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RESERVATIONS: 202–523–4538

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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Docket No. FV01–916–1 IFR]

Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule revises the handling requirements for California nectarines and peaches by modifying the grade, size, and maturity requirements for fresh shipments of these fruits, beginning with 2001 season shipments. This rule also continues requirements for placement of Federal-State Inspection Service lot stamps for the 2001 season. The marketing orders regulate the handling of nectarines and peaches grown in California and are administered locally by the Nectarine Administrative and Peach Commodity Committees (committees). This rule enables handlers to continue shipping fresh nectarines and peaches meeting consumer needs in the interests of producers, handlers, and consumers of these fruits.

DATES: Effective April 1, 2001; comments received by June 1, 2001 will be considered prior to issuance of any final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–5698, or E-mail: moab.docketclerk@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection at the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Terry Vawter, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–2491; Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement Nos. 124 and 85, and Marketing Order Nos. 916 and 917 (7 CFR parts 916 and 917) regulating the handling of nectarines and peaches grown in California, respectively, hereinafter referred to as the ''orders.'' The marketing agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

Under the orders, lot stamping, grade, size, maturity, container, and pack requirements are established for fresh shipments of California nectarines and peaches. Such requirements are in effect on a continuing basis. The Nectarine Administrative Committee (NAC) and the Peach Commodity Committee (PCC), which are responsible for local administration of the orders, met on December 5, 2000, and unanimously recommended that the handling requirements be revised for the 2001 season, which begins April 1. The changes: (1) continue the lot stamping requirements which were in effect for the 2000 season; (2) authorize shipments of ''CA Utility'' quality fruit to continue during the 2001 season; and (3) revise varietal maturity, quality, and size requirements to reflect recent changes in growing conditions.

The committees meet prior to and during each season to review the rules and regulations effective on a continuing basis for California nectarines and peaches under the orders. Committee meetings are open to the public and interested persons are encouraged to express their views at these meetings. The Department reviews committee recommendations and information, as well as information from other sources, and determines whether modification, suspension, or termination of the rules and regulations would tend to effectuate the declared policy of the Act.

No official crop estimate was available at the time of the committees' meetings because the nectarine and peach trees are dormant. The committees will recommend a crop estimate at their meetings in early spring. However, preliminary estimates indicate that the 2001 crop will be similar in size and characteristics to the

2000 crop, which totaled 20,645,000 containers of nectarines and 21,491,000 containers of peaches.

Lot Stamping Requirements

Sections 916.55 and 917.45 of the orders require inspection and certification of nectarines and peaches, respectively, handled by handlers. Sections 916.115 and 917.150 of the nectarine and peach orders' rules and regulations, respectively, require that all exposed or outside containers of nectarines and peaches, and at least 75 percent of the total containers on a pallet, be stamped with the Federal-State Inspection Service (inspection service) lot stamp number after inspection and before shipment to show that the fruit has been inspected. These requirements apply except for containers that are loaded directly onto railway cars, exempted, or mailed directly to consumers in consumer packages.

Lot stamp numbers are assigned to each handler by the inspection service, and are used to identify the handler and the date on which the container was packed. The lot stamp number is also used by the inspection service to identify and locate the inspector's corresponding working papers or field notes. Working papers are the documents each inspector completes while performing an inspection on a lot of nectarines or peaches. Information contained in the working papers supports the grade levels certified to by the inspector at the time of the inspection.

The lot stamp number has value for the industries, as well. The committees utilize the lot stamp number and date codes to trace fruit in the container back to the orchard where it was harvested. This information is essential in providing quick information for a crisis management program instituted by the industries. Without the lot stamp information on each container, the ''trace back'' effort, as it is called, would be jeopardized.

Recently, several new containers have been introduced for use by nectarine and peach handlers. These containers are returnable plastic containers. Use of these containers may represent substantial savings to retailers for storage and disposal, as well as for handlers who do not have to pay for traditional, single-use, containers. Fruit is packed in the containers by the handler, delivered to the retailer, emptied, and returned to a central clearinghouse for cleaning and redistribution to the handler. However, because they were designed for reuse, these containers do not support markings that are permanently affixed to the container. All markings must be printed on cards that slip into tabs on the front or sides of the containers. The cards are easily inserted and removed, and further contribute to the efficient reuse of the container.

The cards are a concern for the inspection service and the industries. Because of their unique portability, the cards on pallets of inspected containers could easily be moved to pallets of uninspected containers, thus permitting a handler to avoid inspection on a lot or lots of nectarines or peaches. This would also jeopardize the use of the lot stamp numbers for the industries' ''trace back'' program.

To address this concern for the 2000 season, the committees recommended that pallets of inspected fruit be identified with a USDA-approved pallet tag containing the lot stamp number, in addition to the lot stamp number printed on the card on the container. In this way, noted the committees, an audit trail would be created, confirming that the lot stamp number on the containers on each pallet corresponds to the lot stamp number on the pallet tag.

The committees and the inspection service presented their concerns to the manufacturers of these types of containers prior to the 2000 season. At that time, one manufacturer indicated a willingness to address the problem by offering an area on the principal display panel where the container markings would adhere to the container. Another possible improvement discussed was for an adhesive for the current style of containers which would securely hold the cards with the lot stamp numbers, yet would be easy for the clearinghouse to remove when the containers are washed. However, the changes would not be in effect for the 2000 season, but were anticipated to be in effect for the 2001 season.

In a meeting of the Returnable Plastic Container Task Force on November 1, 2000, it was determined that while such a display panel might be available for placement of the cards on some containers, there was no assurance from container manufacturers that such a panel would be available for all returnable plastic containers utilized by the industries. In addition, an adhesive is reportedly currently available, which may hold the cards securely in place while affording the ease of removal necessary for cleaning and redistribution. However, as the subcommittee found, the adhesive has yet to be tested under current conditions and may not be widely available.

For those reasons, the task force recommended to the committees that the regulation in effect for the 2000 season requiring lot stamp numbers on USDA-approved pallet tags, as well as on individual containers on a pallet, be again required for the 2001 season. The committees, in turn, recommended unanimously that such requirement be extended for the 2001 season, as well.

Thus, §§ 916.115 and 917.150 will be amended to require the lot stamp number to be printed on a USDA-approved pallet tag, in addition to the requirement that the lot stamp number be applied to cards on all exposed or outside containers, and not less than 75 percent of the total containers on a pallet.

Grade and Quality Requirements

Sections 916.52 and 917.41 of the orders authorize the establishment of grade and quality requirements for nectarines and peaches, respectively. Prior to the 1996 season, § 916.356 required nectarines to meet a modified U.S. No. 1 grade. Specifically, nectarines were required to meet U.S. No. 1 grade requirements, except for a slightly tighter requirement for scarring and a more liberal allowance for misshapen fruit. Prior to the 1996 season, § 917.459 required peaches to meet the requirements of a U.S. No. 1 grade, except for a more liberal allowance for open sutures that were not ''serious damage.''

This rule revises §§ 916.350, 916.356, 917.442, and 917.459 to permit shipments of nectarines and peaches meeting ''CA Utility'' quality requirements during the 2001 season. (''CA Utility'' fruit is lower in quality than that meeting the modified U.S. No. 1 grade requirements.) Shipments of nectarines and peaches meeting ''CA Utility'' quality requirements have been permitted each season since 1996.

Studies conducted by the NAC and PCC indicate that some consumers, retailers, and foreign importers find the lower-quality fruit acceptable in some markets. When shipments of ''CA Utility'' nectarines were first permitted in 1996, they represented 1.1 percent of all nectarine shipments, or approximately 210,000 containers. Shipments of ''CA Utility'' nectarines reached a high of 4.5 percent (928,500 containers) during the 2000 season, but usually represent approximately 3 to 3.5 percent of total nectarine shipments. Shipments of ''CA Utility'' peaches totaled 1.9 percent of all peach shipments, or approximately 366,000 containers, during the 1996 season. Shipments of ''CA Utility'' peaches reached a high of 4.1 percent of all peach shipments (872,500 containers) during the 2000 season, but usually

range from 3 to 3.5 percent of total peach shipments.

Handlers have also commented that the availability of ''CA Utility'' lends flexibility to their packing operations. They have noted that they now have the opportunity to remove marginal nectarines and peaches from their U.S. No. 1 containers and place this fruit in containers of ''CA Utility.'' This flexibility, the handlers note, results in making the contents of their U.S. No. 1 containers better without sacrificing any fruit.

For these reasons, the committees unanimously recommended that shipments of ''CA Utility'' quality nectarines and peaches be permitted for the 2001 season with a continuing in-house statistical review. Paragraphs (d) of §§ 916.350 and 917.442, and paragraphs (a)(1) of §§ 916.356 and 917.459 are revised to permit shipments of nectarines and peaches meeting ''CA Utility'' quality requirements during the 2001 season, on the same basis as the 2000 season.

Maturity Requirements

Both orders provide (in §§ 916.52 and 917.41) authority to establish maturity requirements for nectarines and peaches, respectively. The minimum maturity level currently specified for nectarines and peaches is ''mature'' as defined in the standards. Additionally, both orders' rules and regulations provide for a higher ''well matured'' classification. For most varieties, ''well-matured'' determinations for nectarines and peaches are made using maturity guides (*e.g.,* color chips). These maturity guides are reviewed each year by the Shipping Point Inspection Service (SPI) to determine whether they need to be changed, based upon the most-recent information available on the individual characteristics of each nectarine and peach variety.

These maturity guides established under the handling regulations of the California tree fruit marketing orders have been codified in the Code of Federal Regulations as TABLE 1 in §§ 916.356 and 917.459, for nectarines and peaches, respectively.

The requirements in the 2001 handling regulations are the same as those that appeared in the 2000 handling regulations with a few exceptions. Those exceptions are explained in this rule.

