp, Forest Supervisor, 719 North Main Street, Laconia, NH 03246.

SUPPLEMENTARY INFORMATION: New standards are being proposed for several reasons: (1) To officially adopt Terms and Conditions specified by the U.S. Fish and Wildlife Service to minimize ''take'' (under the Endangered Species Act) of Indiana bats, as well as propose additional measures to aid in Indiana bat recovery; (2) To incorporate standards for protecting small whorled pogonia, a threatened species discovered after the approval of the original Forest Plan in 1986; and (3) To provide protective standards for Regional Forester Sensitive Species, the list of which was recently evaluated and updated in February 2000. This is a non-significant amendment.

Dated: March 9, 2001.

Donna L. Hepp,

Forest Supervisor.

[FR Doc. 01–6874 Filed 3–19–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

California Coast Provincial Advisory Committee (PAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The California Coast Provincial Advisory Committee (PAC) will meet on March 28 and 29, 2001, at the US Fish and Wildlife Service Second Floor Conference Room in Arcata, California. The meeting will be held from 1 p.m. until 5 p.m. on Wednesday, March 28, and from 8 a.m. to 4 p.m. on Thursday, March 29. The USFWS office is located at 1655 Heindon Road in Arcata. Agenda items to be covered include: (1) Update on the National Fire Plan; (2) discussion on the issue of anadromous fish populations and their habitat on federal lands in the Province; (3) report on watershed planning activities; (4) Regional Ecosystem Office (REO) update; (5) presentations on fire ecology history in the Province and hazardous fuels treatment opportunities; (6) update on legislation concerning federal Payments to Counties; (7) presentations on Mendocino and Six Rivers Forest fire management plans; (8) action plan for the Province comprehensive road work/fisheries and watershed restoration plan; (9) discussion of issue concerning a Provincial integrated fire strategy; (10) Mendocino NF Strategic Agenda; and (11) open public comment. All California Coast Provincial Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to James Fenwood, Forest Supervisor, or Phebe Brown, Province Coordinator, USDA, Mendocino National Forest, 825 N. Humboldt Avenue, Willows, CA 95988, (530) 934–3316.

Dated: March 7, 2001.

James D. Fenwood,

Forest Supervisor.

[FR Doc. 01–6770 Filed 3–19–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

National Tree-Marking Paint Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: The National Tree-Marking Paint Committee will meet in Santa Fe, New Mexico on April 24–26, 2001. The purpose of the meeting is to discuss activities related to the use, improvements, concerns, and handling of tree marking paint within the Forest Service and the Department of the Interior's Bureau of Land Management. While certain segments of this meeting are open to the public, other portions are closed for federal government officials' participation only.

DATES: The meeting will be held April 24–26, 2001, from 8 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Courtyard Marriott, 3347 Cerrillos Road, Santa Fe, New Mexico 87505.

Send written comments to Bob Monk, National Paint Committee Chair, USDA Forest Service, San Dimas Technology and Development Center, 444 East Bonita Avenue, San Dimas, California 91773.

FOR FURTHER INFORMATION CONTACT: Bob Monk, Project Leader, Forest Service San Dimas Technology and Development Center, (909) 599–1267, extension 267.

SUPPLEMENTARY INFORMATION: The National Tree-Marking Paint Committee is comprised of representatives from the agency's national headquarters, each of the nine regions, the Forest Products Laboratory, the Forest Service's San Dimas California Technology and Development Center, and the Bureau of Land Management. The General Services Administration and the National Institute of Safety and Health are ad hoc members and may provide technical advice to the committee.

A field trip will be held on April 24 to observe forest management activities on the Santa Fe National Forest. This trip is open to public attendance for those participating in the public meeting on April 25. Transportation for non-government individuals is not provided.

The main session of the meeting, which is open to public participation, will be held on April 25 and, if needed, the public participation session may be extended into the morning of April 26. Persons who wish to bring tree-marking paint proposals to the attention of the committee may file written statements

with the project leader before or after the meeting. Following the open session, the committee will hold two closed sessions.

The first closed session, reserved for individual presentations by paint manufacturers, will provide an opportunity for them to present products and information about tree marking paint for consideration in future testing or for use by the agency. Companies may also provide comments on tree-marking paint specifications or other requirements. This portion of the meeting is open only to the representative(s) of the company, their guests, and government representatives to ensure that trade secrets will not be disclosed to other paint companies or to the public. Companies or corporations wishing to make presentations to the Tree-Marking Paint Committee during the closed session should contact the project leader at the telephone number listed under **FOR FURTHER INFORMATION CONTACT**. The second closed session is reserved for federal government employees only and will be held April 26.

Any person with special access needs should contact the project leader to make those accommodations. Space for individuals who are not members of the National Tree-Marking Paint Committee is limited and will be available to the public on a first-come, first-served basis.

Dated: March 14, 2001.

James R. Furnish,

Deputy Chief, National Forest System.

[FR Doc. 01–6858 Filed 3–19–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's intention to request an extension for a currently approved information collection in support of the program for Fire and Rescue Loans.

DATES: Comments on this notice must be received by May 21, 2001 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Andrea Barnett, Loan Specialist, Community Programs Division, RHS, U.S. Department of Agriculture, Stop 0787, 1400 Independence Avenue, SW., Washington, DC 20250–0787. Telephone (202) 720–0487.

SUPPLEMENTARY INFORMATION:

Title: Fire and Rescue Loans.

OMB Number: 0575–0120.

Expiration Date of Approval: July 31, 2001.

Type of Request: Extension of a currently approved information collection.

Abstract: The Fire and Rescue Loan program is authorized by Section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) to make loans to public entities, nonprofit corporations, and Indian tribes for the development of community facilities for public use in rural areas and is covered by 7 CFR 1942–C. The primary regulation for administering the Community Facilities program is 7 CFR 1942–A (OMB Number 0575–0015) that outlines eligibility, project feasibility, security, and monitoring requirements.

The Community Facilities fire and rescue program has been in existence for many years. This program has financed a wide range of fire and rescue projects varying in size and complexity from construction of a fire station with fire fighting and rescue equipment to financing a 911 emergency system. These facilities are designed to provide fire protection and emergency rescue services to rural communities.

Information will be collected by the field offices from applicants, borrowers, and consultants. This information will be used to determine applicant/borrower eligibility, project feasibility, and to ensure borrowers operate on a sound basis and use funds for authorized purposes. Failure to collect proper information could result in improper determination of eligibility, improper use of funds, and/or unsound loans.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 2.22 hours per response.

Respondents: Not-for-profit institutions, State, local, or tribal governments.

Estimated Number of Respondents: 1,100.

Estimated Number of Responses per Respondent: 5.89.

Estimated Total Annual Burden on Respondents: 6,482 hours.

Copies of this information collection can be obtained from Tracy Gillin, Regulations and Paperwork Management Branch, (202) 692–0039.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Rural Housing Service (RHS), including whether the information will have practical utility; (b) the accuracy of RHS' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Tracy Gillin, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW, Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: March 13, 2001.

James C. Alsop,

Acting Administrator, Rural Housing Service.

[FR Doc. 01–6812 Filed 3–19–01; 8:45 am]

BILLING CODE 3410–XV–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Coastal Zone Management: Federal Consistency Appeal by John T. Keegan From an Objection by the Puerto Rico Planning Board

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Notice of Appeal and Request for Comments.

By letter dated October 26, 1999, John T. Keegan (Appellant) filed with the Secretary of Commerce a notice of appeal pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act (CZMA). The appeal is taken from an objection by the Puerto Rico Planning Board (PRPB) to Appellant's consistency certification for a permit to install 50 helix-screw anchor moorings at Guanica Bay, Guanica, Puerto Rico. The purpose of the project, as stated in Appellant's application, is to provide moorings to boat owners for storm protection during hurricane season. The PRPB's concerns, as stated in the Board's objection letter, include the potential for (1) increases in watercraft collisions with endangered manatees; (2) water quality deterioration

in the area of the mooring buoys, owing to the possibility of the area becoming a ''mini-marina'' without sanitary facilities; and (3) interference with public access to the vicinity for fisherman.

The CZMA provides that a timely objection by a state precludes any federal agency from issuing licenses or permits for the activity unless the Secretary finds that the activity is either ''consistent with the objectives'' of the CZMA (Ground I) or ''necessary in the interest of national security'' (Ground II). Section 307(c)(3)(A). To make such a determination, the Secretary must find that the proposed project satisfies the requirements of 15 CFR 930.121 or 930.122. 15 CFR part 930, subpart H has been revised effective January 8, 2001. This appeal is being processed according to the regulations in effect at the time of Appellant's notice.

The Appellant requests that the Secretary override the State's consistency objections based on either Ground I or Ground II. To make the determination that the proposed activity is ''consistent with the objectives'' of the CZMA, the Secretary must find that: (1) The proposed activity furthers one or more of the national objectives or purposes contained in §§ 302 or 303 of the CZMA, (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest, (3) the proposed activity will not violate the Clean Air Act or the Federal Water Pollution Control Act, and (4) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with the State's coastal management program. 15 CFR 930.121. The term ''necessary in the interest of national security'' describes a Federal license or permit activity, or a Federal assistance activity which, although inconsistent with a State's management program, is found by the Secretary to be permissible because a national defense or other national security interest would be significantly impaired if the activity were not permitted to go forward as proposed. 15 CFR 930.122.

Public comments are invited on the findings that the Secretary must make as set forth in the regulations at 15 CFR 930.121. Comments are due within 30 days of the publication of this notice and should be sent to Ms. Suzanne Bass, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910. Copies of comments will also be forwarded to the Appellant and the State.

All nonconfidential documents submitted in this appeal are available for public inspection during business hours at the offices of the State and the Office of the Assistant General Counsel for Ocean Services.

FOR FURTHER INFORMATION CONTACT: Ms. Suzanne Bass, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910, 301–713–2967.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance)

Dated: March 13, 2001.

Craig O'Connor,

Acting General Counsel.

[FR Doc. 01–6893 Filed 3–19–01; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Science Foundation

[Docket 000127019-0323-02; I.D. 111500D]

RIN: 0648-ZA77

Announcement of Funding Opportunity to Submit Proposals for the Global Ocean Ecosystems Dynamics Project

AGENCIES: Center for Sponsored Coastal Ocean Research/Coastal Ocean Program (CSCOR/COP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC); and the National Science Foundation (NSF), Directorate for Geosciences, Division of Ocean Sciences (OCE).

ACTION: Announcement of Funding Opportunity for financial assistance for project grants and cooperative agreements.

SUMMARY: The purpose of this document is to advise the public that CSCOR/COP and NSF are soliciting up to 4-year proposals for the GLOBEC-01 program as part of a Federal research partnership. Funding is contingent upon the availability of Federal Fiscal Year 2002 appropriations. It is anticipated that final recommendations for awards will be made in early FY 2002.

DATES: The deadline for receipt of proposals in the COP office is 3 p.m. local time July 10, 2001. Note that late-arriving applications provided to a delivery service, on or before, July 9, 2001, with delivery guaranteed before 3 p.m., EST, on July 10, 2001, will be accepted for review if the applicant can document that the application was provided to the delivery service with delivery to the address listed below guaranteed prior to the specified closing date and time; and in any event, the proposals are received in the COP office by 3 p.m. EST, no later than two business days following the closing date.

ADDRESSES: Submit the original and 19 copies of your proposal to Coastal Ocean Program Office (GLOBEC-01), SSMC4, 8th Floor, Station 8243, 1305 East-West Highway, Silver Spring, MD 20910. NOAA and COP Standard Form Applications with instructions are accessible on the COP Internet site (http://www.cop.noaa.gov) under the COP Grants Support Section, Part D, Application Forms for Initial Proposal Submission. Forms may be viewed, and in most cases, filled in by computer. All forms must be printed, completed, and mailed to CSCOR/COP with original signatures. Blue ink for original signatures is recommended but not required. If you are unable to access this information, you may call CSCOR/COP at 301–713–3338 to leave a mailing request.

FOR FURTHER INFORMATION CONTACT: Technical Information: Elizabeth Turner, GLOBEC Program Manager, COP Office, 603–862–4680, Internet: Elizabeth.Turner@noaa.gov; or Dr. Phillip Taylor, NSF Division of Ocean Sciences, 703–292–8582, Internet: prtaylor@nsf.gov

Business Management Information: Leslie McDonald, COP Grants Administrator, Internet: Leslie.McDonald@noaa.gov

SUPPLEMENTARY INFORMATION:

Electronic Access

Data collected under the U.S. GLOBEC Northwest Atlantic/Georges Bank Program and associated documentation is available to all researchers at http://globec.whoi.edu/globec-dir/globec.doc.html under protocols established under the U.S. GLOBEC Data Policy.

The U.S. GLOBEC Report 10 is available at: http://www.usglobec.org/reports/datapol/datapol.contents.html). For a list of funded projects during phases I-III of the Georges Bank Study, consult http://globec.whoi.edu/globec-dir/list-of-all-projects.html.

Publications resulting from U.S. GLOBEC studies are catalogued at:

http://www.usglobec.org/misc/funded.contributions.html

The U.S. GLOBEC Report No 6 is available at: http://www.usglobec.org/reports/reports.home.html16.

For information concerning the NOAA Coastal Ocean Program Decision Analysis Series report, see: http://www.cop.noaa.gov/pubs/das.html.

For information concerning the NSF form 1239, see: http://www.nsf.gov/cgi-bin/getpub?99form1239.

Background

Program Description

For complete Program Description and Other Requirements for the COP, see the General Grant Administration Terms and Conditions of the Coastal Ocean Program published in the **Federal Register** (65 FR 62706, October 19, 2000) and at the COP home page.

Global Ocean Ecosystems Dynamics (U.S. GLOBEC) is a component of the U.S. Global Change Research Program, with the goals of understanding and ultimately predicting how populations of marine animal species (holozooplankton, fish and benthic invertebrates) respond to natural and anthropogenic changes in global climate. U.S. GLOBEC is also the U.S. component of the GLOBEC International program, a core project of the International Geosphere-Biosphere Program, with co-sponsorship from the Scientific Committee on Oceanic Research and the Intergovernmental Oceanographic Commission. This notice is under the auspices of the U.S. GLOBEC program within NSF/OCE and the regional ecosystem studies and U.S. GLOBEC initiatives of NOAA's COP.

The GLOBEC Northwest Atlantic study of Georges Bank and environs has thus far consisted of a three-phase study of the continental margin and shelf in the context of the larger oceanic boundary region and the processes and phenomena that affect the ecosystem of the Bank. The first three phases of this cooperative, inter-agency research program have supported integrated, multi-investigator, inter-disciplinary programs of modeling, retrospective analysis, and monitoring and process field studies. This coordinated effort has the overall goal of understanding of the potential impacts of climate variability and change on the ecosystem dynamics of Georges Bank with the aim of improving predictability and management of U.S. marine resources.

This request for proposals constitutes the initiation of the fourth and final phase of the U.S. GLOBEC/Northwest Atlantic Program. Its principal objective is to foster integration and synthesis of data collected during the field phases of the program and other relevant data and knowledge, through group interactions and modeling activities; no new field work will be supported. The Phase IV initiative is absolutely open to the participation of scientists without past involvement in U.S. GLOBEC as well as current U.S. GLOBEC investigators. The organization of principal investigators and proposals with emphasis on the integration of observations and models, and the close coordination of research groups with one another, will be vital to the success of the Phase IV synthesis effort.

Research Program Goals

Within the overall goal outlined above, this Northwest Atlantic/Georges Bank Program continues to have three specific goals:

(1) To determine the processes that control the Georges Bank circulation and transport of biological and chemical materials in a strongly tidal and wind-driven system, and to determine how physical and biological processes control the population dynamics of the target organisms (early life stages of cod and haddock and the copepods *Calanus finmarchicus* and *Pseudocalanus* spp.) in the Northwest Atlantic/Georges Bank area; and

(2) To embody this understanding in conceptual and quantitative models capable of elucidating ecosystem dynamics and responses on a broad range of space and time scales; and

(3) To understand the effects of climate variability and climate change on the distribution, abundance and production of the target organisms.

The specific objectives and scientific questions related to these goals are described in greater detail in U.S. GLOBEC Northwest Atlantic Implementation Plan (Report No. 6) referenced earlier in this document. This report should be consulted in responding to this announcement. An online version is available under the **SUPPLEMENTARY INFORMATION** section of this document.

Research Approach

Phase IV of the U.S. GLOBEC Northwest Atlantic/Georges Bank Program will emphasize a number of topic areas. Examples of appropriate topics to be considered are described here. The intent is for coordinated activities that collectively address the program goals. It is anticipated that proposed work may address more than one of these topic areas.

(1) Synthesis of Data Sets

Integration of broad-scale, process, and vital-rate study components of the program, and of observational, retrospective and modeling analyses are critical in the development of the synthesis research efforts. Investigators who have not been involved in the first three phases of the program, but who have new ideas about how to analyze or model currently available data sets are strongly encouraged to participate. Investigators involved in the first three field phases of the program are encouraged to collaborate in the integration of their data sets with other data sets to facilitate multi-disciplinary approaches to understanding factors affecting the dynamics of the target organisms. Topics under this initiative include, but are not limited to:

(a) *Occurrence, abundance, and distribution of target species*: Broad-scale studies include integration and synthesis of data collected during Phases I-III from shipboard surveys, moorings, and satellites. The emphasis is on the determination of the distribution and abundance of the target organisms in relation to their physical environment during the pelagic period of cod and haddock early life history stages. Creation of integrated data sets that can be used for inter-annual comparisons of population processes and their coupling to the physical structure and variability of the environment to answer the key questions posed in Phases I-III is of fundamental importance.

(b) *Processes that regulate the occurrence, abundance and distribution of target species*: Synthesis of process and vital-rate studies will include the integration of field and laboratory data designed to investigate specific biological and physical processes associated with vertical mixing and stratification with regional exchanges of water and organisms on and off Georges Bank, and with the mechanisms and dynamics of cross-frontal exchanges of water and organisms to understand critical forcing mechanisms. Examples include: synthesis of the experimental measurements of vital rates of target species to determine if the vertical distribution and vital rates of target species are correlated with mixing processes; examination of physical exchanges of water across the boundary of the Bank to determine how they influence population abundance and how exchange of the biota is affected by vertical migration behavior; and examination of how plankton patchiness, predator-prey interactions,

and vital rates are influenced by turbulence on all scales.

(2) Physical/biological Modeling

The development and use of conceptual and quantitative models to investigate physical and coupled physical/biological processes in the Georges Bank ecosystem have been emphasized throughout the U.S. GLOBEC Northwest Atlantic/Georges Bank program. Three-dimensional circulation models have been used to study the influence of seasonal stratification and wind forcing on flow to and over the Bank, using both idealized and realistic regional bathymetry and forcing. The role of advection, turbulent mixing, nutrient supply, insolation, predation, and other factors on the early population development of the target species has been examined using both continuous and individual-based models. These studies have involved both diagnostic and predictive models, and more recently included data assimilation to improve model accuracy and understanding of key processes. In Phase IV, these and other model approaches will be encouraged, with the following multiple aims: (a) To improve understanding of the key physical and biological processes which affect the target species on Georges Bank; (b) to help integrate and synthesize the various physical and biological data collected during the field program; and (c) to begin coupling the lower and upper trophic level models of the Georges Bank ecosystem.

Ideally, a product of Phase IV will be quantitative coupled physical/biological ecosystem models that embody the collective knowledge learned in the Georges Bank program and that can be used to investigate the Bank ecosystem response to future climate variability.

(3) Upstream and Broader Scale Effects Influenced by Climate Change

Waters from the Labrador Sea and Gulf of St. Lawrence flow southwestward along the eastern Canadian slope and shelf and can be traced downstream to the Middle Atlantic Bight. Thus, the planktonic populations located off eastern Canada are connected with those of the Gulf of Maine/Georges Bank region and points south. Results from phases I to III have shown that these advective fluxes are important contributors to the target species dynamics in the Gulf of Maine and on Georges Bank. Hydrographic changes observed in the Georges Bank/Gulf of Maine region are now known to be part of a larger scale regional change likely associated with ocean basin scale atmospheric forcings (North Atlantic Oscillation).

In Phase IV, particular emphasis will be placed on the inter-regional coupling of target species populations through the larger scale current systems. This initiative will provide a unique opportunity for evaluation of large-scale environmental influences. In this regard, the Atlantic component of Canada GLOBEC investigated the effect of environment on gadid fish and copepods using field observations, laboratory experiments, and numerical models. Integration and collective analysis of these data sets are encouraged. One mutual question is how much regional variability in zooplankton abundance on the continental shelf is generated locally as opposed to being controlled by advective forcing from slope and shelf currents or the adjoining open ocean? Together with historical data sets, recent observations made during Phases I-III can be used to evaluate the affects of environment on zooplankton populations and recruitment of gadid stocks.

At these scales, it is possible to address the effects of climate variability as manifest through changes in the shelf and Slope Water transports and water properties. For example, general circulation model products could yield insight into the nature and magnitude of historic or projected change, the historic hydrographic record could be examined for similar information, and these changes could be imposed on simulations of the coupled physical/biological shelf system. Studies that investigate this regional manifestation of climate variability are encouraged.

(4) Comparative Regional Studies and Climate Change

Ecosystem studies similar to U.S. GLOBEC and Canadian GLOBEC have been conducted in other regions of the North Atlantic Ocean. For example, the ICES Cod and Climate Change program and Trans-Atlantic Studies of *Calanus* (TASC) have emphasized studies of the biology of cod and the copepod *Calanus* in the northeastern Atlantic and their coupling to large-scale and meso-scale circulation. There exists an opportunity for regional comparisons across the North Atlantic. Such studies should emphasize comparison at a fundamental level specifically addressing vital rates of the target species (fecundity, feeding, growth as a function of food levels and temperature), behavior, predation, trophic interactions, and source populations. In addition, the extent and timing of zooplankton transport among the regions and the role of banks and nearby basins as spawning/nursery areas for gadids and their zooplanktonic prey need to be examined. In phase IV, such basin-scale studies will be encouraged.

Recent results from these programs show that regional *Calanus finmarchicus* fluctuations are linked to the North Atlantic Oscillation and thus are sensitive to climate variability and change. To understand the linkage, there is a need for more comprehensive modeling to integrate basin-scale ocean and atmospheric models with near shore regional biophysical models in order to identify and separate processes which are linked to the large scale forcing from those which act more locally.

(5) Development of Indices to Characterize Environmental and Ecosystem Status and Change

A more complete understanding of the Georges Bank ecosystem gained through the U.S. GLOBEC program should allow for the design of better, more efficient, and more informative, monitoring programs in the region. Achieving this improvement will involve determining indices for the physical and lower trophic level system components that best characterize the status of the ecosystem, particularly in relation to potential higher trophic level production. An important goal is for the indices to identify the environmental influence on fish recruitment variability that can be incorporated into the assessment of the fish stocks in the region. Indices may be derived from directly measured parameters or from output of specific configurations of U. S. GLOBEC biological-physical models.

One form that this type of synthesis may take is a written documentation of the state of the Georges Bank ecosystem during the GLOBEC years. Such a document should include an overview of the GLOBEC NWA program and how it led to the identification of indices, and use of these variables in summarizing the state of the ecosystem. This could be published initially as a NOAA Coastal Ocean Program Decision Analysis Series report, but could also be updated on a regular basis as a tool to provide regional managers, such as the New England Fishery Management Council, with ecosystem information. Information on the Decision Analysis Series is shown at a web site listed earlier in this document under the **SUPPLEMENTARY INFORMATION** section.

Part I: Schedule and Proposal Submission

This document requests full proposals only. The provisions for proposal

preparation provided here are mandatory. Proposals received after the published deadline or proposals that deviate from the prescribed format will be returned to the sender without further consideration. Information regarding this announcement, additional background information, and required Federal forms are available on the COP home page.

Proposals may be submitted by institutions in support of individual investigators or small groups. Synergistic collaboration among researchers and collaboration or partnerships with industry or government laboratories is encouraged when appropriate. Group and collaborative proposals involving more than one institution must be submitted as a single administrative package from one of the institutions involved. Foreign institutions are not eligible for funding through this announcement.

Full Proposals

Applications submitted in response to this announcement require an original proposal and 19 proposal copies at time of submission. This includes color or high-resolution graphics, unusually-sized materials (not 8.5≥ x 11″ or 21.6 cm x 28 cm), or otherwise unusual materials submitted as part of the proposal. For color graphics, submit either color originals or color copies. The stated requirements for the number of proposal copies provide for a timely review process. Facsimile transmissions and electronic mail submission of full proposals will not be accepted.

Required Elements

All recipients are to closely follow the instructions and guidelines in the preparation of the standard NOAA Application Forms and Kit requirements listed earlier in this document under the **SUPPLEMENTARY INFORMATION** section. Each proposal must also include the following eight elements:

(1) *Signed Summary title page*: The title page should be signed by the Principal Investigator (PI) and the institutional representative. The Summary Title page identifies the project's title starting with the acronym GLOBEC-01, a short title (less than 50 characters), and the PI's name and affiliation, complete address, phone, FAX, and E-mail information. The requested budget for each fiscal year should be included on the Summary Title page. Multi-institution proposals must include signed Summary Title pages from each institution.

(2) *One-page abstract/project summary*: The Project Summary (Abstract) Form, which is to be submitted at time of application, shall include an introduction of the problem, rationale, scientific objectives and/or hypotheses to be tested, and a brief summary of work to be completed. The prescribed COP format for the Project Summary Form can be found on the COP Internet site under the COP Grants Support section, Part D.

The summary should appear on a separate page, headed with the proposal title, institution(s), investigator(s), total proposed cost, and budget period. It should be written in the third person. The summary is used to help compare proposals quickly and allows the respondents to summarize these key points in their own words.

(3) *Statement of work/project description*: The proposed project must be completely described, including identification of the problem, scientific objectives, proposed methodology, relevance to the GLOBEC-01 program goals, and its scientific priorities. The project description section (including relevant results from prior support) should not exceed 15 pages. Page limits are inclusive of figures and other visual materials, but exclusive of references and milestone chart.

Project management should be clearly identified with a description of the functions of each PI within a team. It is important to provide a full scientific justification for the research; do not simply reiterate justifications presented in this document. This section should also include:

(a) The objective for the period of proposed work and its expected significance;

(b) The relation to the present state of knowledge in the field and relation to previous work and work in progress by the proposing principal investigator(s);

(c) A discussion of how the proposed project lends value to the program goals, and

(d) Potential coordination with other investigators.

(e) References cited: Reference information is required. Each reference must include the name(s) of all authors in the same sequence in which they appear in the publications, the article title, volume number, page numbers, and year of publications. While there is no established page limitation, this section should include bibliographic citations only and should not be used to provide parenthetical information outside of the 15-page project description.

(4) *Milestone chart*: Provide time lines of major tasks covering the duration of the proposed project, up to 60 months.

(5) *Budget and Application Forms*: Both NOAA and COP-specific application forms may be obtained at the COP Grants website. Forms may be viewed, and in most cases, filled in by computer. All forms must be printed, completed, and mailed to CSCOR/COP; original signatures in blue ink are encouraged. If applicants are unable to access this information they may call the CSCOR/COP grants administrator listed in the heading *Electronic Access*

At time of proposal submission, all applicants shall submit the Standard Form, SF-424 (Rev 7-97) Application for Federal Assistance, to indicate the total amount of funding proposed for the whole project period. Applicants will also submit a COP Summary Proposal Budget Form for each fiscal year increment. Multi-institution proposals must include a Summary Proposal Budget Form for each institution. Use of this budget form will provide for a detailed annual budget and for the level of detail required by the COP program staff to evaluate the effort to be invested by investigators and staff on a specific project. The COP budget form is compatible with forms in use by other agencies that participate in joint projects with COP and can be found on the COP home page under COP Grants Support, Part D.

All applicants shall include a budget narrative and a justification to support all proposed budget categories. The SF-424A, Budget Information (Non-Construction) Form, shall be requested from only those recipients subsequently recommended for a NOAA award. Proposals subsequently selected for NSF funding will be required to comply with that agency's grants administration forms and paperwork requirements.

(6) *Biographical sketch*: Abbreviated curriculum vitae, two pages per investigator, are sought with each proposal. Include a list of up to five publications most closely related to the proposed project and up to five other significant publications. A list of all persons (including their organizational affiliation), in alphabetical order, who have collaborated on a project, book, article, or paper within the last 48 months should be included. If there are no collaborators, this should be so indicated. Students, post-doctoral associates, and graduate and postgraduate advisors of the PI should also be disclosed. This information is used to help identify potential conflicts of interest or bias in the selection of reviewers.

(7) *Current and pending support*: NSF requires information on current and pending support of all proposers. Describe all current and pending support for all PIs, including subsequent funding in the case of continuing grants.

A model format is shown at the webside listed in this document under Supplementary Information. Use of this form is optional; however, the categories of information included on the NSF Form 1239 must be provided. All current support from whatever source (e.g., Federal, State or local government agencies, private foundations, industrial or other commercial organizations) must be listed.

The proposed project and all other projects or activities requiring a portion of time of the PI and other senior personnel should be included, even if they receive no salary support from the project(s). The total award amount for the entire award period covered (including indirect costs) should be shown as well as the number of person-months per year to be devoted to the project, regardless of source of support.

(8) *Proposal format and assembly*: The original proposal should be clamped in the upper left-hand corner, but left unbound. The 20 required copies can be stapled in the upper left-hand corner or bound on the left edge. The page margin must be one inch (2.5 cm) margins at the top, bottom, left and right, and the type face standard 12 points size must be clear and easily legible.

Part II: Further Supplementary Information

(1) *Program authorities*: For a list of all program authorities for the Coastal Ocean Program, see the General Grant Administration Terms and Conditions of the Coastal Ocean Program published in the **Federal Register** (65 FR 62706, October 19, 2000) and at the COP home page. Specific Authority cited for this Announcement is U.S.C. 883(d) for the Coastal Ocean Program and the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-75), for the National Science Foundation.

(2) *Catalog of Federal Domestic Assistance (CFDA) Number*: 11.478 Coastal Ocean Program and 47.050 for the Directorate for Geosciences, National Science Foundation.

(3) *Program description*: For complete COP program descriptions, see the General Grant Administration Terms and Conditions of the Coastal Ocean Program published in the **Federal Register** (65 FR 62706, October 19, 2000).

(4) *Funding availability*: Funding is contingent upon receipt of fiscal years 2002-2005 Federal appropriations. The anticipated maximum funding for GLOBEC activities under this announcement is estimated at $2M per year over 4 years (FY2002-FY2005). Priority consideration will be given to a set of proposals that provide balanced coverage of the overall GLOBEC science goals stated in this Document, and avoid duplication of completed or ongoing work.

If an application is selected for funding, NSF and NOAA have no obligation to provide any additional prospective funding in connection with that award in subsequent years. Renewal of an award to increase funding or extend the period of performance is based on satisfactory performance and is at the total discretion of the funding agencies. Not all proposals selected will receive funding for the entire duration of the program.

Moreover, start dates for some proposals may be delayed, or proposals may be funded for a portion of the four years only. Proposals selected for funding by NSF will need to submit additional forms required by that agency. Publication of this notice does not obligate any agency to any specific award or to obligate any part of the entire amount of funds available. Recipients and subrecipients are subject to all Federal laws and agency policies, regulations, and procedures applicable to Federal financial assistance awards.

(5) *Matching requirements*: None.

(6) *Type of funding instrument*: Project Grants, Interagency Agreements, or NOAA Financial Operating Plan transfers.

(7) *Eligibility criteria*: For complete eligibility criteria for the COP, see COP's General Grant Administration Terms and Conditions annual document in the Federal Register (65 FR 62706, October 19, 2000) and the COP home page. Eligible Applicants are institutions of higher education, not-for-profit institutions, international organizations, state, local and Indian tribal governments and Federal agencies. COP will accept proposals that include foreign researchers as collaborators with a researcher who is affiliated with a U.S. academic institution, Federal agency, or other non-profit organization.

Applications from non-Federal and Federal applicants will be competed against each other. Proposals selected for funding from non-Federal applicants will be funded through a project grant or cooperative agreement under the terms of this notice. Proposals selected for funding from NOAA employees shall be effected by an intra-agency fund transfer. Proposals selected for funding from a non-NOAA Federal agency will be funded through an inter-agency transfer. PLEASE NOTE: Before non-NOAA Federal applicants may be funded, they must demonstrate that they have legal authority to receive funds from another Federal agency in excess of their appropriation. Because this announcement is not proposing to procure goods or services from applicants, the Economy Act (31 USC 1535) is not an appropriate legal basis.

(8) *Award period*: Full Proposals can cover a project period from 1 to 4 years, i.e. from date of award for up to 48 consecutive months. Multi-year project period funding may be funded incrementally on an annual basis; but once awarded, multi-year projects will not compete for funding in subsequent years. For NOAA awards, each annual award shall require a Statement of Work that can be easily separated into annual increments of meaningful work which represent solid accomplishments if prospective funding is not made available, or is discontinued.

(9) *Indirect costs*: If Indirect costs are proposed, the following statement applies: The total dollar amount of the indirect costs proposed in an application must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award.

(10) *Application forms and kit*: For complete information on application forms for the COP, see COP's General Grant Administration Terms and Conditions annual Document in the **Federal Register** (65 FR 62706, October 19, 2000); the COP home page; and the information given under Required Elements, paragraph (5) Budget.

(11) *Project funding priorities*: For description of project funding priorities, see COP's General Grant Administration Terms and Conditions annual notification in the **Federal Register** (65 FR 62706, October 19, 2000) and at the COP home page.

(12) *Evaluation criteria*: For complete information on evaluation criteria, see COP's General Grant Administration Terms and Conditions annual Document in the **Federal Register** (65 FR 62706, October 19, 2000) and at the COP home page.

(13) *Selection procedures*: For complete information on selection procedures, see COP's General Grant Administration Terms and Conditions annual Document in the **Federal Register** (65 FR 62706, October 19, 2000) and at the COP home page. All proposals received under this specific Document will be evaluated and ranked individually in accordance with the assigned weights of the above evaluation criteria by independent peer mail review and panel review.

At conclusion of the review process, the NOAA GLOBEC Program Manager or the NSF Biological Oceanography Program Director or staff will notify lead

proposers for those projects recommended for support, and negotiate revisions in the proposed work and budget. Final awards will be issued by the agency responsible for a specific project after receipt and processing of any specific materials required by the agency.

(14) *Other requirements*: For a complete description of other requirements, see COP's General Grant Administration Terms and Conditions annual Document in the **Federal Register** (65 FR 62706, October 19, 2000) and at the COP home page. NOAA has specific requirements that environmental data be submitted to the National Oceanographic Data Center.

(15) Pursuant to Executive Orders 12876, 12900 and 13021, the Department of Commerce, National Oceanic and Atmospheric Administration (DOC/NOAA) is strongly committed to broadening the participation of Historically Black Colleges and Universities, Hispanic Serving Institutions and Tribal Colleges and Universities in its educational and research programs. The DOC/NOAA vision, mission and goals are to achieve full participation by Minority Serving Institutions (MSI) in order to advance the development of human potential, to strengthen the nation's capacity to provide high-quality education, and to increase opportunities for MSIs to participate in, and benefit from, Federal Financial Assistance programs. DOC/NOAA encourages all applicants to include meaningful participation of MSIs.

(16) Applicants are hereby notified that they are encouraged, to the greatest practicable extent, to purchase American-made equipment and products with funding provided under this program.

(17) *Intergovernmental review*: Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

(18) This notification involves collection-of-information requirements subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, and SF-LLL have been approved by the Office of Management and Budget (OMB) under control numbers 0348-0043, 0348-0044, 0348-0040 and 0348-0046.

The following requirements have been approved by OMB under control number 0648-0384; a Summary Proposal Budget Form (30 minutes per response), a Project Summary Form (30 minutes per response), a standardized format for the Annual Performance Report (5 hours per response), a standardized format for the Final Report (10 hours per response), and the submission of up to 20 copies of proposals (10 minutes per response). The response estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Leslie.McDonald@noaa.gov. Copies of these forms and formats can be found on the COP home page under Grants Support sections, Parts D and F.

Proposals to NSF must include the NSF Form l239 for Current and Pending Support. The NSF Form l239 for Current and Pending Support is also cleared as part of the NSF Grant Proposal Guide and Proposal Forms Kit under OMB Number 3145-0058 with an expiration date of June 2002.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.

February 9, 2001.

Donald Heinrichs,

Interim Director, Division of Ocean Sciences, National Science Foundation.

Dated: February 13, 2001.

Ted I. Lillestolen,

Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 01–6892 Filed 3–19–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030801A]

Endangered Species; Permits

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

ACTION: Receipt of an application for a scientific research/enhancement permit (1300).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement under the Endangered Species Act (ESA): NMFS has received an application for an ESA section 10 (a)(1)(A) scientific research/enhancement permit (1300) from the United States Fish and Wildlife Service (USFWS) Leavenworth National Fish Hatchery Complex at Leavenworth, WA.

DATES: Comments or requests for a public hearing on any of the new applications or modification requests must be received at the appropriate address or fax number no later than 5 p.m. eastern standard time on April 19, 2001.

ADDRESSES: Written comments on any of the new applications or modification requests should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the application or modification request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review in the indicated office, by appointment:

Sustainable Fisheries Division, Hatcheries and Inland Fisheries Branch, NWR2, 525 N.E. Oregon Street, Suite 510, Portland, OR 97232.

Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (phone:301–713–1401).

FOR FURTHER INFORMATION CONTACT: Richard Turner, Portland, OR at phone number: (503) 736–4737, fax: (503) 736–2737, or e-mail: *Rich.Turner@noaa.gov*

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Scientific research and/or enhancement permits are issued under Section 10(a)(1)(A) of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see

ADDRESSES). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species and evolutionarily significant units (ESU's) are covered in this notice:

Fish

Chinook salmon (*O. tshawytscha*): endangered, naturally produced and artificially propagated, Upper Columbia River (UCR) spring chinook.

Steelhead (*O. mykiss*): endangered, naturally produced and artificially propagated, UCR steelhead.

New Applications Received

Application 1300

USFWS requests a 5-year ESA section 10(a)(1)(A) scientific research/enhancement permit (1300) that would authorize annual takes of adult and juvenile, listed UCR spring chinook salmon for use in a hatchery supplementation program designed to help conserve the species. The program is located at Winthrop National Fish Hatchery (NFH), at river kilometer 72 of the Methow River in Washington.

The primary goal of USFWS' proposed supplementation program is to used locally adapted spring chinook salmon to help forestall the extinction of spring chinook salmon populations in the Methow River Basin. The specific objectives of USFWS program are to: (1) phase-out the use of transplanted Carson stock spring chinook salmon at Winthrop NFH, (2) maintain and restore natural spawning populations of spring chinook salmon in the Methow River Basin, (3) increase the species' chances for long-term survival by supplementing the natural production of chinook salmon in the Methow River Basin, (4) mitigate for the loss of chinook salmon production above Grand Coulee Dam, and (5) ultimately reestablish sport and tribal fisheries for chinook salmon in the Methow River Basin. USFWS proposes to accept transfer of ESA-listed adult and jack spring chinook salmon that are collected by the Washington Department of Fish and Wildlife at Wells Dam and other locations in the Methow River Basin (under proposed permit 1196 (64 FR 6880, February 11, 1999))and to retain ESA-listed adult and jack spring chinook salmon that return to the Winthrop NFH for broodstock. Broodstock will be held, inoculated for diseases, and spawned at Winthrop NFH. The resulting progeny are proposed to be reared in the hatchery, tagged and/or marked with identifiers (coded wires, visual implant elastomer tags, passive integrated transponders), and released as smolts in the Methow River Basin or on-station. Hatchery smolts will be allowed to acclimate prior to their volitional emigration to the ocean. Progeny of ESA-listed UCR spring chinook spawned at Winthrop NFH may also be used in remote site incubators or outplanted as fry into the Methow River Basin. Annual incidental takes of ESA-listed UCR steelhead resulting from hatchery operations, broodstock collection, and the annual releases of juvenile fish from the program are also requested.

Dated: March 9, 2001.

Phil Williams,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–6891 Filed 3–19–01; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on Potential Bilateral Textile Negotiations During 2001

March 14, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Announcement.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on categories for which consultations have been requested, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The U.S. Government anticipates holding negotiations during 2001 concerning expiring bilateral agreements concerning certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products from Cambodia, China and Taiwan if they do not accede to the WTO this year. All three of these agreements expire on December 31, 2001.

Anyone wishing to comment or provide data or information regarding these agreements is invited to submit 10 copies of such comments or information to D. Michael Hutchinson, Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230; ATTN: Becky Geiger. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly.

Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments is not a waiver in any respect of the exemption to the rulemaking provisions contained in 5 U.S.C. 553(a)(1) relating to matters which constitute ''a foreign affairs function of the United States.''

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–6830 Filed 3–19–01; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Limit for Certain Cotton Textile Products Produced or Manufactured in Oman

March 14, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs reducing a limit.

EFFECTIVE DATE: March 20, 2001.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-

openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limit for Categories 347/348 is being reduced for carryforward used.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 77593, published on December 12, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 14, 2001.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 5, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. This directive concern imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textile products, produced or manufactured in Oman and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on March 20, 2001, you are directed to reduce the current limit for Categories 347/348 to 1,030,672 dozen [1], as provided for under the Uruguay Round Agreement on Textiles and Clothing.

The Committee for the Implementation of Textile Agreements has determined that this actions falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–6831 Filed 3–19–01; 8:45 am]

BILLING CODE 3510–DR–F

[1] The limit has not been adjusted to account for any imports exported after December 31, 2000.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in the Philippines

March 15, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs decreasing limits.