Nectarines: Requirements for ''well-matured'' nectarines are specified in § 916.356 of the order's rules and regulations. This rule revises TABLE 1 of paragraph (a)(1)(iv) of § 916.356 to add maturity guides for two varieties of nectarines. Specifically, SPI recommended adding maturity guides for the Diamond Bright nectarine variety to be regulated at the J maturity guide, and for the Honey Kist variety to be regulated at the I maturity guide.

The NAC recommended these maturity guide requirements based on SPI's continuing review of individual maturity characteristics and identification of the appropriate maturity guide corresponding to the ''well-matured'' level of maturity for nectarine varieties in production.

Peaches: Requirements for ''well-matured'' peaches are specified in § 917.459 of the order's rules and regulations. This rule revises TABLE 1 of paragraph (a)(1)(iv) of § 917.459 to add maturity guides for four varieties of peaches. Specifically, SPI recommended adding maturity guides for the Autumn Flame and Vista peach varieties to be regulated at the J maturity guide, for the Earlitreat variety to be regulated at the H maturity guide, and for the Summer Zee variety to be regulated at the L maturity guide.

The PCC recommended these maturity guide requirements based on SPI's continuing review of individual maturity characteristics and identification of the appropriate maturity guide corresponding to the ''well-matured'' level of maturity for peach varieties in production.

Size Requirements: Both orders provide (in §§ 916.52 and 917.41) authority to establish size requirements. Size regulations encourage producers to leave fruit on the tree longer, which improves both size and maturity of the fruit. Acceptable fruit size provides greater consumer satisfaction and promotes repeat purchases; and, therefore, increases returns to producers and handlers. In addition, increased fruit size results in increased numbers of packed containers of nectarines and peaches per acre, also a benefit to producers and handlers.

Varieties recommended for specific size regulations have been reviewed and such recommendations are based on the specific characteristics of each variety. The NAC and PCC conduct studies each season on the range of sizes attained by the regulated varieties and those varieties with the potential to become regulated, and determine whether revisions and additions to the size requirements are appropriate.

Nectarines: Section 916.356 of the order's rules and regulations specifies minimum size requirements for fresh nectarines in paragraphs (a)(2) through (a)(9). This rule revises § 916.356 to establish variety-specific minimum size requirements for 7 varieties of nectarines, which were produced in commercially significant quantities of more than 10,000 containers for the first time during the 2000 season. This rule also removes the variety-specific minimum size requirements for 11 varieties of nectarines whose shipments fell below 5,000 containers during the 2000 season.

For example, one of the varieties recommended for addition to the variety-specific minimum size requirements is the September Free variety of nectarines, recommended for regulation at a minimum size 80. Studies of the size ranges attained by the September Free variety revealed that 100 percent of the containers met the minimum size of 80 during the 2000 season. Sizes ranged from size 40 to size 80, with 3.3 percent of the packages in the 40 sizes, 37 percent in the 50 sizes, 32.5 percent in the 60 sizes, 23.8 percent in the 70 sizes and 3.3 percent at size 80.

A review of other varieties with the same harvesting period indicated that the September Free variety was also comparable to those varieties in its size ranges for that time period. Discussions with handlers known to handle the variety confirm this information regarding minimum size and harvesting period, as well. Thus, the recommendation to place the September Free variety in the variety-specific minimum size regulation at a minimum size 80 is appropriate.

Historical data such as this provides the NAC with the information necessary to recommend the appropriate sizes at which to regulate various nectarine varieties. In addition, producers and handlers of the varieties affected are personally invited to comment when such size recommendations are deliberated. Producer and handler comments are also considered at both NAC and subcommittee meetings when the staff receives such comments, either in writing or verbally.

For reasons similar to those discussed in the preceding paragraph, the introductory text of paragraph (a)(3) of § 916.356 is revised to include the Crimson Baby nectarine variety, and the introductory text of paragraph (a)(4) is revised to include the Scarlet Jewels nectarine variety. In addition, the introductory text of paragraph (a)(6) of § 916.356 is revised to include the Arctic Mist, August Pearl, July Pearl, September Free, and Spring Sweet nectarine varieties.

This rule also revises the introductory text of paragraphs (a)(4) and (a)(6) of § 916.356 to remove 11 varieties from the variety-specific minimum size requirements specified in the section because less than 5,000 containers of

each of these varieties were produced during the 2000 season. Specifically, the introductory text of paragraph (a)(4) of § 916.356 is revised to remove the Diamond Jewel and May Lion nectarine varieties; and the introductory text of paragraph (a)(6) of § 916.356 is revised to remove the Alshir Red, Autumn Delight, Crystal Rose, Fairlane, Fantasia, Kay Bright, Niagra Grand, Rio Red, and White September nectarine varieties.

Nectarine varieties removed from the nectarine variety-specific minimum size requirements become subject to the non-listed variety size requirements specified in paragraphs (a)(7), (a)(8), and (a)(9) of § 916.356.

Peaches: Section 917.459 of the order's rules and regulations specifies minimum size requirements for fresh peaches in paragraphs (a)(2) through (a)(6), and paragraphs (b) and (c). This rule revises § 917.459 to establish variety-specific minimum size requirements for 10 peach varieties that were produced in commercially significant quantities of more than 10,000 containers for the first time during the 2000 season. This rule also removes the variety-specific minimum size requirements for 9 varieties of peaches whose shipments fell below 5,000 containers during the 2000 season.

For example, one of the varieties recommended for addition to the variety-specific minimum size requirements is the Coral Princess variety of peaches, which was recommended for regulation at a minimum size 72. Studies of the size ranges attained by the Coral Princess variety revealed that 100 percent of the containers met the minimum size of 72 during the 2000 season. The sizes ranged from the 30 sizes to the 70 sizes, with 1.6 percent of the containers meeting the 30 sizes, 37 percent meeting the 40 sizes, 55.9 percent meeting the 50 sizes, 4.9 percent meeting the 60 sizes, and 0.6 percent meeting size 72. The size distribution for the 2000 season was similar to the size distribution for the 1999 season.

A review of other varieties with the same harvesting period indicated that the Coral Princess variety was also comparable to those varieties in its size ranges for that time period. Discussions with handlers known to handle the variety confirm this information regarding minimum size and harvesting period, as well. Thus, the recommendation to place the Coral Princess variety in the variety-specific minimum size regulation at a minimum size 72 is appropriate.

Historical data such as this provides the PCC with the information necessary to recommend the appropriate sizes at which to regulate various peach varieties. In addition, producers and handlers of the varieties affected are personally invited to comment when such size recommendations are deliberated. Producer and handler comments are also considered at both PCC and subcommittee meetings when the staff receives such comments, either in writing or verbally.

For reasons similar to those discussed in the preceding paragraph, the introductory text of paragraph (a) (5) of § 917.459 is revised to include the Kingscrest peach variety; and the introductory text of paragraph (a)(6) of § 917.459 is revised to include the Autumn Red, Coral Princess, Garnet Jewel, Ivory Princess, Klondike, Pretty Lady, Snow Jewel, Summer Dragon, and Sweet Dream peach varieties.

This rule also revises the introductory text of paragraphs (a)(2), (a)(3), (a)(5), and (a)(6) of § 917.459 to remove 9 peach varieties from the variety-specific minimum size requirements specified in the section because less than 5,000 containers of each of these varieties were produced during the 2000 season. Thus, the introductory text of paragraph (a)(2) of § 917.459 is revised to remove the Lady Sue peach variety; the introductory text of paragraph (a)(3) is revised to remove the Goldcrest peach variety; and the introductory text of paragraph (a)(5) is revised to remove the Merrill Gemfree peach variety. The introductory text of paragraph (a)(6) of § 917.459 is revised to remove the Autumn Lady, Early O'Henry, Late September Snow, N117, Red Sun, and Suncrest peach varieties.

Peach varieties removed from the peach variety-specific minimum size requirements become subject to the non-listed variety size requirements specified in paragraphs (b) and (c) § 917.459.

The NAC and PCC recommended these changes in the minimum size requirements based on a continuing review of the sizing and maturity relationships for these nectarine and peach varieties, and the consumer acceptance levels for various fruit sizes. This rule is designed to establish minimum size requirements for fresh nectarines and peaches consistent with expected crop and market conditions.

This rule reflects the committees' and the Department's appraisal of the need to revise the handling requirements for California nectarines and peaches, as specified. The Department has determined that this rule will have a beneficial impact on producers, handlers, and consumers of fresh California nectarines and peaches.

This rule establishes handling requirements for fresh California nectarines and peaches consistent with expected crop and market conditions, and will help ensure that all shipments of these fruits made each season will meet acceptable handling requirements established under each of these orders. This rule will also help the California nectarine and peach industries provide fruit desired by consumers. This rule is designed to establish and maintain orderly marketing conditions for these fruits in the interests of producers, handlers, and consumers.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 300 California nectarine and peach handlers subject to regulation under the orders covering nectarines and peaches grown in California, and about 1,800 producers of these fruits in California. Small agricultural service firms, which includes handlers, are defined by the Small Business Administration [13 CFR 121.201] as those whose annual receipts are less than $5,000,000. Small agricultural producers are defined by the Small Business Administration as those having annual receipts of less than $500,000. A majority of these handlers and producers may be classified as small entities.

The committees' staff has estimated that there are less than 20 handlers in the industry who could be defined as other than small entities. In the 2000 season, the average handler price received was $9.00 per container or container equivalent of nectarines or peaches. A handler would have to ship at least 555,555 containers to have annual receipts of $5,000,000. Given data on shipments maintained by the committees' staff and the average handler price received during the 2000 season, the committees' staff estimates that small handlers represent approximately 94 percent of the handlers within the industry.