EFFECTIVE DATE: March 21, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being reduced for carryforward used.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 69742, published on November 20, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 15, 2001.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 14, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man–made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on March 21, 2001, you are directed to reduce the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
338/339	2,463,811 dozen.
342/642	692,738 dozen.
345	206,296 dozen.
347/348	2,426,970 dozen.
350	182,626 dozen.
351/651	755,568 dozen.
352/652	2,967,312 dozen.
361	2,306,865 numbers.
433	3,300 dozen.
443	39,900 numbers.
447	7,577 dozen.
634	553,817 dozen.
635	356,298 dozen.
638/639	2,531,004 dozen.
647/648	1,464,409 dozen.
Group II	
200–227, 300–326, 332, 359–O [2], 360, 362, 363, 369–O [3], 400–414, 434–438, 440, 442, 444, 448, 459pt.[4], 464, 469pt.[5], 600–607, 613–629, 644, 659–O [6], 666, 669–O [7], 670–O [8], 831, 833–838, 840–846, 850–858 and 859pt.[9], as a group.	233,842,746 square meters equivalent.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

[2] Category 359–O: all HTS numbers except 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025, 6211.42.0010 (Category 359–C); and 6406.99.1550 (Category 359pt.).

[3] Category 369–O: all HTS numbers except 6307.10.2005 (Category 369–S); 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020 and 6406.10.7700 (Category 369pt.).

[4] Category 459pt.: all HTS numbers except 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.

[5] Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010 and 6406.10.9020.

[6] Category 659–O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659–C.); 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090, 6505.90.8090 (Category 659–H); 6406.99.1510 and 6406.99.1540 (Category 659pt.).

[7] Category 669–O: all HTS numbers except: 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020, 6305.39.0000 (Category 669–P); 5601.10.2000, 5601.22.0090, 5607.49.3000, 5607.50.4000 and 6406.10.9040 (Category 669pt.).

[8] Category 670–O: all HTS numbers except 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3031, 4202.92.9026 and 6307.90.9907 (Category 670–L).

[9] Category 859pt.: only HTS numbers 6115.19.8040, 6117.10.6020, 6212.10.5030, 6212.10.9040, 6212.20.0030, 6212.30.0030, 6212.90.0090, 6214.10.2000 and 6214.90.0090.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–6832 Filed 3–19–01; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Limit for Certain Cotton Textile Products Produced or Manufactured in Qatar

March 14, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs reducing a limit.

EFFECTIVE DATE: March 20, 2001.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limit for Categories 347/348 is being reduced for carryforward used.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 66726, published on November 7, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 14, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 27, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Qatar and exported during the twelve-month period beginning on January 1, 2001 and extending through December 31, 2001.

Effective on March 20, 2001, you are directed to reduce the current limit for Categories 347/348 to 616,466 dozen [1], as provided for under the Uruguay Round Agreement on Textiles and Clothing:

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–6833 Filed 3–19–01; 8:45 am]

BILLING CODE 3510–DR–F

[1] The limit has not been adjusted to account for any imports exported after December 31, 2000.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

New Export Visa and Certification Stamps for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Romania

March 14, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs providing for the use of new export visa and certification stamps.

EFFECTIVE DATE: April 1, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

Beginning on April 1, 2001, the Government of Romania will start issuing a new export visa stamp for shipments of textile products, produced or manufactured in Romania, and exported from Romania on or after April 1, 2001 and a new certification stamp for products exported under the Outward Processing Program (64 FR 69746, published on December 14, 1999). The new stamps reflect a name change from ''Ministry of Commerce–Department of Foreign Trade'' to ''MINISTRY OF FOREIGN AFFAIRS–DEPARTMENT OF INTERNATIONAL TRADE AND ECONOMIC PROMOTION'' for the visa stamp and ''MINISTRY OF FOREIGN AFFAIRS'' for the certification stamp but are otherwise unchanged. There will be a one-month grace period from April 1, 2001 through April 30, 2001, during which products exported from Romania may be accompanied by either the old or new stamps. Products exported from Romania on or after May 1, 2001 must be accompanied by the new export visa or certification stamp.

Facsimiles of the new visa and certification stamps are on file at the U.S. Department of Commerce, Office of Textiles and Apparel, 14th and Constitution Avenue, NW, Room 3104, Washington, DC.

See 64 FR 69744, published on December 14, 1999, as amended.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 14, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 9, 1999, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. That directive directed you to prohibit entry of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Romania for which the Government of Romania has not issued appropriate export visa and certification stamps.

Beginning on April 1, 2001, you are directed to amend further the directive dated December 9, 1999 to provide for the use of new export visa stamp and a new certification stamp for products exported under the Outward Processing Program (see directive dated December 8, 1999) issued by the Government of Romania to accompany shipments of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Romania and exported from Romania on or after April 1, 2001 and. The new stamps reflect a name change from ''Ministry of Commerce–Department of Foreign Trade'' to ''MINISTRY OF FOREIGN AFFAIRS–DEPARTMENT OF INTERNATIONAL TRADE AND ECONOMIC PROMOTION'' for the visa stamp and ''MINISTRY OF FOREIGN AFFAIRS'' for the certification stamp but are otherwise unchanged.

Textile products exported from Romania during the period April 1, 2001 through April 30, 2001 may be accompanied by either the old or new stamps. Products exported from Romania on or after May 1, 2001 must be accompanied by the new export visa or certification stamp.

Facsimiles of the new visa and certification stamps are enclosed with this letter.

Shipments entered or withdrawn from warehouse according to this directive which are not accompanied by the appropriate export visa or certification stamp shall be denied entry and a new visa or certification stamp must be obtained.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

BILLING CODE 3510–DR–F

MINISTRY OF FOREIGN AFFAIRS
No.
TEXTILE EXPORT VISA
CATEGORY
QUANTITY
DATE OF EXPORT
SIGNATURE
- ROMANIA -

[FR Doc. 01–6834 Filed 3–19–01; 8:45 am]

BILLING CODE 3510–DR–C

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

New Export Visa Stamp for Certain Wool Textile Products Produced or Manufactured in Russia

March 14, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs providing for the use of a new export visa stamp.

EFFECTIVE DATE: April 1, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

Beginning on April 1, 2001, the Government of the Russian Federation will start issuing a new export visa stamp for shipments of wool textile products in Category 435, produced or manufactured in Russia, and exported from Russia on or after April 1, 2001. The new visa stamp reflects a name change from ''MINISTRY OF TRADE'' to ''MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE'' but is otherwise unchanged. There will be a one-month grace period from April 1, 2001 through April 30, 2001, during which products exported from Russia may be accompanied by either the old or new export visa stamp. Products exported from Russia on or after May 1, 2001 must be accompanied by the new export visa stamp.

See 62 FR 4729, published on January 31, 1997.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 14, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on January 28, 1997, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. That directive directed you to prohibit entry of certain wool textile products in Category 435, produced or manufactured in Russia for which the Government of the Russian Federation has not issued an appropriate export visa.

Beginning on April 1, 2001, you are directed to amend further the directive dated January 28, 1997 to provide for the use of a new export visa stamp issued by the Government of the Russian Federation to accompany shipments of wool textile products in Category 435, produced or manufactured in Russia, and exported from Russia on or after April 1, 2001. The new visa stamp reflects a name change from ''MINISTRY OF TRADE'' to ''MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE'' but is otherwise unchanged.

Textile products exported from Russia during the period April 1, 2001 through April 30, 2001 may be accompanied by either the old or new export visa stamp. Products exported from Russia on or after May 1, 2001 must be accompanied by the new export visa stamp.

A facsimile of the new visa stamp is enclosed with this letter.

Shipments entered or withdrawn from warehouse according to this directive which are not accompanied by an appropriate export visa shall be denied entry and a new visa must be obtained.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

BILLING CODE 3510–DR–F

SAMPLES OF REPRODUCIBLE IMPRESSIONS OF STAMPS AND ORIGINAL SIGNATURES OF OFFICIALS OF THE MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE OF THE RUSSIAN FEDERATION, WHO ARE AUTHORIZED TO SIGN THE TEXTILE EXPORT VISA FOR EXPORT OF THE TEXTILE PRODUCTS (Category 435) TO THE USA

N/N	INITIALS AND FAMILY NAME OF OFFICIALS	SAMPLES OF REPRODUCIBLE IMPRESSIONS OF STAMP AND ORIGINAL SIGNATURES
1.	Anatoly KORNEEV	
2.	Oleg GORSKY	Ministry of Economic Development and Trade Cat. ____ Qty ____ TEXTILE EXPORT VISA № ____ Date ____ Sig. ____/55 Russian Federation

Date:

TEXTILE EXPORT VISA

[FR Doc. 01–6835 Filed 3–19–01; 8:45 am]

BILLING CODE 3510–DR–C

COMMODITY FUTURES TRADING COMMISSION

New York Cotton Exchange (NYCE): Proposed Amendments to the NYCE Cotton No. 2 Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of proposed amendments to contract terms and conditions.

SUMMARY: The New York Cotton Exchange (NYCE or Exchange) has submitted the proposed amendments to the cotton No. 2 futures contract for approval under Section 5c(c)(2) of the Commodity Exchange Act. The proposed amendments will: (1) Provide for price differentials for cotton having micronaire levels of 4.8 and 4.9; (2) increase to 25 grams per tex the minimum strength requirement for deliverable cotton; (3) establish price differentials for ''old crop'' cotton, and (4) clarify the definition of a warehouse bale tag coupon. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposed amendments is in the public interest and will assist the Commission in considering the views of interested persons.

DATES: Comments must be received on or before April 19, 2001.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street, NW., Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521, or by electronic mail to secretary@cftc.gov. Reference should be made to the proposed amendments to the NYCE's cotton No. 2 futures contract concerning micronaire, strength, and ''old crop'' cotton.

FOR FURTHER INFORMATION CONTACT: Martin Murray of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW., Washington, DC 20581, telephone (202) 418–5276. Facsimile number: (202) 418–5527. Electronic mail: mmurray@cftc.gov.

SUPPLEMENTARY INFORMATION: The NYCE cotton No. 2 futures contract calls for the delivery of 40,000 pounds of upland cotton that meets certain quality specifications, including standards relating to micronaire and strength. The contract also specifies a schedule of discounts for cotton that is delivered more than three months after the cotton was certificated as eligible for delivery. These discounts increase at specified rates with each additional month in excess of three months that the cotton remains certificated. Deliverable cotton must also be stored in an Exchange-licensed warehouse.

Currently, deliverable cotton must have a micronaire reading between 3.5 and 4.9, and all micronaire levels are deliverable at par. Under the proposed amendments, the micronaire range of cotton deliverable at par will be changed to between 3.5 and 4.7. Cotton that has a micronaire reading in the

range of 4.8 to 4.9 will be deliverable at a price differential equal to the average of the rice differences quoted on the sixth business day prior to the day of delivery by the United States Department of Agriculture (USDA) for such cotton in designated spot markets. If the USDA does not quote price differences for this range of micronaire readings, the futures price differential for cotton having the indicated micronaire levels will be zero. In support of this proposal, the Exchange states that, ''the purpose of the change is to improve the contract by discounting less desirable, high micronaire cotton in delivery.''

The Exchange is proposing to amend the current strength requirement for deliverable cotton of 22 grams per tex. Under the proposal, the minimum strength requirement will be raised to 25 grams per tex. According to the Exchange, ''the purpose of the change is to improve the contract by eliminating certain low-strength cotton from delivery.''

The Exchange also is seeking to establish a discount for the delivery of ''old crop'' cotton. The proposed discount would be in addition to the futures contract's existing age-based discounts. Under the proposal, ''old crop'' cotton delivered on or after January 1 of the next marketing season that follows the marketing season in which the cotton was grown will be assessed a discount of 2 cents per pound per ''old crop'' crop year. For example, cotton grown in the 2000 crop year will be deliverable at par until December 31, 2001. If such ''old crop'' cotton is delivered on January 1, 2002, it would be subject to a discount of 2 cents per pound and, if it was delivered on January 1, 2003, this same cotton would be subject to a discount of 4 cents per pound. The discount for delivery of the same cotton would increase by two cents per pound for each subsequent year (i.e., six cents per lb. in 2004, eight cents per lb. in 2005, etc.) elapsed since the marketing season in which the cotton was grown. The Exchange states that the proposal will ''improve the contract by adding to the cost of delivering older cotton.''

Finally, the Exchange is clarifying its requirement that the Warehouse Bale Tag Coupon accompanying each sample of tendered cotton shall be ''an *official* Warehouse Bale Tag Coupon *issued by the warehouse''* (emphasis added).

The Exchange intends to implement the proposed amendments upon Commission approval for all existing cotton No. 2 futures contract months that have no open interest at the time of approval and for all newly listed cotton No. 2 futures contracts.

The Commission is requesting comments on the proposed amendments.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW., Washington, DC 20581. Copies of the proposed amendments can be obtained through the Office of the Secretariat by mail at the above address, by phone at (202) 418–5100, or via the Internet at secretary@cftc.gov.

Other materials submitted by the Exchange in support of the proposal may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (2000)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed amendments, or with respect to other materials submitted by the Exchange, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC, on March 14, 2001.

Richard Shilts,

Acting Director.

[FR Doc. 01–6868 Filed 3–19–01; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Federal Advisory Committee for the End-to-End Review of the U.S. Nuclear Command and Control System

AGENCY: Department of the Air Force, DoD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a forthcoming meeting of the Federal Advisory Committee for the End-to-End Review of the U.S. Nuclear Command and Control System (NCCS). The purpose of the meeting is to begin conduct of a comprehensive and independent review of the NCCS positive measures to assure authorized use of nuclear weapons when directed by the President while assuring against unauthorized or inadvertent use. This meeting will be closed to the public.

DATES: April 5, 2001.

ADDRESSES: Pentagon, Room 3D912.

FOR FURTHER INFORMATION CONTACT: Mr. William L. Jones, U.S. Nuclear Command and Control System Support Staff (NCCS), Skyline 3, 5201 Leesburg Pike, Suite 500, Falls Church, Virginia 22041, (703) 681–8681.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–6875 Filed 3–19–01; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Ocean Research Advisory Panel

AGENCY: Department of the Navy, DOD.

ACTION: Notice of open meeting.

SUMMARY: The Ocean Research Advisory Panel (ORAP) will meet to discuss National Oceanographic Partnership Program (NOPP) activities. All sessions of the meeting will remain open to the public.

DATES: The meeting will be held on Thursday, April 26, 2001, from 8:30 a.m. to 4:30 p.m. In order to maintain the meeting time schedule, members of the public will be limited in their time to speak to the Panel. Members of the public should submit their comments one week in advance of the meeting to the meeting Point of Contact.

ADDRESSES: The meeting will be held at The Doubletree Hotel Park Terrace, Consulate Room, 1515 Rhode Island Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Steven E. Ramberg, Office of Naval Research, 800 North Quincy Street, Arlington, Virginia 22217–5660, telephone number: (703) 696–4358.

SUPPLEMENTARY INFORMATION: This notice of open meeting is provided in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2). The purpose of this meeting is to discuss NOPP activities. The meeting will include discussions on ocean observations, current and future NOPP activities, and other current issues in the ocean sciences community.

Dated: March 9, 2001.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corp, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 01–6876 Filed 3–19–01; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.184H]

Office of Elementary and Secondary Education—Safe and Drug-Free Schools and Communities—National Programs

AGENCY: Department of Education.

ACTION: Notice reopening application deadline date.

SUMMARY: The Secretary reopens the deadline date for the submission of applications for the Grant Competition to Prevent High-Risk Drinking and Violent Behavior Among College Students. The Secretary takes this action because certain potential applicants may have been affected by severe weather-related occurrences that precluded them from submitting their applications before the originally announced application deadline date. The reopening is intended to help these potential applicants compete fairly with other applicants under this program.

Background: On December 27, 2000, the Department published a combined notice inviting applications for new awards for direct grant competitions under Safe and Drug-Free Schools and Communities National Programs (65 FR 82222). That notice set February 16, 2001, as the deadline date for the submission of applications under Grant Competition to Prevent High-Risk Drinking and Violent Behavior Among College Students.

DATES: The new application deadline date is March 23, 2001. The deadline for intergovernmental review remains April 16, 2001.

FOR FURTHER INFORMATION CONTACT: Safe and Drug-Free Schools Program, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202–6123. Telephone: (202) 260–3954. Individuals who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at (800) 877–8339.

Authority: 20 U.S.C. 7131.

Dated: March 15, 2001.

Thomas M. Corwin,

Acting Deputy Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 01–6916 Filed 3–19–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

National Energy Technology Laboratory; Notice of Availability of Financial Assistance Solicitation

AGENCY: National Energy Technology Laboratory (NETL), Department of Energy (DOE).

ACTION: Notice of availability of a financial assistance solicitation.

SUMMARY: Notice is hereby given of the intent to issue Financial Assistance Solicitation No. DE–PS26–01NT41130 entitled ''Biomass Research and Development: Advance Biomass Power Generation Technologies''. The Office of Biopower and Hydropower Technologies of the Department of Energy's (DOE) Office of Energy Efficiency and Renewable Energy (EERE) is supporting the issuance of this solicitation.

Pursuant to guidance contained in the Biomass Research and Development Act of 2000, this Solicitation will support the development of advanced biomass power systems offering to diversify the range of products that can be efficiently and cost-competitively produced from biomass by encouraging the co-production of power and heat as an integrated component of biomass processing. These systems are to be predominantly based on advanced biomass gasification technologies and may incorporate related research in advanced turbine and stationary fuel cell technology for production of electricity from biomass.

The DOE recognizes that technologies which efficiently convert biomass into bio-based industrial products such as heat and power offer outstanding potential benefit to the national interest through: (A) Improved strategic security and balance of payments; (B) promotion of rural economic development; (C) improved environmental quality; (D) near-zero net greenhouse gas emissions; (E) technology export; and (F) diversification of energy resource options. However, key technical challenges remain to be overcome in order for biomass conversion technologies to be cost-competitive. Among these are developing new integrated processes that show promise for reducing cost and increasing efficiency.

The relatively lengthy time and risks associated with the development and integration of new biomass power systems, based on advanced gasification technologies may make it difficult for the private sector to justify the sustained investment necessary. However the National benefits of such systems are driving the DOE's effort to support pre-commercial R&D directed towards Advanced Biomass Power Systems development.

Since DOE does not intend to issue a draft of the subject solicitation, prospective applicants are invited to e-mail any comments and/or questions associated with the ''need'' area(s) identified in this announcement. Please submit all comments/questions to Ms. Donna Jaskolka via the Internet at *jaskolka@netl.doe.gov* by COB March 21, 2001.

DATES: The solicitation will be available on the DOE/NETL's Internet address at *http://www.netl.doe.gov/business* on or about March 30, 2001. It is anticipated that the closing date for receipt of proposals will be on or about May 31, 2001.

FOR FURTHER INFORMATION CONTACT: Donna J. Jaskolka, U.S. Department of Energy, National Energy Technology Laboratory, P.O. Box 109540, MS 921–107, Pittsburgh, PA 15236–0940,

E-mail Address: *jaskolka@netl.doe.gov*

Telephone Number: 412/386–6106

Facsimile Number: 412/386–6137.

SUPPLEMENTARY INFORMATION: A primary objective of the Office of Biopower and Hydropower Technologies is to support pre-commercial research that develops technologies for the production of power, heat and other valuable by-products from biomass. The specific objective of Program Solicitation DE–PS26–01NT41130 is to support new approaches to improve gasification-based technologies for power, heat and co-production. The ultimate intent of the DOE is for the development team to package the advanced power generation systems developed under this solicitation for high volume regional and/or National commercial sales. Program emphasis is on the development of advanced power generation systems that can meet the following program objectives:

Load: Baseload power generation with a nominal annual capacity factor of 85%.

Size: It is not the intention of DOE to be prescriptive in this area. While studies seem to suggest that a nominal size of 20MW may be well suited to match local biomass resource availability, upper limits on plant size are flexible. A lower limit of 5MW is set to preclude programmatic duplication.

Costs of Power: The proposer must demonstrate that the cost of power is competitive in individual circumstances.

Efficiency: For plants under 100MW, a total power production efficiency of at

least 35% with the clear potential to evolve to 45%. Co-production facilities must have the capability of attaining 60% thermal efficiency. Plants larger than 100MW must be capable of achieving 45% efficiency.

Airborne Emissions: Emissions shall not be greater than one-half the amount allowed by current New Source Performance Standards for coal-fired electric power generating stations, or local regulations where system deployment is being considered.

Solid Wastes: All solid wastes must be benign with regard to disposal. Preference will be given to concepts in which solid waste generation is minimized through the production of usable by-products.

Acceptable Fuels: The ultimate goal is the development of advanced power generation systems in which biomass is the predominant fuel (> 95 percent of heat input). Initial commercial systems capable of utilizing biomass as the primary fuel (> 65 percent of heat input) are acceptable, so long as such initial systems are capable of evolving to configurations in which biomass would be the predominant fuel. However, preference will be given to initial systems in which biomass provides greater than the minimum acceptable level of heat input, provided that the proposers can demonstrate that there is no substantial increase in technical risk. Blending of gasification products with other gaseous fuels (e.g. natural gas, propane, etc.) in order to enhance the system's reliability and cost performance may be considered.

Biomass Fuel Flexibility: Given the tremendous variation in the compositional characteristics across the many biomass families (e.g., woods, herbaceous crops, manures, etc.), it is recognized that a single power system may not be appropriate to utilize all biomass. Accordingly, the R&D proposed and performed as a result of this solicitation may address a specific but significant subset of available biomass.

Performance Attributes: Preference will be given to concepts that allow load-following with minimal degradation of efficiency, and that are amenable to construction using factory assembled modular components based upon standard designs.

Note: *Biomass* refers to plant materials and/or animal waste used as a source of fuel. *Animal Waste* refers to the manure produced and any associated bedding material mixed within the manure and excludes animal processing waste. *Unsegregated Municipal Solid Waste (MSW), hazardous waste, and medical waste will not be considered to be biomass.* Segregated MSW is an acceptable fuel for this solicitation and would include non-recyclable paper and non-treated wood waste. There is no interest in receiving applications for aerobic or anaerobic digesters, landfill gas, or animal gas production.

It is not the intent of this solicitation to accelerate R&D on advanced power generation systems that are already being developed within this or other DOE power systems R&D programs. However the use of other advanced power systems components being developed by DOE's Offices of Energy Efficiency and Renewable Energy (EE), and Fossil Energy (FE) (e.g., turbines, fuel cells, gas cleaning, membranes, catalysts, etc.) as part of the overall process is allowable and encouraged if consistent with the objectives of the solicitation. Collaboration with other EE or FE participants is encouraged to maximize project effectiveness. Multi-disciplinary teams consisting of partners having significant expertise related to biomass supply issues and resource utilization, technology developers, and equipment manufacturers, energy service companies or A&E firms servicing the power industry, or power markets, and power generating companies are strongly encouraged to propose. Applications submitted by or on behalf of (1) another Federal agency; (2) a Federally Funded Research and Development Center sponsored by another Federal agency; or (3) a Department of Energy (DOE) Management and Operating (M&O) contractor will not be eligible for award under this solicitation. However, an application that includes performance of a portion of the work by a DOE M&O contractor will be evaluated and may be considered for award subject to the provisions to be set forth in Program Solicitation DE–PS26–01NT41130 (NOTE: The limit on participation by an M&O contractor for an individual project under this solicitation cannot exceed 20% of the total project cost).

Applicants that are seeking financial assistance under this solicitation are subject to the eligibility requirements of Section 2306 of the Energy Policy Act of 1992 (EPAct); further guidance will be included in the Program Solicitation. DOE anticipates issuing financial assistance (cooperative agreement) awards with a project performance period of up to six (6) months. Projects resulting from this Announcement are considered research and development projects.

Approximately $1,000,000 of DOE funding is planned for this solicitation. DOE has determined that a minimum cost share of twenty percent (20%) of the total estimated project cost is required; details of the cost sharing requirement and the specific funding levels will be contained in the program solicitation.

Prospective applicants should routinely access the NETL Electronic Business Center at *http://www.netl.doe.gov/business/solicit/index.html.* Please note that the ''Business Alert Registration/Notification'' is not currently functional, and cannot be relied upon for electronic notification of availability of the solicitation. Telephone requests, written requests, e-mail requests or facsimile requests for a copy of the solicitation package will not be accepted and/or honored. Applications must be prepared and submitted in accordance with the instructions and forms contained in the solicitation. The actual solicitation document will allow for requests for explanation and/or interpretation.

Issued in Pittsburgh, PA on March 12, 2001.

Dale A. Siciliano,

Deputy Director, Acquisition and Assistance Division.

[FR Doc. 01–6826 Filed 3–19–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada Test Site. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, April 4, 2001; 6:30 pm–8:30 pm.

ADDRESSES: Community Room of the Clark County Government Center, 500 South Grand, Las Vegas, Nevada 89155.

FOR FURTHER INFORMATION CONTACT: Kevin Rohrer, U.S. Department of Energy, Office of Environmental Management, P.O. Box 98518, Las Vegas, Nevada 89193–8513, phone: 702–295–0197, fax: 702–295–5300.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Advisory Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

5:30–6:30 Open house and information displays
6:30–8:30 Discussion on the Nevada Test Site Low-level Waste Facility

Copies of the final agenda will be available at the meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Kevin Rohrer, at the telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585 between 9 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Kevin Rohrer at the address listed above.

Issued at Washington, DC on March 15, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–6828 Filed 3–19–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Rocky Flats. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meeting be announced in the **Federal Register.**

DATES: Thursday, April 5, 2001; 6 pm to 9:30 pm.

ADDRESSES: Broomfield City Hall, One DesCombes Drive, Broomfield, CO.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO, 80021; telephone (303) 420–7855; fax (303) 420–7579.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Quarterly regulator update by the Colorado Department of Public Health and Environment
2. Update by the Stewardship Committee on long-term stewardship issues
3. Presentation on and discussion of institutional controls by staff of Colorado Attorney General's Office
4. Review of the Stewardship Working Group's draft report
5. Update on activities of the Environmental Restoration Committee
6. Other Board business may be conducted as necessary

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Public Reading Room located at the Office of the Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminister, CO 80021; telephone (303) 420–7855. Hours of operations for the Public Reading Room are 9 a.m. to 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be made available by writing or calling Deb Thompson at the address or telephone number listed above.

Issued at Washington, DC on March 15, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–6829 Filed 3–19–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Biomass Research and Development Technical Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee under the Biomass Research and Development Act of 2000. The Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), requires that agencies publish these notices in the Federal Register to allow for public participation.

DATES: March 21, 2001, 9 a.m.–5 p.m.

ADDRESSES: Department of Energy, Room 1E–245, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Douglas E. Kaempf, Designated Federal Officer for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; (202) 586–7766.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and guidance that promotes research and development leading to the production of biobased industrial products.

Tentative Agenda

Agenda will include discussions on the following:

- Advisory Committee Rules
- Strategic Plan
- DOE Request for Proposal (RFP) Process for Financial Assistance
- USDA Panel on Programs
- Review of Existing Programs
- Portfolio and Gap Analysis
- Budget
- Education
- Work Plan and Program for Process Between Meetings

Public Participation: In keeping with procedures, members of the public are welcome to observe the business of the Biomass Research and Development Technical Advisory Committee. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Douglas E. Kaempf at 202–586–7766 or *Bioenergy@ee.doe.gov* (e-mail). You must make your request for an oral statement at least 5 business days before

the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chair of the Committee will make every effort to hear the views of all interested parties. The Chair will conduct the meeting to facilitate the orderly conduct of business. The notice is being published less than 15 days before the date of the meeting due to the late resolution of programmatic issues.

Minutes: The minutes of the meeting will be available for public review and copying within 60 days at the Freedom of Information Public Reading Room; Room 1E–190; Forrestal Building; 1000 Independence Avenue, SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on March 14, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–6827 Filed 3–19–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–99–000]

Columbia Gas Transmission Corporation; Notice of Application

March 14, 2001.

Take notice that on March 6, 2001, Columbia Gas Transmission Corporation (Columbia), 12801 Fair Lakes Parkway, Fairfax, Virginia 22030–0146, filed an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA) to abandon its storage injection/withdrawal Well H–164 and associated well line segment 9369 consisting of 0.13 mile of 4-inch pipeline; to reclassify injection/withdrawal Well H–225 to observation status, and to abandon a segment of associated Well Line 19322 consisting of 0.33 mile of 4-inch pipeline; and to stimulate Well 12431 and to activate it to injection/withdrawal status and to construct 0.08 mile of 4-inch well line, all located in Schuyler County, New York in Columbia's Dundee Storage Field, all as more fully set forth in the application which is on file with the Commission and open to 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).

Any questions regarding this application should be directed to counsel for Columbia, Fredric J. George, at (304) 357–2359, fax (304) 357–3206.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before April 4, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–6795 Filed 3–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–383–024]

Dominion Transmission, Inc.; Notice of Negotiated Rate Filing

March 12, 2001.

Take notice that on March 9, 2001, Dominion Transmission, Inc. (DTI) tendered for filing to the Federal Energy Regulatory Commission (Commission) the following tariff sheet for disclosure of a recently negotiated transaction with Virginia Power Services Energy Corp., Inc.:

First Revised Sheet No. 1401

DTI states that copies of its letter of transmittal and enclosures have been

served upon DTI's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–6801 Filed 3–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–428–002]

Great Lakes Gas Transmission Limited Partnership; Notice of Compliance Filing

March 14, 2001.

Take notice that on March 9, 2001, Great Lakes Gas Transmission Limited Partnership (Great Lakes) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to be effective November 1, 2000:

Sixth Revised Sheet No. 4
Fourth Revised Sheet No. 5
First Revised Sheet No. 5A

Great Lakes states that these tariff sheets are being filed to comply with Sections 154.203 and 154.102(e)(5) of the Commission's regulations, and to clearly reflect the Rate Settlement approved by the Commission in Docket Nos. RP00–428–000 and RP91–143–050. Great Lakes Gas Transmission Limited Partnership, 93 FERC 61,076 (October 26, 2000); rehearing denied, 94 FERC 61,113 (February 8, 2001). The Settlement provides for a five year base rate moratorium, until November 1, 2005, wherein Great Lakes and its Shippers, with the exception of Rochester Gas and Electric Corporation, waive their rights to change or challenge Great Lakes' base tariff rates under Sections 4 and 5 of the NGA.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–6799 Filed 3–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–220–008]

Great Lakes Gas Transmission Limited Partnership; Notice of Negotiated Rate Agreement

March 14, 2001.

Take notice that on March 9, 2001, Great Lakes Gas Transmission Limited Partnership (Great Lakes) filed for disclosure, a transportation service agreement pursuant to Great Lakes' Rate Schedule FT entered into by Great Lakes and Tenaska Marketing Ventures (Tenaska) (FT Service Agreement). The FT Service Agreement being filed reflects a negotiated rate arrangement between Great Lakes and Tenaska commencing February 1, 2001.

Great Lakes states that the FT Service Agreement is being filed to implement a negotiated rate contract as required by both Great Lakes' negotiated rate tariff provisions and the Commission's Statement of Policy on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines and Regulation of Negotiated Transportation Services of Natural Gas Pipelines, issued January 31, 1996, at Docket Nos. RM95–6–000 and RM96–7–000.

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.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–6800 Filed 3–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT01–9–001]

Kern River Gas Transmission Company; Notice of Compliance Filing

March 14, 2001.

Take notice that on March 7, 2001, Kern River Gas Transmission Company (Kern River) tendered for filing an Amended and Restated Transportation Agreement Amendment to be effective January 10, 2001, subject, to conditions imposed by the Commission.

Kern River states that the purpose of this filing is to delete a first priority right to contract reductions provision and to modify another provision in the amendment to eliminate the requirement for pro rata reductions by receipt and delivery point.

Kern River states that a copy of this filing has been served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 21, 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. 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.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–6798 Filed 3–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–505–002]

Kern River Gas Transmission Company; Notice of Compliance Filing

March 14, 2001.

Take notice that on March 9, 2001, Kern River Gas Transmission Company (Kern River) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

Substitute First Revised Sheet No. 97
Substitute Original Sheet No. 98–A
Substitute First Revised Sheet No. 107
Substitute First Revised Sheet No. 108
Substitute First Revised Sheet No. 135
Substitute First Revised Sheet No. 532
Substitute First Revised Sheet No. 533
Substitute First Revised Sheet No. 534
Substitute First Revised Sheet No. 546
Substitute First Revised Sheet No. 548
Substitute First Revised Sheet No. 632
Substitute First Revised Sheet No. 633
Substitute First Revised Sheet No. 646
Substitute First Revised Sheet No. 647
Substitute First Revised Sheet No. 733
Substitute First Revised Sheet No. 734
Substitute First Revised Sheet No. 747
Substitute First Revised Sheet No. 749
Substitute First Revised Sheet No. 812
Substitute First Revised Sheet No. 813
Substitute First Revised Sheet No. 868
Substitute First Revised Sheet No. 870

Kern River states that the purpose of this filing is to comply with the Commission's Order which directed Kern River to file revised tariff sheets to remove the requirement for pro rata entitlement reductions at specific receipt and delivery points in the event of a partial capacity turnback, and to remove all references to ''volumetric'' portions of transportation, in provisions pertaining to right of first refusal and capacity release.

Kern River states that it has served a copy of this filing upon each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Secretary.

[FR Doc. 01–6872 Filed 3–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–305–003]

Mississippi River Transmission Corporation; Notice of Compliance Filing

March 14, 2001.

Take notice that on March 7, 2001, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to be effective February 1, 2001:

Third Revised Sheet No. 9A
Thirteenth Revised Sheet No. 10

MRT states that the purpose of this filing is to comply with the Commission's Letter order issued February 26, 2001 in Docket No. RP00–305–002. MRT is correcting pagination errors as directed by the Commission.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–6797 Filed 3–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG00–7–002]

Texas Gas Transmission Corporation; Notice of Filing

March 14, 2001.

Texas Gas Transmission Corporation filed revised standards of conduct on March 7, 2001 in accordance with the Commission's February 8, 2001 Order. 94 FERC ¶ 61,110 (2001).

Texas Gas Transmission Corporation states that it served copies of the filing on all parties in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest in this proceeding with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in

accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before March 29, 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 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 be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–6796 Filed 3–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1232–001, et al.]

Allegheny Power, et al.; Electric Rate and Corporate Regulation Filings

March 14, 2001.

Take notice that the following filings have been made with the Commission:

1. Allegheny Power

[Docket No. ER01–1232–001]

Take notice that on March 6, 2001, Allegheny Power tendered for filing a revised copy of the Interim Coordination Agreement which is the subject of this docket in order reflect a revised rate schedule reference. The pages of the revised agreement reflect APS Operating Companies Rate Schedule FERC No. 4.

Comment date: March 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Allegheny Energy Service Corporation, on Behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER01–1461–000]

Take notice that on March 8, 2001, Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power), tendered for filing an Interconnection Agreement (Agreement) with Mill Run Windpower, LLC as Service Agreement No. 345 under Allegheny Power's Open Access Transmission Tariff.

The proposed effective date under the Agreement is no later than November 15, 2001, or a date ordered by the Commission.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: March 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Public Service Company of New Mexico

[Docket No. ER01–1462–000]

Take notice that on March 8, 2001, Public Service Company of New Mexico (PNM), tendered for filing two executed service agreements, dated February 28, 2001, with the Incorporated County of Los Alamos (County), under the terms of PNM's Open Access Transmission Service Tariff (OATT). One agreement is for firm point-to-point transmission service, and supplements two existing transmission service agreements between PNM and County for 37 MW (dated April 21, 1999), and for 10 MW (dated May 23, 2000), respectively. Under the new service agreement PNM provides County with additional firm point-to-point transmission service (for County's hydro-generation units) from the Hernandez Substation 115kV Bus (point of receipt) to the PNM Norton 115kV Switching Station, the point of interconnection with County. The other agreement is an Amendment (Revised and Restated Amendment Number One to the Control Area Service Agreement, dated February 28, 2001) to an existing Control Area Service Agreement and its Supplement (Supplement No. 1), which (all three) together comprise ''First Revised Service Agreement No. 116'' under PNM's OATT, and include all of the necessary information to incorporate the firm point-to-point transmission service (from all three firm point-to-point transmission service agreements) into all relevant control area service load and resource descriptions and ancillary services calculations. PNM's filing is available for public inspection at PNM's offices in Albuquerque, New Mexico.

Copies of the filing have been sent to County and to the New Mexico Public Regulation Commission.

Comment date: March 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. California Independent System Operator Corporation

[Docket No. ER01–1463–000]

Take notice that on March 8, 2001, the California Independent System Operator Corporation, tendered for filing a Participating Generator Agreement between the ISO and Dinuba Energy, Inc., for acceptance by the Commission.

The ISO states that this filing has been served on Dinuba Energy, Inc., and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Participating Generator Agreement to be made effective March 5, 2001.

Comment date: March 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. California Independent System Operator Corporation

[Docket No. ER01–1464–000]

Take notice that on March 8, 2001, the California Independent System Operator Corporation, tendered for filing a Meter Service Agreement for ISO Metered Entities between the ISO and Dinuba Energy, Inc., for acceptance by the Commission.

The ISO states that this filing has been served on Dinuba Energy, Inc., and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Meter Service Agreement for ISO Metered Entities to be made effective March 5, 2001.

Comment date: March 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. California Independent System Operator Corporation

[Docket No. ER01–1465–000]

Take notice that on March 8, 2001, the California Independent System Operator Corporation (ISO), tendered for filing a Meter Service Agreement for Scheduling Coordinators between the ISO and Pacific Gas and Electric Company for acceptance by the Commission.

The ISO states that this filing has been served on Pacific Gas and Electric Company and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Meter Service Agreement to be made effective as of February 15, 2001.

Comment date: March 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. California Independent System Operator Corporation

[Docket No. ER01–1466–000]

Take notice that on March 8, 2001, the California Independent System Operator Corporation, tendered for filing a Meter Service Agreement for ISO Metered Entities between the ISO and Sierra Power Corporation for acceptance by the Commission.

The ISO states that this filing has been served on Sierra Power Corporation and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Meter Service Agreement for ISO Metered Entities to be made effective March 5, 2001.

Comment date: March 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. California Independent System Operator Corporation

[Docket No. ER01–1467–000]

Take notice that on March 8, 2001, the California Independent System Operator Corporation, tendered for filing a Participating Generator Agreement between the ISO and Sierra Power Corporation for acceptance by the Commission.

The ISO states that this filing has been served on Sierra Power Corporation and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Participating Generator Agreement to be made effective March 5, 2001.

Comment date: March 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Great Bay Power Corporation

[Docket No. ER01–1468–000]

Take notice that on March 8, 2001, Great Bay Power Corporation (Great Bay), tendered for filing service agreements between Chicopee Municipal Light Plant and Great Bay and between South Hadley Electric Light Department and Great Bay for service under Great Bay's revised Market-Based Rate Power Sales Tariff (Tariff). This Tariff was accepted for filing by the Commission on May 31, 2000, in Docket No. ER00–2211–000.

The service agreements are proposed to be effective March 1, 2001.

Comment date: March 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Southwest Power Pool, Inc.

[Docket No. ER01–1469–000]

Take notice that on March 8, 2001, Southwest Power Pool (SPP), tendered for filing notice that effective February 15, 2001, Service Agreement No. 17, effective date June 1, 1998, and filed with the Federal Energy Regulatory Commission in Docket No. ER98–3160 by Southwest Power Pool, Inc., is to be canceled.

Notice of the proposed cancellation has been served upon El Paso Merchant Energy as successor in interest to Coastal Merchant Energy, L.P., formerly Engage Energy US, L.P., the transmission customer under the agreement.

Comment date: March 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Puget Sound Energy, Inc.

[Docket No. ER01–1470–000]

Take notice that on March 8, 2001, Puget Sound Energy, Inc. (Puget), tendered for filing the 2000–2001 Operating Procedures an amendment to Puget's FERC Rate Schedule No. 65, under the Pacific Northwest Coordination Agreement (PNCA). Puget states that the 2000–2001 Operating Procedures relate to service under the PNCA.

A copy of the filing was served upon the parties to the PNCA.

Comment date: March 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. PacifiCorp

[Docket No. ER01–1471–000]

Take notice that on March 8, 2001, PacifiCorp, tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, Notice of Cancellation of a power sales agreement between Pacific Northwest Generating Cooperative and PacifiCorp.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: March 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Arizona Public Service Company

[Docket No. ER01–1474–000]

Take notice that on March 9, 2001, Arizona Public Service Company (APS), tendered for filing Umbrella Service Agreements to provide Short-Term Firm and Non-Firm Point-to-Point Transmission Service to Calpine Energy Services, L.P., and Pinnacle West Capital Corporation—Marketing and Trading under APS' Open Access Transmission Tariff.

A copy of this filing has been served on Calpine Energy Services, L.P., Pinnacle West Capital Corporation—Marketing and Trading, and the Arizona Corporation Commission.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Peco Energy Company

[Docket No. ER01–1475–000]

Take notice that on March 9, 2001, PECO Energy Company (PECO), tendered for filing under Section 205 of the Federal Power Act, 16 U.S.C. S 792 et seq., a Service Agreement dated March 7, 2001 with Alliant Energy Corporate Services, Inc. (AECS) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff).

PECO requests an effective date of March 8, 2001 for the Agreement.

PECO states that copies of this filing have been supplied to Alliant Energy Corporate Services, Inc., and to the Pennsylvania Public Utility Commission.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. El Paso Electric Company

[Docket No. ER01–1476–000]

Take notice that on March 9, 2001, El Paso Electric Company (EPE), tendered for filing Service Agreements for Firm Point-to-Point Transmission Service and for Non-Firm Point-to-Point Transmission Service to be provided pursuant to EPE's Open Access Transmission Tariff to each of the following transmission service customers: Tri-State Generation and Transmission Association, Inc., Transmission Division; Tri-State Generation and Transmission Association, Inc., Power Management/Generation Division; The Legacy Energy Group, LLC, and El Paso Merchant Energy, LP.

EPE has proposed to make each of these Service Agreements effective on February 8, 2001.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Cinergy Services, Inc.

[Docket No. ER01–1477–000]

Take notice that on March 9, 2001, Cinergy Services, Inc. (Cinergy), tendered for filing the following: (1) A Notice of Cancellation of FirstEnergy Corp.; (2) a Notice of Cancellation of The Toledo Edison Company; and (3) a Notice of Cancellation of The Cleveland Illuminating Company.

Cinergy respectfully requests waiver of any applicable regulation to the extent necessary to make the tariff changes effective as of the date of each of the listed name changes.

A copy of the filing was served upon the affected parties.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Green Mountain Power Corporation

[Docket No. ER01–1478–000]

Take notice that on March 9, 2001, Green Mountain Power Corporation (GMP), tendered for filing a Service Agreement for Firm Point-to-Point Transmission Service and a Service Agreement for Non-Firm Point-to-Point Transmission Service to be provided to Hydro Quebec pursuant to GMP's Open Access Transmission Tariff.

GMP has proposed to make each of these Service Agreements effective on March 1, 2001.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Northwest Regional Power, LLC

[Docket No. ER01–1479–000]

Take notice that on March 9, 2001, Northwest Regional Power, LLC tendered for filing with the Commission an application for authority to sell electric energy and capacity at market-based rates.

Northwest Regional Power requests that the Commission permit its Market-Based Rate Tariff to become effective one day from the date of filing.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. WFEC GENCO, L.L.C.

[Docket No. ER01–1480–000]

Take notice that on March 9, 2001, WFEC GENCO, L.L.C., tendered for filing an Energy Conversion Agreement with Western Farmers Electric Cooperative.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. WFEC GENCO, L.L.C.

[Docket No. ER01–1481–000]

Take notice that on March 9, 2001, WFEC GENCO, L.L.C., tendered for filing an Amended and Restated Energy Conversion Agreement with Coral Power, L.L.C.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. ISO New England Inc.

[Docket No. ER01–1482–000]

Take notice that on March 9, 2001, ISO New England Inc. (the ISO), tendered for filing amendments to the Special Interim Market Rule originally filed with the Commission under Section 205 of the Federal Power Act.

Copies of said filing have been served upon the Secretary of the NPC, the Participants in the New England Power Pool, non-Participant transmission customers and upon the New England State Governors and Regulatory Commissions.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

22. Union Electric Company

[Docket No. ER01–1483–000]

Take notice that on March 9, 2001, Union Electric Company (UE), tendered for filing notice that effective as of August 1, 2000 the Long-Term Firm Point-to-Point Transmission Service Agreement dated August 7, 1997 (Docket No. ER97–4138–000) filed with the Federal Energy Regulatory Commission by Union Electric Company is to be canceled.

Notice of the proposed cancellation has been served upon Sonat Power Marketing L.P., n/k/a El Paso Merchant Energy, L.P.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

23. Central Illinois Public Service Company

[Docket No. ER01–1484–000]

Take notice that on March 9, 2001, Central Illinois Public Service Company (CIPS), tendered for filing notice that effective as of August 1, 2000 the Non-Firm Point-to-Point Transmission Service Agreement dated August 27, 1996 (Docket No. ER96–3083–000) filed with the Federal Energy Regulatory Commission by Central Illinois Public Service Company is to be canceled.

Notice of the proposed cancellation has been served upon El Paso Energy Marketing Company.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

24. Union Electric Company

[Docket No. ER01–1485–000]

Take notice that on March 9, 2001, Union Electric Company (UE), tendered for filing notice that effective as of August 1, 2000 the Non-Firm Point-to-Point Transmission Service Agreement dated February 11, 1997 (Docket No. ER97–1710–000) filed with the Federal Energy Regulatory Commission by Union Electric Company is to be canceled.

Notice of the proposed cancellation has been served upon Sonat Power Marketing L.P., n/k/a El Paso Merchant Energy, L.P.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

25. Ameren Services Company

[Docket No. ER01–1486–000]

Take notice that on March 9, 2001, Ameren Services Company, (ASC), tendered for filing notice that effective as of February 1, 2000 the Firm Point-to-Point Transmission Service Agreement dated January 5, 1999 (Docket No. ER99–1651–000) filed with the Federal Energy Regulatory Commission by Ameren Services Company is to be canceled.

Notice of the proposed cancellation has been served upon Allegheny Power Service Corporation.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

26. Ameren Services Company

[Docket No. ER01–1487–000]

Take notice that on March 9, 2001, Ameren Services Company (ASC), tendered for filing notice that effective as of February 1, 2000 the Non-Firm Point-to-Point Transmission Service Agreement dated January 5, 1999 (Docket No. ER99–1652–000) filed with the Federal Energy Regulatory Commission by Ameren Services Company is to be canceled.

Notice of the proposed cancellation has been served upon Allegheny Power Service Corporation.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

27. Central Illinois Public Service Company

[Docket No. ER01–1488–000]

Take notice that on March 9, 2001, Central Illinois Public Service Company (CIPS), tendered for filing notice that effective as of February 25, 2000 the Non-Firm Point-to-Point Transmission Service Agreement dated January 1, 1997 (Docket No. ER97–1333–000) filed with the Federal Energy Regulatory Commission by Central Illinois Public Service Company is to be canceled.

Notice of the proposed cancellation has been served upon Sonat Power Marketing L.P., n/k/a El Paso Merchant Energy, L.P.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

28. Strategic Energy, L.L.C.

[Docket No. EC01–79–000]

Take notice that on March 8, 2001, Strategic Energy, L.L.C. (Strategic Energy), filed with the Federal Energy Regulatory Commission (the Commission) an application pursuant to section 203 of the Federal Power Act and Part 33 of the Commission's Regulations for authorization of the transfer of indirect ownership interests in the Applicant. The Applicant states that the proposed transaction is between two current indirect owners of the Applicant that raises no issues under the Commission's Merger Guidelines.

Comment date: March 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

29. Caledonia Generating, LLC

[Docket No. EG01–137–000]

Take notice that on March 2, 2001, Caledonia Generating, LLC filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935. The applicant is a limited liability company organized under the laws of the State of Delaware that is engaged directly and exclusively in developing, owning, and operating a gas-fired 813 MW (summer rated) combined-cycle power plant in Lowndes County, Mississippi, near Caledonia, Mississippi, which will be an eligible facility.

Comment date: April 4, 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.

30. FPL Energy Pecos Wind I, LP

[Docket No. EG01–145–000]

Take notice that on March 7, 2001, FPL Energy Pecos Wind I, LP (the Applicant), with its principal office at 700 Universe Boulevard, Juno Beach, Florida 33408, filed with the Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant states that it is a Delaware limited liability company engaged directly and exclusively in the business of developing and operating an approximately 80 MW wind-powered generating facility located in the County of Pecos, Texas. Electric energy produced by the facility will be sold at wholesale or at retail exclusively to foreign consumers.

Comment date: April 4, 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.

31. Northwest Regional Power, LLC

[Docket No. EG01–146–000]

Take notice that on March 9, 2001, Northwest Regional Power, LLC (Applicant), having its principal place of business at 9 N. Fairgrounds Road, Goldendale, WA, 98620, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

The Applicant is a Washington State limited liability company formed for the purpose of operating a number of portable generating units at twelve separate sites located in Klickitat, Snohomish, Douglas, Okanogan and King Counties, Washington, and Wasco County, Oregon.

Comment date: April 4, 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.

32. Lumberton Power, LLC

[Docket No. EG01–147–000]

Take notice that on March 12, 2001, Lumberton Power, LLC (Lumberton), a limited liability company with its principal place of business at 1400 Smith Street, Houston, Texas 77002, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Lumberton states that it will be engaged directly and exclusively in the business of owning and operating a 35 MW generation facility located in Lumberton, North Carolina. Lumberton will sell its capacity exclusively at wholesale. A copy of the filing was served upon the Securities and Exchange Commission and the North Carolina Utilities Commission.

Comment date: April 4, 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.

33. Elizabethtown Power, LLC

[Docket No. EG01–148–000]

Take notice that on March 12, 2001, Elizabethtown Power, LLC (Elizabethtown), a limited liability company with its principal place of business at 1400 Smith Street, Houston, Texas 77002, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Elizabethtown states that it will be engaged directly and exclusively in the business of owning and operating a 35 MW generation facility located in Elizabethtown, North Carolina. Elizabethtown will sell its capacity exclusively at wholesale. A copy of the filing was served upon the Securities and Exchange Commission and the North Carolina Utilities Commission.

Comment date: April 4, 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.

34. AES Mohave, LLC

[Docket No. EG01–149–000]

Take notice that on March 12, 2001, AES Mohave, LLC (AES Mohave) 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. AES Mohave intends to purchase certain undivided interests in the Mohave project, a 1,580 megawatt coal-fired power plant, located at the southern tip of Clark County, Nevada.

Comment date: April 4, 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.

35. Duke Energy Audrain, LLC

[Docket No. EG01–150–000]

Take notice that on March 13, 2001, Duke Energy Audrain, LLC (Duke Audrain) filed an application with the Federal Energy Regulatory Commission (the Commission) for determination of exempt wholesale generator status pursuant to Section 32 of the Public Utility Holding Company Act of 1935, as amended, and Part 365 of the Commission's regulations.

Duke Audrain is a Delaware limited liability company that will be engaged directly and exclusively in the business of owning or operating all or part of one or more eligible facilities to be located in Audrain County, Missouri. The eligible facilities will consist of an approximately 640 MW natural gas-fired, simple cycle electric generation

plant and related interconnection facilities. The output of the eligible facilities will be sold at wholesale.

Comment date: April 4, 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.

36. Arizona Public Service Company

[Docket No. ER01–770–001]

Take notice that on March 9, 2001, Arizona Public Service Company (APS) tendered for filing with the Federal Energy Regulatory Commission (Commission), its Compliance filing pursuant to the Commission's February 28, 2001 Order in Docket No. ER01–770–000.

A copy of this filing has been served on all parties on the official service list.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

37. Wisconsin Electric Power Company

[Docket No. ER01–847–001]

Take notice that on March 9, 2001, Wisconsin Electric Power Company (Wisconsin Electric) tendered for filing a Revised Power Sales Agreement (the Agreement) between Wisconsin Electric and Wisconsin Public Power, Inc. (WPPI) containing revisions to Exhibit C of the Agreement. The revisions reflect a technical correction to the section numbering in Exhibit C, and thus allow for proper cross-referencing between the Agreement and Exhibit C. The filed RPSA also contains designations and pagination in compliance with Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000).

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

38. Arizona Public Service Company

[Docket No. ER01–917–001]

Take notice that on March 9, 2001, Arizona Public Service Company (APS) tendered for filing with the Federal Energy Regulatory Commission (Commission) its Compliance filing pursuant to the Commission's February 28, 2001 order in Docket No. ER01–917–000.

A copy of this filing has been served on all parties on the official service list.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

39. WPS Westwood Generation, LLC

[Docket No. ER01–1114–001]

Take notice that on March 9, 2001, WPS Westwood Generation, LLC (Westwood) tendered for filing an amendment in the above-captioned proceeding. The amendment refiles the interconnection agreement between Westwood and PPL Electric Utilities Corporation in Order No. 614 format.

Copies of the filing were served upon the list of recipients and the Pennsylvania Public Utility Commission.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

40. Celerity Energy of New Mexico, LLC

[Docket No. ER01–1183–001]

Take notice that on March 9, 2001, Celerity Energy of New Mexico, LLC (Celerity) amended its petition for acceptance of Celerity's FERC Rate Schedule No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations and acceptance of a wholesale power sales agreement, Celerity's Service Agreement No. 1.

Celerity intends to engage in wholesale electric power and energy purchases and sales as a marketer. Celerity is 85 percent owned by Caterpillar Power Systems, Inc., which produces electric power generation equipment, and 15 percent owned by Celerity Energy, an Oregon LLC, which engages in the business of distributed generation products and services.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

41. Allegheny Energy Supply Company, LLC

[Docket No. ER01–1317–000]

Take notice that on March 9, 2001, Allegheny Energy Supply Company, LLC (AE Supply) filed a request to withdraw Market Rate Tariff Service Agreement No. 110.

Copies of the filing have been provided to the Customer, to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

42. Maine Public Service Company

[Docket No. ER01–1472–000]

Take notice that on March 9, 2001, Maine Public Service Company (Maine Public) filed an executed Service Agreement for Network Integration Transmission Service under Maine Public's open access transmission tariff with Eastern Maine Electric Cooperative Inc.

Maine Public requests that the agreement become effective on March 1, 2001.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

43. Allegheny Energy Service Corporation, on Behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER01–1473–000]

Take notice that on March 9, 2001 Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Service Agreement No. 346 to add AES NewEnergy, Inc. to Allegheny Power's Open Access Transmission Service Tariff.

The proposed effective date under the agreement is March 8, 2001.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: March 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

44. UtiliCorp United Inc.

[Docket No. OA01–3–000]

Take notice that on December 21, 2000, UtiliCorp United Inc. (UtiliCorp) tendered for filing revised transmission standards of conduct to incorporate St. Joseph Light & Power as a UtiliCorp operating division.

Comment date: March 29, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions 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. 01–6870 Filed 3–19–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–77–000, et al.]

Interstate Power Company, et al.; Electric Rate and Corporate Regulation Filings

March 13, 2001.

Take notice that the following filings have been made with the Commission:

1. Interstate Power Company

[Docket No. EC01–77–000]

Take notice that on March 6, 2001, Interstate Power Company (IPC), pursuant to section 203 of the Federal Power Act, 16 U.S.C. section 824b, filed an Application for approval to sell a transmission line (Line) in Jo Davies and Carroll County, Illinois to Jo-Carroll Electric Cooperative, Inc. (Jo-Carroll). The total sale price is Two Hundred Twenty Thousand ($220,000.00) Dollars.

IPC notes that the instant application reflects the mutual agreement between IPC and Jo-Carroll, and would result in a minimal impact on the transmission systems, costs and revenues of both utilities, IPC requests the Commission approve the sale of the Line effective November 30, 2000. IPC requests that the Commission waives any notice requirements pursuant to Part 33 as may be necessary. IPC also requests waiver of any other applicable filing requirements under the Commission's Rules and Regulations as may be necessary to approve the sale on the date requested.

Comment date: March 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Central Illinois Light Company

[Docket No. ER01–1137–001]

Take notice that the Notice of Filing issued on March 12, 2001 in Docket No. ER00–1137–001, should have been issued in Docket No. ER01–1137–001.

3. Mirant Zeeland, LLC

[Docket No. ER01–1263–000]

Take notice that on February 20, 2001, Mirant Zeeland, LLC (Mirant Zeeland), tendered for filing a Notice of Succession changing its name from SEI Michigan, L.L.C., and also submits new rate schedule sheets in compliance with the Commission's Order No. 614.

Comment date: April 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Mirant Neenah, LLC

[Docket No. ER01–1264–000]

Take notice that on February 20, 2001, Mirant Neenah, LLC (Mirant Neenah), tendered for filing a Notice of Succession changing its name from SEI Wisconsin, L.L.C., and also submits new rate schedule sheets in compliance with the Commission's Order No. 614.

Comment date: April 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Mirant Americas Energy Marketing, LP

[Docket No. ER01–1265–000]

Take notice that on February 20, 2001, Mirant Americas Energy Marketing, LP, tendered for filing a Notice of Succession changing its name from Southern Company Energy Marketing, LP and also submits new rate schedule sheets in compliance with the Commission's Order No. 614.

Comment date: April 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Mirant Bowline, LLC

[Docket No. ER01–1266–000]

Take notice that on February 20, 2001, Mirant Bowline, LLC, tendered for filing a Notice of Succession changing its name from Southern Energy Bowline, L.L.C. and also submits new rate schedule sheets in compliance with the Commission's Order No. 614.

Comment date: April 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Mirant California, LLC

[Docket No. ER01–1267–000]

Take notice that on February 20, 2001, Mirant California, LLC, tendered for filing a Notice of Succession changing its name from Southern Energy California, L.L.C. and also submits new rate schedule sheets in compliance with the Commission's Order No. 614.

Comment date: April 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Mirant Canal, LLC

[Docket No. ER01–1268–000]

Take notice that on February 20, 2001, Mirant Canal, LLC, tendered for filing a Notice of Succession changing its name from Southern Energy Canal, L.L.C. and also submits new rate schedule sheets in compliance with the Commission's Order No. 614.

Comment date: April 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Mirant Chalk Point, LLC

[Docket No. ER01–1269–000]

Take notice that on February 20, 2001, Mirant Chalk Point, LLC, tendered for filing a Notice of Succession changing its name from Southern Energy Chalk Point, L.L.C. and also submits new rate schedule sheets in compliance with the Commission's Order No. 614.

Comment date: April 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Mirant Delta, LLC

[Docket No. ER01–1270–000]

Take notice that on February 20, 2001, Mirant Delta, LLC, tendered for filing a Notice of Succession changing its name from Southern Energy Delta, L.L.C. and also submits new rate schedule sheets in compliance with the Commission's Order No. 614.

Comment date: April 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Mirant Kendall, LLC

[Docket No. ER01–1271–000]

Take notice that on February 20, 2001, Mirant Kendall, LLC, tendered for filing a Notice of Succession changing its name from Southern Energy Kendall, L.L.C. and also submits new rate schedule sheets in compliance with the Commission's Order No. 614.

Comment date: April 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Mirant Lovett, LLC

[Docket No. ER01–1272–000]

Take notice that on February 20, 2001, Mirant Lovett, LLC, tendered for filing a Notice of Succession changing its name from Southern Energy Lovett, L.L.C. and also submits new rate schedule sheets in compliance with the Commission's Order No. 614.

Comment date: April 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Mirant Mid-Atlantic, LLC

[Docket No. ER01–1273–000]

Take notice that on February 20, 2001, Mirant Mid-Atlantic, LLC, tendered for filing a Notice of Succession changing its name from Southern Energy Mid-Atlantic, L.L.C. and also submits new rate schedule sheets in compliance with the Commission's Order No. 614.

Comment date: April 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Mirant New England, LLC

[Docket No. ER01–1274–000]

Take notice that on February 20, 2001, Mirant New England, LLC, tendered for filing a Notice of Succession changing its name from Southern Energy New England, L.L.C. and also submits new rate schedule sheets in compliance with the Commission's Order No. 614.

Comment date: April 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Mirant NY-Gen, LLC

[Docket No. ER01–1275–000]

Take notice that on February 20, 2001, Mirant NY-Gen, LLC, tendered for filing a Notice of Succession changing its name from Southern Energy NY-Gen, L.L.C. and also submits new rate schedule sheets in compliance with the Commission's Order No. 614.

Comment date: April 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Mirant Peaker, LLC

[Docket No. ER01–1276–000]

Take notice that on February 20, 2001, Mirant Peaker, LLC, tendered for filing a Notice of Succession changing its name from Southern Energy Peaker, L.L.C. and also submits new rate schedule sheets in compliance with the Commission's Order No. 614.

Comment date: April 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Mirant Potomac River, LLC

[Docket No. ER01–1277–000]

Take notice that on February 20, 2001, Mirant Potomac River, LLC, tendered for filing a Notice of Succession changing its name from Southern Energy Potomac River, L.L.C. and also submits new rate schedule sheets in compliance with the Commission's Order No. 614.

Comment date: April 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Mirant Potrero, LLC

[Docket No. ER01–1278–000]

Take notice that on February 20, 2001, Mirant Potrero, LLC, tendered for filing a Notice of Succession changing its name from Southern Energy Potrero, L.L.C. and also submits new rate schedule sheets in compliance with the Commission's Order No. 614.

Comment date: April 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/ online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions 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. 01–6871 Filed 3–19–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–80–000]

East Tennessee Natural Gas Company; Notice of Intent to Prepare an Environmental Assessment for the Proposed Murray Project and Request for Comments on Environmental Issues

March 14, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Murray Project involving construction and operation of facilities by East Tennessee Natural Gas Company (ETNG) in Bedford, Franklin, Grundy, Hamilton, Marion, Marshall, McMinn, Moore, and Sequatchie Counties, Tennessee, and Catoosa, Murray, and Whitfield Counties, Georgia.[1] These facilities would consist of construction of about 53.3 miles of 20-inch-diameter pipeline, uprate of about 46.5 miles of 12– and 20-inch-diameter pipeline, and installation of 14,130 horsepower (hp) of compression, two meter stations, and appurtenant facilities. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My land? What Do I Need To Know?'' was attached to the project notice ETNG provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website (*www.ferc.fed.us).*

Summary of the Proposed Project

ETNG wants to provide the cities of Dalton and Cartersville, Georgia with 2,000 dekatherms per day (Dth/d) and 3,000 Dth/d of firm transportation service, respectively. In addition, ETNG wants to provide up to 165,000 Dth/d of firm transportation service to Duke Energy Murray, LLC's (DENA Murray) 1,240-megawatt gas-fired power plant (Murray Energy Facility) under construction in Murray County, Georgia. ETNG seeks authority to:

- Construct 26.88 miles of 20-inch-diameter pipeline in Hamilton County, Tennessee, and Cattosa, Whitfield, and Murray Counties, Georgia (Murray

[1] ETNG's application was filed with the Commission under section 7 of the Natural Gas Act and part 157 of the Commission's regulations.

Lateral); extending from an interconnect with ETNG's existing Atlanta Extension (LIne 3500–1) pipeline lateral and ending at DENA Murray's Murray Energy Facility in Murray County, Georgia;

- Construct a 11.16-mile-long, 20-inch-diameter pipeline loop in Bedford Moore Counties, Tennessee;
- Construct a 4.74-mile-long 10-inch diameter pipeline loop in Franklin County, Tennessee;
- Construct a 7.59-mile-long, 20-inch-diameter pipeline loop in Marion County, Tennessee;
- Construct a 3.0-mile-long, 20-inch-diameter pipeline loop in Hamilton County, Tennessee;
- Construct two meter stations at Milepost (MP) 20.89 of the Murray Lateral to deliver gas to the Cities of Dalton and Cartersville, Georgia, and the terminus of the Murray Lateral at MP 26.88;
- Add a new 6,270-horsepower (hp) compressor unit to the existing Ooltewah Compressor Station 3214 in Hamilton County, Tennessee;
- Install a new 6,270-hp compressor unit at the existing Tracy City Compressor Station 3210 in Marion County, Tennessee, and remove the existing 1,590-hp compressor unit;
- Construct the new 1,590-hp Compressor Station 3216 in McMinn County, Tennessee, by installing the 1,590-hp compressor unit removed from the Tracy City Compressor Station 3210;
- Uprate four segments of 12-inch-diameter pipeline and two segments of 20-inch-diameter pipeline totaling 46.45 miles in Marshall, Bedford, Moore, Franklin, Grundy, Marion, Sequatchie, and McMinn Counties, Tennessee;
- Construct five temporary pressure limiting devices for the above-described uprates in Franklin, Grundy, Sequatchie and Marion Counties, Tennessee;
- Install, seven new regulators in Marion, Hamilton, Bedford, Moore, and Franklin Counties, Tennessee;
- Under take piping modifications at Compressor Station 3209 in Franklin County, Tennessee;
- Construct two new main line valves in Whitfield County, Georgia; and
- Install new and modified tie-in facilities in Hamilton County, Tennessee.

The general location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed facilities would require about 676.1 acres of land. Following construction, about 132.9 acres would be maintained as new right-of-way. The remaining 543.2 acres of land would be restored and allowed to revert to its former use.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission request public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources, fisheries, and wetlands
- Vegetation and wildlife
- Endangered and threatened species
- Public safety
- Land use
- Cultural resources
- Air quality and noise
- Hazardous waste

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section beginning on page 5.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by ETNG. This preliminary list of issues may be changed based on your comments and our analysis.

- One waterboy in Tennessee and three waterbodies in Georgia are considered sensitive waterbodies due to their high ecological or recreational value.
- 29 federally listed endangered or threatened species have been identified as occurring in the vicinity of the proposed project area.
- About 8.42 acres of agricultural land, including about 2.86 acres of prime farmland soils, would convert to industrial use.
- Prentice Cooper State Forest and Wildlife Management Area in Marion County, Tennessee may be affected by the proposed project.
- Land administered by the Tennessee Valley Authority would be crossed by the proposed project.

Also, we have made a preliminary decision to not address the impacts of the nonjurisdictional facilities. We will briefly describe their location and status in the EA.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations or routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the ''RIMS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

[3] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

Commission, 888 First St., NE, Room 1A, Washington, DC 20426.

• Label one copy of the comments for the attention of Gas/Hydro.

• Reference Docket No. CP01–80–000.

• Mail your comments so that they will be received in Washington, DC on or before April 9, 2001.

Comments and interventions (see ''Becoming an Intervenor,'' below) may also be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm* under the link to the User's Guide. Before you can file comments you will need to create an account which can be created by clicking on ''Login to File'' and then ''New User Account.''

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor''. Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2). Interventions may also be filed electronically as described above. Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

David P. Boergers,

Secretary.

[FR Doc. 01–6794 Filed 3–19–01; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

Second Meeting of the Advisory Committee for the 2003 World Radiocommunication Conference (WRC–03 Advisory Committee)

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the next meeting of the WRC–03 Advisory Committee will be held on April 20, 2001, at the Federal Communications Commission. The purpose of the meeting is to continue preparations for the 2003 World Radiocommunication Conference. The Advisory Committee will consider any preliminary views and/or proposals introduced by the Advisory Committee's Informal Working Groups.

DATES: April 20, 2001; 10 am–12 noon

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–C305, Washington DC 20554.

FOR FURTHER INFORMATION CONTACT: Julie Garcia, FCC International Bureau, Planning and Negotiations Division, at (202) 418–0763.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission (FCC) established the WRC–03 Advisory Committee to provide advice, technical support and recommendations relating to the preparation of United States proposals and positions for the 2003 World Radiocommunication Conference (WRC–03). In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the second meeting of the WRC–03 Advisory Committee. The WRC–03 Advisory Committee has an open membership. All interested parties are invited to participate in the Advisory Committee and to attend its meetings. The proposed agenda for the second meeting is as follows:

Agenda

Second Meeting of the WRC–03 Advisory Committee, Federal Communications Commission, 445 12th Street, SW., Room TW–C305, Washington, DC 20554.

April 20, 2001; 10 am–12 noon

1. Opening Remarks
2. Approval of Agenda
3. Approval of the Minutes of the First Meeting
4. IWG Reports and Documents relating to:
   a. Preliminary Views
   b. Draft Proposals
5. Future Meetings
6. Other Business

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 01–6818 Filed 3–19–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 01–517]

Consumer/Disability Telecommunications Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice; correction.

SUMMARY: The Federal Communications Commission published in the **Federal Register** on March 5, 2001 (66 FR 13317), a Notice concerning the date, time, location and agenda for the first meeting of the FCC's Consumer/Disability Telecommunications Advisory Committee. The Notice also listed the chairperson and members of the Committee. The list of Committee members contained errors and is reprinted correctly.

FOR FURTHER INFORMATION CONTACT: Scott Marshall, Designated Federal Officer, 202–418–2809 (voice) or 202–418–0179 (TTY). Email: *cdtac@fcc.gov.*

Correction

In the **Federal Register** of March 5, 2001, FR Doc. 01–5228, on page 13318, in the second and third columns, the complete list of the Committee's

membership is corrected to read as follows:

Committee Membership

Designated Federal Officer

Scott Marshall

Organizations

AARP
Alliance for Public Technology
American Council for the Blind
AT&T
Call For Action
Cellular Telecommunications & Internet Association
Cingular Wireless, LLC
Communication Service for the Deaf
ConnectBid LLC
Consumer Action
Ericsson Inc.
Gallaudet University
Gila River Telecommunications, Inc.
Hewlett-Packard Company
IDEAL at NCR
Inclusive Technologies
Information Technology Technical Assistance and Training Center
Microsoft Corporation
Mitsubishi Electric America Foundation
National Association of Broadcasters
National Association of State Relay Administration
National Cable Television Association
National Consumers League
National Urban League
Nokia
Qwest Communciations International, Inc.
Rainbow/PUSH Coalition and Citizenship Education Fund
San Carlos Apache Tribe, Health and Human Services
Self Help for Hard of Hearing People
Smithsonian Center for Latino Initiatives
Sprint Corporation
Telecommunication Industry Association
Telecommunications Research & Action Center
TRIPOD Captioned Films
Verizon Communications
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Individuals

Shelley Nixon
Kathleen O'Reilly
Bob Segalman

Federal Communications Commission.

Karen Peltz Strauss,

Deputy Bureau Chief, Consumer Information Bureau.

[FR Doc. 01–6817 Filed 3–19–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, March 26, 2001, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider matters relating to the Corporation's corporate and supervisory activities.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: March 15, 2001.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 01–6936 Filed 3–15–01; 4:13 am]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1362–DR]

Alabama; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Alabama (FEMA–1362–DR), dated March 5, 2001, and related determinations.

EFFECTIVE DATE: March 5, 2001

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated March 5, 2001, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, as follows:

I have determined that the damage in certain areas of the State of Alabama, resulting from severe storms and flooding on February 16–17, 2001, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, (Stafford Act). I, therefore, declare that such a major disaster exists in the State of Alabama.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint William Carwile of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Alabama to have been affected adversely by this declared major disaster:

Blount, Jefferson, Lamar, Tuscaloosa, and Walker Counties for Public Assistance.

All counties within the State of Alabama are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

G. Clay Hollister,

Acting Chief of Staff.

[FR Doc. 01–6768 Filed 3–19–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1362–DR]

Alabama; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Alabama, (FEMA–1362–DR), dated March 5, 2001, and related determinations.

EFFECTIVE DATE: March 9, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Alabama is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 5, 2001:

Fayette County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Robert J. Adamcik,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–6769 Filed 3–19–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1361–DR]

Washington; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Washington, (FEMA–1361–DR), dated March 1, 2001, and related determinations.

EFFECTIVE DATE: March 6, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Washington is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 1, 2001:

Grays Harbor and Snohomish Counties for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program).

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–6767 Filed 3–19–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Board of Governors of the Federal Reserve System

SUMMARY:

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83–Is and supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for Comment on Information Collection Proposal

The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before May 21, 2001.

ADDRESSES: Comments, which should refer to the OMB control number or agency form number, should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or mailed electronically to regs.comments@federalreserve.gov. Comments addressed to Ms. Johnson may be delivered to the Board's mailroom between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mailroom and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments received may be inspected in room M–P–500 between 9 a.m. and 5 p.m., except as provided in § 261.14 of the Board's Rules Regarding Availability of Information, 12 CFR 261.14(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83–I), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose

name appears below. Mary M. West, Federal Reserve Board Clearance Officer (202–452–3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Capria Mitchell (202) 872–4984, Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposal to Approve Under OMB Delegated Authority the Extension for Three Years, Without Revision, of the Following Reports

1. *Report title:* Notice of Proposed Stock Redemption.
Agency form number: FR 4008.
OMB control number: 7100–0131.
Frequency: On occasion.
Reporters: Bank holding companies.
Annual reporting hours: 310 hours.
Estimated average hours per response: 15.5 hours.
Number of respondents: 20.
Small businesses are not affected.
General description of report: This information collection is mandatory (12 U.S.C. 1844(c)) and is not given confidential treatment.
Abstract: The Federal Reserve System requires a bank holding company (BHC), other than a well-run company, to give written notice to its District Federal Reserve Bank before purchasing or redeeming its equity securities (collectively, redeeming or redemption) if the consideration paid for the proposed redemption and other redemptions over the preceding twelve months is 10 percent or more of the company's consolidated net worth. There is no reporting form; the BHC notifies the Federal Reserve by letter prior to making the proposed redemption. The Federal Reserve uses the information to fulfill its statutory obligation to supervise bank holding companies.

2. *Report title:* Notice Claiming Status as an Exempt Transfer Agent.
Agency form number: FR 4013.
OMB control number: 7100–0137.
Frequency: On occasion.
Reporters: Banks, bank holding companies, and trust companies.
Annual reporting hours: 12 hours.
Estimated average hours per response: 2 hours.
Number of respondents: 6.
Small businesses are affected.
General description of report: This information collection is voluntary (15 U.S.C. 78q–1(c)(1)) and is not given confidential treatment.
Abstract: Banks, bank holding companies, and trust companies subject to the Federal Reserve's supervision that are low-volume transfer agents voluntarily file the FR 4013 notice on occasion with Federal Reserve Board. Transfer agents are institutions that provide securities transfer, registration, monitoring, and other specified services on behalf of securities issuers. The purpose of the notice, which is effective until the agent withdraws it, is to claim exemption from certain rules and regulations of the Securities and Exchange Commission (SEC). The Federal Reserve uses the notices for supervisory purposes because the SEC has assigned to the Federal Reserve responsibility for collecting the notices and verifying their accuracy through examinations of the respondents. The notice is made by letter; there is no reporting form.

3. *Report title:* Survey to Obtain Information on the Relevant Market in Individual Merger Cases.
Agency form number: FR 2060.
OMB control number: 7100–0232.
Frequency: On occasion.
Reporters: Small businesses and consumers.
Annual reporting hours: 37 hours.
Estimated average hours per response: 10 minutes for small businesses, 6 minutes for consumers.
Number of respondents: 25 small businesses and 50 consumers per survey.
Small businesses are affected.
General description of report: This information collection is voluntary (12 U.S.C. 1817(j), 1828 (c), and 1841 *et seq.*) and is given confidential treatment (5 U.S.C. 552(b)(4) and (b)(6)).
Abstract: The Federal Reserve uses this telephone survey to determine the sources from which small businesses and consumers in a particular geographical area obtain financial services. The information is needed for specific merger and acquisition applications to determine relevant banking markets in the analysis of local market competition.

Proposal to Approve Under OMB Delegated Authority the Extension for Three Years, With Revision, of the Following Reports

1. *Report title:* Weekly Report of Assets and Liabilities for Large Banks.
Agency form number: FR 2416.
OMB control number: 7100–0075.
Frequency: Weekly.
Reporters: U.S.-chartered commercial banks.
Annual reporting hours: 18,850 hours.
Estimated average hours per response: 7.25 hours.
Number of respondents: 50.
Small businesses are not affected.
General description of report: This information collection is voluntary (12 U.S.C. 225(a) and 248(a)(2)) and is given confidential treatment (5 U.S.C. 552(b)(4)).

2. *Report title:* Weekly Report of Selected Assets.
Agency form number: FR 2644.
OMB control number: 7100–0075.
Frequency: Weekly.
Reporters: U.S.-chartered commercial banks.
Annual reporting hours: 66,924 hours.
Estimated average hours per response: 1.17 hours.
Number of respondents: 1,100.
Small businesses are affected.
General description of report: This information collection is voluntary (12 U.S.C. 225(a) and 248(a)(2)) and is given confidential treatment (5 U.S.C. 552(b)(4)).

3. *Report title:* Weekly Report of Assets and Liabilities for Large U.S. Branches and Agencies of Foreign Banks.
Agency form number: FR 2069.
OMB control number: 7100–0030.
Frequency: Weekly.
Reporters: U.S. branches and agencies of foreign (non-U.S.) banks.
Annual reporting hours: 27,891 hours.
Estimated average hours per response: 5.83 hours.
Number of respondents: 92.
Small businesses are not affected.
General description of report: This information collection is voluntary (12 U.S.C. 3105(b)(2)) and is given confidential treatment (5 U.S.C. 552(b)(4)).
Abstract: The FR 2416 is a detailed, 47 item balance sheet that covers domestic offices of large U.S. chartered commercial banks. The FR 2644 collects 17 items covering investments and loans plus total assets and three memorandum items, two that disaggregate total borrowings between bank and nonbank sources and one for mortgage-backed securities. The FR 2069 is a detailed, 29 item balance sheet that covers large U.S. branches and agencies of foreign banks. These reports are collected as of each Wednesday.

These three voluntary reports are mainstays of the Federal Reserve's reporting system from which data for analysis of current banking developments are derived. The FR 2416 is used on a standalone basis as the ''large domestic bank series.'' The other two reports are samples for estimating outstandings for the universe, using data for benchmarks from the quarterly commercial bank Consolidated Reports of Condition and Income (FFIEC 031–034; OMB No. 7100–0036) and the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002; OMB No. 7100–0032) (Call

Reports). Data from all three reports, together with data from other sources, are used for constructing weekly estimates of bank credit, of sources and uses of bank funds, and of a balance sheet for the banking system as a whole. These estimates are used in constructing the bank credit component of the domestic nonfinancial debt aggregate.

The Federal Reserve publishes the data in aggregate form in a statistical release that is followed closely by other government agencies, the banking industry, the financial press, and other users. This weekly H.8 statistical release, ''Assets and Liabilities of Commercial Banks in the United States,'' provides a balance sheet for the banking industry as a whole and disaggregated by its large domestic, small domestic, and foreign related components.

Current Actions: The Federal Reserve proposes to revise the FR 2416 and FR 2644 to conform with the March 31, 2001, and June 30, 2001, changes to the Consolidated Reports of Condition and Income (Call Report) (proposed FFIEC 031/041; OMB No. 7100–0036). These proposed changes to the FR 2416 and FR 2644 would be effective with the reports for July 4, 2001. The Federal Reserve will work with individual respondents that wish to implement the changes early due to reprogramming their systems for the March Call Report changes. The Federal Reserve also proposes to conform the FR 2069, beginning with the report for July 4, 2001, to changes, eliminations and reductions in detail on the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002; OMB No. 71000032) effective June 30, 2001.

In addition to these revisions, on the FR 2416, The Federal Reserve proposes a minor redefinition of ''Commercial real estate loans'' to include loans secured by farmland. The Federal Reserve determined that real estate loans secured by farmland, currently reported in ''All other loans secured by real estate,'' are used primarily for the financing of land for production (a commercial purpose), rather than for financing the improvements on the land, such as farmhouses. Thus, the bulk of farm real estate loans have a commercial, rather than a residential, character.

Board of Governors of the Federal Reserve System, March 14, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–6778 Filed 3–19–01; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 3, 2001.

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. J. David Burrage 1985 Trust - David Burrage Trustee, Antlers, Oklahoma; to acquire voting shares of First Antlers Bancorporation, Inc., Antlers, Oklahoma, and thereby indirectly acquire voting shares of First Bank, Antlers, Oklahoma.

Board of Governors of the Federal Reserve System, March 14, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–6779 Filed 3–19–00; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 13, 2001.

A. Federal Reserve Bank of Richmond (A. Linwood Gill, III, Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. Carolina Financial Corporation, Charleston, South Carolina; to acquire 100 percent of the voting shares of Crescent Bank, Myrtle Beach, South Carolina.

2. Waccamaw Bankshares, Inc., Whiteville, North Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of Waccamaw Bank, Whiteville, North Carolina.

B. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Glacier Bancorp, Inc., Kalispell, Montana; to acquire 100 percent of the voting shares of Western Security Bank, Billings, Montana, a *de novo* bank.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Community Bank Holdings of Texas, Inc., Corsicana, Texas, and Corsicana Holdings, Inc., Dover, Delaware; to merge with Eagle Bancshares, Inc., Fairfield, Texas, and thereby indirectly acquire voting shares of Fairfield Holdings, Inc., Wilmington, Delaware; First National Bank, Fairfield, Texas; and Texas Bank, S.S.B., Buffalo, Texas.

Board of Governors of the Federal Reserve System, March 14, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–6780 Filed 3–19–00; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 13, 2001.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. East Texas Financial Corporation, Kilgore, Texas, and East Texas Delaware Holdings, Wilmington, Delaware; to acquire 8.04 percent of the voting shares of East Texas Financial Services, Inc., Tyler, Texas, and thereby indirectly acquire First Federal Savings and Loan Association, Tyler, Texas, and thereby engage in operating a savings association, pursuant to § 228.25(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, March 14, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–6781 Filed 3–19–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7a(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans #	Acquiring	Acquired	Entities
Transactions Granted Early Termination—02/20/2001			
20011507	Advance Voting Trust	New York Times Company (The)	New York Times Company (The).
Transactions Granted Early Termination—02/21/2001			
20011421	Entergy Corporation	Consolidated Edison, Inc	Consolidated Edison, Inc.
20011462	Gannett Co., Inc	Gannett Co., Inc	Hawaii Newspaper Agency Limited Partnership.
20011524	Bombardier Inc	Quantum Industrial Holdings, Ltd	Outboard Marine Corporation.
Transactions Granted Early Termination—02/23/2001			
20004614	Lesaffre et Cie	Universal Foods Corporation	Red Star Yeast & Products.
20011234	Compagnie Gernerale des Matieres, Nucleaires.	Stonington Capital Appreciation 1994 Fund, L.P.	Packard BioScience Company.
20011352	National Grid Group plc	Niagara Mohawk Holdings, Inc	Niagara Mohawk Holdings, Inc.
20011456	Maxim Integrated Products, Inc	Dallas Semiconductor Corporation	Dallas Semiconductor Corporation.
20011515	WESCO International, Inc	Herning Enterprises, Inc	Herning Enterprises, Inc
Transactions Granted Early Termination—02/26/2001			
20011360	Vulcan Materials Company	Vulcan Materials Company	Vulcan/ICA Distribution Company.
20011387	Finisar Corporation	Raymond and Elizabeth Marlow	Marlow Industries, Inc.
20011418	Northern Border Partners, L.P	J.P. Morgan Chase & Co	Bear Paw Investments, LLC
20011446	Southcorp Limited	Oatley Trust	Rosemount Estates Pty Ltd.
20011461	3799760 Canada Inc	BAE SYSTEMS plc	BAE SYSTEMS Canada, Inc.
20011476	Jabil Circuit, Inc	Marconi plc	Marconi plc.
20011498	UGI Corporation	NiSource Inc	Atlantic Energy, Inc. Columbia Propane Corporation. CPC Sub, L.L.C.
20011503	IDEAL Industries, Inc	Letitia Corporation	High Voltage Engineering Corporation.
20011504	TECO Energy, Inc	American Electric Power Company, Inc	Frontera Generation Limited Partnership.
0011506	Nancy Jane Black Marcil	Red Wing Publishing Company	Red Wing Publishing Company.
20011508	Marmon Holdings, Inc	Vahan Martirosian	Comtran Corporation.
20011509	Marmon Holdings, Inc	John DeMarco	Comtran Corporation.
20011516	Compass Group PLC	Morrison Management Specialist, Inc	Morrison Management Specialist, Inc.
20011517	UGI Corporation	UGI Corporation	AmeriGas Propane, L.P.