The committees' staff has also estimated that approximately 22 percent of the producers in the industry could be defined as other than small entities. In the 2000 season, the average producer price received was $5.50 per container or container equivalent for nectarines, and $5.25 per container or container equivalent for peaches. A producer would have to produce at least 90,910 containers of nectarines and 95,239 containers of peaches to have annual receipts of $500,000. Given data maintained by the committees' staff and the average producer price received during the 2000 season, the committees' staff estimates that small producers represent approximately 78 percent of the producers within the industry.

Under §§ 916.52 and 917.41 of the orders, grade, size, maturity, container, and pack requirements are established for fresh shipments of California nectarines and peaches, respectively. Such requirements are in effect on a continuing basis. The NAC and PCC met on December 5, 2000, and unanimously recommended that the handling requirements be revised for the 2001 season, which begins April 1, 2001. These recommendations had been presented to the committees by various subcommittees, each charged with review and discussion of the changes. The changes: (1) continue the lot stamping requirements which were in effect for the 2000 season; (2) authorize shipments of ''CA Utility'' quality fruit to continue during the 2001 season; and (3) revise varietal maturity, quality, and size requirements to reflect recent changes in growing conditions.

This rule authorizes continuation of the lot stamping requirements for returnable plastic containers under the marketing orders' rules and regulations that were in effect for such containers during the 2000 season for nectarine and peach shipments. The modified requirements of §§ 916.115 and 917.150 mandated that the lot stamp numbers be printed on a USDA-approved pallet tag, in addition to the requirement that the lot stamp number be applied to the cards on all exposed or outside containers, and not less than 75 percent of the total containers on a pallet. Continuation of such requirements for the 2001 season would help the inspection service safeguard the identity of inspected and certified containers of nectarines and peaches, and would help the industry by keeping in place the information necessary to facilitate their ''trace-back'' program.

The Returnable Plastic Container Task Force and Grade and Size Subcommittee considered possible alternatives to this action. They discussed the availability of a new container style with a specific area on the principal display panel for placement of the cards, but were not assured by container manufacturers that all containers would have such a display area. Also, in the absence of an adhesive to secure the cards, the display area would not meet the requirements of the committees or the inspection service. Such alternatives were, thus, rejected.

For these reasons, the task force and subcommittee recommended to the committees, and the committees voted unanimously, to extend the requirement for the lot stamp number to be provided on the cards on each container and for each pallet to be marked with a USDA-approved pallet tag, also containing the lot stamp number. Such safeguards will continue to ensure that all the containers on each pallet had been inspected and certified in the event a card on an individual container or containers is removed, misplaced, or lost.

In 1996, §§ 916.350 and 917.442 were revised to permit shipments of ''CA Utility'' quality nectarines and peaches as an experiment during the 1996 season only. Since that time, shipments of ''CA Utility'' have ranged from 1 to 4 percent of total nectarine and peach shipments. This rule authorizes continued shipments of ''CA Utility'' quality nectarines and peaches during the 2001 season.

The Grade and Size Subcommittee considered one alternative to this action. They considered not authorizing continued shipments of ''CA Utility'' quality nectarines and peaches. However, shipments of ''CA Utility'' quality fruit are holding steady or increasing in volume since 1996. Also, some handlers note, the availability of ''CA Utility'' gives handlers the flexibility to remove marginal fruit from their U.S. No. 1 containers, thus, making the contents of their U.S. No. 1 containers better. Based upon these considerations, this alternative was rejected.

Continued availability of ''CA Utility'' quality fruit is expected to have a positive impact on producers, handlers, and consumers by permitting more nectarines and peaches to be shipped into fresh market channels without adversely impacting the market for higher-quality fruit.

Sections 916.356 and 917.442 establish minimum maturity levels. This rule makes annual adjustments to the maturity requirements for several varieties of nectarines and peaches. Maturity requirements are based on maturity measurements generally using maturity guides (e.g. color chips), as recommended by SPI. Such maturity guides are reviewed annually by SPI to determine the appropriate guide for each nectarine and peach variety. These annual adjustments reflect changes in the maturity characteristics of nectarines and peaches as experienced over the previous season's inspections. Adjustments in the guides ensure that fruit has met an acceptable level of maturity, ensuring consumer satisfaction while benefiting nectarine and peach producers and handlers.

Currently, in § 916.356 of the nectarine order's rules and regulations, and in § 917.459 of the peach order's rules and regulations, minimum sizes for various varieties of nectarines and peaches, respectively, are established. This rule makes adjustments to the minimum sizes authorized for various varieties of nectarines and peaches for the 2001 season. Minimum size regulations are put in place to encourage producers to leave fruit on the trees for a longer period of time. This increased growing time not only improves maturity, but also increases fruit size. Increased fruit size increases the number of packed containers per acre; and coupled with heightened maturity levels, also provides greater consumer satisfaction, fostering repeat purchases. Such improved consumer satisfaction and repeat purchases benefit both producers and handlers alike. Annual adjustments to minimum sizes of nectarines and peaches, such as these, are recommended by the NAC and PCC based upon historical data, producer and handler information regarding sizes attained by different varieties, and trends in consumer purchases.

An alternative to such actions would include not establishing lot stamping, grade, size, and maturity regulations for nectarines and peaches. Such an action, however, would be a significant departure from the committees' practices, would ultimately increase the amount of less acceptable fruit being marketed to consumers, and, thus, would be contrary to the long-term interests of producers, handlers, and consumers. For these reasons, this alternative is not appropriate.

The committees made recommendations regarding all the revisions in handling and lot stamping requirements after considering all available information, including comments of persons at several subcommittee meetings and comments received by committee staff. Such subcommittees include the Grade and Size Subcommittee, the Inspection and Compliance Subcommittee, the Returnable Plastic Container Task Force,

and the Management Services Committee.

At the meetings, the impact of and alternatives to these recommendations were deliberated. These subcommittees and the task force, like the committees themselves, frequently consist of individual producers (and handlers, where authorized) with many years' experience in the industry who are familiar with industry practices. Like all committee meetings, subcommittee meetings are open to the public and comments are widely solicited.

This rule does not impose any additional reporting and recordkeeping requirements on either small or large handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule. However, as previously stated, nectarines and peaches under the orders have to meet certain requirements set forth in the standards issued under the Agricultural Marketing Act of 1946 (7 CFR 1621 *et seq*). Standards issued under the Agricultural Marketing Act of 1946 are otherwise voluntary.

In addition, the committees' meetings are widely publicized through the nectarine and peach industries and all interested parties are encouraged to attend and participate in committee deliberations on all issues. These meetings are held annually during the last week of November or first week of December. Like all committee meetings, the December 5, 2000, meetings were public meetings, and all entities, large and small, were encouraged to express views on these issues. In addition, various subcommittee meetings were held prior to the December 5 meeting in which these regulations were reviewed and discussed. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at the following website: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matters presented, the information and recommendations submitted by the committees, and other information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

This rule invites comments on changes to the handling requirements currently prescribed under the marketing orders for California fresh nectarines and peaches. Any comments received will be considered prior to finalization of this rule.

Pursuant to 5 U.S.C. 553. it is also found and determined, upon good cause, that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) California nectarine and peach producers and handlers should be apprised of this rule as soon as possible, since early shipments of these fruits are expected to be about April 1; (2) this rule relaxes grade requirements for nectarines and peaches; (3) the committees unanimously recommended these changes at public meetings and interested persons had an opportunity to provide input; and (4) the rule provides a 60-day comment period, and any written comments timely received will be considered prior to any finalization of this interim final rule.

List of Subjects

7 CFR Part 916

Marketing agreements, Nectarines, Reporting and recordkeeping requirements.

7 CFR Part 917

Marketing agreements, Peaches, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 916 and 917 are amended as follows:

1. The authority citation for 7 CFR parts 916 and 917 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 916—NECTARINES GROWN IN CALIFORNIA

2. Section 916.115 is revised to read as follows:

§ 916.115 Lot stamping.

Except when loaded directly into railway cars, exempted under § 916.110, or for nectarines mailed directly to consumers in consumer packages, all exposed or outside containers of nectarines, and not less than 75 percent of the total containers on a pallet, shall be plainly stamped, prior to shipment, with a Federal-State Inspection Service lot stamp number, assigned by such Service, showing that such fruit has been USDA inspected in accordance with § 916.55: *Provided,* That for the period April 1 to October 31, 2001, pallets of returnable plastic containers shall have the lot stamp numbers affixed to each pallet with a USDA-approved pallet tag, in addition to the lot stamp numbers and other required information on cards on the individual containers.

3. Section 916.350 is amended by revising paragraph (d) to read as follows:

§ 916.350 California nectarine container and pack regulation.

* * * * *

(d) During the period April 1 through October 31, 2001, each container or package when packed with nectarines meeting the ''CA Utility'' quality requirements, shall bear the words ''CA Utility,'' along with all other required container markings, in letters at least ⅜ inch in height on the visible display panel. Consumer bags or packages must also be clearly marked on the consumer bags or packages as ''CA Utility,'' along with all other required markings, in letters at least ⅜ inch in height.

* * * * *

4. Section 916.356 is amended by:

A. Revising the introductory text of paragraph (a)(1);

B. Revising TABLE 1 of paragraph (a)(1)(iv); and

C. Revising the introductory text of paragraphs (a)(3), (a)(4), and (a)(6) to read as follows:

§ 916.356 California nectarine grade and size regulation.