Trans #	Acquiring	Acquired	Entities
20011518	C&F Confectionery and Foods S.A	Stichting Administraiekantoor van Aandelen Van Melle N.V.	Van Melle N.V.
20011532	Vivendi Universal, S.A	Uproar, Inc	Uproar, Inc.
20011536	Gerald W. Schwartz	Motorola, Inc	Motorola, Inc.
Transactions Granted Early Termination—02/27/2001			
20011505	Canadian Imperial Bank of Commerce	Global Payments Inc	Global Payments Inc.
20011511	Tom T. Gores	The Williams Companies, Inc	Williams Communciations Solutions, LLC.
20011514	SBC Communications Inc	Vivendi S.A	French American Cellular Investment Corp.
Transactions Granted Early Termination—02/28/2001			
20011385	Schneider Electric S.A	Legrand S.A	Legrand S.A.
20011455	Emera Incorporated	Bangor Hydro—Electric Company	Bangor Hydro—Electric Company.
Transactions Granted Early Termination—03/01/2001			
20011382	Intel Corporation	Xircom, Inc	Xircom, Inc.
20011402	Nextel Communciations, Inc	Arch Wireless, Inc	AWI Spectrum Co., LLC
20011522	Schlumberger Limited	Sema plc	Sema plc.
Transactions Granted Early Termination—03/02/2001			
20011373	Michael S. Starnes	Swift Transportation Co., Inc	Swift Transportation Co., Inc.
20011420	1437414 Ontario Limited	Cascade Corporation	Cascade Corporation.
20011423	Macromedia, Inc	Allaire Corporation	Allaire Corporation.
20011432	France Telecom S.A	Equant N.V	Equant N.V.
20011531	Lafayette Communications Company L.L.C.	Carolina PCS I Limited Partnership	Carolina PCS I Limited Partnership.
20011538	FreeMarkets, Inc	Adexa, Inc	Adexa, Inc.
20011547	American Express Company	SierraCities.com Inc	SierraCities.com Inc.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580; (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–6837 Filed 3–19–01; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Public Health and Science; Office of Minority Health; Availability of Funds for Health Disparities Grants in Minority Health

AGENCY: DHHS, Office of the Secretary, Office of Public Health and Science, Office of Minority Health.

ACTION: Notice of Availability of Funds and Requests for Applications for Health Disparities Grants In Minority Health.

Program Information

Program Title: Health Disparities Grants In Minority Health.

OMB Catalog of Federal Domestic Assistance: The Catalog of Federal Domestic Assistance number for this program is 93.100.

Authority: This program is authorized under section 1707(e)(1) of the Public Health Service Act (PHS), as amended.

Purpose: The purpose of the Fiscal Year (FY) 2001 Health Disparities Grants In Minority Health is to reduce health disparities among racial and ethnic populations through local pilot and small-scale projects which address a demonstrated health problem or health related issue. This program is intended to demonstrate the merit of using local organizations to develop, implement and conduct pilot or small-scale community-based projects which address a wide range of health problems and issues related to health disparities in local minority communities.

Eligible Applicants: To qualify for funding, an applicant must be a private nonprofit, minority or public community-based organization which addresses health and human services, Historically Black College or University (HBCU), Hispanic Serving Institution (HSI), or Tribal College or University (TCU) (see definitions found in this announcement).

Organizations are not eligible to receive funding from more than one Office of Minority Health (OMH) grant program concurrently. An organization may submit only one proposal under this announcement.

Note: National, state-wide and regional organizations may not apply for this grant.

Local affiliates of national, state-wide or regional organizations that meet the definition of a minority community-based organization are eligible to apply.

Availability of Funds: About $1 million is expected to be available for award in FY 2001. It is expected that 20 to 30 awards will be made. Support may be requested for a total project period of 1 or 2 years. Those applicants chosen through the competitive review process:

- Are to begin their projects on September 30, 2001.
- Will receive an award up to $50,000 total costs (direct and indirect) for a 12 month period.
- Will be able to receive a non-competing continuation award for an additional 1 year. After year 1, funding is based on:
  —The amount of money available;
  —Success or progress in meeting project objectives; and
  —An initial application that requests 2 years of support.

Note: For non-competing continuation awards, grantees must submit a continuation application, written reports, and continue to meet the established funding guidelines.

- Continuation awards are expected to be awarded up to $50,000 (direct and indirect). The actual funding level will depend on the availability of funds.

Use of Grant Funds: Budgets up to $50,000 total costs (direct and indirect) may be requested per year to cover costs of:

- Personnel
- Consultants
- Equipment
- Supplies
- Grant related travel
- Other grant related costs

Funds *may not* be used for:

- Activities that may compromise privacy and confidentiality of the target population
- Building alterations or renovations
- Conferences
- Construction
- Fund raising activities
- Job training
- Medical treatment
- Political education and lobbying
- Religious activities
- Studies involving human subjects
- Vocational rehabilitation

Note: All budget requests must be fully justified in terms of the proposed objectives and activities.

Background

The DHHS, OMH is committed to working with CBOs (*c*ommunity-*b*ased *o*rganizations) to improve the health of racial and ethnic minority populations through programs that address health disparities and gaps. The OMH serves as the focal point within the DHHS for service demonstrations, coalition and partnership building, and related efforts to address the health needs of racial and ethnic minorities.

To that end, OMH is implementing the Health Disparities Grants In Minority Health program to address a wide range of health problems, gaps in service and issues that affect the health and well-being of local minority communities.

It is anticipated that this program will strengthen existing efforts of grassroot CBOs which have been providing innovative approaches that address a wide range of health issues affecting their local minority communities.

Through the annual issues of *Health, United States and Healthy People 2000,* it is reported that the overall health of the Nation continues to steadily and significantly improve. Yet, these reports also indicate that racial and ethnic minorities have not benefitted equally in this progress over time.

The fact remains that disparities in the burden of death and illness experienced by Blacks or African Americans, Hispanics or Latinos, American Indians or Alaska Natives, Asians, Native Hawaiians or Other Pacific Islanders, as compared with the United States population as a whole, have persisted, and, in many areas, are growing.

There are many examples of these health disparities including:

- Persistent rates of infant mortality. It is found that infant mortality is more than twice as high for Blacks or African Americans than for whites.[1]
- Cerebrovascular disease death rates for Black or African American men ages 45–54, four times that of white counterparts.
- Death rates from HIV infection more than five times higher for Black or African American men than white men.[2]
- Cervical cancer fatalities that are disproportionately high among Hispanic or Latino and Black or African American women.[3] [4]
- The incidence of cervical cancer five times higher among Vietnamese women than white women.[5]
- The prevalence of diabetes in Blacks or African Americans approximately 70 percent higher than whites. The rate for Hispanics or Latinos nearly double that of whites, and among some American Indian or Alaska Native tribes as high as 50 percent.[6] [7]

In terms of health services, racial and ethnic minorities are *less likely* to:

- Be insured [8]
- Have a usual source of health care
- Receive check-ups
- Be immunized
- Be routinely screened for cancer [9]
- Receive treatment for HIV infections and other diseases and conditions [10] [11]

The DHHS supports the effort to eliminate disparities in health status experienced by racial and ethnic minority populations by year 2010. The 28 focus areas embodied in *Healthy People 2010,* are targeted for specific improvements. To learn more information about the health disparities that exist among racial and ethnic minorities in the United States today, read applicable sections of *Healthy People 2010.* (See the section on **Healthy People 2010** in this announcement for information on how to obtain a copy.) Applicants may elect to address *any of the 28 focus areas contained in Healthy People 2010 or other health problems* where there is a health disparity in a local minority community.

Note: The *Healthy People 2010* focus areas will also be listed in the grant application kit.

Project Requirements: Each project funded under this demonstration program is to:

1. Address at least 1, but no more than 3, of health focus areas addressed in *Healthy People 2010,* or other documented health problems or issues that affect the targeted local minority group(s);

2. Identify problems, such as gaps in services, or issues affecting the targeted area which will be addressed by the proposed project.

3. Identify existing resources in the targeted area which will be linked to the proposed project.

4. Implement an innovative approach to address the problem(s).

Application Process

Application Kit

- For this grant, Form PHS 5161–1 (Revised June 1999 and approved by OMB under Control Number 0937–0189) must be used.
- An applicant is advised to pay close attention to the specific program guidelines and general instructions provided in the application kit.
- To get an application kit, write to: Ms. Karen Campbell, Acting Grants Management Officer, Division of Management Operations, Office of Minority Health, Rockwall II Building,

[1] *Health, United States,* U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Health Statistics, DHHS Publication Number (PHS) 98–1232.

[2] Ibid.

[3] Becker, et al., ''Cervical Cancer Incidence and Mortality in New Mexico's Hispanics, American Indians and Non-Hispanic Whites'', *West J Med* 156:376–379, April 1992.

[4] Racial/Ethnic Patterns of Cancer in the United States, 1988–1992. Surveillance, Epidemiology and End Results (SEER) Program, National Cancer Institute.

[5] American Cancer Society, Cancer Facts and Figures for Minority Americans, 1991.

[6] CDC National Diabetes Fact Sheet, November 1, 1997.

[7] American Diabetes Association, 1995.

[8] Colins, et al., *U.S. Minority Health: A Chartbook,* New York, NY: The Commonwealth Fund, 1999.

[9] *Healthy People 2000,* U.S. Department of Health and Human Services, DHHS Publication No. (PHS) 91–50212.

[10] HIV Cost and Services Utilization Study, Agency for Health Care Policy and Research, 1999.

[11] Hall, A.G., et al., *Employer-Sponsored Health Insurance: Implications for Minority Workers.* New York, NY: The Commonwealth Fund: 1999.

Suite 1000, 5515 Security Lane, Rockville, MD 20852, Or call Karen Campbell at: (301) 594–0758

Where to Send Applications: Send the original and 2 copies of the complete grant application to: Ms. Karen Campbell, Acting Grants Management Officer, Division of Management Operations, Office of Minority Health, Rockwall II Building, Suite 1000, 5515 Security Lane, Rockville, MD 20852.

Application Deadline: To receive consideration, grant applications must be received by the OMH Grants Management Office by May 21, 2001. Applications will be considered as meeting the deadline if they are: (1) Received on or before the deadline date, or (2) postmarked on or before the deadline date and received in time for orderly processing. 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. Applications submitted by facsimile transmission (FAX) or any other electronic format will not be accepted. Applications which do not meet the deadline will be considered late and will be returned to the applicant unread.

How to Get Help: In addition to contacting Karen Campbell for application kits, she may be contacted for technical assistance on budget and business aspects of the application. For questions on the program and assistance in preparing the grant proposal, contact: Ms. Cynthia H. Amis, Director, Division of Program Operations, Office of Minority Health, Rockwall II Building, Suite 1000, 5515 Security Lane, Rockville, MD 20852. Or call: Cynthia Amis at (301) 594–0769.

For additional assistance contact the OMH Regional Minority Health Consultants listed in the grant application kit.

For health information call the OMH Resource Center at 1–800–444–6472.

Review of Applications

- Applications will be screened upon receipt. Applications that are not complete or do not conform to or address the criteria in the announcement will be returned without comment.
- Each applicant may submit no more than one proposal under this announcement.
- Organizations submitting more than one proposal will be deemed ineligible. The proposals will be returned without comment.
- Accepted applications will be reviewed for technical merit in accordance with PHS policies.
- Applications will be evaluated by an Objective Review Panel. Panel members are chosen for their expertise in minority health and their understanding of the unique health problems and related issues confronted by racial and ethnic minority populations in the United States.

Application Review Criteria:

The technical review of applications will consider the following 5 generic factors.

Factor 1: Background (15%)

- Relevance of the identified health problem(s) or health issue(s) to the 28 focus areas identified in *Healthy People 2010* where there is a health disparity
- Demonstrated need within the proposed community and target population
- Approach for bringing together minority community-based resources
- Extent to which the applicant demonstrates access to the target minority community(ies), and whether it is well positioned and accepted within the community(ies) to be served
- Extent and documented outcomes of past efforts and activities with the target population

Factor 2: Objectives (15%)

- Merit of the objectives to the stated problem and intended outcome
- Ability of objectives to be measured
- Attainability of the objectives in the stated time frames

Factor 3: Methodology (35%)

- Appropriateness of the overall approach, and likelihood of successful implementation of the project
- Logic and sequencing of the planned approach, and appropriateness of specific activities for each objective
- Adequate time allowed to accomplish the proposed activities

Factor 4: Evaluation (20%)

- Thoroughness, feasibility, and appropriateness of the evaluation design, data collection, and analysis procedures for each objective
- Clarity of the intent and plans to document the activities and their outcomes
- Potential for replication of the project for similar target populations and communities

Factor 5: Management Plan (15%)

- Applicant organization's capability to manage and evaluate the project as determined by:
  - —The qualifications of proposed staff or requirements for ''to be hired'' staff
  - —Staff level of effort
  - —Management experience of the applicant
  - —Clarity of the applicant's organizational chart

Award Criteria: Funding decisions will be determined by the Deputy Assistant Secretary for Minority Health of the OMH and will take under consideration:

- The recommendations and ratings of the review panel
- Geographic and racial/ethnic distribution
- Health disparity(ies) addressed
- Whether the proposed project will take place in Empowerment Zones and Enterprise Communities

Reporting and Other Requirements

General Reporting Requirements

A successful applicant under this notice will submit: (1) Progress reports; (2) an annual Financial Status Report; and (3) a final progress report and Financial Status Report in the format established by the OMH, in accordance with provisions of the general regulations which apply under 45 CFR Part 74.51–74.52, with the exception of State and local governments to which 45 CFR Part 92, Subpart C reporting requirements apply.

Provision of Smoke-Free Workplace and Non-use of Tobacco Products by Recipients of PHS Grants

The PHS strongly encourages all grant recipients to provide a smoke-free workplace and to 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.

Public Health System Reporting Requirements

This program is subject to Public Health Systems Reporting Requirements. Under these requirements, a community-based nongovernmental applicant must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to provide information to State and local health officials to keep them apprised of proposed health services grant applications submitted by community-based organizations within their jurisdictions.

Community-based nongovernmental applicants are required to submit, no later than the Federal due date for receipt of the application, the following information to the head of the appropriate State and local health agencies in the area(s) to be impacted: (a) A copy of the face page of the application (SF 424), and (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, and (3) a description of the coordination planned with the appropriate State or local health agencies. Copies of the letters forwarding the PHSIS to these authorities must be contained in the application materials submitted to the Office of Minority Health.

State Reviews

This program is subject to the requirements of Executive Order 12372 which allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application kit available under this notice will contain a list of States which have chosen to set up a review system and will include a State Single Point of Contact (SPOC) in the State for review. Applicants (other than federally recognized Indian tribes) should contact their SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the application deadline established by the OMH Grants Management Officer.

The OMH does not guarantee that it will accommodate or explain its responses to State process recommendations received after that date. (See ''Intergovernmental Review of Federal Programs'' Executive Order 12372 and 45 CFR Part 100 for a description of the review process and requirements).

Healthy People 2010

The PHS is committed to achieving the health promotion and disease prevention objectives of Healthy People 2010, a PHS-led national activity announced in January 2000 to eliminate health disparities and improve the years and quality of life. More information on the Healthy People 2010 objectives may be found on the Healthy People 2010 web site: *http://www.health.gov/healthypeople.* Copies of the *Healthy People 2010 Volumes I and II* can be purchased by calling (202) 512–1800 (cost $70.00 for the printed version or $19.00 for the CDROM). Another reference is the *Healthy People 2000 Review 1998–99.*

For 1 free copy of the Healthy People 2010, contact: The National Center for Health Statistics (NCHS), Division of Data Services, 6525 Belcrest Road, Hyattsville, MD 20782–2003, Or telephone (301) 458–4636 and ask for DHHS Publication No. (PHS) 99–1256.

This document may also be downloaded from the NCHS web site: *http://www.cdc.gov/nchs.*

Definitions

For purposes of this grant announcement, the following definitions are provided:

Community-Based Organization: Private, nonprofit organizations and public organizations that are representative of communities or significant segments of communities where the control and decision-making powers are located at the community level.

Hispanic Serving Institutions: Any local education agency or institution of higher education, respectively, whose student population is more than 25 percent Hispanic (Executive Order 12900, February 22, 1994, Education Excellence for Hispanic Americans, Section 5).

Historically Black Colleges and Universities: Institutions established prior to 1964, whose principal mission was, and is, the education of Black Americans. (National Center for Education Statistics. Compendium: Historically Black Colleges and Universities: 1976–1994. September 1996. [NCES 96–902]).

Minority Community-Based Organization: Private, nonprofit, community-based organizations or local affiliates of national organizations that have: a governing board composed of 51 percent or more racial/ethnic minority members and a significant number of minorities employed in key program positions.

Minority Populations

- American Indian or Alaska Native
- Asian
- Black or African American
- Hispanic or Latino
- Native Hawaiian or Other Pacific Islander

Tribal Colleges and Universities: Those institutions cited in section 532 of the Equity in Education Land-Grants Status Act of 1994 (U.S.C. 301 note) or that qualify for funding under the Tribally Controlled Community College Assistance Act of 1978, (25 U.S.C. 1801 *et seq.*), and Navajo Community College, authorized in the Navajo Community College Assistance Act of 1978, Public Law 95–471, Title II (25 U.S.C. 640a note).

(Revision to the Standards for the Classification of Federal Data on Race and Ethnicity, **Federal Register**, Vol. 62, No. 210, pg. 58782, October 30, 1997).

Dated: March 8, 2001.

Nathan Stinson, Jr.,

Deputy Assistant Secretary for Minority Health.

[FR Doc. 01–6772 Filed 3–19–01; 8:45 am]

BILLING CODE 4160–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Financial Institution Data Match.

OMB No. 0970–0196.

Description: Section 466(a)(17) of the Social Security Act (the Act), as added by section 372 of Public Law 104–193, requires States to establish procedures under which the State child support enforcement (IV–D) agency shall enter into agreements with financial institutions doing business in the State for the purpose of securing information leading to the enforcement of child support orders.

Respondents: Financial Institutions.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Financial Data Match Tape	4233	4	.5	8466
Election Form	241	1	.5	120.5
Estimated Total Annual Burden Hours				8586.5

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded 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. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: March 14, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–6771 Filed 3–19–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0050]

Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Devices; Premarket Approval of Medical Devices; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of February 8, 2001 (66 FR 9582). The document announced an opportunity for public comment on a proposed collection of information; specifically, comments on the submission of premarket approval for a medical device. The notice published with one error. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In FR Doc. 01–3323, appearing on page 9582 in the **Federal Register** of Thursday, February 8, 2001, the following correction is made:

1. On page 9582, the title ''Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Devices; Classification/Reclassification; Restricted Devices: Premarket Approval of Medical Devices'' is corrected to read ''Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Devices; Premarket Approval of Medical Devices.''

Dated: March 12, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–6777 Filed 3–19–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Biological Response Modifiers Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Biological Response Modifiers Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on April 5, 2001, from 9 a.m. to 6 p.m. and on April 6, 2001, from 8:30 a.m. to 3:30 p.m.

Location: Holiday Inn, Versailles I and II Ballroom.

Contact: Gail M. Dapolito (HFM–71), or Rosanna L. Harvey (HFM–71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–0314, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12389. Please call the Information Line for up-to-date information on this meeting.

Agenda: On April 5 and 6, 2001, the committee will meet to discuss: (1) Responses to the March 6, 2000, FDA Gene Therapy Letter (http://www.fda.gov/cber/letters.htm); (2) results of gene therapy clinical site inspections, (3) long-term follow-up of gene therapy patients, and (4) the FDA proposed rule entitled ''Availability for Public Disclosure and Submission to FDA for Public Disclosure of Certain Data and Information Related to Human Gene Therapy or Xenotransplantation'' (http://www.fda.gov/cber/rules.htm). In addition, the committee will receive an update on two research programs in the Division of Cellular and Gene Therapies and the Division of Monoclonal Antibodies, Center for Biologics Evaluation and Research.

Procedure: On April 5, 2001, from 9 a.m. to 5:15 p.m. and on April 6, 2001, from 8:30 a.m. to 3:30 p.m., the meeting is open to the public. Interested persons may present data, information or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by March 26, 2001. Oral presentations from the public will be scheduled between approximately 1:30

p.m. and 2 p.m. on April 5, 2001, and between approximately 11 a.m. to 11:30 a.m. on April 6, 2001. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before March 26, 2001, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On April 5, 2001, from 5:15 p.m. to 6 p.m. the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 5552b(c)(6)). The committee will discuss reports of the review of research programs in the Division of Cellular and Gene Therapies and the Division of Monoclonal Antibodies, Center for Biologics Evaluation and Research.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: March 12, 2001.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 01–6774 Filed 3–19–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants (Ranch Hand Advisory Committee); Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Advisory Committee on Special Studies Relating to the Possible Long-Term Health Effects of Phenoxy Herbicides and Contaminants (Ranch Hand Advisory Committee).

General Function of the Committee: To advise the Secretary and the Assistant Secretary for Health concerning its oversight of the conduct of the Ranch Hand study by the U.S. Air Force and provide scientific oversight of the Department of Veterans Affairs (VA) Army Chemical Corps Vietnam Veterans Health Study, and other studies in which the Secretary or the Assistant Secretary for Health believes involvement by the committee is desirable.

Date and Time: The meeting will be held on April 5, 2001, 8:30 a.m. to 4:30 p.m.

Location: Parklawn Bldg., 5600 Fishers Lane, conference room B, third floor, Rockville, MD.

Contact: Leonard M. Schechtman, Food and Drug Administration, 5600 Fishers Lane, rm. 16–53, Rockville, MD 20857, 301–827–6696, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12560. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will review four research proposals and provide comments and recommendations to the U.S. Air Force. The proposals are concerned with measurements of: (1) Carotid intima-media thickness, (2) peripheral blood pressure, (3) nerve conduction velocity, and (4) archiving blood cells for future measurements of Ah receptor polymorphisms.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by March 26, 2001. Oral presentations from the public will be scheduled on April 5, 2001, between approximately 1 p.m. and 2 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before March 26, 2001, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: March 12, 2001.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 01–6776 Filed 3–19–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01D–0049]

Guidance on Reduction of Civil Money Penalties for Small Entities; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing the final guidance entitled ''Reduction of Civil Money Penalties for Small Entities'' as required by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) and the Presidential Memorandum of April 21, 1995.

DATES: The final guidance is effective April 19, 2001. Written comments may be submitted at any time.

ADDRESSES: Submit written comments on the final guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the docket number found in brackets in the heading of this document. Submit written requests for single copies of the final guidance to the Division of Compliance Policy (HFC–230), Office of Regulatory Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or fax your request to 301–827–0482. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the final guidance.

FOR FURTHER INFORMATION CONTACT: Jeffrey B. Governale, Division of Compliance Policy (HFC–230), Office of Regulatory Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0411, FAX 301–827–0482.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is issuing a final guidance for the reduction of civil money penalties (CMP's) for small entities (penalty reduction guidance) as mandated by SBREFA (Public Law 104–121) and the Presidential Memorandum of April 21, 1995 (60 FR 20621, April 26, 1995). SBREFA was enacted on March 29, 1996, and seeks to improve the regulatory climate for small entities by, among other things, requiring agencies to establish small entity penalty reduction policies. The Presidential Memorandum of April 21, 1995, directs agencies to use their discretion to

modify the penalties for small businesses in certain situations.

FDA currently enforces the following amendments to the Federal Food, Drug, and Cosmetic Act (21 U.S.C.) and the Public Health Service Act (42 U.S.C.), which authorize CMP's under the referenced sections:

Radiation Control for Health and Safety Act of 1968 (21 U.S.C. 360pp),

Safe Medical Devices Act of 1990 (21 U.S.C. 333(f)),

Mammography Quality Standards Act of 1992 and the Mammography Quality Standards Reauthorization Act of 1998 (42 U.S.C. 263b(h)),

National Childhood Vaccine Injury Act of 1986 (42 U.S.C. 262(d)(2) and 42 U.S.C. 300aa–28),

Prescription Drug Marketing Act of 1988 (21 U.S.C. 333(b)),

Generic Drug Enforcement Act of 1992 (21 U.S.C. 335b), and

Food Quality Protection Act of 1996 (21 U.S.C. 333(f)).

In the **Federal Registers** of May 18 and June 15, 1999 (64 FR 26984 and 32059, respectively), FDA issued a draft civil money penalty reduction policy for small entities. One trade association submitted comments to the docket. FDA reviewed and evaluated all of the comments and, in response, made appropriate changes to the final penalty reduction guidance.

In addition to the comments, SBREFA, and the April 21, 1995, Presidential memorandum discussed above, FDA has reviewed: (1) The Federal statutes it enforces which authorize CMP's, and (2) its current practices used to assess CMP's on small entities. On the basis of that review, FDA is announcing its final penalty reduction guidance for small entities.

II. Statutory and Regulatory Requirements

This penalty reduction guidance shall not supersede or negate any applicable statutory or regulatory requirements. For example in device and food cases, in determining the amount of a CMP and any modification, the agency shall comply with 21 U.S.C. 333(f). Subsequently, this penalty reduction guidance would then be applied to small entities.

III. Significance of Guidance

This guidance document represents the agency's current thinking on the reduction of CMP's for small entities. 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 requirements of the applicable statute and regulations.

The agency has adopted good guidance practices (GGP's), which set forth the agency's regulation for the development, issuance, and use of guidance documents (65 FR 56468, September 19, 2000). This final guidance document is issued as a Level 1 guidance consistent with GGP's.

IV. Comments

Interested persons may, at any time, submit to the Dockets Management Branch (address above) written comments on the final guidance document entitled ''Reduction of Civil Money Penalties for Small Entities.'' 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. Such comments will be considered when determining whether to amend the current guidance. Copies of the final guidance and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

V. Electronic Access

A copy of the final guidance may also be downloaded to a personal computer with access to the Internet. The Office of Regulatory Affairs' (ORA) home page includes the guidance and may be accessed at http://www.fda.gov/ora. The final guidance is available under ''Compliance References.''

Dated: February 22, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–6775 Filed 3–19–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel.

Date: March 21, 2001.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, 45 Center Drive, Room 1AS19, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rebecca H. Johnson, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS19J, Bethesda, MD 20892, (301) 594–2771, johnsonrh@nigms.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: National Institute of General Medical Sciences Special Emphasis Panel Post Doctoral Training.

Date: March 28, 2001.

Time: 1:15 p.m. to 2:45 p.m.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, 45 Center Drive, Room 1AS–13, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Arthur L. Zachary, PhD, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–13H, Bethesda, MD 20892, (301) 594–2886, zacharya@nigms.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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: March 13, 2001.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6901 Filed 3–19–01; 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 14–16, 2001.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Angela M. Pattatucci-Aragon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5520, MSC 7852, Bethesda, MD 20892, (301) 435–1775.

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: AIDS and Related Research Integrated Review Groups AIDS and Related Research 6.

Date: March 15–16, 2001.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Sami A. Mayyasi, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7852, Bethesda, MD 20892, (301) 435–1169.

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 15, 2001.

Time: 1 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call)

Contact Person: Prabha L. Atreya, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7842, Bethesda, MD 20892, (301) 435–8367.

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. 93.306, 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 13, 2001.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6900 Filed 3–19–01; 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 15, 2001.

Time: 10:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Daniel K. Kenshalo, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, 301–435–1255.

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 20, 2001.

Time: 10 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Eduardo A. Montalvo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, 301–435–1168.

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 20, 2001.

Time: 12 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, 2101 Wisconsin Avenue, NW, Washington, DC 20007.

Contact Person: Prabha L. Atreya, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5152, MSC 7842, Bethesda, MD 20892, 301–435–8367.

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 21, 2001.

Time: 2:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Richard Marcus, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7844, Bethesda, MD 20892, 301–435–1245, richard.marcus@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 21, 2001.

Time: 12 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: Daniel R. Kenshalo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, 301–435–1255.

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 27, 2001.

Time: 12 p.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Daniel R. Kenshalo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, 301–435–1255.

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 29, 2001.
Time: 9 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.
Contact Person: Cheryl M. Corsaro, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, (301) 435–1045, corsaroc@csr.nih.gov.
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 30, 2001.
Time: 8 am to 4 pm.
Agenda: To review and evaluate grant applications.
Place: The Virginian Suites, 1500 Arlington Blvd., Arlington, VS 22209.
Contact Person: Nancy Hicks, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, (301) 435–0695.
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 and Review Special Emphasis Panel.
Date: April 2, 2001.
Time: 2 pm to 3 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: April 2, 2001.
Time: 2 pm to 3 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Angela Y. Ng, PhD, MBA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7804, Bethesda, MD 20892, (301) 435–1715, nga@csr.nih.gov.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: April 2, 2001.
Time: 2 pm to 3 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Michael A. Oxman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7848, Bethesda, MD 20892, 301/435–3565, oxmanm@mail.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: April 3, 2001.
Time: 1 pm to 3 pm.
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.

Name of Committee: Center for Scientific Review Special Emphasis Panel (VISB (01).
Date: April 3, 2001.
Time: 2 pm to 4:30 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Leonard Jakubczak, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5172, MSC 7844, Bethesda, MD 20892, (301) 435–1247.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: April 3, 2001.
Time: 2 pm to 4 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Gamil C. Debbas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435–1018.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: April 3, 2001.
Time: 3:45 pm to 5:45 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: April 3, 2001.
Time: 12 pm to 2 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Alexander D. Politis, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, (301) 435–1225, politisa@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: April 4, 2001.
Time: 11 am to 1 pm.
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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: April 4, 2001.
Time: 1 pm to 2:30 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Cheri Wiggs, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892, (301) 435–1261.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: April 4, 2001.
Time: 1 pm to 3:30 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Martin Slater, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7808, Bethesda, MD 20892, (301) 435–1149.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: April 5–6, 2001.
Time: 8 am to 5 pm.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.
Contact Person: Peter Lyster, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7806, Bethesda, MD 20892, (301) 435–1175.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: April 5, 2001.
Time: 2 pm to 3 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Cathleen L. Cooper, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 4208, MSC 7812, Bethesda, MD 20892, (301) 435–3566, cooperc@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 5, 2001.

Time: 2 pm to 3:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Richard Marcus, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7844, Bethesda, MD 20892, (301) 435–1245, richard.marcus@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 5, 2001.

Time: 12:30 pm to 2 pm.

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.

(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 13, 2001.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–6902 Filed 3–19–01; 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, 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 cooperative agreements 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 Collaborative Community Actions to Prevent Youth Violence and Promote Youth Development, 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. No. of awards	Project period
Collaborative Community Actions to Prevent Youth Violence and Promote Youth Development.	May 16, 2001	$5 million	25–35	2 years.

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of application received. FY 2001 funds for the activity discussed in this announcement were appropriated by 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 FY 2001 funds for cooperative agreements for implementing Collaborative Community Actions to Prevent Youth Violence and to Promote Youth Development. Two types of awards will be made: Level 1 awards for projects developing youth violence prevention community collaboration and services and Level 2 awards for well-established collaborations to enhance collaboration activities and to expand youth violence prevention services.

Eligibility: States, political subdivisions of States, Indian tribes and tribal organizations, and other public or private non-profit organizations may apply. Examples of eligible organizations include:

(1) Community-based organizations, such as advocacy organizations; community-based health, mental health and social service organizations; faith-based service organizations; parents and teachers associations; consumer and family groups; and service organizations serving ethnic, cultural or social minority groups.

(2) Existing community collaborations, coalitions, and partnerships focusing on youth violence prevention or youth services

(3) Public or private educational systems, institutions and agencies

(4) Public or private mental health systems, institutions, and agencies

(5) Local law enforcement agencies or affiliated organizations

(6) Tribal government units and organizations

(7) Other public agencies or entities that can perform the requirements of this GFA.

Availability of Funds: Approximately $5 million will be available for 25–35 awards. The maximum award is $150,000 per year in total costs (direct and indirect) for Level 1 awards and $200,000 in total costs (direct and indirect) for Level 2 awards. Actual funding levels will depend on the availability of funds. It is expected that 20–25 Level 1 awards will be made and up to 10 Level 2 awards will be made.

Period of Support: Support may be requested for up to 2 years. Annual continuation awards depend on the 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: Malcolm Gordon, Ph.D., Special Programs Development Branch, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 17C–05, Rockville, MD 20857, Telephone: 301–443–7713, *E-mail: mgordon@samhsa.gov.*

For questions regarding grants management issues, contact: Steve Hudak, Division of Grants Management, OPS, Substance Abuse and Mental Health Services, Administration 5600 Fishers Lane, Rm 13–103, Rockville, MD 20857, (301) 443–4456, *E-mail:* shudak@samhsa.gov.

Public Health 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 14, 2001.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–6825 Filed 3–19–01; 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, 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 cooperative agreements 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 to Provide Minority Community-based HIV/AIDS Related Mental Health Treatment and Education Services, 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. No. of awards	Project period
Minority HIV/AIDS Mental Health Services	May 21, 2001	$9.4 million*	24–26*	5 years*.

*See the text below for more details on the funding, number of awards, and the project period. This will vary with the three types of awards.

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of application received. FY 2001 funds for the activity discussed in this

announcement were appropriated by 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), PO 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 FY 2001 funds for cooperative agreements to expand the service capacity targeted to meet unmet mental health treatment needs of individuals living with HIV/AIDS who are African American, Hispanic/Latino, and/or from other racial and ethnic minority communities. An adjunct purpose is to train and improve the skills of individuals in African American, Hispanic/Latino, and/or other racial and ethnic minority communities who provide mental health care and emotional support in traditional and/or non-traditional settings. This program will consist of HIV/AIDS related mental health treatment services, HIV/AIDS and mental health education services, and a coordinating center. The expansion of HIV/AIDS related mental health treatment services, education, and training will assist health care providers and community support systems to identify and address mental health issues specifically related to HIV/AIDS; will increase referrals to HIV/AIDS and/or mental health services by community stakeholders; and enhance the coordination/integration of HIV/AIDS services with mental health services. To achieve this end, community-based organizations serving minority clients will be targeted and engaged as key liaisons to community members, health care providers, and resources. Such an approach will enable (1) coordinated and integrated services to be tailored to the needs of each community, and (2) the identification and/or application of culturally competent components of treatment and education services. The coordinating center will ensure the collection and analysis of process and descriptive information/data as well as relevant GPRA outcome data pertaining to common measures across the sites.

Eligibility: For the HIV/AIDS Related Mental Health Treatment Services: applications may be submitted by domestic private/public non-profit community-based organizations that serve predominantly racial and ethnic minority disproportionally impacted by the HIV/AIDS epidemic (i.e., African Americans, Hispanics/Latinos, and other racial/ethnic minorities). Applicants must have the capacity and experience to provide HIV/AIDS related mental health treatment services to the targeted population(s). Community Mental Health Centers or other community health facilities operated by local governments or jurisdictions, as well as Indian tribes and tribal organizations, may apply.

Other than these entities, governmental entities are not eligible for funding under this GFA (i.e., city, county, and State governments). This eligibility restriction reflects congressional report language and the need to work directly at both traditional and non-traditional community levels in building a community HIV/AIDS related mental health infrastructure of treatment services.

Examples of community-based organizations eligible to apply include: HIV/AIDS service entities; mental health service entities, including community mental health centers; substance abuse treatment entities; behavioral health or entities targeting co-occurring illnesses; primary care/medical service entities; or any combination of the above as long as they are community based.

For the HIV/AIDS and Mental Health Education and Training: applications may be submitted only by community-based organizations that are applying for the mental health treatment services grants in this GFA. Applications may be for the expansion of a promising or proven community-based education/training program or for the development of a new community-based education/training program.

For the Coordinating Center, applications may be submitted by domestic public and private non-profit entities for the Coordinating Center cooperative agreement awards. Applicants for the Coordinating Center may not apply for the mental health treatment service grants.

Availability of Funds: Approximately $6 million will be available annually for approximately 15 community-based HIV/AIDS-mental health treatment service awards. The average annual award per site should range from $350,000 to $450,000 in total costs (direct and indirect). Approximately $2 million will be available annually for approximately 8–10 awards to document HIV/AIDS and mental health education and training at the community level to applicants who are applying for a mental health treatment services award. The average annual training award will range from $150,000 to $350,000 per site in addition to the base treatment service award. Awards may be requested for up to five (5) years. Approximately $1.4 million is available for the program Coordinating Center on an annual basis. The actual funding level will depend on the number and size of the education/training activities funded at the mental health treatment site. An award for the coordinating center must be requested for five years.

Period of Support: Support for the 15 community-based HIV/AIDS mental health treatment service awards and the 8–10 HIV/AIDS and mental health education and training at the community level may be requested for up to 5 years. The award for the coordinating center must be requested for 5 years. All annual continuation awards depend on the 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 on treatment services program issues and the coordinating center, contact: Mary C. Knipmeyer, Director, HIV/AIDS Treatment Adherence, Health Outcomes and Cost Study, Office of the Associate Director for Medical Affairs, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 15–81, Rockville, MD 20857, Telephone: 301–443–0688, E-mail: *mknipmey@samhsa.gov.*

For questions on education/training program issues, contact: Barbara J. Silver, Director HIV/AIDS Education and Prevention Program, Office of the Associate Director for Medical Affairs, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 15–81, Rockville, MD 20857, Telephone: (301) 443–7817, E-mail: bsilver@samhsa.gov.

For questions regarding grants management issues, contact: Gwen Simpson, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Rm 13–103, Rockville, MD 20857, (301) 443–4456, E-mail: gsimpson@samhsa.gov.

Public Health 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 14, 2001.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–6824 Filed 3–19–01; 8:45 am]

BILLING CODE 4162–20–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, HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Prevention (CSAP) 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, Targeted Capacity Expansion Initiatives for Substance Abuse Prevention (SAP) and HIV Prevention (HIVP) in Minority Communities, 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. No. of awards	Project period
Targeted Capacity Expansion Initiatives for Substance Abuse Prevention and HIV Prevention in Minority Communities.	July 10, 2001	$16.6 million*	77–80*	1–5 years*.

* See the text below for more details on the funding, number of awards and the project period. This will vary with the three targeted initiatives.

The actual amount available for the award may vary, depending on unanticipated program requirements and the number an 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 applications 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 Clearinghouse for Alcohol and Drug Information (NCADI), P.O. Box 2345, Rockville, MD 20847–2345, Telephone: 1–800–729–6686.

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 Substance Abuse Prevention (CSAP) announces the availability of Fiscal Year 2001 grant funds for three distinct Targeted Capacity Expansion Initiatives for Substance Abuse Prevention (SAP) and HIV Prevention (HIVP) in Minority Communities. Funds are available for expanding the capacity of public and private non-profit community-based organizations to establish the infrastructure necessary for providing sustained SAP and HIVP services in their communities. This can be achieved through the development of leadership, collaborations, coalitions, and partnerships. The FY2001 Minority SAP/HIVP Prevention Initiatives Program responds to the health emergency in African-American, Hispanic/Latino, American Indian/Alaska Native, and Asian-American/Pacific Islander communities described by the Congressional Black Caucus. It includes three targeted initiatives:

(1) Grants to plan for the establishment of new SAP and HIVP services. This initiative supports efforts to establish the infrastructure and leadership necessary for providing effective SAP and HIVP and other related services in minority communities. Funds will support planning efforts that will mobilize the community to increase access to effective SAP and HIVP services for the targeted minority communities.

(2) Cooperative Agreements to expand current service delivery systems to include substance abuse prevention, HIV prevention, and primary health care services. This initiative supports efforts to expand current service delivery systems to include effective, integrated SAP, HIVP, and primary health care services. Funds will support the development of new services and the integration of existing services in order to establish comprehensive systems of care for minority communities that are culturally-competent. At a minimum, applicants must provide integrated substance abuse prevention and HIV prevention services to their targeted communities. While applicants may also utilize these funds to integrate primary health care services into SAP and HIVP services, funds are not to be utilized for the actual provision of primary health care services.

(3) Cooperative agreements to faith-based and youth serving organizations working in partnership with youth-serving organizations to expand their youth service delivery to include effective integrated SAP and HIVP services. Funds may support the development of programs that result from collaborations between faith-based organizations and youth-serving organizations. These funds are available for existing programs as well as new programs provided they demonstrate effective, integrated SAP and HIVP services for youth.

Eligibility: Applications for Initiatives 1 and 2 may be submitted by domestic public and private non-profit community-based organizations that serve predominantly racial and ethnic minority populations disproportionally impacted by the HIV/AIDS epidemic. For example, the following are eligible to apply: community-based organizations, health care delivery systems, faith-based organizations, Indian tribes and tribal organizations, historically black colleges and universities (HBCUs), tribal colleges and universities (TCUs), Hispanic serving institutions (HSIs), and Hispanic Association of Colleges and Universities members (HACUs).

For the third initiative, applicants are limited to faith based organizations and by domestic public and private non-profit youth serving community-based organizations that serve predominately racial and ethnic minority populations disproportionately impacted by HIV/AIDS. The faith-based organizations must either have existing youth services or collaborate with youth-serving organizations. Youth-serving organizations must collaborate with faith-based organizations.

Availablity of Funds: For the first targeted initiative, approximately $4 million will be available for 45 awards. The average award should range from $75,000 to $100,000 in total costs (direct and indirect). Actual funding levels will depend on the availability of funds. For the second targeted initiative, approximately $8.6 million will be available for 20 awards. The average award should range from $300,000 to $500,000 in total costs (direct and indirect). Actual funding levels will depend on the availability of funds. For the third targeted initiative, approximately $4 million will be available for 12–15 awards. The average award should range from $250,000 to $300,000 in total costs (direct and indirect). Actual funding levels will depend on the availability of funds.