(a) * * *

(1) Any lot or package or container of any variety of nectarines unless such nectarines meet the requirements of U.S. No. 1 grade: *Provided,* That nectarines 2 inches in diameter or smaller, shall not have fairly light-colored, fairly smooth scars which exceed an aggregate area of a circle ⅜ inch in diameter, and nectarines larger than 2 inches in diameter shall not have fairly light-colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter: *Provided* further, That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen: *Provided* further, That all varieties of nectarines which fail to meet the U.S. No. 1 grade only on account of lack of blush or red color due to varietal characteristics shall be considered as meeting the requirements of this subpart: *Provided further,* That during the period April 1 through October 31,

2001, any handler may handle nectarines if such nectarines meet ''CA Utility'' quality requirements. The term ''CA Utility'' means that not more than 40 percent of the nectarines in any container meet or exceed the requirements of the U.S. No. 1 grade, except that when more than 30 percent of the nectarines in any container meet or exceed the requirements of U.S. No. 1 grade, the additional 10 percent shall have non-scoreable blemishes as determined when applying the U.S. Standards for Grades of Nectarines; and that such nectarines are mature and are:

* * * * *

(iv) * * *

TABLE 1

Column A variety	Column B maturity guide
Alshir Red	J
April Glo	H
August Glo	L
August Lion	J
August Red	J
Aurelio Grand	F
Autumn Delight	L
Autumn Grand	L
Big Jim	J
Diamond Bright	J
Diamond Jewel	L
Diamond Ray	L
Earliglo	I
Early Diamond	J
Early May	F
Early May Grand	H
Early Red Jim	J
Early Sungrand	H
Fairlane	L
Fantasia	J
Firebrite	H
Flamekist	L
Flaming Red	K
Flavortop	J
Grand Diamond	L
Honey Kist	I
Independence	H
July Red	L
June Brite	I
Juneglo	H
Kay Diamond	L
King Jim	L
Kism Grand	J
Late Le Grand	L
Late Red Jim	J
May Diamond	I
May Fire	H
Mayglo	H
May Grand	H
May Jim	I
May Kist	H
May Lion	J
Mid Glo	L
Moon Grand	L
Niagra Grand	H
P–R Red	L
Red Delight	I
Red Diamond	L
Red Fred	J
Red Free	L
Red Glen	J

TABLE 1—Continued

Column A variety	Column B maturity guide
Red Glo	I
Red Grand	H
Red Jim	L
Red May	J
Rio Red	L
Rose Diamond	J
Royal Delight	F
Royal Giant	I
Royal Glo	I
Ruby Diamond	L
Ruby Grand	J
Ruby Sun	J
Scarlet Red	K
September Grand	L
September Red	L
Sheri Red	J
Sparkling June	L
Sparkling May	J
Sparkling Red	L
Spring Bright	L
Spring Diamond	L
Spring Red	H
Star Brite	J
Summer Beaut	H
Summer Blush	J
Summer Bright	J
Summer Diamond	L
Summer Fire	L
Summer Grand	L
Summer Lion	L
Summer Red	L
Sunburst	J
Sun Diamond	I
Sun Grand	G
Super Star	G
Tom Grand	L
Zee Glo	J
Zee Grand	I

Note: Consult with the Federal or Federal-State Inspection Service Supervisor for the maturity guides applicable to the varieties not listed above.

* * * * *

(3) Any package or container of Mayglo variety of nectarines on or after May 6 of each year, or Crimson Baby, Earliglo, Early Diamond, Grand Sun, Johnny's Delight, May Jim, or May Kist variety nectarines unless:

* * * * *

(4) Any package or container of Arctic Glo, Arctic Rose, Arctic Star, Diamond Bright, Juneglo, June Pearl, Kay Glo, Kay Sweet, May Diamond, May Grand, Prima Diamond IV, Prima Diamond 13, Prince Jim, Red Delight, Red Glo, Rose Diamond, Royal Glo, Scarlet Jewels, Sparkling May, Star Brite, White Sun, or Zee Grand variety nectarines unless:

* * * * *

(6) Any package or container of Alta Red, Arctic Blaze, Arctic Gold, Arctic Jay, Arctic Mist, Arctic Pride, Arctic Queen, Arctic Snow (White Jewel), Arctic Sweet, August Glo, August Lion, August Pearl, August Red, August Snow, Big Jim, Brite Pearl, Cole Red, Diamond Ray, Early Red Jim, Firebrite, Fire Pearl, Fire Sweet, Flame Glo, Flaming Red, Grand Diamond, Grand Pearl, Honey Blaze, Honey Kist, July Pearl, July Red, Kay Diamond, King Jim, Late Red Jim, Mid Glo, P–R Red, Prima Diamond IX, Prima Diamond XVI, Prima Diamond XVIII, Prima Diamond XIX, Prima Diamond XXIV, Red Diamond, Red Glen, Red Jim, Regal Pearl, Royal Giant, Ruby Diamond, Ruby Pearl, Ruby Sweet, Scarlet Red, September Free, September Red, Sparkling June, Sparkling Red, Spring Bright, Spring Diamond, Spring Red, Spring Sweet, Summer Beaut, Summer Blush, Summer Bright, Summer Diamond, Summer Fire, Summer Grand, Summer Lion, Summer Red, Sunburst, Sun Diamond, Sunny Red, Super Star, Terra White, or Zee Glo variety nectarines unless:

* * * * *

PART 917—FRESH PEARS AND PEACHES GROWN IN CALIFORNIA

5. Section 917.150 is revised to read as follows:

§ 917.150 Lot stamping.

Except when loaded directly into railway cars, exempted under § 917.143, or for peaches mailed directly to consumers in consumer packages, all exposed or outside containers of peaches, and not less than 75 percent of the total containers on a pallet, shall be plainly stamped, prior to shipment, with a Federal-State Inspection Service lot stamp number, assigned by such Service, showing that such fruit has been USDA inspected in accordance with § 917.45: *Provided,* That for the period April 1 through November 23, 2001, pallets of returnable plastic containers shall have the lot stamp numbers affixed to each pallet with a USDA-approved pallet tag, in addition to the lot stamp numbers and other required information on cards on the individual containers.

6. Section 917.442 is amended by revising paragraph (d) to read as follows:

§ 917.442 California peach container and pack regulation.

* * * * *

(d) During the period April 1 through November 23, 2001, each container or package when packed with peaches meeting ''CA Utility'' quality requirements, shall bear the words ''CA Utility,'' along with all other required container markings, in letters at least ⅜ inch in height on the visible display panel. Consumer bags or packages must also be clearly marked on the consumer bags or packages as ''CA Utility, '' along

with all other required markings, in letters at least ⅜ inch in height.

* * * * *

7. Section 917.459 is amended by:

A. Revising the introductory text of paragraph (a)(1);

B. Revising Table 1 of paragraph (a)(1)(iv); and

C. Revising the introductory text of paragraphs (a)(2), (a)(3), (a)(5), and (a)(6) to read as follows:

§ 917.459 California peach grade and size regulation.

(a) * * *

(1) Any lot or package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade: *Provided,* That an additional 25 percent tolerance shall be permitted for fruit with open sutures which are damaged, but not seriously damaged: *Provided further,* That peaches of the Peento type shall be permitted a 10 percent tolerance for healed, non-serious, blossom-end growth cracks: *Provided further,* That during the period April 1 through November 23, 2001, any handler may handle peaches if such peaches meet ''CA Utility'' quality requirements. The term ''CA Utility'' means that not more than 40 percent of the peaches in any container meet or exceed the requirement of the U.S. No. 1 grade, except that when more than 30 percent of the peaches in any container meet or exceed the requirements of U.S. No. 1 grade, the additional 10 percent shall have non-scoreable blemishes as determined when applying the U.S. Standards for Grades of Peaches; and that such peaches are mature and are:

* * * * *

(iv) * * *

TABLE 1

Column A variety	Column B maturity guide
Amber Crest	G
Angelus	I
August Lady	L
Autumn Flame	J
Autumn Gem	I
Autumn Lady	H
Autumn Rose	H
Blum's Beauty	G
Cal Red	I
Carnival	I
Cassie	H
Coronet	E
Crimson Lady	J
Crown Princess	J
David Sun	I
Diamond Princess	J
Earli Rich	H
Earlitreat	H
Early Delight	H
Early Elegant Lady	L

TABLE 1—Continued

Column A variety	Column B maturity guide
Early May Crest	H
Early O'Henry	I
Early Top	G
Elberta	B
Elegant Lady	L
Fairtime	G
Fancy Lady	J
Fay Elberta	C
Fire Red	I
First Lady	D
Flamecrest	I
Flavorcrest	G
Flavor Queen	H
Flavor Red	G
Franciscan	G
Goldcrest	H
Honey Red	G
John Henry	J
July Elberta	C
June Lady	G
June Pride	J
Kern Sun	H
Kingscrest	H
Kings Lady	I
Kings Red	I
Lacey	I
Lady Sue	L
Late Ito Red	L
May Crest	G
May Sun	I
Merrill Gem	G
Merrill Gemfree	G
O'Henry	I
Pacifica	G
Prima Gattie 8	L
Queencrest	G
Ray Crest	G
Red Dancer (Red Boy)	I
Redhaven	G
Red Lady	G
Redtop	G
Regina	G
Rich Lady	J
Rich May	H
Rich Mike	H
Rio Oso Gem	I
Royal Lady	J
Royal May	G
Ruby May	H
Ryan Sun	I
September Sun	I
Sierra Crest	H
Sierra Lady	I
Sparkle	I
Springcrest	G
Spring Lady	H
Sugar Lady	J
Summer Lady	L
Summerset	I
Summer Zee	L
Suncrest	G
Sweet Scarlet	J
Topcrest	H
Tra Zee	J
Vista	J
Willie Red	G
Zee Lady	L

Note: Consult with the Federal or Federal-State Inspection Service Supervisor for the maturity guides applicable to the varieties not listed above

* * * * *

(2) Any package or container of Earlitreat variety peaches unless:

* * * * *

(3) Any package or container of Super Rich or Topcrest variety peaches unless:

* * * * *

(5) Any package or container of Babcock, Brittany Lane, Crimson Lady, Crown Princess, David Sun, Early May Crest, Flavorcrest, June Lady, Kern Sun, Kingscrest, May Crest, May Sun, Pink Rose, Prima Peach IV, Queencrest, Ray Crest, Redtop, Rich May, Rich Mike, Snow Brite, Snow Prince, Springcrest, Spring Lady, Spring Snow, Sugar May, Sweet Scarlet, White Dream, Zee Diamond, 012–094, or 172LE White Peach (Crimson Snow/Sunny Snow) variety peaches unless:

* * * * *

(6) Any package or container of Amber Crest, August Lady, Autumn Flame, Autumn Red, Autumn Rose, Autumn Snow, Cal Red, Carnival, Cassie, Champagne, Coral Princess, Country Sweet, Diamond Princess, Earli Rich, Early Elegant Lady, Elegant Lady, Fairtime, Fancy Lady, Fay Elberta, Flamecrest, Full Moon, Garnet Jewel, Ivory Princess, John Henry, June Pride, Kaweah, Kings Lady, Klondike, Lacey, Late Ito Red, Madonna Sun, Morning Lord, O'Henry, Pretty Lady, Prima Gattie 8, Prima Peach 13, Prima Peach 20, Prima Peach 23, Queen Lady, Red Dancer, Rich Lady, Royal Lady, Ryan Sun, Saturn (Donut), Scarlet Snow, September Snow, September Sun, Sierra Gem, Sierra Lady, Snow Blaze, Snow Giant, Snow Jewel, Snow King, Sprague Last Chance, Sugar Giant, Sugar Lady, Summer Dragon, Summer Lady, Summer Sweet, Summer Zee, Sweet Dream, Sweet Kay, Sweet September, Tra Zee, Vista, White Lady, or Zee Lady variety peaches unless:

* * * * *

Dated: March 28, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–7979 Filed 3–28–01; 12:48 pm]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–312–AD; Amendment 39–12162; AD 2001–06–15]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–600, –700, –700C, and –800 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737–600, –700, –700C, and –800 series airplanes, that requires inspections of the fasteners in the elevator balance panel assemblies to detect various discrepancies; and corrective actions, if necessary. This amendment is prompted by a report that an elevator balance panel was found disconnected from the horizontal stabilizer due to the improper installation of fasteners during production. The actions specified by this AD are intended to prevent jamming, restricting, or binding of the elevator control surfaces due to loose or missing fasteners, which could make the movement of the elevator difficult and decrease aerodynamic control of the airplane.

DATES: Effective May 7, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 7, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Scott Fung, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1221; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737–600, –700, and –800 series airplanes was published in the **Federal Register** on September 18, 2000 (65 FR 56266). That action proposed to require inspections of the fasteners in the elevator balance panel assemblies to detect various discrepancies; and corrective actions, if necessary.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Several comments were received from a single commenter, and due consideration has been given to these comments.

Request To Reference New Service Bulletin

The commenter requests that the FAA revise the proposed rule to reference Boeing Service Bulletin 737–55A1064, Revision 1, dated December 7, 2000, as the appropriate source of service information for the actions required by this AD. (The proposed rule referenced the original issue of Boeing Service Bulletin 737–55A1064, dated October 15, 1998, as the appropriate source of service information.) The commenter points out that Revision 1 of the service bulletin clarifies some accomplishment instructions in the original issue of the service bulletin.

The FAA concurs with the commenter's request to revise the proposed rule to reference Revision 1 of the service bulletin. The FAA finds that the procedures described in Revision 1 are essentially similar to those described in the original issue, though some information has been clarified. In addition, Revision 1 specifies procedures for disposition of certain repair conditions that were omitted in the original issue. (This omission was described in the preamble of the proposed rule as a difference between the proposed rule and the service bulletin.)

The FAA concurs with the commenter's request to reference Revision 1 of the service bulletin in this final rule, and has revised paragraphs (a) and (b) of the final rule accordingly. Also, because the procedures are essentially the same as the original issue, the FAA has included a new ''Note 2'' in the final rule (and renumbered subsequent notes accordingly) to state that actions accomplished per the original issue of the service bulletin before the effective date of this AD are acceptable for compliance with this AD.

Request To Revise Repetitive Interval in Paragraph (a)(1)

The commenter also requests that the FAA revise the repetitive interval stated in paragraph (a)(1) of the proposed rule to be consistent with the interval provided in the service bulletin. Paragraph (a)(1) states a repetitive interval of 250 flight hours, which applies if no discrepancies (inadequate grip length; gaps between the bolt head, washer, and structures; missing fasteners) are found during the inspection in paragraph (a). For this same condition, paragraph 1.E. ''Compliance'' in the service bulletin, states a repetitive interval of 250 flight cycles.

The FAA concurs with the commenter's request to revise the compliance time in paragraph (a)(1) from 250 flight hours to 250 flight cycles. The FAA's intent was for the repetitive intervals in this AD to correspond to those in the service bulletin for airplanes on which no discrepancies were found. Paragraph (a)(1) of this final rule has been revised accordingly.

Request To Revise Compliance Time in Paragraph (b)

The commenter requests that the FAA revise the compliance time stated in paragraph (b) to be consistent with the compliance time given in the service bulletin. Paragraph (b) specifies accomplishment of the actions in that paragraph at intervals not to exceed 3,000 flight cycles or 18 months after the effective date of this AD, whichever occurs later. The commenter points out that the service bulletin specifies a compliance time of 3,000 flight cycles or 18 months, whichever is first. The commenter states that the alternatives given in the service bulletin are intended to ensure that these requirements are done in a timely manner on airplanes that have a low number of flight cycles.

The FAA concurs with the commenter's request. It was the FAA's intent for the compliance time in paragraph (b) to correspond to that provided in the service bulletin. However, paragraph (b) in the proposal inadvertently specified ''whichever occurs later,'' when it should have said ''whichever occurs first.'' Also, though the proposed rule stated a compliance time of 3,000 flight cycles or 18 months after the effective date of this AD, the service bulletin provides a compliance time of 3,000 flight cycles or 18 months (whichever is first) after the first inspection of the fasteners. The FAA finds that the compliance time specified

in the service bulletin, though it is somewhat longer than the compliance time stated in the proposed rule, is adequate to ensure the continued safety of the affected airplanes and to ensure that the actions required by paragraph (b) of this AD will be completed in a timely manner. Paragraph (b) in this final rule has been revised accordingly.

Request To Revise Paragraph (b)(3)

The commenter requests that the FAA revise paragraph (b)(3) of the proposed rule to remove the requirement to install a new nut plate ''in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings.'' The commenter states that replacement of worn nut plates with new nut plates is a standard maintenance procedure, and requiring replacement of nut plates as specified in paragraph (b)(3) of the proposal would place an undue burden on operators by forcing them to request an alternative method of compliance for a standard maintenance operation.

The FAA concurs with the commenter's request to revise paragraph (b)(3) of the proposal, and has revised that paragraph accordingly in this final rule. However, the FAA finds that it is necessary to clarify its intention. As stated before, the FAA noted in the ''Differences Between Proposed Rule and Service Bulletin'' section of the preamble of the proposal that the service bulletin did not specify procedures for disposition of certain repair conditions. The FAA intended to include the instruction to repair per a method approved by the FAA or per data approved by a Boeing Company DER to provide for conditions where the service bulletin did not include instructions. However, this instruction was inappropriately placed into paragraph (b)(3) of the proposed rule, so that it applied to replacement of the nut plate, rather than other repair conditions.

As described above, since the issuance of the proposed AD, Revision 1 of the service bulletin has been issued to specify procedures for disposition of certain repair conditions that were omitted in the original issue. While the procedures in the service bulletin specify to contact Boeing for repair procedures, the FAA finds it necessary to require such repairs to be done per a method approved by the FAA, or per data approved by a Boeing Company DER. Accordingly, the reference to repairing per the FAA or per data approved by a Boeing Company DER has been moved from its location in paragraph (b)(3) of the proposal to a new paragraph (b)(5) in this final rule. Because the FAA clearly expressed its intent in the proposed rule to include such a provision in this AD, the FAA finds that this change results in no additional burden on operators, and may in fact be relieving to certain operators, because the original issue of the service bulletin did not provide repair procedures.

Explanation of Additional Change to Paragraph (b)

For certain conditions, paragraphs (a)(1) and (a)(2) of the proposed rule refer to the accomplishment of the requirements of paragraph (b) ''prior to further flight.'' However, paragraph (b) of the proposal includes a separate compliance time. The FAA finds that, without clarification, these two compliance times could be potentially confusing for operators. Therefore, the FAA has revised paragraph (b) of this final rule to include the provision ''Except as provided by paragraphs (a)(1) and (a)(2) of this AD,'' to restrict the compliance time for paragraph (b) for those operators that accomplish paragraph (b) ''prior to further flight'' per paragraph (a)(1) or (a)(2).

Explanation of Change to Applicability

For clarification, the FAA has revised the applicability of this final rule to specifically identify Boeing Model 737–700C series airplanes. While the service bulletin does not specify that Model 737–700C series airplanes are subject to the actions in the service bulletin, the list of affected line numbers includes the line numbers of certain Model 737–700C series airplanes.

Conclusion

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

Cost Impact

There are approximately 123 Model 737–600, –700, –700C, and –800 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 52 airplanes of U.S. registry will be affected by this AD, that it will take approximately 11 work hours per airplane (including access and close-up hours) to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be $34,320, or $660 per airplane.

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

Regulatory Impact

The regulations 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 the following new airworthiness directive:

2001–06–15 Boeing: Amendment 39–12162. Docket 99–NM–312–AD.