Period of Support: For the first targeted initiative, awards may be requested for 1 year. For the second and third initiative, awards may be requested for up to 5 years. Annual continuation awards will depend on the availability of funds and progress achieved by grantees.

Criteria for Review and Funding

General Review Criteria: Competing application 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 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: Fabian O. Eluma, Center for Substance Abuse Prevention Substance Abuse and Mental Health Services Administration, Rockwall II, 9th Floor, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–5266, E-Mail *feluma@samhsa.gov.*

For questions regarding grants management issues, contact: Edna

Frazier, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, Rockwall II, 6th Floor, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6816, E-Mail: *efrazier@samhsa.gov.*

Public Health 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 12373: Applicants 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, 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 14, 2001.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–6823 Filed 3–19–01; 8:45 am]

BILLING CODE 4162–20–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for Endangered Species Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application for endangered species permit.

SUMMARY: The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

If you wish to comment, you may submit comments by any one of several methods. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to ''victoria_davis@fws.gov''. Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FOR FURTHER INFORMATION CONTACT**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATES: Written data or comments on these applications must be received, at the address given below, by April 19, 2001.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Victoria Davis, Permit Biologist). Telephone: 404/679–4176; Facsimile: 404/679–7081.

FOR FURTHER INFORMATION CONTACT: Victoria Davis, Telephone: 404/679–4176; Facsimile: 404/679–7081.

SUPPLEMENTARY INFORMATION:

Applicant: Jack Greenlee, De Soto Ranger District, U.S. Forest Service, Wiggins, Mississippi TE033485–0.

The applicant requests authorization to remove and reduce to whole possession specimens of the Louisiana quillwort, *Isoetes louisianensis,* and the American chaffseed, *Schwalbea americana.* The purposes of removal to whole possession for the Louisiana quillwort are to conduct genetic tests to differentiate species within the genus *Isoetes,* to collect voucher specimens, and to conduct population surveys. The purposes of removal to whole possession for the American chaffseed are to collect voucher specimens and to conduct population surveys. The proposed activities will take place in the

following Mississippi counties: Harrison, Hancock, Jackson, Pearl River, Stone, George, Lamar, Forrest, Perry, Greene, Jones, and Wayne. The specimens will be deposited into an actively curated herbarium.

Applicant: Steve M. Lohr, Shaw Air Force Base, South Carolina TE039592–0.

The applicant requests authorization to take (harass during capturing, banding, releasing, monitoring, and habitat management) the Red-cockaded woodpecker, *Picoides borealis,* for the purposes of managing the populations on Poinsett Electronic Combat Range. The proposed activities will take place in Sumter County, South Carolina.

Applicant: Carlos E. Diez, Puerto Rico Department of Natural and Environmental Resources, San Juan, Puerto Rico TE039589–0.

The applicant requests authorization to take (capture, collect, relocate, and euthanize) Hawksbill sea turtle, *Eretmochelys imbricata,* for the purposes of conducting genetic studies on 200 eggs and 420 hatchlings to determine the sex ratios of the hatchlings that are being produced on Mona Island. The proposed study consists of three phases: (1) Determination of the pivotal temperature (the incubation temperature at which both sexes are produced in equal proportion); (2) a methodological validation; and (3) the estimation of the sex ratio in hatchlings incubated on Mona Island's beaches. The proposed activities will take place on Mona Island, Puerto Rico.

Dated: March 7, 2001.

Judy Jones,

Acting Regional Director.

[FR Doc. 01–6806 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

PRT–039865

Applicant: The Los Angeles Zoo, Los Angeles, CA

The applicant requests a permit to import 1.0 captive-born mandrill (*Mandrillus sphinx*) from The Toronto Zoo, Ontario, Canada, for the purpose of enhancement of the survival of the species through captive propagation.

PRT–039950

Applicant: Linda Jennings, Department of Botany, University of British Columbia, British Columbia, Canada

The applicant requests a permit to export flower heads, leaves, and whole plants of 400 plants of *Townsendia aprica* for the purpose of enhancement of the survival of the species through scientific research.

Marine Mammals

The public is invited to comment on the following application(s) for a permit to conduct certain activities with marine mammals. The application(s) was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

Written data, comments or requests for copies of these complete applications or requests for a public hearing on these applications should be sent to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281. These requests must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

PRT–040021

Applicant: Donald L. Fetterolf, Somerset, PA

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Lancaster Sound polar bear population in Canada for personal use.

The U.S. Fish and Wildlife has information collection approval from OMB through February 28, 2001. OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: March 9, 2001.

Anna Barry,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 01–6839 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Environmental Assessment and Preliminary Finding of No Significant Impact, and Receipt of an Application for an Incidental Take Permit for Residential Lot Construction and Timber Harvest in North Carolina

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

Crescent Resources, Inc. (Applicant) has requested an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (U.S.C. 1531 *et seq.*), as amended (Act). The Applicant anticipates incidental take of the American bald eagle *(Haliaeetus leucocephalus)* over the next 50 years associated with the construction of residential housing and during forest management activities. The level of incidental take requested in the ITP application is one existing bald eagle nest. This take will be in the form of harm and harassment associated with planned construction and forest management activities. The incidental take and measures to minimize and mitigate this take will occur on approximately 11,700 acres owned by the Applicant that surround Lake James in Burke and McDowell counties, North Carolina.

To compensate for the likely effects of these actions, the Applicant will provide six undeveloped sites, each with a 300-foot radius primary buffer zone (i.e., approximately 6.5 acres of land each), along the periphery of Lake James for bald eagle habitat conservation. Each mitigation site will be protected for the duration of the proposed permit and will contain at least one large, prominent pine tree that

is suitable for bald eagle nest construction. In addition, several other impact minimization measures will occur including: (1) The habitat surrounding each potential nest tree on the six mitigation sites will be enhanced, if necessary; (2) two of the six mitigation sites will have a basic nesting structure installed to encourage bald eagle nest development at those sites; and (3) subdivision ordinances will be implemented that will maintain a 65-foot undeveloped setback and buffer along the shoreline of Lake James and eliminate cutting of trees greater than four inches in diameter. In addition, if, during the duration of the HCP, bald eagles construct a nest at a site other than one of the six mitigation sites, then the Applicant will protect that site instead of one of the previously chosen mitigation sites. A more detailed description of the mitigation and minimization measures to address the effects of the proposed project on bald eagles is provided in the Applicant's Habitat Conservation Plan (HCP), the draft Implementing Agreement (IA), the Service's draft Environmental Assessment (EA), and in the **SUPPLEMENTARY INFORMATION** section below.

This notice advises the public that the Service has opened the comment period on the permit application, the draft environmental assessment (EA), and the preliminary Finding of No Significant Impact (FONSI). The permit application includes the Applicant's habitat conservation plan and a draft Implementation Agreement. This notice is provided pursuant to section 10(a) of the Act and National Environmental Policy Act of 1969 (NEPA) regulations (40 CFR 1506.6) and advises the public that the Service has made a preliminary determination that issuing the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of NEPA. The FONSI is based on information contained in the draft EA, HCP, and other permit documents. The final determination on this action will be made no sooner than 30 days from the date of this notice.

The Service specifically requests information, views, and opinions from the public via this Notice on this Federal action, including the identification of any other aspects of the human environment not already identified in the Service's draft EA. Further, the Service specifically solicits information regarding the adequacy of the HCP as measured against the Service's ITP issuance criteria found in 50 CFR parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE034491–0 in such comments. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to ''lee_andrews@fws.gov''. Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, 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.

DATES: Written comments on the ITP application, draft EA, draft Implementing Agreement, and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before April 19, 2001.

ADDRESSES: Persons wishing to review the application, HCP, draft Implementing Agreement, and draft EA may obtain a copy by writing the Service's Southeast Regional Office in Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or Field Supervisor, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801. Written data or comments concerning the application, or HCP should be submitted to the Regional Office. Please reference permit number TE034491–0 in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. Lee Andrews, Regional Permit Coordinator (see **ADDRESSES** above), telephone: 404/679–7217, facsimile: 404/679–7081; or Mr. Mark Cantrell, Fish and Wildlife Biologist, Asheville Field Office, North Carolina (see **ADDRESSES** above), telephone: 828/258–3939, Ext. 227.

SUPPLEMENTARY INFORMATION: The bald eagle is a large, brown North American fish eagle that ranges from 27 to 35 inches in length, weighs from 7 to 14 pounds, and has a wingspan of up to 7 feet. Adults have a pure white head and tail while juveniles have mottled plumage. The species can be found throughout much of North America, generally in association with mature coniferous forests close to large water bodies such as rivers, lakes, estuaries, or coastlines where it feeds primarily on fish but may also hunt or scavenge other prey items.

The bald eagle below the 40th parallel was listed as endangered in 1967 in response to significant population declines due to habitat destruction, nest disturbance, illegal shooting, and food source contamination by the pesticide DDT. By the mid 1990s, efforts to reduce these threats were successful, and bald eagle populations rebounded to the point that bald eagles were reclassified as threatened in July 1995. The species is currently being considered for delisting under the Act.

By 1962, bald eagle populations in North Carolina had dwindled to only one nesting territory. However, their populations have slowly increased such that in 1999, 29 bald eagle nesting territories were documented, most of which were in the eastern portion of North Carolina, and no active nests were known west of Stanly County prior to 1999. The nest associated with the proposed project on Lake James is one of two known nests west of Stanly County, and this nest was initiated in February 1999, although successful fledging has not yet occurred at the site. No other bald eagle nests are known to occur on the Applicant's property or on other property around Lake James, but bald eagles have occasionally been observed on Lake James where other potential habitat occurs.

Construction of the Southpointe Subdivision where the bald eagle nest is located began in November 1997, and gradual development of the Applicant's 11,700 property is expected to occur over the nest 20 years. Residential lot construction has been restricted to protect the existing nest tree and the

other large trees that immediately surround it such that no trees larger than 4 inches in diameter can be cut or otherwise removed. Incidental take is expected in the form of harm and harassment from noise and movement associated with construction and timber management activities during the nesting season. These impacts may disturb eagles in the immediate area and/or prevent them from nesting, resulting in incidental take through modification of habitat in the vicinity of the existing nest or future nests and/or disturbance of nesting bald eagles. The strategy that the Applicant will employ to offset the impacts of the project to the bald eagle include efforts to avoid or minimize take, combined with management to improve bald eagle nesting and foraging habitat in selected areas as described in the Applicant's HCP.

Under section 9 of the Act and its implementing regulations, ''taking'' of endangered and threatened wildlife is prohibited. However, the Service, under limited circumstances, may issue permits to take such wildlife if the taking is incidental to and not the purpose of otherwise lawful activities. The Applicant has prepared an HCP as required for the ITP application.

As stated above, the Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of NEPA. This preliminary information may be revised due to public comments received in response to this notice and is based on information contained in the draft EA and HCP. The Service will also evaluate whether the issuance of a section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP and sign the Implementing Agreement.

Dated: March 9, 2001.

H. Dale Hall,

Acting Regional Director.

[FR Doc. 01–6811 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

Request for Public Comments on Information Collection To Be Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

A request extending the collection of information listed below will be submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the USGS Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made within 60 days directly to the USGS Clearance Officer, U.S. Geological Survey, 807 National Center, Reston, VA 20192. As required by OMB regulations at 5 CFR 1320.8(d)(1), the U.S. Geological Survey solicits specific public comments regarding the proposed information collection as to:

1. Whether the collection of information is necessary for the proper performance of the functions of the USGS, including whether the information will have practical utility;

2. The accuracy of the USGS estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

3. The utility, quality, and clarity of the information to be collected; and,

4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated electronic, mechanical, or other forms of information technology.

Title: Consolidated Consumers' Report.

Current OMB approval number: 1028–0070.

Abstract: Respondents supply the U.S. Geological Survey with domestic consumption data of 12 metals and ferroalloys, some of which are considered strategic and critical. This information will be published as Annual Reports, Mineral Industry Surveys, and in Mineral Commodity Summaries for use by Government agencies, industry, and the general public.

Bureau form number: 9–4117–MA.

Frequency: Monthly and Annual.

Description of respondents: Consumers of ferrous and related metals.

Annual Responses: 3,670.

Annual burden hours: 2,791.

Bureau clearance officer: John E. Cordyack, Jr., 703–648–7313.

John H. DeYoung, Jr.,

Chief Scientist, Minerals Information Team.

[FR Doc. 01–6877 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intention To Extend Concession Contracts to: December 31, 2001

SUMMARY: Pursuant to 36 CFR part 51, section 51.23, public notice is hereby given that the National Park Service proposes to extend the following expiring concession contracts.

Concessioner identification No.	Concessioner name	Park
JOTR001	Joshua Tree National Park Association	Joshua Tree National Park.
OLYM047	Allen Rancourt	Olympic National Park.
OLYM064	Sure Fire Wood	Olympic National Park.

EFFECTIVE DATE: April 1, 2001.

SUPPLEMENTARY INFORMATION: All of the listed concession authorizations will expire on or before April 30, 2001. The National Park Service has determined that the proposed short-term extensions are necessary in order to avoid an interruption of visitor services and has taken all reasonable and appropriate steps to consider alternatives to avoid such interruption. These extensions will allow the National Park Service to complete and issue prospectuses leading to the competitive selection of concessioners for new longer-term concession contracts covering these operations. This short-term extension will be until December 31, 2001. Information about this notice can be sought from: National Park Service, Chief, Concession Program Management Office, Pacific West Region, Attn: Mr. Tony Sisto, 600 Harrison Street, Suite 600, San Francisco, California 94107–1372, or call (415) 427–1366.

Dated: February 27, 2001.

James R. Shevock,

(Acting) Regional Director, Pacific West Region.

[FR Doc. 01–6852 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan, Draft Environmental Impact Statement, Washita Battlefield National Historic Site, OK

AGENCY: National Park Service, Department of the Interior.

ACTION: Availability of draft environmental impact statement and general management plan for Washita battlefield national historic site.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service announces the availability of a Draft Environmental Impact Statement and General Management Plan (DEIS/GMP) Washita Battlefield National Historic Site, Oklahoma.

DATES: The DEIS/GMP will remain available for public review through May 18, 2001. If any public meetings are held concerning the DEIS/GMP, they will be announced at a later date.

COMMENTS: If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to to office of the Superintendent, Washita Battlefield National Historic Site, 426 E. Broadway, Cheyenne, OK, 73628. You may also comment via the Internet to waba_superintendent@nps.gov. Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include ''Attn: draft GMP comments'' and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly Washita Battlefield National Historic Site, 580–497–2742.

Finally, you may hand-deliver comments to Washita Battlefield National Historic Site, 426 E. Broadway, Cheyenne, OK. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as 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. 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.

ADDRESSES: Copies of the DEIS/GMP are available from the Superintendent, Washita Battlefield National Historic Site, 426 E. Broadway, Cheyenne, OK. 73628. Public reading copies of the DEIS/GMP will be available for review at the following locations:

Office of the Superintendent, Washita Battlefield National Historic Site, 426 E. Broadway, Cheyenne, OK, Telephone: 580–497–2742

Planning and Environmental Quality, Intermountain Support Office—Denver, National Park Service, P.O. Box 25287, Denver, CO 80225–0287, Telephone: (303) 969–2851 [or (303) 969–2377]

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets NW, Washington, D.C. 20240, Telephone: (202) 208–6843

SUPPLEMENTARY INFORMATION: The DEIS/GMP analyzes three alternatives to manage the park and balance visitor use and resource protection. Under the preferred alternative visitors would have opportunities to participate in a variety of activities. The major action of the alternative would be to locate the visitor/administrative facility offsite at the U.S. Forest service site. Alternative A would provide visitors with offsite learning opportunities, while preserving the reflective mood at the site. Under alternative B visitors would be provided with onsite learning opportunities through integration of the visitor facilities with the historic scene onsite.

The DEIS/GMP in particular evaluates the environmental consequences of the proposed action and the other alternatives on cultural resources, natural resources, visitor use, and the socioeconomic environment.

FOR FURTHER INFORMATION: Contact Superintendent, Washita Battlefield National Historic Site, at the above address and telephone number.

Dated: February 23, 2001.

Michael D. Synder,

Director, Intermountain Region, National Park Service.

[FR Doc. 01–6854 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Environmental Impact Statement for Fire Management Plan, Yosemite National Park, Counties of Madera, Mariposa and Tuolumne, California; Notice of Intent

SUMMARY: Notice is hereby given, in accord with provisions of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), that public scoping has been initiated for a conservation planning and environmental impact analysis effort intended to update the Fire Management Plan (FMP) for Yosemite National Park. The purpose of the scoping process is to elicit early public comment regarding current issues and concerns, the suitable range of alternatives and appropriate mitigating measures, and the nature and extent of potential environmental impacts to be addressed in the draft Environmental Impact Statement (EIS).

Background

Yosemite National Park is a unit of the National Park System. Research has shown that fire is a significant natural process across a large portion of the 760,918 acres within the authorized boundaries of the park. Following several decades of total fire suppression, a fire management program was begun in 1970 and has continued to the present time. Four forms of wildland fire management have been used to achieve natural and cultural resource management and hazard fuel reduction goals: aggressive suppression of unwanted wildfires; wildland fire use for resource benefits (formerly called Prescribed Natural Fire); prescribed burning; and mechanical fuel reduction.

The last revision of the FMP was based upon the completion of an Environmental Assessment and culminated in a Finding Of No Significant Impact, dated May 2, 1990. However, since that time a broad range of new issues, improved information and technology, and unforeseeable limitations have emerged which have the potential to affect the future direction of the fire management program within the park. Some of these issues include but are not limited to: a continued decline in ecosystem health due to fire suppression; increased hazards, risks and costs associated with fire suppression; increased interest in mechanical manipulation, especially in the wildland urban interface areas; and more stringent air quality regulations.

Comment Process

As noted, the National Park Service will undertake an environmental impact analysis effort to identify issues and alternatives for fire management on land administered by Yosemite National Park. The subject-scoping phase will build upon preliminary outreach made for public comments on fire management planning conducted in April 1999. The park seeks to elicit a wide range of comments from organizations, individuals, agencies, Tribes, and other entities to fully inform the preparation of the draft EIS. The scoping period for the FMP EIS will conclude 30 calendar days after the date of publication of this Notice of Intent in the **Federal Register**. As soon as this date has been determined, a notice will be posted on the park's website at *www.nps.gov.yose/planning.*

During the scoping period a public meeting will held to present information developed to date, to answer questions about the plan and planning process, and to solicit and accept comments from the public. This meeting will be held March 29 in Yosemite National Park at the Yosemite Valley Visitor Center (from 2 pm to 4 pm). All interested individuals, organizations, and agencies are invited to attend this meeting, or provide written comments or suggestions during the scoping period. Please submit written comments to: Superintendent, Yosemite National Park, P.O. Box 577, Yosemite NP, CA 95389 (Attn: Fire Management Plan). Electronic comments may be transmitted to yose_planning@nps.gov (in the subject line type: Fire Management Plan Scoping).

If individuals submitting comments request that their name or/and address be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently in the beginning of the comments. There also may be circumstances wherein the NPS will withhold a respondent's identity as allowable by law. As always: NPS will make available to public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses; and, anonymous comments may not be considered.

Decision

The official responsible for a final decision regarding the Fire Management Plan is the Regional Director, Pacific West Region, National Park Service. The official responsible for implementation is the Superintendent, Yosemite National Park. The draft EIS and fire management plan are expected to be available for public review and comment in the summer of 2001. At this time it is anticipated that the final EIS and plan are to be completed during the fall-winter 2001, or winter 2002. Distribution of the draft and final EIS's will be duly noticed in the **Federal Register**, as well as in local and regional press media.

Dated: February 26, 2001.

John J. Reynolds,

Regional Director, Pacific West Region.

[FR Doc. 01–6853 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Cape Krusenstern-Kobuck Valley National Park Subsistence Resource Commission; Meeting

AGENCY: National Park Service, Interior.

ACTION: Announcement of Subsistence Resource Commission meeting.

SUMMARY: The Superintendent of Cape Krusenstern National Monument and Kobuk Valley National Park and the Chairpersons of the Subsistence Resource Commissions for Cape Krusenstern National Monument and Kobuk Valley National Park announce a forthcoming joint meeting of the Cape Krusenstern National Monument and Kobuk Valley National Park Subsistence Resource Commissions. The following agenda items will be discussed:

(1) SRC Chairs Welcome—Introduction of commission members and guests.

(2) Superintendent's welcome.

(3) SRC Member Round Table Discussion

(4) SRC Membership—Election of officers.

(5) Superintendent's Management/Research Report.

(6) Old business:

a. SRC Recommendations

(7) New business:

(8) Public and other agency comments

(9) SRC Work Session

(10) Set time and place of next SRC meeting

(11) Adjournment

DATES: The meeting will be held from 1 p.m. to 5 p.m. on Tuesday March 20 and 8 a.m. to 12 Noon on Wednesday March 21 (evening sessions at the call of the Chairs).

Location: The meeting will be held U.S. Fish and Wildlife Service conference room in Kotzebue, Alaska.

FOR FURTHER INFORMATION CONTACT: David W. Spirtes, Superintendent, P.O. Box 1029, Kotzebue, Alaska 99752. Phone (907) 456–0578 or Ken Adkisson at (800) 471–2352.

SUPPLEMENTARY INFORMATION: The Subsistence Resource Commissions are authorized under Title VIII, section 808, of the Alaska National Interest Lands Conservation Act, Public Law 96–487 and operate in accordance with the provisions of the Federal Advisory Committees Act.

Robert L. Arnberger,

Regional Director.

[FR Doc. 01–6899 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 3, 2001. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW., NC400, Washington, DC 20240. Written comments should be submitted by April 4, 2001.

Carol D. Shull,

Keeper of the National Register Of Historic Places.

CALIFORNIA

Lassen County

Susanville Railroad Depot, 461 Richmond Rd., Susanville, 01000332

Los Angeles County

Blinn, Edmund, House, 160 N. Oakland Ave., Pasadena, 01000329

El Centro Market, 1040 Mission St., South Pasadena, 01000327

Hermitage, 2121 Monte Vista St., Pasadena, 01000328

Merrill, Samuel, House, (Residential Architecture of Pasadena: Influence of the Arts and Crafts Movement), 1285 N. Summit Ave., Pasadena, 01000330

Placer County

Woman's Club of Lincoln, 499 E St., Lincoln, 01000331

San Bernardino County

Highland Historic District, Roughly bounded by Cole and Nona Ave.,

Pacific and Church Sts., Highland, 01000333

FLORIDA

Manatee County

Shaw's Point Archeological District, Address Restricted, Bradenton, 01000342

Palm Beach County

Seaboard Air Line Dining Car—#6113, (Florida's Historic Railroad Resources MPS) 747 S. Dixie Hwy., Boca Raton, 01000334

Seaboard Air Line Lounge Car—6603, (Florida's Historic Railroad Resources MPS) 747 S. Dixie Hwy., Boca Raton, 01000335

LOUISIANA

Rapides Parish

Alexandria Garden District, Roughly bounded Marye St., Bolton Ave., White St., and Bayou Hynson, Alexandria, 01000336

MARYLAND

Carroll County

Appler—Englar House, 916 Winter's Church Rd., New Windsor, 01000338

McMurray—Frizzell—Aldridge Farm, 3708 Baker Rd., Westminster, 01000339

Cecil County

Lowe, Joshua, House, 35 New Bridge Rd., Rising Sun, 01000337

NORTH CAROLINA

Mecklenburg County

Frederick Apartments, 515 N. Church St., Charlotte, 01000341

Wake County

Green Level Historic District, (Wake County MPS) Jct. Green Level Church, Green Level West Rd., and Beaver Dam Rd., Cary, 01000340

SOUTH CAROLINA

Florence County

Claussen House, 5109 Old River Rd., Florence, 01000343

TENNESSEE

Carter County

Brooks, Rueben, Farmstead, 1548 Blue Springs Rd., Elizabethton, 01000344

WISCONSIN

Manitowoc County

St. Mary's Convent, (Colony of St. Gregory of Nazianzen TR) 300 S. Second Ave., Nazianz, 01000347

Oneida County

McCord Village, Address Restricted, Lynne, 01000346

Wood County

Wakely Road Bridge, Wakely Road over Wakely Creek, Saratoga, 01000345

[FR Doc. 01–6855 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items in the Possession of the Arizona State Museum, Tucson, AZ, and in the Control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC.

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Arizona State Museum, Tucson, AZ, and in the control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, that meet the definition of ''unassociated funerary objects'' under Section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these cultural items. The National Park Service is not responsible for the determinations within this notice.

The 20,475 objects from site AZ U:13:1 ASM are 2 abraders, 6 abrader fragments, 4 axes, 1 stone ball, 3,890 shell beads, 437 stone beads, 5 turquoise beads, 10,560 beads of unspecified material, 14 bone artifacts, 16 bone artifact fragments, 2 bone awls, 2 bone awl fragments, 2 nonhuman bone fragments, 237 ceramic bowls, 1 clay bowl, 52 stone bowls, 8 ceramic bowls (RV), 4 stone bowl fragments, 75 bracelet fragments, 5 ceramic cauldrons, 2 reconstructable ceramic cauldrons, 33 ceramic censors, 6 ceramic artifacts, 8 cinders, 3 clay artifacts, 1 concretion, 1 stone cylinder, 3 sherd disks, 3 stone disks, 1 perforated sherd disk, 1 perforated sherd disk fragment, 1 stone disk fragment, 1 ear spool, 8 ceramic figurines, 4 stone figurines, 29 ceramic figurine fragments, 30 ceramic figurine heads, 1 grinding slab, 1 ceramic handle fragment, 3 pieces of hematite, 19 horn artifacts, 84 ceramic jars, 1 ceramic jar fragment, 1 ceramic ladle, 3 ceramic legged plates, 1 mano, 7 medicine stones, 2 metates, 11 mica pieces, 4 fragments of unidentified minerals, 1 piece of obsidian, 2 bone ornaments, 6 shell ornaments, 55 stone ornament fragments, 136 palettes, 31 palette fragments, 38 shell pendants, 22 stone pendants, 1 pendant of unidentified material, 1 pestle, 7 pigment fragments, 1 ceramic pitcher, 10 plaques, 53 plaque fragments, 32 ceramic plates, 1 reconstructable ceramic plate, 3,243 projectile points, 3 projectile point fragments, 5 proto-palettes, 1 proto-palette fragment, 1 punch, 597 quartz crystals, 1 quartz nodule, 3 shell rings, 4 stone rings, 1 bone ring fragment, 3 stone rods, 37 ceramic scoops, 1 reconstructable ceramic scoop, 9 ceramic seed jars, 133 shells, 19 shell artifacts, 3 shell artifact fragments, 168 shell fragments, 31 sherds, 1 sherd artifact, 1 stone spoon, 14 stone artifacts, 2 stone artifact fragments, 4 pyrite tessera, 13 shell tessera, 1 stone tessera, 147 turquoise tessera, 5 textile fragments, 6 textile impressions, 8 tripod plates, 1 bone tube fragment, 11 pieces of turquoise, 1 turtle shell, 2 vegetal artifacts, and 2 wood artifacts.

These objects were removed in 1934-35, during archeological excavations conducted by the Gila Pueblo Foundation of Arizona, and in 1964-65 during excavations by University of Arizona personnel at the Snaketown site (AZ U:13:1 ASM), on the Gila River Reservation, Pinal County, AZ.

The archeological evidence, including characteristics of portable material culture, attributes of ceramic styles, domestic and ritual architecture, site organization, and canal-based agriculture of the settlement places the Snaketown site within the archeologically-defined Hohokam tradition, and within the Phoenix Basin variant of that tradition. The occupation of the Snaketown site spans the years circa A.D. 500/700-1100/1150.

The 18 objects from site AZ U:13:21 ASM are 1 scoop, 10 bowls, 6 jars, and 1 pitcher.

These objects were removed during joint University of Arizona Department of Anthropology and Arizona State Museum excavations at site AZ U:13:21 ASM, Gila River Indian Reservation, Pinal County, AZ, in 1964-65.

The archeological evidence, including characteristics of portable material culture, attributes of ceramic styles, domestic and ritual architecture, site organization, and canal-based agriculture of the settlement places site AZ U:13:22 ASM within the archeologically-defined Hohokam

tradition, and within the Phoenix Basin variant of that tradition. The occupation of site AZ U:13:21 was within the years circa A.D. 1150-1350.

The two objects from site AZ U:13:24 ASM are pottery jars.

These objects were removed during joint University of Arizona Department of Anthropology and Arizona State Museum excavations at site AZ U:13:24 ASM, Gila River Indian Reservation, Pinal County, AZ, in 1964-65.

The archeological evidence, including characteristics of portable material culture, attributes of ceramic styles, domestic and ritual architecture, site organization, and canal-based agriculture of the settlement, places site AZ U:13:24 ASM within the archeologically-defined Hohokam tradition, and within the Phoenix Basin variant of that tradition. The occupation of site AZ U:13:21 was within the years circa A.D. 1150-1350.

The 36 objects from site AZ U:13:9 ASM are 2 ground stone artifacts, 4 ceramic scoops, 13 ceramic bowls and bowl fragments, 1 ceramic censer, 1 polishing stone, 3 ceramic jars, 5 ceramic sherds, 1 whole shell pendant, 1 ceramic pitcher, 1 ceramic plate, 1 sherd pendant, 1 bifurcate medicine stone, and 2 turquoise tessera.

These objects were removed in 1963 during I-10 Highway Salvage Project excavations at site AZ U:13:9 by Arizona State Museum staff Alfred E. Johnson. This site is located approximately 1 mile north of Bapchule, at the southwestern corner of Gila Butte, Gila River Indian Reservation, Pinal County, AZ.

Based upon architecture, portable material culture, and site organization, occupation at site AZ U:13:9 ASM has been dated to approximately A.D. 700-1350/1400.

The five objects from site AZ U:13:11 ASM include two jars, one bowl, and two sherds.

These objects were removed in during I-10 Highway Salvage Project excavations at site AZ U:13:11 ASM by Arizona State Museum staff Alfred E. Johnson. This site is located approximately 0.5 mile north of Bapchule, Gila River Indian Reservation, Pinal County, AZ.

The archeological evidence, including characteristics of portable material culture, attributes of ceramic styles, domestic and ritual architecture, site organization, and canal-based agriculture of the settlement places site AZ U:13:11 ASM within the archeologically-defined Hohokam tradition, and within the Phoenix Basin variant of that tradition. The occupation of site AZ U:13:11 spans the years circa A.D.1150-1300.

The 34 objects from the vicinity of Sacaton, AZ (AZ U:14:—area), are 17 projectile points, 1 ceramic plate, 1 miniature jar, 2 bracelet fragments, 3 shell pendants, 3 ear spools, 6 whole shell beads, and 1 ceramic bowl.

Unknown persons removed these objects at an unknown date. These objects were donated to the Arizona State Museum by unknown persons in 1967.

Based upon attributes of portable material culture, these objects are associated with the archeologically defined Hohokam tradition, during the years A.D. 900-1150.

Continuities of mortuary practices, ethnographic materials, and technology indicate affiliation of Hohokam settlements with present-day O'odham (Piman), Pee Posh (Maricopa), and Puebloan cultures. Oral traditions documented for the Gila River Indian Community of the Gila River Indian Reservation, Arizona; the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; the Tohono O'odham Nation of Arizona; the Hopi Tribe of Arizona; and the Pueblo of Zuni support affiliation with Hohokam sites in central Arizona.

Officials of the Arizona State Museum and the Bureau of Indian Affairs have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), these 20,570 cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of the Arizona State Museum and the Bureau of Indian Affairs also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these cultural items and the Gila River Indian Community of the Gila River Indian Reservation, Arizona; the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; the Tohono O'odham Nation of Arizona; the Hopi Tribe of Arizona; and the Pueblo of Zuni. The Pueblo of Zuni has withdrawn from this consultation. The Gila River Indian Community of the Gila River Indian Reservation, Arizona, is acting on behalf of themselves and the Salt River Pima-Maricopa Indian Community, Arizona; the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; and the Tohono O'odham Nation of Arizona.

This notice has been sent to officials of the Gila River Indian Community of the Gila River Indian Reservation, Arizona; the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; the Tohono O'odham Nation of Arizona; and the Hopi Tribe of Arizona. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these cultural items should contact Lynn S. Teague, Repatriation Coordinator, Arizona State Museum, University of Arizona, Tucson, AZ 85721, telephone (520) 621-4795, before April 19, 2001. Repatriation of these cultural items to the Gila River Indian Community of the Gila River Indian Reservation, Arizona; the Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona; the Tohono O'odham Nation of Arizona; and the Hopi Tribe of Arizona may begin after that date if no additional claimants come forward.

Dated: March 5, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–6897 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

CORRECTION—Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Hastings Museum of Natural and Cultural History, Hastings, NE

AGENCY: National Park Service, Interior.

ACTION: Correction.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Hastings Museum of Natural and Cultural History, Hastings, NE. This notice corrects the consulted and affiliated tribes for the Notice of Inventory Completion published February 21, 2001.

The third paragraph of the February 21, 2001, notice is corrected as follows:

A detailed assessment of the human remains was made by Hastings Museum of Natural and Cultural History professional staff in consultation with representatives of the **KTNAGPRA Committee representing the Klamath Indian Tribe of Oregon, Modoc Tribe of Oklahoma, and Yahooskin Band of the Snake Indians (a non-Federally recognized tribe).**

The eighth paragraph of the February 21, 2001, notice is corrected as follows:

Based on the above-mentioned information, officials of the Hastings Museum of Natural and Cultural History have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Officials of the Hastings Museum of Natural and Cultural History also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Klamath Indian Tribe of Oregon and the **Modoc Tribe of Oklahoma.**

Dated: February 27, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–6847 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of the U.S. Department of Interior, Bureau of Land Management, New Mexico State Office, Santa Fe, NM

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of the Interior, Bureau of Land Management, New Mexico State Office, Santa Fe, NM.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the University of Colorado Museum, Eastern New Mexico University, the Maxwell Museum of Anthropology (University of New Mexico), the New Mexico State University Museum, the Museum of New Mexico, the San Juan County Museum, and Bureau of Land Management professional staff in consultation with representatives of the Pueblo of Nambe, New Mexico; the Pueblo of Pojoaque, New Mexico; the Pueblo of San Juan, New Mexico; the Pueblo of Santa Clara, New Mexico; the Pueblo of Tesuque, New Mexico; the Pueblo of San Ildefonso, New Mexico; the Hopi Tribe of Arizona; the Navajo Nation, Arizona, New Mexico, and Utah; the Pueblo of Acoma, New Mexico; the Pueblo of Jemez, New Mexico; the Pueblo of Isleta, New Mexico; the Pueblo of Zia, New Mexico; and the Zuni Tribe of the Zuni Reservation.

Before 1937, human remains representing one individual were recovered from site LA 632 in New Mexico during unauthorized excavations by unknown individuals. These human remains are presently curated at the Museum of New Mexico, Santa Fe, NM. No known individual was identified. No associated funerary objects are present.

Based on material culture, architecture, and site organization, site LA 632 has been identified as a large Anasazi pueblo occupied between C.E. 1300-1600.

In 1978, human remains representing two individuals were recovered from site LA 297 in New Mexico during legally authorized excavations and collections conducted by Mike O'Neill of the Bureau of Land Management. These human remains are presently curated at the Maxwell Museum of Anthropology, University of New Mexico. No known individuals were identified. No associated funerary objects were present.

Between 1979 and 1981, human remains representing eight individuals were recovered from site LA 297 in New Mexico during legally authorized excavations and collections by Occidental College. These human remains are currently curated at the Museum of New Mexico. No known individuals were identified. The 10 associated funerary objects include stone tools, chipped stone, corn cobs, and burial wrappings.

Based on material culture, architecture, and site organization, site LA 297 has been identified as a large Anasazi pueblo occupied between C.E. 1300-1600.

Continuities of ethnographic materials, technology, oral traditions, and architecture indicate affiliation of sites LA 632 and LA 297 with the Pueblo of Nambe, New Mexico; the Pueblo of Pojoaque, New Mexico; the Pueblo of San Juan, New Mexico; the Pueblo of Santa Clara, New Mexico; the Pueblo of Tesuque, New Mexico; and the Pueblo of San Ildefonso, New Mexico.

Based on the above-mentioned information, officials of the New Mexico State Office of the Bureau of Land Management have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 11 individuals of Native American ancestry. Officials of the New Mexico State Office of the Bureau of Land Management also have determined that, pursuant to 43 CFR 10.2 (d)(2), the 10 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the New Mexico State Office of the Bureau of Land Management have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Pueblo of Nambe, New Mexico; the Pueblo of Pojoaque, New Mexico; the Pueblo of San Juan, New Mexico; the Pueblo of Santa Clara, New Mexico; the Pueblo of Tesuque, New Mexico; and the Pueblo of San Ildefonso, New Mexico.

This notice has been sent to officials of the Pueblo of Nambe, New Mexico; the Pueblo of Pojoaque, New Mexico; the Pueblo of San Juan, New Mexico; the Pueblo of Santa Clara, New Mexico; the Pueblo of Tesuque, New Mexico; the Pueblo of San Ildefonso, New Mexico; the Hopi Tribe of Arizona; the Navajo Nation, Arizona, New Mexico, and Utah; the Pueblo of Acoma, New Mexico; the Pueblo of Jemez, New Mexico; the Pueblo of Isleta, New Mexico; the Pueblo of Zia, New Mexico; and the Zuni Tribe of the Zuni Reservation. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Stephen L. Fosberg, State Archeologist and NAGPRA Coordinator, New Mexico State Office, Bureau of Land

Management, 1474 Rodeo Road, Santa Fe, NM 87502–0115, telephone (505) 438–7415, before April 19, 2001. Repatriation of the human remains to the Pueblo of Nambe, New Mexico; the Pueblo of Pojoaque, New Mexico; the Pueblo of San Juan, New Mexico; the Pueblo of Santa Clara, New Mexico; the Pueblo of Tesuque, New Mexico; and the Pueblo of San Ildefonso, New Mexico may begin after that date if no additional claimants come forward.

Dated: February 6, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–6840 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Milwaukee Public Museum, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Milwaukee Public Museum, Milwaukee, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Milwaukee Public Museum professional staff and contract specialists in physical anthropology, in consultation with representatives of the Omaha Tribe of Nebraska.

In 1925, A. M. Brooking, founder of the Hastings Museum, Hastings NE, removed human remains representing two individuals from a site north of Bellevue, Sarpy County, NE. In 1928, the Hastings Museum donated these remains to the Milwaukee Public Museum as part of a collection. No known individuals were identified. No associated funerary objects are present.

Milwaukee Public Museum records state that the remains were removed from an ''Omaha burial ground.'' Glass beads that were found with the remains but were not donated to the Milwaukee Public Museum suggest that the remains date to the 19th century.

Based on cranial morphology and dental characteristics, these human remains are identified as Native American. Consultation evidence provided by representatives of the Omaha Nation indicates that the location of the cemetery is consistent with the extent of the territory of the Omaha in the 19th century.

Based on the above-mentioned information, officials of the Milwaukee Public Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Officials of the Milwaukee Public Museum also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Omaha Tribe of Nebraska.

This notice has been sent to officials of the Omaha Tribe of Nebraska. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Alex Barker, Anthropology Section Head, Milwaukee Public Museum, 800 West Wells Street, Milwaukee, WI 53233, telephone (414) 278–2786, before April 19, 2001. Repatriation of the human remains to the Omaha Tribe of Nebraska may begin after that date if no additional claimants come forward.

Dated: February 23, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–6843 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Milwaukee Public Museum, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Milwaukee Public Museum, Milwaukee, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Milwaukee Public Museum professional staff and contract specialists in physical anthropology in consultation with representatives of the Santa Ynez Band of Mission Indians.

At an unknown date, human remains representing one individual were removed from an unknown location .25 miles inland on the west end of Santa Rosa Island, Santa Barbara County, CA, by Milwaukee Public Museum director Henry L. Ward. Mr. Ward donated these human remains to the Milwaukee Public Museum in 1903. No known individual was identified. No associated funerary objects are present.

Following donation to the Milwaukee Public Museum, elements from this individual were combined with elements of another individual, not known to be of Native American origin, to form a complete skeleton.

Based on cranial morphology and dental traits, the remains donated by Mr. Ward in 1903 have been identified as Native American. Evidence of the effects of syphilis on the remains suggests that the burial can be dated to a post-Euro-American contact period. The geographical location of the burial is consistent with the historically known territory of the Chumash, represented today by the Santa Ynez Band of Mission Indians.

Based on the above-mentioned information, officials of the Milwaukee Public Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Milwaukee Public Museum also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Santa Ynez Band of Mission Indians.

This notice has been sent to officials of the Santa Ynez Band of Mission Indians. Representatives of any other Indian tribe that believes itself to be

culturally affiliated with these human remains should contact Alex Barker, Ph.D., Milwaukee Public Museum, 800 West Wells Street, Milwaukee, WI 53233, telephone (414) 278–2786, before April 19, 2001. Repatriation of the human remains to the Santa Ynez Band of Mission Indians may begin after that date if no additional claimants come forward.

Dated: February 23, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–6844 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Milwaukee Public Museum, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Milwaukee Public Museum, Milwaukee, WI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Milwaukee Public Museum professional staff and contract specialists in physical anthropology, in consultation with representatives of Koniag, Inc., and the Alutiiq Museum, Kodiak, AK. The Alutiiq Museum is authorized by Alaska Native villages on Kodiak Island, AK, to act on behalf of these communities in matters of cultural resources preservation.

At an unknown time, human remains representing one individual were removed from an unknown locality on Kodiak Island, AK, by Ken McQuin. Mr. McQuin sold the remains to the Milwaukee Public Museum in 1967. No known individual was identified. No associated funerary objects are present.

Based on cranial morphology and dental traits, these human remains are identified as Native American. Consultation evidence provided by representatives of Koniag, Inc., and by the Alutiiq Museum indicate that the location of the burial is consistent with the traditional pre- and post-European contact occupational territory of the peoples represented by the Koniag, Inc.

Based on the above-mentioned information, officials of the Milwaukee Public Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Milwaukee Public Museum also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the peoples represented by the Koniag, Inc.

This notice has been sent to officials of the Kodiak Area Native Association, the Native Village of Port Lions, the Native Village of Karluk, the Native Village of Akhiok, the Shoonaq' Tribe of Kodiak, the Native Village of Larsen Bay, the Village of Old Harbor, the Native Village of Ouzinkie, Koniag, Inc., the Alutiiq Museum, and the Council of Katmai Descendants. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Alex Barker, Anthropology Section Head, Milwaukee Public Museum, 800 West Wells Street, Milwaukee, WI 53233, telephone (414) 278–2786, before April 19, 2001. Repatriation of the human remains to Koniag, Inc., and to the Alutiiq Museum may begin after that date if no additional claimants come forward.

Dated: February 23, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–6845 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate a Cultural Item in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate a cultural item in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, that meets the definition of ''unassociated funerary object'' under Section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of this cultural item. The National Park Service is not responsible for the determinations within this notice.

The one cultural item is an iron hammer.

Prior to 1869, human remains and associated funerary objects were collected by Acting Assistant Surgeon G.P. Hachenberg, U.S. Army, from a grave near Fort Randall, SD. In 1869, Surgeon Hachenberg donated the human remains and associated funerary objects to the Army Medical Museum (now the National Museum of Health and Medicine), Washington, DC. In 1876, the iron hammer, one of the associated funerary objects, was transferred to the Peabody Museum of Archaeology and Ethnology from the Army Medical Museum. Army Medical Museum records indicate that the grave was that of an Oglala Sioux man and his mother.

The human remains and remaining associated funerary objects were transferred by the Army Medical Museum to the Smithsonian Institution. In 1998, these human remains were repatriated to the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota, from the National Museum of Natural History.

Based on the 1998 repatriation, this cultural item is now considered an unassociated funerary object. Based on museum documentation and geographical evidence, this cultural item has been affiliated with the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), this one cultural item is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and is believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Officials of the

Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between this cultural item and the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota. This notice has been sent to officials of the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota. Representatives of any other Indian tribe that believes itself to be culturally affiliated with this unassociated funerary object should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254 before April 19, 2001. Repatriation of this unassociated funerary object to the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota may begin after that date if no additional claimants come forward.

Dated: February 23, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–6841 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, that meet the definition of ''unassociated funerary object'' under Section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these cultural items. The National Park Service is not responsible for the determinations within this notice.

The 59 cultural items are brass beads.

Prior to 1895, these cultural items were collected from a grave near Yantic, MT, by Rev. J.W. Millar. In 1909, these cultural items were donated to the Peabody Museum of Archaeology and Ethnology by Lewis H. Farlow.

Museum records indicate that these cultural items were ''from a 'dug out' house grave'' and are attributed to the Cree. The specific cultural attribution indicates that the collector was aware of the cultural affiliation of the burial and suggests that it dated to historic times. Based on the specific cultural attribution in museum records, the 19th century date of the burial, and geographical location within the historic territory of the Cree, these cultural items are considered to be affiliated with the Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana; and the Turtle Mountain Band of Chippewa Indians of North Dakota.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), these cultural items are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these cultural items and the Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana; and the Turtle Mountain Band of Chippewa Indians of North Dakota. This notice has been sent to officials of the Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana; and the Turtle Mountain Band of Chippewa Indians of North Dakota. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these unassociated funerary objects should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before April 19, 2001. Repatriation of these unassociated funerary objects to the Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana; and the Turtle Mountain Band of Chippewa Indians of North Dakota may begin after that date if no additional claimants come forward.

Dated: February 23, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–6842 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the associated funerary object was made by Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation, Michigan; the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan; the Little Traverse Bay Bands of Odawa Indians of Michigan; the Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minnesota; and the Sault Ste. Marie Tribe of Chippewa Indians of Michigan.

In 1869, a wooden grave marker engraved with the image of an inverted crane, was donated to the Peabody Museum of Archaeology and Ethnology by Henry Gillman. No human remains are present.

Museum records indicate this grave marker was located near the Straits of Mackinac, MI. In traditional Ojibwe practice, these grave markers are manufactured exclusively for burial

sites and funerary practice. The form of this grave marker is consistent with other known grave markers of the Crane clan and traditional Ojibwe practice.

Based on the specific cultural attribution in museum records, the early 19th century date of burial, and geographic location, this associated funerary object has been culturally affiliated with the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation, Michigan; and the Sault Ste. Marie Tribe of Chippewa Indians of Michigan.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(2), the one object listed above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between this associated funerary object and the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation, Michigan; and the Sault Ste. Marie Tribe of Chippewa Indians of Michigan. This notice has been sent to officials of the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation, Michigan; the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan; the Little Traverse Bay Bands of Odawa Indians of Michigan; the Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minnesota; and the Sault Ste. Marie Tribe of Chippewa Indians of Michigan. Representatives of any other Indian tribe that believes itself to be culturally affiliated with this associated funerary object should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before April 19, 2001. Repatriation of the associated funerary object to the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation, Michigan; and the Sault Ste. Marie Tribe of Chippewa Indians of Michigan may begin after that date if no additional claimants come forward.

Dated: February 21, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–6846 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9 of the completion of an inventory of human remains and associated funerary objects in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains and associated funerary objects was made by the Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, California; Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California; Sycuan Band of Diegueno Mission Indians of California; and the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California.

In 1917, human remains representing one individual were donated to the Peabody Museum of Archaeology and Ethnology by Mrs. Samuel K. Lothrop. Museum records indicate that these remains were collected in 1916 by Rachel Lothrop from an unknown site in La Jolla, CA. The manner of interment indicates that the individual was Native American. No known individual was identified. The five associated funerary objects are an iron horse and four sherds of indigenous pottery.

The site is described as consisting of small midden deposits no more than 4 feet in depth. The human remains are recorded as having been found in the ''west trench, 3 feet below the surface.'' The objects found in association with the remains include a small iron horse, apparently part of a toy, and fragments of indigenous pottery, and indicate an historic date for the burial. A piece of Mexican Polychrome pottery, which dates from the late 16th to the late 19th century, was found on the surface of the site and provides additional evidence of an historic date. Native American pottery and other artifacts from the site are consistent with late prehistoric and early historic Ipai Diegueño material culture.

Geographical, archeological, and consultation evidence indicate that the individual is Native American and that there is a shared group identity between the human remains and associated funerary objects from this La Jolla site and the historic Ipai-speaking peoples. The Ipai Diegueño are represented by the present-day Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, California; Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California;

Sycuan Band of Diegueno Mission Indians of California; and the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above are reasonably believed to be the physical remains of one individual of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (d)(2), the five objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these human remains and associated funerary objects and the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, California; Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California; Sycuan Band of Diegueno Mission Indians of California; and the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California.

This notice has been sent to officials of the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, California; Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California; Sycuan Band of Diegueno Mission Indians of California; and the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before April 19, 2001. Repatriation of the human remains and associated funerary objects to the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation, California; Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California; Sycuan Band of Diegueno Mission Indians of California; and the Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California may begin after that date if no additional claimants come forward.

Dated: February 28, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–6848 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of an inventory of human remains and associated funerary objects in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Pawnee Nation of Oklahoma, and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

In 1912, human remains representing 12 individuals were donated to the Peabody Museum by R. F. Gilder. No known individuals were identified. No associated funerary objects are present.

Museum records indicate that these remains were collected by R. F. Gilder and Frederick H. Sterns from the ''Cannibal House'' site, north of Bellevue, Sarpy County, NE, in 1912. That year, the remains were turned over to Mr. Sterns of the Peabody Museum of Archaeology and Ethnology and were accessioned into the museum. The ''Cannibal House'' site was an earth lodge of the Nebraska phase (A.D. 1000-1450) of the Central Plains tradition. Archeological, linguistic, biological, and oral tradition evidence indicate a shared group identity between Nebraska-phase populations and the historic Arikara and Pawnee tribes. The Pawnee and the Arikara tribes are represented, respectively, by the present-day Pawnee Nation of Oklahoma, and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

In 1912, Frederick H. Sterns of the Peabody Museum of Archaeology and Ethnology donated human remains representing 14 individuals to the museum. No known individuals were identified. No associated funerary objects are present.

Museum records indicate that these remains were collected by Mr. Sterns as part of a Peabody Museum of Archaeology and Ethnology expedition and were accessioned into the museum in 1912. The remains came from site 25DO26, north of Florence, Douglas County, NE. The remains of six individuals were recovered from the excavation of an earth lodge designated ''Mound L1'' and the remains of eight individuals were collected during the excavation of an earth lodge designated ''Mound L3.'' Site 25DO26 was a set of earth lodges of the Nebraska phase (A.D. 1000-1450) of the Central Plains tradition. Archeological, linguistic, biological, and oral tradition evidence indicate a shared group identity between Nebraska-phase populations and the historic Arikara and Pawnee tribes. The Pawnee and the Arikara tribes are represented, respectively, by the present-day Pawnee Nation of Oklahoma, and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

In 1912, human remains representing two individuals were donated to the Peabody Museum of Archaeology and Ethnology by R. F. Gilder. No known individuals were identified. No associated funerary objects are present.

Museum records indicate that these remains were collected by R. F. Gilder from the Wallace Mound site, site 25SY67, 2 miles north of Bellevue, Sarpy County, NE, in 1912. That year, the remains were turned over to Frederick H. Sterns of the Peabody Museum of Archaeology and Ethnology and were accessioned into the museum. This ''mound'' was actually a concentration of burials on slightly elevated ground, rather than a formal mound. Descriptions of artifacts found with the burials indicate that Wallace Mound was a mortuary site of the Nebraska phase (A.D. 1000-1450) of the Central Plains tradition. Archeological, linguistic, biological, and oral tradition evidence indicate a shared group identity between Nebraska-phase populations and the historic Arikara and Pawnee tribes. The Pawnee and the Arikara tribes are represented, respectively, by the present-day Pawnee Nation of Oklahoma, and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

In 1914, Frederick H. Sterns of the Peabody Museum of Archaeology and Ethnology donated human remains representing 18 individuals from the Wallace Mound site to the museum. No known individuals were identified. No associated funerary objects are present.

Museum records indicate that these remains were collected by Mr. Sterns as part of a Peabody Museum of Archaeology and Ethnology expedition and were accessioned into the museum in 1914. These remains were from the Wallace Mound site, Site 25SY67, 2 miles north of Bellevue, Sarpy County, NE. This ''mound'' was actually a concentration of burials on slightly elevated ground, rather than a formal mound. Descriptions of artifacts found with the burials indicate that Wallace Mound was a mortuary site of the Nebraska phase (A.D. 1000-1450) of the Central Plains tradition. Archeological, linguistic, biological, and oral tradition evidence indicate a shared group identity between Nebraska-phase populations and the historic Arikara and Pawnee tribes. The Pawnee and the Arikara tribes are represented, respectively, by the present-day Pawnee Nation of Oklahoma, and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

In 1912, Frederick H. Sterns of the Peabody Museum of Archaeology and Ethnology donated human remains representing one individual to the museum. No known individual was identified. No associated funerary objects are present.

Museum records indicate that these remains were collected by Mr. Sterns as part of a Peabody Museum of Archaeology and Ethnology expedition and were accessioned into the museum in 1912. These remains came from the ''Site C1,'' northern Florence, Douglas County, NE. Site C1 was an earth lodge of the Nebraska phase (A.D. 1000-1450) of the Central Plains tradition. Archeological, linguistic, biological, and oral tradition evidence indicate a shared group identity between Nebraska-phase populations and the historic Arikara and Pawnee tribes. The Pawnee and the Arikara tribes are represented, respectively, by the present-day Pawnee Nation of Oklahoma, and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

In 1913, Frederick H. Sterns of the Peabody Museum of Archaeology and Ethnology donated human remains representing one individual to the museum. No known individual was identified. No associated funerary objects are present.

Museum records indicate that these remains were collected by Mr. Sterns as part of a Peabody Museum of Archaeology and Ethnology expedition and were accessioned into the museum in 1913. These remains came from a site designated ''A. McVey,'' 5 miles northeast of Union, Cass County, NE. The ''A. McVey'' site was an earth lodge of the Nebraska phase (A.D. 1000-1450) of the Central Plains tradition. Archeological, linguistic, biological, and oral tradition evidence indicate a shared group identity between Nebraska-phase populations and the historic Arikara and Pawnee tribes. The Pawnee and the Arikara tribes are represented, respectively, by the present-day Pawnee Nation of Oklahoma, and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

In 1915, Frederick H. Sterns of the Peabody Museum of Archaeology and Ethnology donated human remains representing one individual to the museum. No known individual was identified. No associated funerary objects are present.

Museum records indicate that these remains were collected by Mr. Sterns in 1914 as part of a Peabody Museum of Archaeology and Ethnology expedition and were accessioned into the museum in 1915. These remains came from a site designated ''Schwenk A'' (25SY114), in Sarpy County, NE. The ''Schwenk A'' site was an earth lodge of the Nebraska phase (A.D. 1000-1450) of the Central Plains tradition. Archeological, linguistic, biological, and oral tradition evidence indicate a shared group identity between Nebraska-phase populations and the historic Arikara and Pawnee tribes. The Pawnee and the Arikara tribes are represented, respectively, by the present-day Pawnee Nation of Oklahoma, and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

In 1915, Frederick H. Sterns of the Peabody Museum of Archaeology and Ethnology donated human remains representing three individuals to the museum. No known individuals were identified. No associated funerary objects are present.

Museum records indicate that these remains were collected by Mr. Sterns in 1915 as part of a Peabody Museum of Archaeology and Ethnology expedition and were accessioned into the museum in 1915. These remains came from a site designated ''Sorenson (B)'' in Douglas County, NE. The ''Sorenson (B)'' site was an earth lodge of the Nebraska phase (A.D. 1000-1450) of the Central Plains tradition. Archeological, linguistic, biological, and oral tradition evidence indicate a shared group identity between Nebraska-phase populations and the historic Arikara and Pawnee tribes. The Pawnee and the Arikara tribes are represented,

respectively, by the present-day Pawnee Nation of Oklahoma, and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above are reasonably believed to be the physical remains of 52 individuals of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these human remains and the Pawnee Nation of Oklahoma, and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

This notice has been sent to officials of the Pawnee Nation of Oklahoma, and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495-2254, before April 19, 2001. Repatriation of the human remains to the Pawnee Nation of Oklahoma, and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota may begin after that date if no additional claimants come forward.

Dated: March 2, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–6849 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of an inventory of human remains in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Cahto Indian Tribe of the Laytonville Rancheria, California; Coyote Valley Band of Pomo Indians of California; Guidiville Rancheria of California; Hopland Band of Pomo Indians of the Hopland Rancheria, California; Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California; Pinoleville Rancheria of Pomo Indians of California; Potter Valley Rancheria of Pomo Indians of California; Redwood Valley Rancheria of Pomo Indians of California; Sherwood Valley Rancheria of Pomo Indians of California; and the Round Valley Indian Tribes of the Round Valley Reservation, California.

In 1916, human remains representing one individual were transferred to the Peabody Museum of Archaeology and Ethnology by the Boston Society of Natural History, which later became the Boston Museum of Science. No known individual was identified. No associated funerary objects are present.

The Boston Museum of Science has no records of the remains or of their acquisition. Accession records of the Peabody Museum of Archaeology and Ethnology indicate that the remains are from Mendicino County, CA, although the specific locale or site within Mendicino County is not recorded. Peabody Museum of Archaeology and Ethnology accession records also note that this individual had been ''executed for murder.'' Such specific information about the cause of death indicates that the death took place only a short time before the information was first recorded. Therefore, it is likely that these remains date to the historic period of the region, that is, to the second half of the 19th century. Osteological analysis by the Peabody Museum of Archaeology and Ethnology supports the identification of this individual as a Native American.

The remains originated in a region historically occupied by the Northern Pomo, Central Pomo, Yuki, Coast Yuki, Huchnom, Nomlaki, and Cahto tribes of Indians. Given the paucity of records, it is not possible to make a cultural affiliation of this individual to a specific tribe, but based on the totality of the circumstances surrounding the acquisition of these human remains, evidence of historical territories, and oral history, officials of the Peabody Museum of Archaeology and Ethnology have determined that there is a cultural affiliation with the following present-day tribes that jointly claim a presence in this region during the 19th century: Cahto Indian Tribe of the Laytonville Rancheria, California; Coyote Valley Band of Pomo Indians of California; Guidiville Rancheria of California; Hopland Band of Pomo Indians of the Hopland Rancheria, California; Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California; Pinoleville Rancheria of Pomo Indians of California; Potter Valley Rancheria of Pomo Indians of California; Redwood Valley Rancheria of Pomo Indians of California; Sherwood Valley Rancheria of Pomo Indians of California; and the Round Valley Indian Tribes of the Round Valley Reservation, California.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these human remains and the Cahto Indian Tribe of the Laytonville Rancheria, California; Coyote Valley Band of Pomo Indians of California; Guidiville Rancheria of California; Hopland Band of Pomo Indians of the Hopland Rancheria, California; Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California; Pinoleville Rancheria of Pomo Indians of California; Potter Valley Rancheria of Pomo Indians of California; Redwood Valley Rancheria of Pomo Indians of California; Sherwood Valley Rancheria of Pomo Indians of California; and the Round Valley Indian Tribes of the Round Valley Reservation, California

This notice has been sent to officials of the Cahto Indian Tribe of the Laytonville Rancheria, California; Coyote Valley Band of Pomo Indians of California; Guidiville Rancheria of California; Hopland Band of Pomo Indians of the Hopland Rancheria,

California; Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California; Pinoleville Rancheria of Pomo Indians of California; Potter Valley Rancheria of Pomo Indians of California; Redwood Valley Rancheria of Pomo Indians of California; Sherwood Valley Rancheria of Pomo Indians of California; and the Round Valley Indian Tribes of the Round Valley Reservation, California. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495-2254, before April 19, 2001. Repatriation of the human remains to the Cahto Indian Tribe of the Laytonville Rancheria, California; Coyote Valley Band of Pomo Indians of California; Guidiville Rancheria of California; Hopland Band of Pomo Indians of the Hopland Rancheria, California; Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California; Pinoleville Rancheria of Pomo Indians of California; Potter Valley Rancheria of Pomo Indians of California; Redwood Valley Rancheria of Pomo Indians of California; Sherwood Valley Rancheria of Pomo Indians of California; and the Round Valley Indian Tribes of the Round Valley Reservation, California may begin after that date if no additional claimants come forward.

Dated: February 28, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–6850 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains and associated funerary objects was made by Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Pawnee Nation of Oklahoma.

In 1915, human remains representing one individual were recovered from the Genoa site in Nance County, NE, by Frederick H. Sterns during excavations conducted under the auspices of the Peabody Museum Missouri Valley Expedition. No known individual was identified. The 11 associated funerary objects are fragmentary brass rings.

Museum documentation, historic, and archeological evidence indicate that the interment post-dates sustained contact between indigenous groups and Europeans beginning in the 18th century.

The archeological and historical evidence and the location of the Genoa site within the traditional territory of the Pawnee tribe indicate that the individual is Native American and is culturally affiliated with the present-day Pawnee Nation of Oklahoma.

In 1915, human remains representing one individual were recovered from the Burkett site in Nance County, NE, by Frederick H. Sterns during excavations conducted under the auspices of the Peabody Museum Missouri Valley Expedition. No known individual was identified. No associated funerary objects are present.

Museum documentation, historic, and archeological evidence indicate that the interment post-dates sustained contact between indigenous groups and Europeans beginning in the 18th century. Oral history and the location of the Burkett site within the traditional territory of the Pawnee tribe indicate that the individual is Native American and is culturally affiliated to the present-day Pawnee Nation of Oklahoma.

In 1915, human remains representing one individual were recovered from the Hookstra Farm in Butler County, NE, by Frederick H. Sterns during excavations conducted under the auspices of the Peabody Museum Missouri Valley Expedition. No known individual was identified. No associated funerary objects are present.

Museum documentation, historic, and archeological evidence indicate the interment post-dates sustained contact between indigenous groups and Europeans beginning in the 18th century. Oral history and the location of the Hookstra Farm within the traditional territory of the Pawnee tribe indicate that the individual is Native American and is culturally affiliated to the present-day Pawnee Nation of Oklahoma.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of three individuals of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (d)(2), the 11 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Pawnee Nation of Oklahoma.

This notice has been sent to officials of the Pawnee Nation of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before April 19, 2001. Repatriation of the human remains and associated funerary objects to the Pawnee Nation of Oklahoma may begin after that date if no additional claimants come forward.

Dated: February 28, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–6851 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation, Michigan; the Boise Fort Band of the Minnesota Chippewa Tribe, Minnesota; the Citizen Potawatomi Nation, Oklahoma; the Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; the Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Wisconsin; the Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota; the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan; the Hannahville Indian Community of Wisconsin Potawatomie Indians of Michigan; Huron Potawatomi, Inc., Michigan; the Keweenaw Bay Indian Community of L'Anse and Ontonagon Band of Chippewa Indians of the L'Anse Reservation, Michigan; the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of the Lac Courte Oreilles Reservation of Wisconsin; the Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; the Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; the Little River Band of Ottowa Indians of Michigan; the Little Traverse Bay Band of Odawa Indians of Michigan; the Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; the Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; the Ottawa Tribe of Oklahoma; the Pokagon Band of Potawatomi Indians of Michigan; the Prairie Band of Potawatomi Indians, Kansas; the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; the Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minnesota; the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation, Oklahoma; the Sac and Fox Tribe of the Mississippi in Iowa; the Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation; the Sault Ste. Marie Tribe of Chippewa Indians of Michigan; the Sokagon Chippewa Community of the Mole Lake Band of Chippewa Indians, Wisconsin; St. Croix Chippewa Indians of Wisconsin, St. Croix Reservation; and the White Earth Band of the Minnesota Chippewa Indian Tribe, Minnesota.

In 1887, human remains representing two individuals were donated to the Peabody Museum of Archaeology and Ethnology by A.V. Kidder. No known individuals were identified. The 12 associated funerary objects are bone beads, a wooden knife handle, a brass kettle, and a wooden dish.

Museum records indicate that at an unknown date, these human remains were collected from a grave on the bank of the Dead River, about 2 miles north of Marquette, MI. An Ojibwe village is known to have been in this area circa C.E. 1810. Based on geographical, biological, archeological, historical, and oral tradition evidence, these human remains and associated funerary objects are likely from an Ojibwe burial. Based on the preponderance of geographical, biological, archeological, historical, and oral tradition evidence, these human remains and associated funerary objects are considered to be affiliated with the Keweenaw Bay Indian Community of L'Anse and Ontonagon Band of Chippewa Indians of the L'Anse Reservation, Michigan.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (d)(2), the 12 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Keweenaw Bay Indian Community of L'Anse and Ontonagon Band of Chippewa Indians of the L'Anse Reservation, Michigan. This notice has been sent to officials of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation, Michigan; the Boise Fort Band of the Minnesota Chippewa Tribe, Minnesota; the Citizen Potawatomi Nation, Oklahoma; the Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; the Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Wisconsin; the Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota; the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan; the Hannahville Indian Community of Wisconsin Potawatomie Indians of Michigan; Huron Potawatomi, Inc., Michigan; the Keweenaw Bay Indian Community of L'Anse and Ontonagon Band of Chippewa Indians of the L'Anse Reservation, Michigan; the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of the Lac Courte Oreilles Reservation of Wisconsin; the Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; the Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; the Little River Band of Ottowa Indians of Michigan; the Little Traverse Bay Band of Odawa Indians of Michigan; the Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; the Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; the Ottawa Tribe of Oklahoma; the Pokagon Band of Potawatomi Indians of Michigan; the Prairie Band of Potawatomi Indians, Kansas; the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; the Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minnesota; the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation, Oklahoma; the Sac and Fox Tribe of the

Mississippi in Iowa; the Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation; the Sault Ste. Marie Tribe of Chippewa Indians of Michigan; the Sokagon Chippewa Community of the Mole Lake Band of Chippewa Indians, Wisconsin; St. Croix Chippewa Indians of Wisconsin, St. Croix Reservation; and the White Earth Band of the Minnesota Chippewa Indian Tribe, Minnesota. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before April 19, 2001. Repatriation of the human remains and associated funerary objects to the Keweenaw Bay Indian Community of L'Anse and Ontonagon Band of Chippewa Indians of the L'Anse Reservation may begin after that date if no additional claimants come forward.

Dated: March 1, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–6895 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, DC, and in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Peabody Museum of Archaeology and Ethnology and Bureau of Indian Affairs professional staff in consultation with representatives of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; the Bay Mills Indian Community of the Sault Ste. Marie Band of Chippewa Indians, Bay Mills Reservation, Michigan; the Boise Fort Band of the Minnesota Chippewa Tribe, Minnesota; the Citizen Potawatomi Nation, Oklahoma; the Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; the Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Wisconsin; the Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota; the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan; the Hannahville Indian Community of Wisconsin Potawatomie Indians of Michigan; Huron Potawatomi, Inc., Michigan; the Keweenaw Bay Indian Community of L'Anse and Ontonagon Band of Chippewa Indians of the L'Anse Reservation, Michigan; the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of the Lac Courte Oreilles Reservation of Wisconsin; the Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; the Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; the Little River Band of Ottowa Indians of Michigan; the Little Traverse Bay Band of Odawa Indians of Michigan; the Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; the Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; the Ottawa Tribe of Oklahoma; the Pokagon Band of Potawatomi Indians of Michigan; the Prairie Band of Potawatomi Indians, Kansas; the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; the Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minnesota; the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation, Oklahoma; the Sac and Fox Tribe of the Mississippi in Iowa; the Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation; the Sault Ste. Marie Tribe of Chippewa Indians of Michigan; the Sokagon Chippewa Community of the Mole Lake Band of Chippewa Indians, Wisconsin; St. Croix Chippewa Indians of Wisconsin, St. Croix Reservation; and the White Earth Band of the Minnesota Chippewa Indian Tribe, Minnesota.

In 1915, human remains representing nine individuals were recovered from a site 3 miles northwest of Byron, MI, by Arthur W. Carpenter as part of a Peabody Museum of Archaeology and Ethnology expedition. In 1915, these human remains were donated to the Peabody Museum of Archaeology and Ethnology by Mr. Carpenter. No known individuals were identified. The two associated funerary objects are two masses of fabric with attached metal ornaments.

Museum records describe the site 3 miles northwest of Byron, MI, as an ''Ojibwa Historic Burial Site, Keetchewaundaugnink Reservation.'' Consultation with representatives of the Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation indicates that the Keetchewaundaugnink Reservation was an early reservation of the Saginaw Chippewa in the historic period.

Based on the specific cultural attribution in museum records, geographical and historical evidence, these human remains and associated funerary objects are considered to be affiliated with the Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation.

Based on the above-mentioned information, officials of the Bureau of Indian Affairs and the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of nine individuals of Native American ancestry. Officials of the Bureau of Indian Affairs and the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (d)(2), the two objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Bureau of Indian Affairs and the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation. This notice has been sent to officials of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; the Bay Mills Indian Community of the Sault Ste. Marie Band

of Chippewa Indians, Bay Mills Reservation, Michigan; the Boise Fort Band of the Minnesota Chippewa Tribe, Minnesota; the Citizen Potawatomi Nation, Oklahoma; the Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; the Forest County Potawatomi Community of Wisconsin Potawatomi Indians, Wisconsin; the Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota; the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan; the Hannahville Indian Community of Wisconsin Potawatomie Indians of Michigan; Huron Potawatomi, Inc., Michigan; the Keweenaw Bay Indian Community of L'Anse and Ontonagon Band of Chippewa Indians of the L'Anse Reservation, Michigan; the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of the Lac Courte Oreilles Reservation of Wisconsin; the Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; the Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; the Little River Band of Ottowa Indians of Michigan; the Little Traverse Bay Band of Odawa Indians of Michigan; the Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; the Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; the Ottawa Tribe of Oklahoma; the Pokagon Band of Potawatomi Indians of Michigan; the Prairie Band of Potawatomi Indians, Kansas; the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; the Red Lake Band of Chippewa Indians of the Red Lake Reservation, Minnesota; the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation, Oklahoma; the Sac and Fox Tribe of the Mississippi in Iowa; the Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation; the Sault Ste. Marie Tribe of Chippewa Indians of Michigan; the Sokagon Chippewa Community of the Mole Lake Band of Chippewa Indians, Wisconsin; the St. Croix Chippewa Indians of Wisconsin, St. Croix Reservation; and the White Earth Band of the Minnesota Chippewa Indian Tribe, Minnesota.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495–2254, before April 19, 2001. Repatriation of the human remains and associated funerary objects to the Saginaw Chippewa Indian Tribe of Michigan, Isabella Reservation may begin after that date if no additional claimants come forward.

Dated: March 1, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–6896 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Appalachian National Scenic Trail; Notice of Realty Action

AGENCY: National Park Service.

ACTION: Notice of realty action.

SUMMARY: This notice announces a proposed exchange of a federally-owned easement interest for easement interests in private lands both located in Putnam County, New York. The proposed exchange will benefit the United States by acquisition of 63.28 acres in easement interest. A portion of this land is encumbered with an easement already owned by the United States. This area includes 1.52 miles of the Appalachian Trail (AT) footpath. The new easement will supercede the previous easement acquired in Deed Book 829, Page 230. It will provide enhanced permanent protection for the AT and relocate the footpath away from recently developed property. In exchange the United States will release a portion of the previously acquired easement to the Friars of the Atonement resulting in 1.81 acres in the vicinity of their improvements being unencumbered by a Federal interest and will allow a reservation for the sewer lines in the area.

I. The following described Federally-owned easement acquired by the National Park Service, has been determined to be suitable for disposal by exchange. The selected Federal land is within the protective corridor for the Appalachian National Scenic Trail. The land has been surveyed for cultural resources and endangered and threatened species. These reports are available upon request.

A Federally owned easement interest is to be exchanged: Tracts 277–49/51/53/55 are an easement acquired by the United States of America by deed recorded in Deed Book 829, Page 230, in the Clerk's Office of Putnam County, State of New York. Conveyance by the United States will be done by a Quitclaim Deed.

II. In exchange for the interest described in Paragraph I above, the Friars of the Atonement will convey to the United States of America a right-of-way easement interest in land located within the boundaries of the protective corridor for the Appalachian National Scenic Trail.

The interest in the land to be acquired by the United States of America is described as follows: Tract 277–31, is an easement containing 63.28 acres acquired by the Friars of the Atonement by deeds recorded in Deed Book 123, Page 250; Deed Book 123, Page 249; Deed Book 131, Page 295; Deed Book 144, Page 106; Deed Book 152, Page 434; Deed Book 456, Page 256; Deed Book 474, Page 329; Deed Book 530, Page 405; Deed Book 635, Page 197 and Deed Book 709, Page 133; all recorded in the Clerk's Office of Putnam County, State of New York. The conveyance will be done by General Warranty Deed.

The value of the interests to be exchanged shall be determined by current fair market value appraisals and if they are not appropriately equal, the values shall be equalized by a cash payment.

SUPPLEMENTARY INFORMATION: The authority for this exchange is Section 5(b) of the Land and Water Conservation Fund Act Amendments in Public Law 90–401, approved July 15, 1968, and section 7(f) of the National Trails System Act, Public Law 90–543, as amended.

Detailed information concerning this exchange including precise legal descriptions, Land Protection Plan and Cultural reports are available at the address below.

For a period of 45 days from the date of this notice, interested parties may submit written comments to the address below. Adverse comments will be evaluated and this action may be modified or vacated accordingly. In the absence of any action to modify or vacate, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Chief, Acquisition Division, National Park Service, Appalachian Trail Land Acquisition Field Office, PO Box 908, Martinsburg, West Virginia 25402–0908, (304) 263–4943.

Dated: November 3, 2000.

Pamela Underhill,

Park Manager, Appalachian National Scenic Trail.

[FR Doc. 01–6898 Filed 3–19–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

[AAG/A Order No. 222–2001]

Privacy Act of 1974; System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice (DOJ) proposes to establish a new system of records to be maintained by the Executive Office for United States Attorneys, Employee Assistance Program Staff.

The Department proposes this new system of records to permit the standard medical practice of retaining and recording the mental health history for employees of the United States Attorneys offices throughout the country as well as employees of the Executive Office for United States Attorneys (EOUSA) who seek assistance from the Employee Assistance Program (EAP). Records retained for these EAP clients include the rationale for the counseling, referrals made by the EAP counselor, and a record of the number of contacts made over time. This system, as identified in the attached **Federal Register** notice, permits EOUSA to maintain records on employees who use the EAP in order to ensure that the best mental health and social services practices are offered. This new system allows the EOUSA EAP staff to maintain EAP records separately from the DOJ EAP staff.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be given 30 days in which to comment on the proposed new routine system. The Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 40-day period in which to review the proposed system. Therefore, please submit any comments by 40 days from publication of this notice. The public, OMB, and the Congress are invited to submit written comments to Mary Cahill, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530, (202) 307–1823.

As required by 5 U.S.C. 552a(r) and Office of Management and Budget (OMB) implementing regulations, the Department of Justice has provided a report on the proposed changes to OMB and the Congress.

A new system description is set forth below.

Dated: March 5, 2001.

Stephen R. Colgate,

Assistant Attorney General for Administration.

SYSTEM NAME:

Employee Assistance Program (EAP) Counseling and Referral Records, Justice/USA–020.

SYSTEM LOCATION:

Records are maintained by the Executive Office for United States Attorneys (EOUSA) Employee Assistance Program (EAP) staff. Interested parties wishing to correspond regarding records should direct their inquiries to the EAP Administrator, Executive Office for United States Attorneys, 600 E St. NW., Room 6800, Washington, DC 20530, (202) 514–1036.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of United States Attorneys Offices (USAOs) throughout the country and employees of the Executive Office for United States Attorneys (EOUSA) who have sought counseling or have been referred for counseling or treatment through the EAP. To the limited degree that counseling and referral may be provided to family members of these employees, these individuals also are covered by the system. The remainder of this notice will refer to all persons covered by the system as ''EAP client(s).''

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include any record, written or electronic, which may assist in referring, diagnosing, evaluating, counseling and/or follow-up with an EAP client, or resolving an EAP client's complaint or management's concerns (management consultation) regarding the EAP client's performance, attendance, or conduct problems. Included are the EAP counselor's intake, follow-up, and termination notes; pertinent psychosocial, medical, and employment histories; relevant personnel documents; medical tests or screenings, including drug and alcohol tests and information on positive drug tests generated by the staff of the Drug Free Workplace Program or treatment facilities from which the EAP client may be receiving treatment; treatment and rehabilitation plans; and records of referrals. Referrals include those to community treatment resources and social service agencies that provide financial or other assistance which may or may not be related to mental health or general medical services. Where clinical referrals have been made, records may include relevant information related to counseling, diagnosis, prognosis, treatment, and evaluation, together with follow-up information that may be generated by the community program providing the relevant services. Other records included in the system are the written consent forms used to permit the flow of information outside the EAP. Records may also include account information, such as contractor billings and government payments, when EAP services are provided by an EAP contractor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 290dd *et seq.;* 42 CFR part 2; 5 U.S.C. 3301, 7361, 7362, 7901 and 7904; 44 U.S.C. 3103; Executive Order 12564; and Pub. L. 100–71, sec. 503 (July 11, 1987).

PURPOSE:

Records are maintained to document the work performed by the EAP on behalf of the EAP client and to allow for the tracking of the EAP client's progress and the client's participation in the EAP or community programs. These records may also be used to track compliance with Abeyance or Last Chance agreements that include treatment options, in which the EAP is an integral part of establishing and/or monitoring treatment compliance as agreed by the EAP client and management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures permitted by the Privacy Act itself, 5 U.S.C. 552a(b), relevant information may be disclosed form this system of records without EAP client consent as follows: [1]

a. To contractors that may provide EAP counseling and other services related to the administrative and financial management of the EAP program to the extent that it is appropriate, relevant, and necessary to enable the contractor to perform his or her counseling, treatment, rehabilitation, and evaluation responsibilities.

b. To appropriate state or local authorities to report, where required under state law, incidents of suspected child, elder or domestic abuse or neglect.

c. To any person or entity to the extent necessary to prevent imminent

[1] To the extent that the release of alcohol and drug abuse records is more restricted than other records subject to the Privacy Act, EOUSA EAP staff will follow such restrictions. See 42 U.S.C. 290dd *et seq.;* 42 CFR part 2.

threat of serious bodily harm to client or others.

d. When an individual to whom a record pertains has been determined to be mentally incompetent by a physician or under legal disability, to any person who is legally responsible for the care of the individual.

e. To any person or entity to the extent necessary to meet a bona fide medical emergency.

f. Pursuant to subsection (b)(3) of the Privacy Act, the Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: Responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on paper and computer discs in accordance with 42 CFR 2.16.

RETRIEVABILITY:

Records are indexed and retrieved by identifying number or symbol, cross-indexed to EAP client names.

SAFEGUARDS:

Paper records and computer discs are kept in locked GSA-approved security containers, and the computer discs are password-protected. Only EOUSA EAP staff will have access to the records. Records may be reviewed by any EAP staff member as may be needed to provide EAP services. No record may be released by the EAP staff without prior approval of the EAP System Manager.

RETENTION AND DISPOSAL:

Records are retained for three years after the EAP client ceases contact with the counselor (in accordance with General Records Schedule No. 1, Item No. 26) unless a longer retention period is necessary because of administrative or judicial proceedings. In such cases, the records are retained for six months after the conclusion of the legal proceedings. Paper records are destroyed by shredding, which must be performed by an EAP staff member. Computer discs are erased, degaussed, or physically destroyed by an EAP staff member.

SYSTEM MANAGER AND ADDRESS:

The System Manager is the EAP Administrator, Executive Office for United States Attorneys, 600 E St. NW., Room 6800, Washington, DC 20530 (202) 514–1036.

NOTIFICATION PROCEDURE:

Same as Record Access Procedures.

RECORD ACCESS PROCEDURES:

Make all requests for access in writing to the EAP System Manager identified above. Clearly mark the envelope and letter ''Freedom of Information Act/Privacy Act Request.'' Provide the full name and notarized signature of the individual who is the subject of the record, the dates during which the individual was in EAP counseling, any other information which may assist in identifying and locating the record, and a return address. Pursuant to 28 CFR 16.41(d), an original signature on a ''Certification of Identity'' form (DOJ–361) may be submitted in lieu of a notarized signature. This form may be obtained from the Department of Justice web site at *http://www.usdoj.gov.*

CONTESTING RECORDS PROCEDURES:

Direct all requests to contest or amend information to the EAP System Manager identified above. The request should follow the Record Access Procedures, listed above, and should state clearly and concisely the information being contested, the reason for contesting it, and the proposed amendment thereof. Clearly mark the envelope and letter ''Freedom of Information Act/Privacy Act Request.''

RECORD SOURCE CATEGORIES:

Records are generated by EAP personnel, referral counseling and treatment programs or individuals, the EAP client who is the subject of the record, the personnel office, the EOUSA Legal Counsel's Office, and the EAP client's supervisors. In the case of drug abuse counseling, records may also be generated by the staff of the Drug-Free Workplace Program and the Medical Review Officer.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

[FR Doc. 01–6879 Filed 3–19–01; 8:45 am]

BILLING CODE 4410–07–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environment Response Compensation and Liability Act

Notice is hereby given that on February 6, 2001 a proposed partial consent decree in the action entitled *United States* v. *Woodward Metal Processing, Corp. et al.,* Civil Action No. 98–2736 (JWB/GDH), was lodged with the United States District Court for the District of New Jersey.

In this action, the United States sought the recovery of response costs incurred in connection with a removal action at the Woodward Metal Processing Corporation Site, located at 125 Woodward Street, Jersey City, New Jersey (''Site''), pursuant to section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9607. The proposed consent decree, if entered by the Court, would resolve the claim of the United States against Defendant Eugene B. Rosenburg (''Settling Defendant'') and, together with other pending settlements, would resolve this action in its entirety. Under the proposed consent decree, Settling Defendant would pay the United States $35,000 in three installments of $25,000, $5,000 and $5,000 over two years, plus interest. That amount, together with the response costs already recovered by the United States in settlements with other parties would increase the United States' total recovery at the Site to approximately 86% of total response costs.

The U.S. Department of Justice will receive, for a period of thirty (30) days from the date of publication of this Notice, comments relating to the proposed consent decree. Any comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, and should reference the following case name and number: *United States* v. *Woodward Metal Processing Corp., et al.,* DJ # 90–11–2–1299/1.

The proposed consent decree may be examined at the offices of EPA Region II, located at 290 Broadway, New York, New York. A copy of the proposed consent decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy, please enclose a check in the amount of $6.75 (25 cents

per page reproduction cost) payable to the Consent Decree Library.

Ronald G. Gluck,

Assistant Chief, Environment Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–6878 Filed 3–19–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Application Service Provider Industry Consortium, Inc.

Notice is hereby given that, on November 30, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Application Service Provider Industry Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Apptus, Inc, Reston, VA; ApplicationStation.com, Charlotte, NC; b2solutionsonline, Billingham, Teeside, United Kingdom; Convergence, Inc., Tampa, FL; Eltrax Systems, Inc., Atlanta, GA; Foreshock, Inc., Irvine, CA; Infocrossing, Inc., Leonia, NJ; IT Support Center, Inc., Dothan, AL; Korea Digital Line, Seoul, Republic of Korea; L.I.M.S. (USA), Inc., Hollywood, FL; Mindbridge.com, Fort Washington, PA; NBNTech Inc., E Commerce Solutions Prov., Lanham, MD; New Millenium Games, Inc., Reno, NV; Redbourne, Berkhamstead Herts, England, United Kingdom; Telstra Corporation, Melbourne, Victoria, Australia; TelCel Celular C.A., Los Palos Grandes, Caracas, Venezuela; Network Integration Solutions, Inc., Seattle, WA; and Veracicom, Seattle, WA have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Application Service Provider Industry Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On July 28, 1999, Application Service Provider Industry Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 21, 2000 (65 FR 15174).