Applicability: Model 737–600, –700, –700C, and –800 series airplanes, as listed in Boeing Alert Service Bulletin 737–55A1064, Revision 1, dated December 7, 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 (d) 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 jamming, restricting, or binding of the elevator control surfaces due to loose or missing fasteners; which could make the movement of the elevator difficult and decrease aerodynamic control of the airplane; accomplish the following:

Inspections of Fasteners, and Corrective Action, if Necessary

(a) Within 250 flight hours or 30 days after the effective date of this AD, whichever occurs first, perform a detailed visual inspection of the fasteners in the elevator balance panel to detect inadequate grip length, gaps between the bolt head, washer, and structure, and missing fasteners, in accordance with paragraph 3.A. of the Accomplishment Instructions of Boeing Service Bulletin 737–55A1064, Revision 1, dated December 7, 2000.

Note 2: Accomplishment of the actions specified in Boeing Service Bulletin 737–55A1064, dated October 15, 1998, prior to the effective date of this AD is acceptable for compliance with the applicable actions required by this AD.

Note 3: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(1) If adequate grip length is detected, if no gap is detected, and if no fastener is missing, repeat the inspection thereafter at intervals not to exceed 250 flight cycles until the requirements of paragraph (b) of this AD have been accomplished; or prior to further flight, accomplish the actions specified in paragraph (b) of this AD.

(2) If inadequate grip length is detected, if any gap is detected, or if any fastener is missing, prior to further flight, accomplish the actions specified in paragraph (b) of this AD.

Inspection and Corrective Actions, if Necessary

(b) Except as provided by paragraphs (a)(1) and (a)(2) of this AD, within 3,000 flight cycles or 18 months after the first inspection in accordance with paragraph (a) of this AD, whichever occurs first: Perform a detailed visual inspection to detect missing fasteners at the locations specified in Figure 2 of Boeing Service Bulletin 737–55A1064, Revision 1, dated December 7, 2000, to detect inadequate grip length, and to determine the locking torque of the nut plates specified in Figure 2 of the service bulletin. These actions shall be done in accordance with paragraph 3.B. (''Fastener Inspection and Replacement'') of the Accomplishment Instructions of Boeing Service Bulletin 737–55A1064, Revision 1. Accomplishment of the inspection constitutes terminating action for the repetitive inspection requirements of paragraph (a)(1) of this AD.

(1) If no loose (*i.e.,* minimum locking torque of nut plate not achieved) fastener is detected, if no fastener is missing, and if adequate grip length is found, no further action is required by this paragraph.

(2) If any fastener with an inadequate grip length is found, prior to further flight, replace the fastener with a new fastener in accordance with the service bulletin; and perform a detailed visual inspection of adjacent elevator and horizontal stabilizer structure to detect damage. If any damage is found on adjacent elevator or horizontal stabilizer structure, prior to further flight, repair or replace the damaged structure or component in accordance with the service bulletin.

(3) If any nut plate is found to have inadequate locking torque, prior to further flight, install a new nut plate.

(4) If any fastener is missing, prior to further flight, install a new fastener in accordance with the service bulletin; and perform a detailed visual inspection of adjacent elevator and horizontal stabilizer structure to detect damage. If any damage is found on adjacent elevator or horizontal stabilizer structure, prior to further flight, repair or replace the damaged structure or component in accordance with the service bulletin.

(5) Where the service bulletin specifies to contact Boeing for repair procedures or does not specify repair procedures, before further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or in accordance with 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 Manager's approval letter must specifically reference this AD.

Reporting Requirement

(c) Within 10 days after accomplishing any inspection required by paragraphs (a) and (b)—not including paragraph (b)(2)—of this AD, submit a report of the inspection results (positive findings only) to the Manager, Seattle Manufacturing Inspection District Office, ANM–108S, 2500 East Valley Road, Suite C–2, Renton, WA 98055–4056; fax (425) 227–1159. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

Alternative Methods of Compliance

(d) 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 Permits

(e) 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.

Incorporation by Reference

(f) Except as provided by paragraph (b)(5) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 737–55A1064, Revision 1, dated December 7, 2000. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(g) This amendment becomes effective on May 7, 2001.

Issued in Renton, Washington, on March 23, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–7733 Filed 3–30–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–105–AD; Amendment 39–12157; AD 2001–06–10]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B4–601, A300 B4–603, A300 B4–620, A300 B4–605R, A300 B4–622R, and A300 F4–605R Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Airbus Model A300 B4–601, A300 B4–603, A300 B4–620, A300 B4–605R, A300 B4–622R, and A300 F4–605R airplanes. This AD requires repetitive high frequency eddy current (HFEC) or rototest inspections to detect cracking in the area surrounding the frame feet attachment holes between fuselage frames (FR) 41 and FR46; installation of new fasteners for certain airplanes; and follow-on corrective actions, if necessary. This AD is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent cracking of the center section of the fuselage, which could result in rupture of the frame foot and reduced structural integrity of the airplane.

DATES: Effective May 7, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 7, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Airbus Model A300–600 series airplanes was published in the **Federal Register** on May 16, 2000 (65 FR 31113). That action proposed to require repetitive high frequency eddy current (HFEC) or rototest inspections to detect cracking in the area surrounding the frame feet attachment holes between fuselage frames (FR) 41 and FR46; installation of new fasteners for certain airplanes; and follow-on corrective actions, if necessary.

Comments

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

Request To Extend Grace Period

The commenters state that the 1,000-flight-cycle ''grace period'' specified for the initial inspection is unreasonably short. The commenters state that the airplane on which cracks were found is an exceptional example that does not realistically represent normal airplane utilization. That airplane had accumulated 26,200 flight cycles and 32,160 flight hours. The commenter notes that its own fleet has no airplane with more than 13,600 total flight cycles—about half the total flight cycles on the airplane on which the cracks were found. The commenter states that the 1,000-flight-cycle inspection requirement, combined with the specialized support required for any repair, will require special unscheduled visits to the heavy maintenance base. The commenter estimates that inspection costs will exceed $830,000, excluding any repair action.

The FAA infers that the commenters request an extension of the ''grace period.'' The FAA does not concur. Since the issuance of the service bulletin, the manufacturer has reported in-service findings of cracks found on airplanes near the threshold proposed in the Notice of Proposed Rulemaking. Although there is no damage tolerance justification for any grace period related to the identified unsafe condition, a grace period of 1,000 flight cycles is necessary to provide operators sufficient time to order the kits and plan the inspection for airplanes close to or exceeding the threshold as of the effective date of the AD. In light of the recent findings, no extension of the grace period is warranted.

Explanation of Change in Applicability of the AD

Since the proposed AD was issued, the Direction Généale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, has revised its parallel airworthiness directive to exclude Airbus Model A300 F4–622R airplanes from the applicability. Because those airplanes are not subject to the unsafe condition identified in this AD, the FAA has accordingly revised the applicability of this final rule to exclude them.

Change to Note Reference

Additionally, Note 3 of the AD has been revised to refer to the revised French airworthiness directive described previously.

Conclusion

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

Cost Impact

The FAA estimates that 75 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 work hours per airplane to accomplish the required inspections, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $27,000, or $360 per airplane, per inspection cycle.

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

Regulatory Impact

The regulations 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 the following new airworthiness directive:

2001–06–10 Airbus Industrie: Amendment 39–12157. Docket 2000–NM–105–AD.

Applicability: All Model A300 B4–601, A300 B4–603, A300 B4–620, A300 B4–605R, A300 B4–622R, and A300 F4–605R 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 (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 cracking of the center section of the fuselage, which could result in rupture of the frame foot and reduced structural integrity of the airplane, accomplish the following:

High Frequency Eddy Current (HFEC) or Rototest Inspection

(a) Perform a HFEC or rototest inspection to detect cracking in the area surrounding the frame feet attachment holes between fuselage frames (FR) 41 and FR46 from stringers 24 to 28, left-and right-hand sides, in accordance with Airbus Service Bulletin A300–53–6122, dated February 9, 2000, at the time specified in paragraph (a)(1) or (a)(2), as applicable.

(1) For airplanes on which Task 53–15–54 in Maintenance Review Board Document (MRBD), Revision 3, dated April 1998, has NOT been accomplished as of the effective date of this AD: Perform the inspection at the later of the times specified in paragraphs (a)(1)(i) and (a)(1)(ii) of this AD.

(i) Prior to the accumulation of the total flight-cycle or flight-hour threshold, whichever occurs first, specified in paragraph 1.E. (''Compliance'') of the service bulletin; or

(ii) Within the applicable grace period specified in paragraph 1.E. (''Compliance'') of the service bulletin.

(2) For airplanes on which Task 53–15–54 in Maintenance Review Board Document (MRBD), Revision 3, dated April 1998, has been accomplished as of the effective date of this AD: Perform the next repetitive inspection at the later of the times specified in paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) Within the flight-cycle or flight-hour interval, whichever occurs first, specified in paragraph 1.E. (''Compliance'') of the service bulletin, following the latest inspection accomplished in accordance with the MRBD; or

(ii) Within the grace period specified in paragraph 1.E. (''Compliance'') of the service bulletin.

(b) For airplanes on which no cracking is detected during the inspection required by paragraph (a) of this AD, prior to further flight, install new fasteners as applicable, in accordance with Airbus Service Bulletin A300–53–6122, dated February 9, 2000; and repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed the applicable intervals specified in paragraph 1.E. (''Compliance'') of the service bulletin.

Corrective Actions

(c) For airplanes on which cracking is detected during any inspection required by this AD: Prior to further flight, except as required by paragraph (d) of this AD, accomplish corrective actions (e.g., performing rotating probe inspections, reaming out cracks, cold working fastener holes, and installing oversized fasteners) in accordance with Airbus Service Bulletin A300–53–6122, dated February 9, 2000. Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed the applicable intervals specified in paragraph 1.E. (''Compliance'') of the service bulletin.

(d) If cracking is detected during any inspection required by this AD, and the service bulletin specifies to contact the manufacturer for an appropriate corrective action: Prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (DGAC) (or its delegated agent).