The last notification was filed with the Department on August 1, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on November 2, 2000 (65 FR 65880).

Constance K. Robinson,

Director of Operations Antitrust Division.

[FR Doc. 01–6884 Filed 3–19–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Application Service Provider Industry Consortium, Inc.

Notice is hereby given that, on February 2, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Application Service Provider Industry Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 3Com Corporation, Holmdel, NJ; AboveNet Communications, Inc., San Jose, CA; Aegis Consulting, LLC, McLean, VA; Agilera, Columbia, SC; Allaire Corporation, Cambridge, MA; Apeldorn's Communication & Information Tech GmbH, Bad Homburg, Germany; Appliant, Inc., Seattle, WA; Arqana Technologies Inc., Mississauga, Ontario, Canada; Aventail Corp., Seattle, WA; Avnet, Tempe, AZ; BCA it Ltd., S. Melbourne, Victoria, Australia; Blue Sky Technology Services, Delray Beach, FL; Cable & Wireless, Vienna, VA; ChoicePoint, Tipton, PA; Clarus Corporation, Suwanee, GA; Concentric Network, San Jose, CA; Concord Communications, Inc., Marlboro, MA; Conference Plus, Inc., Schaumberg, IL; Data General, Westboro, MA; Data Return Corporation, Irving, TX; eALITY, Inc., Foster City, CA; ebaseOne Corp., Houston, TX; Eggrock Partners, LLC, Concord, MA; ELF Technologies, Inc., Issaquah, WA; Eltrax Systems Inc., Atlanta, GA; Envive Corporation, Mountain View, CA; EpiCON, Inc., Chelmsford, MA; Evalis AG, Koln, Germany; FirstSense, Burlington, MA; GTE, Irving, TX; HotOffice Technologies, Inc., Boca Raton, FL; Imagecom, Arlington Heights, IL; InfoStream ASA, Oslo, Norway; IT Support Center Inc., Dothan, AL; ITNET, Birmingham, United Kingdom; Jato Communications, Denver, CO; JustOn, Palo Alto, CA; LearningStation.com, Charlotte, NC; Logix Communications Corp., Oklahoma City, OK; Managed Object Solutions, Inc., McLean, VA; Mentergy, Troy, NY; MUA Pty Ltd., Artarmon, NSW, Australia; Multrix Group, N.V., Amsterdam, The Netherlands; National Semiconductor, Santa Clara, CA; NaviSite, Inc., Andover, MA; Netier Technologies, Inc., Carrollton, TX; Netigy, San Jose, CA; Network Computing Devices, Mountain View, CA; NorthPoint Communications, San Francisco, CA; PBM Corp., Cleveland, OH; Pilot Network Services, Inc., Alameda, CA; Pivotal Corporation, Kirkland, WA; PreferSoft Solutions, Inc., Scotts Valley, CA; Princeton Financial Systems, Princeton, NJ; Professional Advantage, North Sydney, NSW, Australia; SAGA SOFTWARE, Inc., Reston, VA; SalesLogix Corporation, Scottsdale, AZ; Sequent Computer Systems, Beaverton, OR; Sharp Electronics Corp., Mahwah, NJ; Softblox, Inc., Atlanta, GA; Solution 6 Pty Ltd., Sydney, NSW, Australia; StorageNetworks, Inc., Waltham, MA; Surebridge, Inc., Lexington, MA; Telcordia Technologies, Piscataway, NJ; Tequinox, Stames Corner QL, Australia; US West, Denver, CO; Vsource (Virtual Source, Inc.), Ventura, CA; Workscape, Inc., Natick, MA; Wyzdom Solutions, Inc., San Francisco, CA; and X-Collaboration Software Corporation, Boston, MA have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Application Service Provider Industry Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On July 28, 1999, Application Service Provider Industry Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 21, 2000 (65 FR 15174).

The last notification was filed with the Department on November 30, 2000.

A notice has not yet been published in the **Federal Register**.

Constance K. Robinson,

Director of Operations, Antitrust Division

[FR Doc. 01–6885 Filed 3–19–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Financial Services Technology Consortium, Inc.

Notice is hereby given that, on December 27, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Financial Services Technology Consortium, Inc. (''Consortium'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Business Logic Corporation, Chicago, IL has joined the Consortium as an associate member. Also, ID Certify, Seattle, WA; and U.S. Postal Services, Washington, DC have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Financial Services Technology Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On October 21, 1993, Financial Services Technology Consortium, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 14, 1993 (58 FR 65399).

The last notification was filed with the Department on September 28, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on November 2, 2000 (65 FR 65882).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–6886 Filed 3–19–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Fuel Cell Commercialization Group

Notice is hereby given that, on February 16, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''Act''), the Fuel Cell Commercialization Group (''FCCG'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, City of Burbank Public Service Department, Burbank, CA; and National Energy Research Establishment ((NERE), Amby, Harare, Zimbabwe have been added as parties to this venture. Also, Great River Energy, Elk River, NM; New England Power Service Co., Westboro, MA; and City of Santa Clara Electric Department, Santa Clara, CA have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and FCCG intends to file additional written notification disclosing all changes in membership.

On September 21, 1990, FCCG filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on October 25, 1990 (55 FR 43050).

The last notification was filed with the Department on March 29, 1999. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on May 20, 1999 (64 FR 27603).

Constance K. Robinson,

Director of Operations Antitrust Division.

[FR Doc. 01–6883 Filed 3–19–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Management Service Providers Association, Inc.

The notice on behalf of Management Service Providers Association, Inc. published in the **Federal Register** on Tuesday, November 28, 2000 (65 FR 70936), which was a duplicate of a notice previously published on Friday, November 24, 2000 (65 FR 70613), is retracted.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–6880 Filed 3–19–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant To The National Cooperative Research and Production Act of 1993—National Electronics Manufacturing Initiative (''NEMI'')

Notice is hereby given that, on November 29, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Electronics Manufacturing Initiative (''NEMI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Extricity Inc., Redwood Shores, CA; IBM Corporation, Endicott, NY; Ingenous Corporation, Sunnyvale, CA; Kester Soldor, Des Plaines, IL; META Group, Stamford, CT; PTC, Toronto, Ontario, Canada; Texas Instruments, Inc., Sherman, TX; SCI Systems, Inc., Huntsville, AL; and Storage Technology Corporation, Louisville, CO have been added as parties to this venture. The following members have changed their names: Newbridge Networks Corporation to ALCATEL CANADA, Inc., Kanata, Ontario, Canada; and HADCO Corporation to Sanmina Corporation, Salem, NH. Also, Microelectronics and Computer Technology Corporation (MCC), Austin, TX; Chad Industries, Orange, CA; and Lambda Technologies, Harrisburg, PA have been dropped as parties to this venture.

No other changes have been made in either the membership of planned activity of the group research project. Membership in this group research project remains open, and NEMI intends to file additional written notification disclosing all changes in membership.

On June 6, 1996, NEMI filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 28, 1996 (61 FR 33774).

The last notification was filed with the Department on January 14, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 29, 2000 (65 FR 40131).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–6887 Filed 3–19–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Quallion LLC: Rechargeable Batteries and Battery Management Systems

Notice is hereby given that, on June 27, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Quallion LLC has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identifies of the parties and (2) the nature and objectives of a cooperative research venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are Quallion LLC, Valencia, CA; Teledyne Electronic Technologies, Los Angeles, CA; The Alfred E. Mann Foundation, Valencia, CA; and Argonne National Laboratory, Argonne, IL. The nature and objectives of the venture are to conduct research on rechargeable batteries and battery management systems. The activities of this joint venture will be partially funded by an award from the Advanced Technology Program, National Institute of Standards and Technology, Department of Commerce.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–6888 Filed 3–19–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Telemanagement Forum

Notice is hereby given that, on June 1, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Telemanagement Forum (''the Forum'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Micromuse, Inc., Dallas, TX; AT&T, Middletown, NJ; KPMG Consulting, Short Hills, NJ; Sprint, Irving, TX; Computer Associates International Inc., Milan, Italy; Viryanet, Waltham, MA; PriceWaterhouseCoopers, Phoenix, AZ; Infostrada S.p.A., Milan, Italy; Trendium, Inc., Ft. Lauderdale, FL; and Sycamore Networks, Chelmsford, MA have become Corporate Members. BusinessEdge Solutions Inc., Edison, NJ; Cygent, Inc., San Francisco, CA; DERA (Defense Evaluation and Research Agency), Dera Farnborough, Hants, England, United Kingdom; CoSine Communications, Redwood City, CA; Active Software, Santa Clara, CA; Concord Communications, Inc., Marlboro, MA; Cyras Systems, Inc., Fremont, CA; Corvia Networks Inc., Sunnyvale, VA; Incatel AS, Sandvika, Norway; Broadwing Inc., Austin, TX; Algety Telecom, Paris, France; Tyco Submarine Systems, Inc., Eatontown, NJ; Alltel Information Services, Alpharetta, GA; PRIDE S.p.A., Milan, Italy; PSI AG, Velbert, Germany; Connexn Technologies, Inc., Westminister, CO; Calico Commerce, San Jose, CA; Equador Consulting, Richmond, Surrey, England, United Kingdom; PQ Africa, Randjespark, South Africa; Edifecs Commerce, Inc., Conroe, TX; T-Soft, Herzelia, Israel; Emperative, Boulder, CO; Orillion, Tulsa, OK; OSIX AB, Stockholm, Sweden; Connectivity Plus Ltd., Windsor, Berkshire, England, United Kingdom; Tellium, Inc., Oceanport, NJ; TRW, Redondo Beach, CA; Kapsch AG, Vienna, Austria; CH2M Hill Communications Group, Englewood, CO; Cedere Corporation, Tyngsboro, MA; Altion Ltd., Dublin, Ireland; SL Corporation, Corte Madera, CA; Tele-Worx, Garland, TX; Menta, Cable & Televisio de Catalunya, Barcelona, SPAIN; Native Networks, Petah Tikva, Israel; Narus, Inc., Palo Alto, CA; and Ernst & Young, LLP, Sacramento, CA have become Associate Members. IEL, Windsor, Berkshire, England, United Kingdom; Business Management Group B.V., Amsterdam, The Netherlands; Telecom & Technology, Denville, NJ; Paltek Corporation, Yokohama, Japan; RichStone Ltd., Tokyo, Japan; and XDL Intervest Capital Corp., Toronto, Ontario, Canada have become Affiliate Members.

The following existing members have changed their names: AT&T Unisource is now called AUCS Communications Services, Hoofddorp, The Netherlands; The National Computing Centre is now called NCC Group, Manchester, England, United Kingdom; TTI Team Telecom is now called TTI Telecom, Givat Shmuel, ISRAEL; Open Management Software is now called Idea.com, Newark, CA; Stentor is now called Bell Canada, Ottawa, Ontario, Canada; GE Information Services is now called GE Global eXchange Services, Tampa, FL; Object Design is now called Excelon, Burlington, MA; BSW Telecoms is now called Dimension Data, Midrand, South Africa; NTT Mobile Communications Network, Inc. is now called NTT Group, Tokyo, Japan; Marconi Communications is now called Marconi PLC, Poole, Dorset, England, United Kingdom; and ObjectSwitch is now called Kabira Technologies, Inc., San Rafael, CA.

The following companies have changed Membership categories to Corporate: SBC Communications, Inc., St. Louis, MO; Oracle Corporation, Redwood Shores, CA; Cyras Systems, Inc., Fremont, CA; and Syndesis Limited, Richmond Hill, Ontario, Canada.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the Forum intends to file additional written notifications disclosing all changes in memberships.

On October 21, 1998, the Forum filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section

6(b) of the Act on December 8, 1998 (53 FR 49615).

The last notification was filed with the Department on June 8, 1999. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 21, 2000 (65 FR 15177).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–6882 Filed 3–19–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—VSI Alliance

Notice is hereby given that, on January 16, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), VSI Alliance has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 3 DSP Corporation, Irvine, CA; Alatek, Inc., Las Vegas, NV; D.K. Arvind, Edinburgh, Scotland, United Kingdom; ASIC Alliance Corp., Woburn, MA; CG–CorEL Programmable Solutions Ltd., Bangalore, India; Edoardo Charbon, Berkeley, CA; EnThink, Inc., Santa Clara, CA; ETRI Microelectronics Technology Laboratory, Daejon, Republic of Korea; Goya Technology, Inc., Hsin-chu, Taiwan; IMEC; Leuven, Belgium; Intensys, San Jose, CA; Kun-Bin Lee, Hsin-chu, Taiwan; Mysti Com Ltd., Mountain View, CA; Nogatech Ltd., Kfar-Saba, Israel; Silicon Design Solutions, Milpitas, CA; Simplex Solutions, Inc., Sunnyvale, CA; Synad Technologies Limited, Marlow, United Kingdom; SynTest Technologies, Inc., Sunnyvale, CA; and Tensilia, Inc., Santa Clara, CA have been added as parties to this venture. Also, Adaptec, Inc., Milpitas, CA; Arasan Chip Systems, San Jose, CA; Johan Cockx, Leuven, Belgium; Enabling Technology, Inc., Sunnyvale, CA; Nxtwave Communications, Inc., Newtown, PA; PIXIM, Inc., Mountain View, CA; Patrick Schaumont, Leuven, Belgium; Verysys Corp., Fremont, CA; Virage Logic Corp., Fremont, CA; and Voyager Technologies, Inc., Morgan Hill, CA have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and VSI Alliance intends to file additional written notification disclosing all changes in membership.

On November 29, 1996, VSI Alliance filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 4, 1997 (62 FR 9812).

The last notification was filed with the Department on October 26, 2000. A notice has not yet been published in the **Federal Register**.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–6881 Filed 3–19–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Payne Sales, Inc.; Denial of Application

On February 7, 2000, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause (OTSC) by certified mail to Payne Sales, Incorporated (Payne Sales), located in Grand Haven, Michigan, notifying it on an opportunity to show cause as to why the DEA should not deny its application, dated August 24, 1999, for a DEA Certificate of Registration as a distributor of List I chemicals, pursuant to 21 U.S.C. 823(h), as being inconsistent with the public interest. The order also notified Payne Sales that, should no request for hearing be filed within 30 days, the right to a hearing would be waived.

The DEA mailed the show cause order to Payne Sales by certified mail, and a return receipt, signed. ''Fred Thornell'' and dated February 18, 2000, was received by the DEA. No request for a hearing or any other response was received by DEA from Payne Sales or anyone purporting to represent it in this matter, however. Therefore, the Administrator of the DEA, finding that (1) thirty days have passed since receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes Payne Sales is deemed to have waived its right to a hearing. After considering relevant material from the investigative file in this matter, the Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46 (1999).

The Administrator finds that on August 24, 1999, an application was submitted to DEA on behalf of Payne Sales for DEA registration as a distributor of the List I chemicals pseudoephedrine, phenylpropanolamine, and ephedrine. The application was submitted by Peggy Joe Payne, President of Payne Sales, who was previously employed as an accountant for TNT Marketing, Incorporated (TNT) of Grand Haven, Michigan. Ms. Payne was also previously married to Frederick Thornell, President and CEO for TNT. The application lists Payne Sales address as 8 North Ferry, Grand Haven, Michigan, which is the same address as TNT.

The Administrator finds that on April 7, 1998, the Deputy Assistant Administrator, Office of Diversion Control of DEA issued an Order to Show Cause to TNT for the revocation of its DEA Certificate of Registration, 001291TEY as a distributor of List I chemicals pursuant to 21 U.S.C. 824(a)(4) and to deny any pending applications for modification or renewal of such registration pursuant to § 823(h). That order to Show Cause alleged in sum that TNT had, during the period of January through July, 1997, and encompassing several transactions, and in spite of DEA requests to discontinue, sold at least 5040 cases of a List I chemical to recipients for which TNT knew or had reasonable cause to believe would divert the listed chemical to the unlawful manufacture of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. 841(d)(2). In addition, the DEA investigation revealed that TNT failed to make required reports of these regulated transactions, in violation of 21 CFR 1310.05(a), and further failed to create proper invoice records for at least seven shipments totaling 2,760 cases of a listed chemical, in violation of 21 CFR 1310.06.

Peggy Joe Payne was employed by TNT during the time the firm engaged in the unlawful sales alleged in the April 7, 1998, Order to Show Cause. On September 2, 1998, TNT surrendered its DEA Certificate of Registration for cause.

In August 1998, in the United States District Court for the Western District of Michigan, Southern Division, TNT Marketing, Inc., and three of its representatives, including Frederick Thornell, were each indicted on one felony count of distribution of a listed chemical (pseudoephedrine) and conspiracy pursuant to 21 U.S.C.

841(d)(2) and 846. On December 7, 1998, TNT entered into a plea agreement with the United States in which it agreed to enter a guilty plea to the conspiracy count of the August 1998 indictment. Pursuant to the same plea agreement, Frederick Thornell and another TNT representative entered into an agreement with the United States in which they agreed to plead guilty to one felony count related to their failure to report regulated transactions involving extraordinary amounts of pseudoephedrine, pursuant to 21 U.S.C. 830(b)(1)(A) and 842(a)(10). The other indicted TNT representative pleaded guilty to one felony count of unlawful distribution of a listed chemical in violation of 21 U.S.C. 843(a)(7).

TNT, Frederick Thornell, and the two other convicted TNT representatives further agreed that they would not apply for registration as a distributor of controlled substances or listed chemicals, nor engage in such distribution, for a period of ten years from the date of the agreement. On April 23, 1999, Frederick Thornell and the two other convicted representatives on behalf of TNT were ordered to pay a fine of $100,000, and Frederick Thornell was sentenced to two years probation and ordered to pay a fine of $1,000.

On October 5, 1999, DEA investigators conducted a pre-registrant investigation of Payne Sales. The Administrator finds the investigation revealed that Payne Sales and TNT are virtually indistinguishable businesses. Specifically, DEA investigators discovered products belonging to Payne Sales were co-mingled with products belonging to TNT, including products containing listed chemicals, in violation of the above-referenced plea agreements. On several occasions during the investigation of Payne Sales, Ms. Payne directed queries by DEA investigators regarding products on hand to her former husband, Frederick Thornell. The DEA investigators also noticed Ms. Payne's frequent interaction with Frederick Thornell's two convicted co-defendants from TNT, all of whom continue to work for TNT on the premises. The DEA investigation further revealed TNT is the registered property owner of the premises at 8 N. Ferry, Grand Haven, Michigan. At that location, there is a sign identifying the business as TNT Marketing, Inc. The Ottawa County Registrar's Office indicates no business certification has been filed for Payne Sales as required by local law; there is a business certification on file for TNT, however. The Administrator also notes that the Order to Show Cause, addressed to Payne Sales and sent certified mail, was signed for by Frederick Thornell.

Pursuant to 21 U.S.C. 823(h), the Administrator may deny an appliation for a DEA Certificate of Registration if he determines that granting the registration would be inconsistent with the public interest. Section 823(h) requires the following factors be considered:

(1) Maintenance by the applicant of effective controls against diversion of listed chemicals into other than legitimate channels;

(2) Compliance by the applicant with applicable Federal, State, and local law;

(3) Any prior conviction record of the applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;

(4) Any past experience of the applicant in the manufacture and distribution of chemicals; and

(5) Such other factors as are relevant to and consistent with the public health and safety.

Like the public interest analysis for practitioners and pharmacies pursuant to subsection (f) of section 823, these factors are to be considered in the disjunctive; the Administrator may rely on any one or combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration be denied. *See, e.g. Energy Outlet*, 64 FR 14,269 (DEA 1999). *See also Henry J. Schwartz, Jr., M.D.*, 54 FR 14,269 (DEA 1989).

Regarding factor one, the maintenance of effective controls against the diversion of listed chemicals, the Administrator finds the DEA pre-registrant investigation shows that Payne Sales and TNT are co-located in an open warehouse and storage area, with no evidence of physical separation between the two businesses, and furthermore, that the products of the two entities were also co-mingled. Peggy Joe Payne stated to investigators that she conducted most of her business out of her home, and spent little time at the warehouse, where the products would be stored. As previously noted TNT pleaded guilty to the conspiracy count of the August 1998 indictment, to distribute a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to manufacture a controlled substance. Additionally, the continued presence and interaction noted by DEA investigators of Payne's ex-husband Frederick Thornell and the two other convicted TNT employee co-defendants who pursuant to the August 1998 indictment pleaded guilty to felony counts regarding the violation of reporting and distribution requirements involving List I chemicals creates a grave risk of diversion of listed chemicals. Peggy Joe Payne also admitted to DEA investigators that Payne Sales has no policy for background checks for its customers. The Administrator finds that Ms. Payne provided little or no evidence that Payne Sales has or plans any controls whatsoever to protect against diversion of listed chemicals.

Regarding factor two, the applicant's compliance with applicable law, it does not appear that Peggy Joe Payne was named in the August 1998 indictment involving TNT. The Administrator notes, however, that she was employed as an accountant by TNT during the time the firm and its represenatives engaged in the illicit conduct forming the basis for the August 1998 indictment. She was also married to Fred Thornell, president and chief executive officer for TNT.

Regarding factor three, there is no evidence that Peggy Joe Payne has a record of convictions related to controlled substances or to chemicals controlled under Federal or State law. As previously discussed, however, her firm is co-located with TNT and its representatives, which entity and representatives pleaded guilty to various felony counts listed in the August 1998 indictment involving the illicit distribution of listed chemicals.

Regarding factor four, the applicant's past experience in the distribution of chemicals, the Administrator finds, as previously noted, Ms. Payne was employed as an accountant by TNT during the time the firm engaged in the illicit conduct forming the basis for the August 1998 indictment, and was married to TNT's President and Chief Executive Officer, Fred Thornell. TNT pleaded guilty to felony violations of 21 U.S.C. 841(d)(2) and 846, while Fred Thornell and another of TNT's representatives pleaded guilty to felony violations of 21 U.S.C. 830(b)(1)(A) and 842(a)(10), and another representative pleaded guilty to a felony violation of 21 U.S.C. 843(a)(7). As stated previously, the basis for the August 1998 indictment was the conduct by TNT and certain representatives in distributing over 5040 cases of a Listed I chemical, knowing or having reasonable cause to know that the listed chemical would be used to unlawfully manufacture a controlled substance, and further, failing to make required reports of such regulated transactions and failing to create proper involce records of such regulated transactions.

Regarding factor five, other factors relevant to and consistent with the public safety, the Administrator concludes, for the purposes of this application, that Payne Sales and TNT are effectively identical entities. The Administrator finds the DEA investigation reveals that the businesses share the same space, address, and telephone number; that there appears no evidence that the businesses are physically separated in any way; that TNT employees have equal and complete access to all of Payne Sales space and products; that the same TNT representatives who pleaded guilty to felony violations set forth in the August 1998 indictment are present within the shared Payne Sales/TNT space; Peggy Joe Payne maintains personal relationships with her convicted ex-husband Fred Thornell and the two other convicted representatives of TNT; she also relies on her ex-husband Fred Thornell regarding the business operation of Payne Sales; the only sign on the exterior of the building indicates ''TNT Marketing Wholesale Novelities;'' their products are co-mingled; their customer lists overlap; when the telephone number is dialed; the telephone is answered ''TNT Marketing Payne Sales;'' and there is no county business certification on file in the county records for Payne Sales as required by local law as there is for TNT. Therefore, the Administrator considers the past conduct of TNT to be relevant to Payne Sales' present application. As previously noted, listed chemicals were sold by TNT, despite DEA warnings, under circumstances that TNT knew or had reasonable cause to believe that the listed chemicals would be used to unlawfully manufacture a controlled substance. Evidence from the case file shows TNT attempted to conceal seven shipments totaling 2,760 cases of listed chemicals from DEA scrutiny by labeling the product shipped as ''OTC (over the counter) vitamins.'' In addition, TNT failed to create proper invoice records for these shipments, in violation of 21 CFR 1310.06, and further failed to make any report to DEA of these regulated transactions, in violation of 21 CFR 1310.05(a). TNT pleaded guilty to a felony violation of 21 U.S.C. 841(d)(2) and 846, while Fred Thornell and another representative pleaded guilty to felony violations of 21 U.S.C. 830(b)(1)(A) and 842(a)(10) and another representative pleaded guilty to a felony violation of 21 U.S.C. 843(a)(7). TNT was required to pay $100,000 in fines, and the three convicted TNT representatives were placed on two years' probation. TNT and its convicted representatives were forbidden to apply for DEA registration, or to engage in the distribution of controlled substances or listed chemicals, for a period of ten years. Furthermore, Peggy Joe Payne stated to a DEA investigator that she conducted most of her business from her home; therefore, she would not be on the premises, leaving TNT's convicted representatives free reign over the shared business premises. As previously noted, there is no evidence in the DEA investigative file of effective controls against diversion.

Therefore, for the above-stated reasons, the Administrator concludes that it would be inconsistent with the public interest to grant the application of Payne Sales. The applicant has failed to demonstrate that it has effective controls against the diversion of listed chemicals. Additionally, the evidence indicates that for the purposes of this application that Payne Sales and TNT are virtually indistinguishable, that Peggy Joe Payne continues to rely on her convicted ex-husband Fred Thornell to operate Payne Sales, and that the demonstrated record of felony violations of TNT and its representatives regarding the distribution of listed chemicals present a grave risk of future diversion.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b) and 0.104, hereby orders that the application for a DEA Certificate of Registration submitted by Payne Sales be denied. This order is effective April 19, 2001.

Dated: March 8, 2001.

Donnie R. Marshall,

Administrator.

[FR Doc. 01–6908 Filed 3–19–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Frank R. Pennington, M.D.; Denial of Application

On February 2, 2000, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause (OTSC) by certified mail to Frank R. Pennington, M.D., notifying him of an opportunity to show cause as to why the DEA should not deny his pending application, dated September 10, 1996, for a DEA Certificate of Registration as a practitioner, pursuant to 21 U.S.C. 824(a)(3), for the reason that he is not currently authorized to handle controlled substances in the State of Tennessee. The order also notified Dr. Pennington that, should no request for hearing be filed within 30 days, his right to a hearing would be considered waived.

The DEA mailed the show cause order to Dr. Pennington by certified mail to two separate addresses, and received postal return receipts from each. No request for a hearing or any other response was received by DEA from Dr. Pennington or anyone purporting to represent him in this matter, however. Therefore, the Administrator of the DEA, finding that (1) thirty days have passed since receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes Dr. Pennington is deemed to have waived his right to a hearing. After considering relevant material from the investigative file in this matter, the Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46(1999).

The Administrator finds that on December 14, 1994, Dr. Pennington surrendered his previous DEA Certificate of Registration, Number AP7244445, following his felony conviction by the United States District Court for the Western District of Tennessee of obtaining controlled dangerous substances by fraud or deceit on October 27, 1994. Dr. Pennington's previously revoked medical license was reinstated by the Tennessee Board of Medical Examiners on November 20, 1996, pursuant to an application by Dr. Pennington dated September 10, 1996. On October 21, 1999, in the United States District Court for the Western District of Tennessee, Dr. Pennington pleaded guilty to a felony count of unlawful possession with intent to distribute a Schedule II controlled substance. By order dated November 9, 1999, the Tennessee Board of Medical Examiners revoked Dr. Pennington's license to practice medicine in the State of Tennessee. There is no evidence in the investigative file that Dr. Pennington's medical license has been reinstated since that time. Therefore, the Administrator finds that Dr. Pennington is not currently authorized to practice medicine in the State of Tennessee and as a result, it is reasonable to infer that he also is not authorized to handle controlled substances in that State.

The DEA does not have the statutory authority pursuant to the Controlled Substances Act to issue or to maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts his business. See 21 U.S.C. 802(21), 823(f), and

824(a)(3). This prerequisite has been consistently upheld in prior DEA cases. See Romeo J. Perez, M.D., 62 FR 16, 193 (DEA 1997); Demetris A. Green, M.D., 61 FR 60,728 (DEA 1996); Dominick A. Ricci, M.D., 58 FR 51,104 (DEA 1993). Here it is clear that Dr. Pennington is not currently authorized to handle controlled substances in the State of Tennessee. As a result, he is not entitled to a DEA registration in that State.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that the application for a DEA Certificate of Registration submitted by Frank R. Pennington, M.D. be denied. This order is effective April 19, 2001.

Dated: March 8, 2001.

Donnie R. Marshall,

Administrator.

[FR Doc. 01–6909 Filed 3–19–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on the Challenge to the Employment-Based Healthcare System Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Tuesday, April 10, 2001, of the Advisory Council on Employee Welfare and Pension Benefits Plans Working Group assigned to study the challenge to the employment-based healthcare system.

The session will take place in Room N–5437 A–D, U.S. Department of Labor Building, Second and Constitution Avenue, NW., Washington, DC 20210. The purpose of the open meeting, which will run from 9:30 a.m. to approximately noon., is for working group members to organize their study efforts for the year and by beginning to take testimony on the future of employment-based health care. Rising health care costs and increased regulation have caused some employers to question whether or not they want to continue to participate in this voluntary system.

Working Group chair is Carl Camden, executive vice president of field operations, sales and marketing for Kelly Services, Inc., Troy, Mich. Vice chair is Ronnie Susan Thierman, senior consultant, William M. Mercer, Inc., San Francisco, Calif.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before April 1, 2001, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by April 1, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before April 1.

Signed at Washington, DC this 13th day of March 2001.

Alan D. Lebowitz,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 01–6782 Filed 3–19–01; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on Planning for Retirement Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Monday, April 9, 2001, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group assigned to study planning for retirement.

The session will take place in Room N–5437 A–C, U.S. Department of Labor Building, Second and Constitution Avenue, NW., Washington, DC 20210. The purpose of the open meeting, which will run from 1 p.m. to approximately 3:30 p.m., is for working group members to decide what course their study will take during 2001 and to begin taking testimony on the issue to include considerations retirees should address for their ''golden years''—sources of retirement income (Social Security, personal savings, pay outs (lump sum or annuities) from employer-sponsored defined benefit and/or defined contribution plans) as well as what healthcare costs they can anticipate. With a substantial percentage of the American workforce rapidly approaching the traditional retirement window, the question is whether they are appropriately prepared for this transition. The working group will explore what employees need to do to best prepare for this transition.

Named as chair of the working group is Thomas M. McMahon, senior vice president of finance and administration at the Pacific Maritime Association in San Francisco, Calif. and the vice chair is Norman Stein, law professor at the University of Alabama at Tuscaloosa. Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before April 1, 2001, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by April 1, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before April 1.

Signed at Washington, DC this 13th day of March 2001.

Alan D. Lebowitz,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 01–6783 Filed 3–19–01; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on Increasing Pension Coverage, Participation and Benefits Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Group assigned by the Advisory Council on Employee Welfare and Pension Benefit Plans to study the issue of increasing pension coverage, participation and benefits will hold an open public meeting on Monday, April 9, 2001, in Room N–5437 A–D, U.S. Department of Labor Building, Second and Constitution Avenue, NW., Washington, DC 20210.

The purpose of the open meeting, which will run from 9:30 a.m. to approximately noon, is for Working Group members to hold an organizational meeting and begin taking testimony on their topic, which, it is hoped, will include testimony on current methods employed to improve retirement security. The working group will study ways to increase participation levels and, ultimately, coverage, as well as other related topics that might optimize retirement security.

James S. Ray, the Law Office of James S. Ray of Alexandria, VA., will chair the working group and vice chair will be Judith Mazo, senior vice president/director of research of the Segal Company, Washington, DC.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before April 1, 2001, to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by April 1, at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before April 1.

Signed at Washington, DC this 13th day of March 2001.

Alan D. Lebowitz,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 01–6784 Filed 3–19–01; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE (NCLIS)

Hearing on ''School Librarians: Knowledge Navigators Through Troubled Times'' and NCLIS Business Meetings

AGENCY: National Commission on Libraries and Information Science.

ACTION: Notice of public hearing and NCLIS business meetings.

SUMMARY: The U.S. National Commission on Libraries and Information Science is holding a public hearing, ''School Librarians: Knowledge Navigators Through Troubled Times'' to examine school librarians as partners in education, and two business meetings.

DATES: NCLIS Business Meeting—April 25, 2001, 2 to 5 p.m. (closed), Cincinnati, Ohio.

Public Hearing—April 26, 2001, 9 a.m. to 4 p.m., Cincinnati, Ohio.

NCLIS Business Meeting—April 27, 2001, 8:30 a.m. to 12 noon, Cincinnati, Ohio.

Submit request to participate on or before April 13, 2001, Washington, DC.

Submit written comments on or before May 29, 2001, Washington, DC.

ADDRESSES: Open hearing and meeting location—Cincinnati Public Library (Huenefeld Tower Room, South Building), 800 Vine Street, Cincinnati, Ohio.

FOR FURTHER INFORMATION CONTACT: Rosalie Vlach, Director, Legislative and Public Affairs, U.S. National Commission on Libraries and Information Science, 1110 Vermont Avenue, NW., Suite 820, Washington, DC 20005, e-mail *rvlach@nclis.gov*; fax 202–606–9203; telephone 202–606–9200.

SUPPLEMENTARY INFORMATION: President Bush in presenting his plan Transforming the Federal Role In Education So That No Child is Left Behind said, ''The federal role in education is not to serve the system. It is to serve the children.'' The Commission recognizes the strong relationship between school library media programs and student achievement and the importance of information literacy to student empowerment, freedom of choice, quality of life, business and citizenship in a democracy. In carrying out its statutory mission to provide policy advice to the President and the Congress, the Commission will hold a hearing to examine school librarians as partners in education and invites school library media specialists, librarians, teachers, parents, students, citizens, legislators and expert representatives from educational associations, institutions and organizations to present testimony regarding current issues affecting school library media centers, including staffing, materials, equipment, services, and funding.

The Commission will hear from witnesses on the following topics: Panel One: The Role of the School Librarian in Student Performance; Panel Two: The Role of the School Librarian in the Curriculum; Panel Three: The Role of the School Librarian in Promoting and Sustaining Literacy; Panel Four: The Role of the School Librarian in Promoting and Sustaining Information Literacy; Panel Five: The Role of the Federal Government in Supporting School Libraries. The public hearing will be conducted on the record, with a stenographer present.

Members of the Commission will meet on April 25 to consider the National Award for Libraries. Because of the nature of this discussion, the meeting is closed.

In the NCLIS Business Meeting on April 27, the Commission will discuss NCLIS matters, including the prior day's hearing on ''School Librarians: Knowledge Navigators Through Troubled Times,'' the Comprehensive Assessment of Public Information Dissemination, the Library Statistics Program, and Sister Libraries: A White House Millennium Council Project.

Comments and requests to participate in the hearing should be directed to Rosalie Vlach, Director, Legislative and Public Affairs, U.S. National Commission on Libraries and Information Science, 1110 Vermont Avenue, NW., Suite 820, Washington, DC 20005 e-mail *rvlach@nclis.gov*, fax 202–606–9203 or telephone 202–606–9200. Each notification must include the name and organization affiliation, if any.

The hearing and meeting are open to the public, subject to space availability. Written comments for the hearing will be accepted and must be received no later than close of business on Tuesday,

May 29, 2001 to become part of the hearing record.

To make special arrangements for persons with disabilities, contact Rosalie Vlach, Director, Legislative and Public Affairs, 1110 Vermont Avenue, NW., Suite 820, Washington, DC 20005, e-mail *rvlach@nclis.gov*, fax 202–606–9203 or telephone 202–606–9200.

Dated: March 14, 2001.

Robert S. Willard,

NCLIS Executive Director.

[FR Doc. 01–6862 Filed 3–19–01; 8:45 am]

BILLING CODE 7527–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01–038)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Rotary Transformers, Inc., of Blacksburg, Virginia has applied for an exclusive license to practice the invention disclosed in U.S. Patent No. 5,691,687 entitled ''Contactless Magnetic Slip Ring,'' which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Ames Research Center.

DATES: Responses to this notice must be received by May 21, 2001.

FOR FURTHER INFORMATION CONTACT: Robert Padilla, Patent Counsel, NASA Ames Research Center, Mail Stop 202A–3, Moffett Field, CA 94035–1000, telephone (650) 604–5104.

Dated: March 14, 2000.

Robert M. Stephens,

Deputy General Counsel.

[FR Doc. 01–6809 Filed 3–19–01; 8:45 am]

BILLING CODE 7510–01–U

NATIONAL SCIENCE FOUNDATION

Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency; Policy Guidance

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is publishing policy guidance on Title VI's prohibition against national origin discrimination as it affects limited English proficient persons. This policy guidance does not create new obligations, but rather, clarifies existing Title VI responsibilities. The purpose of this document is to set forth general principles for the recipients of NSF financial assistance to apply when developing services to individuals with limited English proficiency as required by Title VI of the Civil Rights Act of 1964.

DATES: This guidance is effective immediately. Comments must be submitted on or before May 21, 2001. NSF will review all comments and will determine what modifications to the policy guidance, if any, are necessary.

ADDRESSES: Interested persons should submit written comments to Office of Equal Opportunity Programs, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Comments may also be submitted by e-mail to: rleichte@nsf.gov.

FOR FURTHER INFORMATION CONTACT: Ana Ortiz or Ruth Leichter at the above address or by telephone at 703–292–8020; TDD: 703–292–9027. Arrangements to receive the policy in an alternative format may be made by contacting the named individuals.

Ana Ortiz,

Program Manager, Office of Equal Opportunity Programs, National Science Foundation.

SUPPLEMENTARY INFORMATION: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.* and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance. The purpose of this policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the National Science Foundation (NSF), and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. The policy guidance reiterates NSF's longstanding position that in order to avoid discrimination against LEP persons on the grounds of national origin, recipients must take reasonable steps to ensure that such persons have meaningful access to the programs, services, and information those recipients provide, free of charge.

I. Background

On August 11, 2000, the President issued Executive Order 13166, titled ''Improving Access to Services by Persons With Limited English Proficiency.'' 65 FR 50121 (August 16, 2000). On the same day, the Assistant Attorney General for Civil Rights issued a Policy Guidance Document, titled ''Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency'' (hereinafter referred to as ''DOJ LEP Guidance''), reprinted at 65 FR 50123 (August 16, 2000).

Executive Order 13166 requires federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to limited English proficiency, cannot fully and equally participate in or benefit from those programs and activities. The DOJ LEP Guidance in turn advises each federal department or agency to ''take reasonable steps to ensure 'meaningful' access [to LEP individuals] to the information and services they provide.'' DOJ LEP Guidance, 65 FR at 50124. The DOJ LEP Guidance goes on to provide that what constitutes reasonable steps to ensure meaningful access will be contingent on a number of factors. Among the factors to be considered are the number or proportion of LEP persons in the eligible service population, the frequency with which LEP individuals come in contact with the program, the importance of the service provided by the program, and the resources available to the agency. Id. The DOJ LEP Guidance explains that the identification of ''reasonable steps'' to provide oral and written services in languages other than English is to be determined on a case-by-case basis through a balancing of all four factors. As required by Executive Order 13166, this policy guidance is consistent with the compliance standards set out in the DOJ LEP Guidance.

II. Legal Background

The Title VI requirement to provide meaningful access to LEP persons is not new. Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d, *et seq.* states: ''No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity receiving federal financial assistance.'' This is further ordered by Executive Order 13166, ''Improving Access to Services for Persons With

Limited English Proficiency,'' and United States Department of Justice Guidance as published in the **Federal Register**, Vol. 65, No. 159, August 16, 2000. Pursuant to its coordination authority over federal enforcement of Title VI, DOJ addressed in 1976 the circumstances under which recipient/covered entities might be required to provide written language assistance to LEP persons. See 28 CFR 42.405(d)(1). These regulations ''govern the respective obligations of Federal agencies regarding enforcement of Title VI.'' 28 CFR 42.405. Section 42.405(d)(1) formalized LEP obligations under Title VI which were sustained by the Supreme Court in *Lau* v. *Nichols*, 414 U.S. 563 (1974). Thus, this Guidance draws its authority from Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, *et seq.*; 45 CFR, Part 611 (NSF's Title VI Regulations); and 28 CFR 42.401, *et seq.* (DOJ Title VI enforcement coordination regulation). Further, this Guidance is issued pursuant to Executive Order 12250, reprinted at 42 U.S.C. § 2000d, note; Executive Order 13166; and is consistent with the DOJ LEP Guidance.

III. Purpose and Application

The Title VI regulations prohibit both intentional discrimination and policies and practices that appear neutral but have a discriminatory effect. Thus, a recipient entity's policies or practices regarding the provision of benefits and services to LEP persons need not be intentional to be discriminatory, but may constitute a violation of Title VI if they have an adverse effect on the ability of national origin minorities to meaningfully access programs and services. Accordingly, it is useful for recipient entities to examine their policies and practices to determine whether they adversely affect LEP persons. This policy guidance provides a brief analytical framework consistent with the governing Title VI compliance standards set out in the DOJ LEP Guidance to assist recipient/covered entities in conducting such assessments.

IV. Compliance and Enforcement

A four-factor analysis is recommended for compliance. Elements of an effective language assistance plan to consider are identification of LEP individuals who need language assistance, available language assistance options, training staff, providing notice to LEP persons, and monitoring effectiveness and need for modifications. It should consist of a determination of the number or proportion of eligible individuals with LEP who might be excluded from a program absent efforts to remove language barriers, their frequency of contact with the program, the nature and importance of the program (is it vital to your existence?) and the resources available. Once it is established that a need exists, one or both of two types of language assistance may be appropriate. Oral language interpretation and/or written material translation may be selected as necessary. These factors, plan elements, and their related compliance standards are discussed in detail in related guidance documents issued by other federal agencies. NSF recipients jointly funded by other federal agencies may rely upon guidance issued by those agencies.