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Incorporation by Reference

(g) Except as required by paragraph (d) of this AD, the actions must be done in accordance with Airbus Service Bulletin A300–53–6122, dated February 9, 2000. 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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in French airworthiness directive 2000–060–303(B) R1, dated July 12, 2000.

Effective Date

(h) This amendment becomes effective on May 7, 2001.

Issued in Renton, Washington, on March 22, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–7699 Filed 3–30–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–127–AD; Amendment 39–12159; AD 2001–06–12]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767 Series Airplanes Powered by General Electric Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes powered by General Electric engines, that requires modification of the nacelle strut and wing structure. This amendment is prompted by reports indicating that the actual operational loads applied to the nacelle are higher than the analytical loads that were used during the initial design. Such an increase in loading can lead to fatigue cracking in the primary strut structure prior to an airplane reaching its design service objective. The actions specified by this AD are intended to prevent fatigue cracking in the primary strut structure and consequent reduced structural integrity of the strut.

DATES: Effective May 7, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 7, 2001.

The incorporation by reference of a certain other publication, as listed in the regulations, was approved previously by the Director of the Federal Register as of July 24, 2000 (65 FR 37843, June 19, 2000).

The incorporation by reference of certain other publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of October 17, 2000 (65 FR 58641, October 2, 2000).

The incorporation by reference of certain other publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of March 5, 2001 (66 FR 8085, January 29, 2001).

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Craycraft, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2782; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes powered by General Electric engines was published in the **Federal Register** on October 10, 2000 (65 FR 60126). That action proposed to require modification of the nacelle strut and wing structure.

Comments

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

Request To Reference Revised Service Information

One commenter requests that the FAA revise paragraph (b) to reference Boeing Service Bulletin 767–54–0069, Revision 2, dated August 31, 2000, in addition to Boeing Service Bulletin 767–54–0069, Revision 1, dated January 29, 1998, as an acceptable source of service information for the applicable requirement of that paragraph.

The FAA concurs with the commenter's request. Since the issuance of the proposal, the FAA has reviewed and approved Boeing Service Bulletin 767–54–0069, Revision 2, in connection with AD 2001–02–07, amendment 39–12091 (66 FR 8085, January 29, 2001). That AD, among other things, requires accomplishment of the actions in Boeing Service Bulletin 767–54–0069, Revision 1 or Revision 2. Accordingly, paragraph (b) of this AD has been revised to reference both Revisions 1 and 2 of that service bulletin as appropriate sources of service information. Also, a new Note 4 has been added to this final rule, and subsequent notes have been reordered accordingly, to reference AD 2001–02–07.

Request To Delay Issuance of Final Rule

One commenter requests that the FAA delay issuance of the final rule until the airplane manufacturer has revised Boeing Service Bulletin 767–54–0081, dated July 29, 1999. The commenter states that, while accomplishing the proposed requirements, the commenter found numerous deviations from Boeing Service Bulletin 767–54–0081 and its associated service bulletins. The commenter states that issuing the final rule before the service bulletin is revised would force operators to request alternative methods of compliance (AMOC's) to address these deviations.

The FAA finds that a change to the final rule is necessary in this regard, but we do not concur with the commenter's request to delay issuance of this final rule. Boeing Service Bulletin 767–54–0081 is not scheduled to be revised until June 2001, and the FAA finds that, in view of the urgency of the unsafe condition addressed by this AD, it would be inappropriate to delay issuance of the final rule to wait for such a revision of the service bulletin to become available.

However, to relieve any burden on operations due to necessary deviations from the service bulletin, the FAA finds that it is appropriate to allow a Boeing Company Designated Engineering Representative (DER) to approve AMOC's. Accordingly, paragraph (d) as it appeared in the proposed rule has been revised in this final rule to include subparagraphs (d)(1) and (d)(2), with paragraph (d)(1) containing all information included in paragraph (d) of the proposed rule, and paragraph (d)(2) containing the information about approval of AMOC's by a Boeing Company DER.

Request To Give Credit for AMOC's

One commenter requests that AMOC's approved for AD 2000–12–17, amendment 39–11795 (65 FR 37843, June 19, 2000), and AD 2000–07–05, amendment 39–11659 (65 FR 18883, April 10, 2000), also be approved for this AD. The commenter is referring to certain requirements of paragraph (b), as clarified by Notes 2 and 3, of the proposed rule, which state that service bulletins required by those AD's are acceptable for compliance with the applicable actions required by paragraph (b) of this AD.

The FAA concurs with the commenter's request. AMOC's approved for AD 2000–12–17 and AD 2000–07–05, as well as those approved for AD 94–11–02, amendment 39–8918 (59 FR 27229, May 26, 1994), and AD 2001–02–07 (which was mentioned above), are considered approved for compliance with the applicable actions required by paragraph (b) of this AD. Accordingly, a new paragraph (d)(3) has been added to this final rule to state that AMOC's approved for those AD's are considered

acceptable for compliance with paragraph (b) of this AD.

Request To Clarify Flight Cycle Threshold Formula

One commenter requests clarification of certain conditions for the use of the flight cycle threshold formula listed in Figure 1 of Boeing Service Bulletin 767–54–0081, dated July 29, 1999. Condition 2 of the formula lists nine service bulletins that must be accomplished if the formula is to be used. The commenter specifically requests clarification of the compliance thresholds to accomplish the actions described in those service bulletins. The commenter points out that many of the listed service bulletins specify initial inspection thresholds that will have already passed for some airplanes. The commenter requests that the FAA revise the requirement to state that ''the inspections should be accomplished prior to reaching the service bulletin threshold or 20 years, whichever occurs later.''

The FAA concurs that it is necessary to clarify the threshold for doing the service bulletins listed in Condition 2 of the flight cycle threshold formula, though we do not concur with the commenter's suggested change. The FAA concurs that the actions in the listed service bulletins must be done no later than 20 years since the date of delivery of the airplane for the formula to apply. However, the FAA does not concur that the threshold should be 20 years since date of delivery or prior to the threshold listed in the service bulletin, whichever occurs later. The FAA finds that deferring accomplishment of the service bulletins beyond 20 years would not provide an acceptable level of safety. Therefore, paragraph (a)(1) of this AD has been revised to clarify that, for the formula to be used, the actions in the service bulletins referenced in Figure 1 must be accomplished no later than 20 years since date of manufacture of the airplane.

Request To Revise Compliance Time in Paragraph (a)(1)

One commenter requests that the FAA revise the compliance time in paragraph (a)(1) to remove the reference to 37,500 total flight cycles. The commenter states that the compliance time should be, ''Prior to the airplane * * * accumulating 20 calendar years from the airplane initial delivery date, or having reached the flight cycle threshold as defined by the flight cycle threshold formula described in Figure 1 of the service bulletin, whichever occurs first.'' The commenter states that this revision would make the AD more consistent with the service bulletin, because the flight cycle threshold formula takes into account the greater fatigue damage resulting from longer-duration flights. The commenter states that the flight cycle count resulting from this formula is never greater than 37,500 flight cycles, and may be significantly less.

The FAA does not concur with the commenter's request to revise paragraph (a)(1) of the AD. We acknowledge that the wording and logic of the compliance times in the AD differ from those in the service bulletin, but we have determined that the compliance times in this AD and in the service bulletin are roughly equivalent for airplanes flying longer-duration flights. For example, an airplane that flies routes that average 8 hours would reach the 20-year threshold before it reached the 37,500 flight cycle threshold. Once the airplane has reached the 20-year threshold, if the operator does not choose to do the requirements of this AD at that time, the operator would then have the option to use the flight cycle threshold formula to determine the alternative threshold (provided that the criteria in Figure 1 are met). No change to the final rule is necessary in this regard.

Request To Identify This AD as a Supersedure of AD 94–11–02

One commenter requests that the FAA revise the proposed rule to state that this AD is a supersedure of AD 94–11–02. The commenter states that Boeing Service Bulletin 767–54–0069 was approved as an alternative method of compliance (AMOC) for the requirements of that AD.

The FAA does not concur with the commenter's request. This AD does not supersede AD 94–11–02. However, the FAA acknowledges that accomplishment of Boeing Service Bulletin 767–54–0069 does terminate the inspections required by AD 94–11–02. No change to the final rule is necessary in this regard.

Request To Revise Cost Impact Information

One commenter requests that the FAA revise the proposed rule to more accurately represent the cost impact of this AD. The commenter states that the costs estimated in the proposed rule do not accurately reflect the actual costs that will be incurred by operators. The commenter states that the actual time required to do Boeing Service Bulletin 767–54–0081 is between 2,000 and 3,000 work hours, and the time for the associated service bulletins is between 340 and 550 work hours.

The FAA does not concur with the commenter's request to revise the estimate of cost impact. The number of work hours necessary to accomplish the required actions, restated below, is based on the information provided by the airplane manufacturer in its service bulletins. This number represents the time necessary to perform only the actions actually required by this AD—the ''direct'' costs. The FAA recognizes that, in accomplishing the requirements of any AD, operators may incur ''incidental'' costs in addition to the ''direct'' costs. The cost analysis in AD rulemaking actions, however, typically does not include incidental costs, such as planning time or time necessitated by other administrative actions. Because incidental costs may vary significantly from operator to operator, they are almost impossible to calculate. No change to the final rule is necessary in this regard.

Request To Address Warranty and Reimbursement Issues

One commenter addresses its comment to both Boeing and the FAA. The commenter makes several requests pertaining to warranty and cost reimbursement issues.

The FAA finds that an airworthiness directive is not an appropriate vehicle to resolve these specific comments. The FAA does not involve itself in contractual issues between the airplane (or parts) manufacturer and its customers. No change to the AD can be made in this regard.

Conclusion

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

Cost Impact

There are approximately 381 Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 159 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1,006 work hours per airplane, including time for gaining access and closing up, to accomplish the required modifications per Boeing Service Bulletin 767–54–0081, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of this requirement on U.S. operators is

estimated to be $9,597,240, or $60,360 per airplane.