Recipient entities have considerable flexibility in determining how to comply with their legal obligation in the LEP setting and are not required to use the suggested methods and options listed. However, recipient entities must establish and implement policies and procedures for providing language assistance sufficient to fulfill their Title VI responsibilities and provide LEP persons with meaningful access to services. NSF's regulations implementing Title VI contain compliance and enforcement provisions to ensure that a recipient's policies and practices overcome barriers resulting from language differences that would deny LEP persons an equal opportunity to participate in and access to programs, services and benefits offered by NSF. *See* 45 CFR, Part 611. We will ensure that our recipient entities fulfill their responsibilities to LEP persons through the procedures provided for in the Title VI regulations.

Executive Order 13166 requires that each federal department or agency extending federal financial assistance subject to Title VI issue separate guidance implementing uniform Title VI compliance standards with respect to LEP persons. Where recipients of federal financial assistance from NSF also receive assistance from one or more other federal departments or agencies, there is no obligation to conduct and document separate but identical analyses and language assistance plans for NSF. NSF, in discharging its compliance and enforcement obligations under Title VI, looks to analyses performed and plans developed in response to similar detailed LEP guidance issued by other federal agencies. Recipients may rely upon guidance issued by those agencies.

In determining a recipient entity's compliance with Title VI, NSF's primary concern is to ensure that the entity's policies and procedures overcome barriers resulting from language differences that would deny LEP persons a meaningful opportunity to participate in and access programs, services and benefits. A recipient entity's appropriate use of the methods and options discussed in this policy guidance is viewed by NSF as evidence of that entity's willingness to comply voluntarily with its Title VI obligations.

V. English-only Provision

State and local laws may provide additional obligations to serve LEP individuals, but such laws cannot compel recipients of federal financial assistance to violate Title VI. For instance, given our constitutional structure, state or local ''English-only'' laws do not relieve an entity that receives federal funding from its responsibilities under federal anti-discrimination laws. Entities in states and localities with ''English-only'' laws are certainly not required to accept federal funding—but if they do, they have to comply with Title VI, including its prohibition against national origin discrimination by recipients of federal assistance. Failing to make federally assisted programs and activities accessible to individuals who are LEP, in certain circumstances, violates Title VI.

If you have any questions related to this policy, please contact the NSF Office of Equal Opportunity Programs.

[FR Doc. 01–6918 Filed 3–19–01; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50–528, STN 50–529, and STN 50–530]

Arizona Public Service Company, et al.; Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–41, NPF–51, and NPF–74 issued to Arizona Public Service Company (the licensee) for operation of the Palo Verde Nuclear Generating Station, Units 1, 2, and 3 (PVNGS) located in Maricopa County, Arizona.

The proposed amendments request dated February 28, 2001, would revise the definitions of engineered safety

feature response time and reactor protection system response time in Technical Specification (TS) 1.1, ''Definitions,'' to add the following statement: ''In lieu of measurement, response time may be verified for selected components provided that the components and methodology for verification have been previously reviewed and approved by the NRC.'' Approval of the amendments will allow either an allocated sensor response time or a measured sensor response time for the identified Reactor Protection System and Engineered Safety Features Actuation System pressure sensors when performing response time testing. The licensee has requested that the NRC staff expedite its review of the proposed amendments so that the amendments may be issued during the upcoming PVNGS Unit 1 refueling outage in April 2001. The amendments would reduce the occupational exposure for required surveillances of these pressure sensors during refueling outages.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment to Technical Specification (TS) 1.1, Definitions, allows substitution of an allocated sensor response time in lieu of measuring sensor response time. Response time is not an initiator of any accident previously evaluated. The allocated pressure sensor response times allowed in lieu of measurement have been determined to adequately represent the response time of the components such that the safety systems utilizing those components will continue to perform their accident mitigation function as assumed in the safety analysis. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment to TS 1.1, Definitions, allows the substitution of an allocated sensor response time in lieu of measuring sensor response time testing. The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. The use of allocated response times in lieu of measured response times result[s] in no physical change to the plant. [Response time is not an initiator of an accident.] Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. The proposed amendment does not involve a significant reduction in a margin of safety.

The proposed amendment to TS 1.1, Definitions, allows the substitution of an allocated sensor response time in lieu of measured sensor response time for certain pressure sensors. The allocated pressure sensor response times allowed in lieu of measurement have been determined to adequately represent the response time of the components such that the safety systems utilizing those components will continue to perform their accident mitigation function as assumed in the safety analysis. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 19, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072–3999, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 28, 2001, which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Dated at Rockville, Maryland, this 14th day of March 2001.

For the Nuclear Regulatory Commission.

Jack N. Donohew,

Senior Project Manager, Section 2 Project Directorate IV and Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–6816 Filed 3–19–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–366]

Southern Nuclear Operating Company, Inc., et al; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–5 issued to the Southern Nuclear Operating Company, Inc., et al (the licensee) for operation of Edwin I. Hatch Nuclear Plant, Unit 2, located in Appling County, Georgia.

The proposed amendment would allow Mode 2 (startup) operation with two required intermediate range monitor (IRM) channels and will be in effect only until the Fall 2001 refueling outage.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The intermediate range monitors (IRMs) monitor neutron flux levels in the reactor core during startup. The IRM detectors are

capable of generating a trip signal during a continuous rod withdrawal error in the startup range. However, the IRMs perform no function related to the probability of occurrence of a previously evaluated accident. Also, the IRM trip signal is not necessary to mitigate the limiting control rod withdrawal error. The limiting case assumes the trip signal is generated from the safety-related average power range monitor (APRM). Therefore, the consequences of this previously evaluated abnormal operating transient are not increased.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change reduces the number of required operable IRM channels per trip system from three to two. However, the manner in which the actuation logic functions and the systems respond are unaffected by the proposed change. Furthermore, the IRMs will continue to perform their design function of core monitoring during startup and mitigating non-limiting transient events that are postulated to occur during startup. Therefore, the proposed change cannot create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

The Bases for Unit 2 Technical Specifications Table 3.3.1.1–1 state that the ''IRMs are capable of generating trip signals that can be used to prevent fuel damage resulting from abnormal operating transients in the intermediate power [startup] range.'' The proposed change ensures the IRMs will still effectively mitigate these events. The most significant source of reactivity change is due to a control rod withdrawal error. With the proposed change, the IRMs will continue to provide protection against rod withdrawal errors, and peak fuel energy depositions will remain below the 170 cal/gm threshold criterion defined in the Technical Specifications Bases. Therefore, the proposed change does not reduce a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 19, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov*). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any

limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 9, 2001, which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov*).

Dated at Rockville, Maryland, this 14th day of March 2001.

For the Nuclear Regulatory Commission.

Leonard N. Olshan,

Senior Project Manager, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–6815 Filed 3–19–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–271]

Vermont Yankee Nuclear Power Corporation; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–28 issued to Vermont Yankee Nuclear Power Corporation for operation of the Vermont Yankee Nuclear Power Station located in Windham County, Vermont.

The proposed amendment would revise the operability requirements for the refueling interlocks contained within Technical Specifications (TSs) 3.12.A as well as the surveillance requirements specified within TS 4.12.A. Clarifying changes are made to TS 3.12.D and 3.12.E to indicate that only the required interlocks need to be operable. In addition, TS 3.12.F will be clarified to articulate that there must be a minimum of 24 hours fission product decay prior to fuel handling. Some editorial changes will also be made in TS 3.12.B.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The only accident described within the FSAR [Final Safety Analysis Report] while the plant is in Cold Shutdown or Refueling is a fuel handling (dropped bundle) accident. The proposed change involves equipment that is not involved in the mitigation or prevention of a fuel handling accident as described in the FSAR. Accordingly, the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change will not effect the ability of the refueling interlocks to satisfy the safety function which is to prevent reactor criticality during refueling operations. The change only effects those interlocks which are not instrumental in satisfying the safety function of the interlocks.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not involve any physical alteration of plant equipment or to the status of the reactor core during refueling. The specifications will ensure either through the interlocks or the proposed alternative, that control rods are not withdrawn and cannot be inappropriately withdrawn. This will ensure that fuel is not loaded into the core when a control rod is withdrawn.

Therefore, no new failure modes are introduced and the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The proposed change does not involve a significant reduction in a margin of safety since the refueling interlocks will continue to ensure against an inadvertent criticality. This is achieved by physical interlocks or Technical Specification restrictions on refueling operations which will prevent fuel from being loaded into a core cell void of a control rod. This is accomplished by blocking control rod withdrawal whenever fuel is being loaded into the reactor vessel or by preventing fuel from being loaded into the vessel when a control rod is withdrawn.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are

satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 19, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov*). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. David R. Lewis, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the

presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated November 30, 2000, as supplemented on March 8 and 12, 2001, which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov*). This notice supercedes a previous notice (66 FR 2025) published January 10, 2001, which was based upon the licensee's application dated November 30, 2000.

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

For the Nuclear Regulatory Commission.

Robert M. Pulsifer,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–6814 Filed 3–19–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Application for a License To Export Radioactive Waste

Pursuant to 10 CFR 110.70(b)(4) ''Public notice of receipt of an application,'' please take notice that the Nuclear Regulatory Commission has received the following application to amend export license XW003 as set forth below. Copies of the application are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link *http://www.nrc.gov/NRC/ADAMS/index.html* at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

The information concerning the application follows.

NRC EXPORT LICENSE AMENDMENT APPLICATION

Name of applicant; date of application; date received; application number	Description of material			Country or destination
	Material type	Total qty	End use	
Westinghouse Electric Company: January 3, 2001 and January 11, 2001. XW003/01	Class A Radioactive Waste—zirconium scrap (91,000.0 kgs) and molybdenum scrap (18,000.0 kgs) contaminated with low enriched uranium.	Increase U from 20.0 kg to 500.9 kg and increase U-235 from 1.0 kg to 2.0.	Uranium will be removed from the scrap and disposed of as waste at AECL Chalk River, Ontario, disposal site. Extended expiration date from 12/31/05 to 12/31/10.	Canada.

Dated this 14th day of March 2001 at Rockville, Maryland.

For the Nuclear Regulatory Commission.

Ronald D. Hauber,

Deputy Director, Office of International Programs.

[FR Doc. 01–6813 Filed 3–19–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of March 19, 26, April 2, 9, 16, 23, 2001.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of March 19, 2001

Thursday, March 22, 2001

10:25 a.m.—Affirmation Session (Public Meeting) (If needed)

10:30 a.m.—Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting) (Contact: John Larkins, 301–415–7360)

This meeting will be webcast live at the Web address—*www.nrc.gov/live.html.*

Week of March 26, 2001—Tentative

There are no meetings scheduled for the Week of March 26, 2001.

Week of April 2, 2001—Tentative

There are no meetings scheduled for the Week of April 2, 2001.

Week of April 9, 2001—Tentative

Monday, April 9, 2001

1:30 p.m.—Briefing on 10 CFR Part 71 Rulemaking (Public Meeting) (Contacts: Naiem Tanious, 301–415–6103; Davis Pstrak, 301–415–8486)

Tuesday, April 10, 2001

10:25 a.m.—Affirmation Session (Public Meeting) (If needed)

10:30 a.m.—Meeting on Rulemaking and Guidance Development for Uranium Recovery Industry (Public Meeting) (Contact: Michael Layton, 301–415–6676)

Week of April 16, 2001—Tentative

There are no meetings scheduled for the Week of April 16, 2001.

Week of April 23, 2001—Tentative

Tuesday, April 24, 2001

10:25 a.m.—Affirmation Session (Public Meeting) (If needed)

10:30 a.m.—Discussion of Intragovernmental Issues (Closed-Ex. 9)

Note: The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292.

Contact person for more information: David Louis Gamberoni (301) 415–1651.

ADDITIONAL INFORMATION: By a vote of 5–0 on March 12, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Affirmation of Private Fuel Storage (Independent Spent Fuel Storage Installation) Docket No. 72–22; Certified Review of LBP–01–03'' be held on March 12, and on less than one week's notice to the public.

By a vote of 5–0 on March 12, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Discussion of Intragovernmental Issues (Closed-Ex. 9)'' be held on March 12, and on less than one week's notice to the public.

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/SECY/smj/schedule.htm.*

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: March 15, 2001.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 01–6984 Filed 3–16–01; 10:41 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

March 1, 2001.

Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344) requires a monthly report listing all budget authority for the current fiscal year for which, as of the first day of the month, a special message had been transmitted to Congress.

This report gives the status, as of March 1, 2001, of two deferrals contained in one special message for FY 2001. The message was transmitted to Congress on January 18, 2001.

Deferrals (Attachments A and B)

As of March 1, 2001, $1.8 billion in budget authority was being deferred from obligation. Attachment B shows the status of each deferral reported during FY 2001.

Information From Special Message

The special message containing information on the deferrals that are covered by this cumulative report is printed in the edition of the **Federal Register** cited below: 66 FR 8985, Monday, February 5, 2001.

Mitchell E. Daniels, Jr.,

Director.

ATTACHMENT A—STATUS OF FY 2001 DEFERRALS

[In millions of dollars]

	Budgetary resources
Deferrals proposed by the President	1,946.7
Routine Executive releases through March 1, 2001	−121.0
Overturned by the Congress	.....
Currently before the Congress	1,825.7

BILLING CODE 3110–01–P

ATTACHMENT B

Status of FY 2001 Deferrals - As of March 1, 2001

(In thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amounts Transmitted: Original Request	Amounts Transmitted: Subsequent Change (+)	Date of Message	Releases (-): Cumulative OMB/ Agency	Releases (-): Congressionally Required	Congressional Action	Cumulative Adjustments	Amount Deferred as of 3/1/01
DEPARTMENT OF STATE									
Other									
United States Emergency Refugee and Migration Assistance Fund	D01-1	145,310		1/18/01	18,033				127,277
INTERNATIONAL ASSISTANCE PROGRAMS									
International Security Assistance									
Economic Support Fund	D01-2	1,801,382		1/18/01	102,940				1,698,442
TOTAL, DEFERRALS		**1,946,692**			**120,973**				**1,825,719**

[FR Doc. 01–6873 Filed 3–19–01; 8:45 am]

BILLING CODE 3110–01–C

POSTAL RATE COMMISSION

[Docket No. MC2001–1; Order No. 1306]

Notice and Order Concerning Request for Establishment of Experimental Presorted Priority Mail Rate Categories

AGENCY: Postal Rate Commission.

ACTION: Notice and order on experimental docket no. MC2001–1.

SUMMARY: This document informs the public that the Postal Service has proposed experimental discounts for presorted Priority Mail. It establishes deadlines for intervention and comments. It sets a date for a prehearing conference. It also addresses other procedural aspects of the filing.

DATES: Notices of intervention are due by April 3, 2001. A prehearing conference is scheduled for April 6, 2001. See **SUPPLEMENTARY INFORMATION** section for other dates.

ADDRESSES: Send comments to the attention of Steven W. Williams, acting secretary, 1333 H Street NW., suite 300, Washington, DC 20268–0001.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, 202–789–6820.

SUPPLEMENTARY INFORMATION:

A. Authority to Consider the Service's Request

39 U.S.C. 3623.

B. Background

On March 7, 2001, the United States Postal Service filed a request with the Postal Rate Commission for a recommended decision on a proposed three-year experimental classification change, and related discounts, for certain categories of Priority Mail. Request of the United States Postal Service for a recommended decision on experimental presorted Priority Mail rate categories (''request''). The Service's request was filed pursuant to section 3623 of the Postal Reorganization Act, 39 U.S.C. 101 *et seq.* It was accompanied by a contemporaneous motion seeking waiver of certain provisions of rules of 54 and 64 and by two notices. In addition, in a subsequent errata notice, the Service revised two of the three discounts identified in the initial filing. Notice of the United States Postal Service of errata in its request, March 8, 2001 (''errata notice'').

Brief Description of Request

The Service proposes to offer on an experimental basis the following three categories of Priority Mail discounts, distinguished by depth of sort: area distribution center (ADC), with a 12-cent discount; 3-digit, with a 16 cent discount; and 5-digit, with a 25-cent discount.

Note: As indicated in the errata notice, the 3-digit discount was identified as 15 cents in the initial filing. The 5-digit discount was originally identified as 24 cents.

Errata notice at 1. Eligibility would extend to all Priority Mail prepared in a mailing of at least 300 pieces or at least 500 pounds that is presorted, marked, and presented as specified by the Postal Service, and which meets machinability, addressing, and other preparation requirements specified by the Postal Service. Request at 3. Participating mailers would also be required to pay an annual presort fee of $125. USPS–T–1 at 13. The Service intends to limit participation in the experiment, at the outset, to about 10 mailers. Id. at 3.

Under the terms of the Service's Request, the proposed discounted rate categories would be additional options offered to qualifying mailers; therefore, existing Priority Mail classifications and rates would remain unchanged. Request at 3.

Rationale for Filing the Request

The Service says the proposed discounts are designed to recognize apparent cost differentials associated with three different levels of presortation of Priority Mail and to encourage mailers to engage in worksharing behavior, when such behavior would be mutually advantageous to the customer and the Postal Service. Id. at 2.

Contents of the Filing

The request's attachments A and B, respectively, contain proposed changes in the domestic mail classification schedule (DMCS) and proposed changes in the rate schedules. Attachment C is the required certification regarding the accuracy of cost statements and supporting data. Attachment D contains the audited financial statements for fiscal years 1999 and 2000. It also includes a statement noting that the cost and revenue analysis reports for fiscal years 1998 and 1999 were filed with the Commission in docket No. R2000–1 (USPS–LR–I–275).

Attachment E contains the testimony and exhibits of witnesses Scherer (USPS–T–1), Levine (USPS–T–2), and Kalenka (USPS–T–3). Witness Scherer, a Postal Service employee, addresses the Service's rationale for proposing this presort discount, for the experimental designation, and for limiting initial participation to approximately 10 mailers. He also addresses a Priority Mail presort discount that was eliminated in docket no. R97–1; discusses the proposed discounts in terms of cost avoidance estimates; describes estimated volume and financial impacts; and addresses the proposal's conformance with statutory criteria for experimental rules, classification changes and rate and fee changes.

Witness Levine, a consultant, addresses estimated mail processing cost changes and the proposed data collection plan. With respect to the cost savings estimates, Levine notes that the estimates are based on data presented in docket no. R2000–1. USPS–T–2 at 2. However, he asserts that it is important to note that there has been a significant change in Priority Mail processing operations since that case was filed. He attributes this change to the termination of an underlying contract with Emery Worldwide Airlines for processing and transportation of some Priority Mail volume, and the Service's ensuing assumption of direct management of the Priority Mail processing centers. Levine says that to the extent possible, he has incorporated this change in his mail flow models. Id.

Witness Kalenka is an industry witness employed by ADP Financial Information Services, Inc. He discusses how ADP views the limitations of the Service's current service offerings for Priority Mail, and how the proposed discounts would enhance the Service's offering in the competitive expedited delivery market. USPS–T–3 at 3.

Attachment F is the compliance statement the Service has provided in response to Commission rules 54, 64 and 67 (39 CFR 3001.54, 3001.64 and 3001.67).

Related Notices

In notice of the United States Postal Service of filing of USPS library reference MC2001–1/1, filed March 7, 2001, the Service identifies the library reference it has filed in this case (entitled Documentation of Priority Mail Volumes) as a category 2 library reference. It also states that it considers this library reference sufficiently bulky, within the meaning of 39 CFR 3001.31(b)(2)(ii), as to make it unreasonable to require that it be served upon every person who is placed on the service list in this proceeding. It also says that it views the library reference as being of a technical nature, thereby making it reasonable, under the terms of 39 CFR 3001.31(b)(2)(ii)(A), to anticipate that its contents will be of limited interest. In notice of the United States Postal Service regarding arrangements for obtaining request and

attorney/witness assignments, March 7, 2001, the Service addresses several administrative aspects of its request.

Significance of Experimental Designation

The Service notes that its designation of the request as an experiment signals its intention that the Commission apply its expedited rules of practice and procedure for experimental changes in 39 CFR 3001.67–3001.67d. Request at 1. In support of this treatment, the Service asserts that the filing is consistent with the logic of the experimental rules. Id. at 2. It also notes that a preliminary cost study has been prepared, and that more complete data will be gathered during the term of the experiment, with the potential for supporting a request to establish the change on a permanent basis. Id.

Motion for Waiver of Certain Commission Rules

In an extensive motion, the Service seeks waiver of certain provisions of rule 64(h) and related rules that may be deemed applicable to the instant Request. Motion of the Unites States Postal Service for waiver of certain provisions of rules 54 and 64, March 7, 2001 (''motion for waiver''). As noted therein, rule 64 (h) provides that when requesting a change in the classification schedule, the Postal Service must provide certain rule 54 information if the proposed classification change results in the following: A change in the rates or fees for any existing class or subclass; the establishment of a new class or subclass for which rates are to be established; a change in the relationship of costs to revenues for any class or subclass; or a change in the relationship of total Postal Service costs to total revenues. The Service submits that the proposed changes in the classification schedule in its request do not significantly change any of the referenced rates or cost-revenue relationships. Motion for waiver at 1. Therefore, it says that particular subsections of the rule need not apply to this proposal. Moreover, it asserts that the requirements of rule 64(h) should be interpreted in harmony with rule 67 governing experiments, and that waiver of certain rule 64(h) requirements, and others related thereto, would further the intent of the experimental rules. Id. at 1–2.

The Service also addresses reasons why certain criteria in rule 64(h) do not apply to this request, and further contends that none of the rule 54 requirements should be found to apply. Id. at 2–3. It says all of the rule 54 requirements should therefore be waived, but that it will provide certain rule 54 information in an attempt to cooperate and assist with consideration of the request. Id. at 3. Interested parties are advised to review the Service's motion for waiver for additional information concerning the basis for this pleading.

Revenue and Cost Impact

The Service notes that witness Scherer's testimony indicates that the estimated cost avoidance is anticipated to exceed the loss in revenue from the presort discount, but says the contribution to institutional cost from Priority Mail is projected to increase by only $2.7 million. The Service says this increase constitutes only 0.12 percent of TYAR total contribution for Priority Mail. Id., citing USPS–T–1 at 13. It further states that projected total cost coverage for Priority Mail will increase only slightly, from 161.9% to 162.0%. Id. The net revenue impact of the proposed presort discount is estimated at approximately −$2.0 million. USPS–T–1 at 13. The net total attributable cost impact is estimated at approximately −$4.7 million. Id. at 14.Reliance on docket no. R2000–1 record. The Service contends that the proposed experiment is extremely limited in scope, and that its effect on total costs and revenues will be insignificant. Therefore, it says it believes it would be practical and appropriate to rely on the record of that case, as amended by the testimony and exhibits filed with the instant request, and would be in accordance with the Commission's recommended decision of November 13, 2000.

Data Collection Plan

The proposed data collection is described in attachment A to witness Levine's testimony. Phase I assesses preliminary problems with the proposed presort discounts and determines the feasibility of allowing more mailers to enter the experiment. USPS–T–2 at 8. Phase II gathers data for analysis of the cost and revenue impacts of the discount. Id. at 9. Levine's testimony indicates that a market research study will be conducted to determine the level of demand for each of the three proposed Priority Mail discounts. Id. at 9–10.

Intervention

Those wishing to be heard in this matter are directed to file a written notice of intervention with Steven W. Williams, acting secretary of the Commission, 1333 H Street NW., suite 300, Washington, DC 20268–0001, on or before April 3, 2001. Notices should indicate whether participation will be on a full or limited basis. See 39 CFR 3001.20 and 3001.20a.

Appropriateness of Proceeding Under the Experimental Rules

The Service asks that the Commission handle this case under Commission rules 67–67d. In determining whether these procedures are appropriate, the Commission will consider the proposed change's novelty, magnitude, the ease or difficulty of collecting data, and duration.

Participants are invited to comment on whether the Postal Service's request should be evaluated under rules 67–67d. Comments are due on or before April 3, 2001, and participants should be prepared to discuss relevant issues at the prehearing conference. Pending a determination on this issue, participants should recognize that the motion seeking application of the experimental rules may be granted. The Commission notes that its experimental rules provide that cases falling within this designation shall be treated as subject to the maximum expedition consistent with procedural fairness, and that participants will be expected to identify genuine issues of material fact at an early stage in this case. See rule 67a(b). The schedule ultimately adopted will be established to allow for issuance of a decision not more than 150 days following a determination regarding the appropriateness of applying the experimental rules or the filing of the Request, whichever occurs later. 39 CFR 3001.67d.

Limitation of Issues

Rule 67a provides a procedure for limiting issues in experimental cases. To enable participants to evaluate whether genuine issues of fact exist, the Postal Service shall respond to discovery requests within 10 days. Written discovery pursuant to rules 25–28 may be undertaken upon intervention.

Need for Hearing

A decision on whether there is a need for evidentiary hearings, and the scope of any such hearings, has not been made. Comments on this matter, and other procedural issues raised by the Service's Request, should be filed no later than April 3, 2001, and participants should be prepared to discuss these matters at the prehearing conference.

Representation of the General Public

In conformance with section 3624(a) of title 39, the Commission designates Ted P. Gerarden, director of the Commission's office of the consumer

advocate (OCA), to represent the interests of the general public in this proceeding. Pursuant to this designation, Mr. Gerarden will direct the activities of Commission personnel assigned to assist him and, upon request, will supply their names for the record. Neither Mr. Gerarden nor any of the assigned personnel will participate in or provide advice on any Commission decision in this proceeding. The OCA shall be separately served with three copies of all filings, in addition to and at the same time as, service on the Commission of the 24 copies required by Commission rule 10(d) [39 CFR 3001.10(d)].

Prehearing Conference

A prehearing conference will be held Friday, April 6, 2001, at 10 a.m. in the Commission's hearing room.

C. Ordering Paragraphs

It is ordered:

1. The Commission establishes docket no. MC2001–1, preliminarily designated as Experimental Presorted Priority Mail Rate Categories, to consider the request referred to in the body of this order.
2. The Commission will sit en banc in this proceeding.
3. The deadline for filing notices of intervention is Tuesday, April 3, 2001.
4. Answers to the Service's motion for waiver of certain filing requirements are due no later than April 5, 2001.
5. Written discovery pursuant to rules 26–28 may be undertaken upon intervention.
6. The Service shall respond to discovery requests within 10 days.
7. A prehearing conference will be held Friday, April 6, 2001, at 10 a.m. in the Commission's hearing room.
8. Ted P. Gerarden, director of the Commission's office of the consumer advocate, is designated to represent the interests of the general public.
9. The acting secretary shall arrange for publication of this notice and order in the **Federal Register**.

By the Commission.

Steven W. Williams,

Acting Secretary.

[FR Doc. 01–6890 Filed 3–19–01; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE BOARD OF GOVERNORS

Sunshine Act Meeting

TIMES AND DATES: 10:30 am, Monday, April 2, 2001; 8:30 am, Tuesday, April 3, 2001; and 10 am, Tuesday, April 3, 2001.

PLACE: Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., in the Benjamin Franklin Room.

STATUS: April 2 (Closed); April 3—8:30 am (Open); 10 am (Closed).

MATTERS TO BE CONSIDERED:

Monday, April 2—10:30 am (Closed)

1. Financial Performance.
2. Recovery of Prior Years' Losses.
3. FedEx Alliance.
4. Strategic Planning/Postal Reform.
5. Compensation Issues.
6. Personnel Matters.

Tuesday, April 3—8:30 am (Open)

1. Minutes of the Previous Meetings, March 1, and March 5–7, 2001.
2. Remarks of the Postmaster General/Chief Executive Officer.
3. Fiscal Year 2000 Comprehensive Statement on Postal Operations.
4. Quarterly Report on Financial Results.
5. Borrowing Resolution.
6. Quarterly Report on Service Performance.
7. Remote Encoding Center Closings.
8. Tentative Agenda for the May 7–8, 2001, meeting in Washington, DC.

Tuesday, April 3—10 am (Closed)

1. Continuation of Monday's Closed Agenda.

CONTACT PERSON FOR MORE INFORMATION: David G. Hunter, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260–1000. Telephone (202) 268–4800.

David G. Hunter,

Secretary.

[FR Doc. 01–7054 Filed 3–16–01; 3:16 pm]

BILLING CODE 7710–12–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44061A; File No. SR–Phlx–01–16]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Providing Compensation to Hearing Panelist

March 14, 2001.

Correction

In Release No. 34–44061, issued on March 9, 2001, the title described the filing incorrectly. The title is corrected to read as set forth above.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–6802 Filed 3–19–01; 8:45 am]

BILLING CODE 6717–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44070; International Series Release No. 1248; File No. SR–Phlx–01–06]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change by the Philadelphia Stock Exchange, Inc. to Amend Rule 1063(a) and Options Floor Procedure Advices A–10 and C–1, Relating to Trading in Foreign Currency Options

March 13, 2001.

I. Introduction

On January 11, 2001, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] the Philadelphia Stock Exchange, Inc. (''Phlx'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change to provide an exception, limited only to foreign currency options (''FOCs''), from the requirement that a Registered Options Trader (''ROT'') be present at the trading post in certain circumstances. The proposed rule change was published for comment and appeared in the **Federal Register** on January 26, 2001.[3] The Commission received no comments on the proposal. This order approves the Phlx's proposed rule change.

II. Description of the Proposal

The Phlx is seeking approval of amendments to Phlx Rule 1063(a) (''Responsibilities of Floor Brokers''), Phlx Options Floor Procedure Advice A–10 (''Specialist Trading With Book''), and Phlx Options Floor Procedure Advice C–1 (''Ascertaining the Presence of ROTs in a Trading Crowd''). Phlx Rule 1063(a) provides that Options Floor Brokers shall ascertain that at least one ROT is present at the trading post before representing an order for execution. Phlx Options Floor Procedure Advice A–10 provides that in any instance where a Specialist wishes to participate as principal in a trade with an order placed on that Specialist's

[1] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4

[3] Securities Exchange Act Release No. 43864 (January 19, 2001), 66 FR 7947 (January 26, 2001) (SR–Phlx–01–06).

book, the Specialist must ensure that at least one ROT is present in the trading crowd and is aware of the Specialist's intention to trade with the book both at the time of and immediately before the execution. Phlx Options Floor Procedure Advice C–1 provides that a Floor Broker representing an order in options shall, before executing the order, ascertain that at least one ROT is present in the trading crowd at the post where the order is executed.

Each of these rules currently contains a temporary exception that is limited only to FCO transactions. Pursuant to the temporary exception, which expires on March 31, 2001, an FCO Specialist may trade as principal with an order on the book and an FCO Floor Broker may represent an order or execute a trade when no ROT registered in the FCO is present on the Phlx's FCO trading floor.[4] The proposed rule change would permanently exempt FCO Specialists and FCO Floor Brokers from the requirements in Phlx Rule 1063(a) and Phlx Options Floor Procedure Advices A–10 and C–1. Specifically, the Phlx proposes to amend Rule 1063(a) and Phlx Options Floor Procedure Advices A–10 and C–1 by deleting from each rule the words ''until March 31, 2001,'' thereby making permanent the temporary exceptions that those rules currently provide.[5]

The proposal would also make certain non-substantive stylistic changes to Floor Procedure Advices A–10 and C–1. The text of the proposed rule change is available at the principal offices of the Phlx and at the Commission.

III. Discussion

The Commission approved the temporary exception on January 3, 2001, on an accelerated basis.[6] The Phlx requested accelerated approval of the temporary exception after it learned that, as of January 3, 2001, no ROTs would be doing business on a regular basis on the Phlx's FCO floor. The Phlx represented that there very likely would be periods of time when FCO Specialists and FCO Floor Brokers would be on the FCO floor with no FCO ROTs present, and that compliance with Phlx Rule 1063(a) and Phlx Options Floor Procedure Advices A–10 and C–1 would not be possible under those circumstances. In the Commission's view, the exception was necessary in order to enable the Phlx to continue to provide fair and orderly markets in FCOs in the absence of FCO ROTs on the FCO floor.

Like the temporary rule change, the proposed permanent exception would apply only if no ROT is present on the FCO floor when an FCO Specialist trades as principal with an order on the book, or when an FCO Floor Broker represents an order or executes a trade. The Commission believes that the proposed rule change will permit Phlx Specialists to continue to trade as principal with orders on the book, and will allow Phlx Floor Brokers to continue to represent and execute orders in FCOs in the event that no ROTs are present on the FCO floor. In view of the foregoing, the Commission finds that the Phlx's proposal is designed to promote just and equitable principles of trade, to facilitate transactions in securities, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest, consistent with section 6(b)(5) of the Act.[7]

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–Phlx–01–06) is approved.[8]

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–6803 Filed 3–19–01; 8:45 am]

BILLING CODE 8010–01–M

[4] The Phlx's FCO trading floor is located in the same building as its equity options trading floor, but is in a different room.

[5] The proposed rule change also makes non-substantive changes to Phlx Rule 1063(a) and Phlx Options Floor Procedure Advices A–10 and C–1 by replacing the shorthand term ''ROT'' with the term ''Registered Options Trader.'' The temporary rule change incorporated those same changes.

[6] Securities Exchange Act Release No. 43799 (January 3, 2001), 66 FR 2469 (January 11, 2001) (File No. SR–Phlx–00–111).

[7] 15 U.S.C. 78f(b)(5).

[8] In approving the proposal, the Commission has considered the rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Economic Injury Disaster #9K98]

State of South Carolina

Beaufort, Charleston, and Georgetown Counties and the contiguous counties of Berkeley, Colleton, Dorchester, Hampton, Horry, Jasper, Marion, and Williamsburg in the State of South Carolina constitute an economic injury disaster loan area as a result of extended cold and severe freezes that occurred between December 17, 2000 and January 7, 2001. Eligible small businesses and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance as a result of this disaster until the close of business on December 14, 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 rate for eligible small businesses and small agricultural cooperatives is 4 percent.

The number assigned for economic injury for the State of South Carolina is 9K9800.

(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: March 13, 2001.

John Whitmore,

Acting Administrator.

[FR Doc. 01–6859 Filed 3–19–01; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

Region I Hartford District Advisory Council; Public Meeting

The U.S. Small Business Administration, Region I Hartford, Connecticut District Advisory Council, will hold a public meeting on Monday, April 2, 2001, at 8:30 a.m. at the Connecticut District Office, 330 Main Street, Hartford, Connecticut 06106, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration or others present. For further information, write or call Ms. Marie Record, District Director, U.S. Small Business Administration, 330 Main Street, Hartford, Connecticut, telephone (860) 240–4700.

Nancyellen Gentile,

Committee Management Officer.

[FR Doc. 01–6861 Filed 3–19–01; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

Region IV North Florida; Jacksonville, Florida District Advisory Council; Public Meeting

The U.S. Small Business Administration, Region IV North Florida District Advisory Council, will hold a public meeting on April 12, 2001, at 12 p.m. to 2 p.m., at the Citrus Club, 1800 Republic Bank Tower (Citrus Center), 255 S. Orange Avenue, Orlando, Florida, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration or

others present. For further information, write or call Ms. Claudia D. Taylor, U.S. Small Business Administration, 7825 Baymeadows Way, Suite 100–B, Jacksonville, Florida 32256; telephone (904) 443–1933.

Nancyellen Gentile,

Committee Management Officer.

[FR Doc. 01–6860 Filed 3–19–01; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending March 9, 2001

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. § 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2001–9055.
Date Filed: March 5, 2001.
Parties: Members of the International Air Transport Association.
Subject:
PTC3 0480 dated 2 March 2001
Mail Vote 114—TC3 Special Passenger Amending.
Resolution between Korea and Japan.
Intended effective date: 1 April 2001.

Docket Number: OST–2001–9056.
Date Filed: March 5, 2001.
Parties: Members of the International Air Transport Association.
Subject:
PTC2 EUR–AFR 0129 dated 2 March 2001.
TC2 Europe-Africa Expedited Resolution 002o.
Intended effective date: 15 April 2001.

Docket Number: OST–2001–9060.
Date Filed: March 5, 2001.
Parties: Members of the International Air Transport Association.
Subject:
PTC COMP 0784 dated 2 March 2001.
Mail Vote 113—Resolution 010u.
TC12/TC31/TC123 Special Passenger Amending Resolution.
Flagstaff Add-on Amounts.
Intended effective date: 1 April 2001.

Docket Number: OST–2001–9077.
Date Filed: March 7, 2001.
Parties: Members of the International Air Transport Association.
Subject:
PTC12 NMS–ME 0127 dated 16 February 2001.
North Atlantic-Middle East Resolutions r1–r19.
PTC12 NMS–ME 0128 dated 16 February 2001.
North Atlantic-Israel Resolution r20–r38.
Minutes—PTC12 NMS–ME 0131 dated 2 March 2001.
Tables—PTC12 NMS–ME FARES 0074 dated 20 February 2001.
Intended effective date: 1 April 2001.

Docket Number: OST–2001–9126.
Date Filed: March 8, 2001.
Parties: Members of the International Air Transport Association.
Subject:
Mail Votes 110 and 111.
PTC12 NMS–ME 0124 dated 8 February 2001.
Mid Atlantic-Middle East Resolutions r1–r11.
PTC12 NMS–ME 0125 dated 8 February 2001.
South Atlantic-Middle East Resolutions r12–r23.
PTC12 NMS–ME 0132 and 0133 dated 6 March 2001.
Adoption of Mail Votes 110 and 111.
Minutes—PTC12 NMS–ME 0131 dated 2 March 2001.
Filed with Docket OST–2001–9077.
Tables—PTC12 NMS–ME Fares 0075 dated 6 March 2001.
PTC12 NMS–ME Fares 0076 dated 6 March 2001.
Intended effective date: 1 April 2001.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–6907 Filed 3–19–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–55 (Sub–No. 585X)]

CSX Transportation, Inc.—Abandonment Exemption—in Boone County, WV

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon a 1.74-mile line of its railroad between milepost CLH–9.00 and milepost CLH–10.74 in Boone County, WV. The line traverses United States Postal Service Zip Code 25021.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 19, 2001, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by March 30, 2001. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 9, 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: Natalie S. Rosenberg, Counsel, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

CSXT has filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by March 23, 2001. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. *See* 49 CFR 1002.2(f)(25).

20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned its line. If consummation has not been effected by CSXT's filing of a notice of consummation by March 20, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at *http://www.stb.dot.gov*.

Decided: March 9, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–6463 Filed 3–19–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–434 (Sub–No. 3X)]

Winchester & Western Railroad Company—Abandonment Exemption—in Cumberland County, NJ

On February 28, 2001, Winchester & Western Railroad Company (WW) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad extending from milepost 16.7 to milepost 18.0, at or near Haleyville, in the township of Commercial, in Cumberland County, NJ, a distance of 1.3 miles. The line traverses U.S. Postal Service Zip Code 08315. There are no stations on the line.

The line does not contain federally granted rights-of-way. Any documentation in WW's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by June 18, 2001.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,000 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than April 9, 2001. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–434 (Sub-No. 3X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001; and (2) Troy W. Garris, Weiner Brodsky Sidman Kider, PC, 1300 Nineteenth St., NW., Fifth Floor, Washington, DC 20036–1609. Replies to the WW petition are due on or before April 9, 2001.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1545. [TDD for the hearing impaired is available at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at *http://www.stb.dot.gov*.

Decided: March 9, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–6464 Filed 3–19–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–02: OTS Nos. H–2723 and 011247]

Chesterfield Financial Corp., Chicago, Illinois; Approval of Conversion Application

Notice is hereby given that on March 13, 2001, the Managing Director, Office of Supervision, Office of Thrift Supervision, or his designee, acting pursuant to delegated authority, approved the application of Chesterfield Federal Savings and Loan Association of Chicago, Chicago, Illinois, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 200 West Madison Street, Suite 1300, Chicago, Illinois 60606.

Dated: March 15, 2001.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 01–6914 Filed 3–19–01; 8:45 am]

BILLING CODE 6720–01–M

Federal Register

Tuesday,
March 20, 2001

Part II

The President

Proclamation 7416—National Girl Scout Week, 2001

Federal Register
Vol. 66, No. 54
Tuesday, March 20, 2001

Presidential Documents

Title 3—

The President

Proclamation 7416 of March 16, 2001

National Girl Scout Week, 2001

By the President of the United States of America

A Proclamation

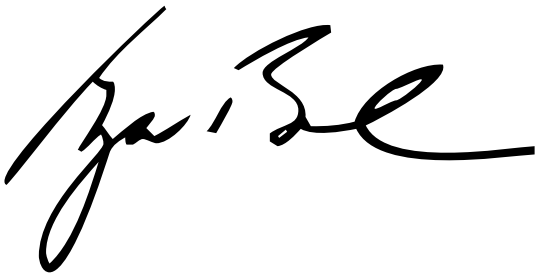
This week marks the 89th anniversary of the founding of the Girl Scouts of the United States of America. Juliette Gordon Low founded the organization as a way to give girls greater opportunities to develop skills and to mentor them in knowledge and character. Promoting leadership and altruism, the Girl Scouts organization has played a unique and important role in preparing millions of girls to master challenges and to pursue dreams.

The Girl Scouts offers many ways for members to explore their interests and talents. With participation spanning five levels, girls ages 5 to 17 learn the importance of strong values as they strive to fulfill the highest ideals of good citizenship. The pure enjoyment of camping and other recreational activities is matched with lessons in compassionate caring for their neighbors.

Today, almost 3 million girls and more than 900,000 adult volunteers reap the benefits of involvement with this beloved and enduring organization. Guiding America's next generation of leaders, the Girl Scouts helps individuals to reach their full potential and builds a brighter future for our great Nation.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 11 through March 17, 2001, as National Girl Scout Week. I call on the people of the United States to observe the 89th anniversary of the Girl Scouts of the United States of America with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth 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.



[FR Doc. 01–7091
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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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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. 19/P.L. 107–4
Providing for the appointment of Walter E. Massey as a citizen regent of the Board of Regents of the Smithsonian Institution. (Mar. 16, 2001; 115 Stat. 6)

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