It will take approximately 16 work hours per airplane to accomplish the required actions described in Boeing Service Bulletin 767–29–0057, at an average labor rate of $60 per work hour. Required parts will be provided at no cost by the airplane manufacturer. Based on these figures, the cost impact of these actions on U.S. operators is estimated to be $152,640, or $960 per airplane.

It will take approximately 106 work hours per airplane to accomplish the actions described in Boeing Service Bulletin 767–53–0069, at an average labor rate of $60 per work hour. Required parts will be provided at no cost by the airplane manufacturer. Based on these figures, the cost impact of these actions on U.S. operators is estimated to be $1,011,240, or $6,360 per airplane. Because the actions described in this service bulletin are already required by another AD action, this requirement adds no new costs for affected operators.

It will take approximately 1 work hour per airplane to accomplish the actions described in Boeing Service Bulletin 767–54–0083, at an average labor rate of $60 per work hour. Required parts will be provided at no cost by the airplane manufacturer. Based on these figures, the cost impact of these actions on U.S. operators is estimated to be $9,540, or $60 per airplane.

It will take approximately 4 work hours per airplane to accomplish the actions described in Boeing Service Bulletin 767–54–0088, Revision 1, at an average labor rate of $60 per work hour. Required parts will be provided at no cost by the airplane manufacturer. Based on these figures, the cost impact of these actions on U.S. operators is estimated to be $38,160, or $240 per airplane.

It will take approximately 20 work hours per airplane to accomplish the actions described in Boeing Service Bulletin 767–54A0094, Revision 1, at an average labor rate of $60 per work hour. Required parts will be provided at no cost by the airplane manufacturer. Based on these figures, the cost impact of these actions on U.S. operators is estimated to be $190,800, or $1,200 per airplane. Because the actions described in this service bulletin are already required by another AD action, this requirement adds no new costs for affected operators.

It will take approximately 5 work hours per airplane to accomplish the actions described in Boeing Service Bulletin 767–57–0053, Revision 2, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of these actions on U.S. operators is estimated to be $47,700, or $300 per airplane. Because the actions described in this service bulletin are already required by another AD action, this requirement adds no new costs for affected operators.

Some operators may have accomplished certain modifications on some or all of the airplanes in their fleets, while other operators may not have accomplished any of the modifications on any of the airplanes in their fleets. The future cost impact of this AD may be reduced below the estimates provided above if some airplanes have already been modified.

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

Regulatory Impact

The regulations 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 the following new airworthiness directive:

2001–06–12 Boeing: Amendment 39–12159. Docket 99–NM–127–AD.

Applicability: Model 767 series airplanes powered by General Electric engines, line numbers 1 through 663 inclusive, 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 (d)(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 fatigue cracking in the primary strut structure and consequent reduced structural integrity of the strut, accomplish the following:

Modification

(a) Modify the nacelle strut and wing structure on both the left and right sides of the airplane, in accordance with Boeing Service Bulletin 767–54–0081, dated July 29, 1999, at the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD.

(1) Prior to the accumulation of 37,500 total flight cycles, or within 20 years since date of manufacture, whichever occurs first. Use of the optional threshold formula described in Figure 1 on page 54 of the service bulletin is an acceptable alternative to the 20-year threshold provided that the conditions specified in Figure 1 of the service bulletin are met. For the optional threshold formula in Figure 1 to be used, actions in the service bulletins listed in Item 2 of Figure 1 must be accomplished no later than 20 years since the airplane's date of manufacture.

(2) Within 3,000 flight cycles after the effective date of this AD.

(b) Prior to or concurrently with the accomplishment of the modification of the

nacelle strut and wing structure required by paragraph (a) of this AD; as specified in paragraph 1.D., Table 2, ''Prior or Concurrent Service Bulletins,'' on page 8 of Boeing Service Bulletin 767–54–0081, dated July 29, 1999; accomplish the actions specified in Boeing Service Bulletin 767–29–0057, dated December 16, 1993; Boeing Service Bulletin 767–54–0069, Revision 1, dated January 29, 1998, or Revision 2, dated August 31, 2000; Boeing Service Bulletin 767–54–0083, dated September 17, 1998; Boeing Service Bulletin 767–54–0088, Revision 1, dated July 29, 1999; Boeing Service Bulletin 767–54A0094, Revision 1, dated September 16, 1999; and Boeing Service Bulletin 767–57–0053, Revision 2, dated September 23, 1999; as applicable, in accordance with those service bulletins.

Note 2: AD 2000–12–17, amendment 39–11795, requires accomplishment of Boeing Service Bulletin 767–57–0053, Revision 2, dated September 23, 1999. However, inspections and rework accomplished in accordance with Boeing Service Bulletin 767–57–0053, Revision 1, dated October 31, 1996, are acceptable for compliance with the applicable actions required by paragraph (b) of this AD.

Note 3: AD 2000–07–05, amendment 39–11659, requires accomplishment of Boeing Service Bulletin 767–54A0094, dated May 22, 1998. Inspections and rework accomplished in accordance with Boeing Service Bulletin 767–54A0094, dated May 22, 1998, are acceptable for compliance with the applicable actions required by paragraph (b) of this AD.

Note 4: AD 2001–02–07, amendment 39–12091, requires accomplishment of Boeing Service Bulletin 767–54–0069, Revision 1, dated January 29, 1998, or Revision 2, dated August 31, 2000. Inspections and rework accomplished in accordance with those service bulletins are acceptable for compliance with the applicable actions required by paragraph (b) of this AD.

Repairs

(c) If any damage to the airplane structure is found during the accomplishment of the modification required by paragraph (a) of this AD, and the service bulletin specifies to contact Boeing for appropriate action: Prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, or a Boeing Company Designated Engineering Representative (DER) who has been authorized by the FAA to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

(d)(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 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.

(2) An alternative method of compliance that provides an acceptable level of safety may be used for paragraph (a) of this AD, if it is approved by a Boeing Company DER who has been authorized by the FAA to make such findings.

(3) Alternative methods of compliance, approved previously in accordance with AD 2000–12–17, amendment 39–11795; AD 2000–07–05, amendment 39–11659; AD 2001–02–07, amendment 39–12091; and AD 94–11–02, amendment 39–8918; are approved as alternative methods of compliance with the applicable actions in paragraph (b) of this AD.

Note 5: 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

(e) 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.

Incorporation by Reference

(f) Except as required by paragraph (c) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 767–54–0081, dated July 29, 1999; Boeing Service Bulletin 767–29–0057, dated December 16, 1993; Boeing Service Bulletin 767–54–0069, Revision 1, dated January 29, 1998, or Revision 2, dated August 31, 2000; Boeing Service Bulletin 767–54–0083, dated September 17, 1998; Boeing Service Bulletin 767–54–0088, Revision 1, dated July 29, 1999; Boeing Service Bulletin 767–54A0094, Revision 1, dated September 16, 1999; and Boeing Service Bulletin 767–57–0053, Revision 2, dated September 23, 1999; as applicable.

(1) The incorporation by reference of Boeing Service Bulletin 767–54–0081, dated July 29, 1999, is approved by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Boeing Service Bulletin 767–57–0053, Revision 2, dated September 23, 1999, was approved previously by the Director of the Federal Register as of July 24, 2000 (65 FR 37843, June 19, 2000).

(3) The incorporation by reference of Boeing Service Bulletin 767–29–0057, dated December 16, 1993; Boeing Service Bulletin 767–54–0069, Revision 1, dated January 29, 1998; Boeing Service Bulletin 767–54–0083, dated September 17, 1998; and Boeing Service Bulletin 767–54–0088, Revision 1, dated July 29, 1999; was approved previously by the Director of the Federal Register as of October 17, 2000 (65 FR 58641, October 2, 2000).

(4) The incorporation by reference of Boeing Service Bulletin 767–54–0069, Revision 2, dated August 31, 2000; and Boeing Service Bulletin 767–54A0094, Revision 1, dated September 16, 1999, was approved previously by the Director of the Federal Register as of March 5, 2001 (66 FR 8085, January 29, 2001).

(5) Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(g) This amendment becomes effective on May 7, 2001.

Issued in Renton, Washington, on March 22, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–7701 Filed 3–30–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–316–AD; Amendment 39–12158; AD 2001–06–11]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330–301, –321, –322, –341, and –342 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Airbus Model A330–301, –321, –322, –341, and –342 series airplanes. This action requires replacement of the existing fasteners on the vertical web of stringers 13 and 20 of both wings with interference fasteners. This action is necessary to prevent fatigue cracking of the wing bottom skin and vertical webs, which could result in reduced structural integrity of the wing. This action is intended to address the identified unsafe condition.

DATES: Effective April 17, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 17, 2001.

Comments for inclusion in the Rules Docket must be received on or before May 2, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–316–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-iarcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–316–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 this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for, notified the FAA that an unsafe condition may exist on certain Airbus Model A330–301, –321, –322, –341, and –342 series airplanes. The DGAC advises that, wing fatigue testing, cracks were found to be initiating and propagating at the bottom skin and in the vertical web of stringers 13 and 20, between ribs 1 and 2. This condition, if not corrected, could result in reduced structural integrity of the wing.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A330–57–3019, Revision 02, dated September 14, 2000, which describes procedures for replacement of the existing fasteners on the vertical web of stringers 13 and 20 of both wings with interference fasteners. The replacement involves drilling and reaming of the holes; performing an eddy current test to inspect for cracks and performing corrective actions, if necessary; and installing new oversize fasteners. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 2000–358–124(B), dated August 23, 2000, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France 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 DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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 the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design that may be registered in the United States at some time in the future, this AD will require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between AD and Service Bulletin

Operators should note that, although the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this AD requires the repair of those conditions to be accomplished in accordance with a method approved by either the FAA or the DGAC (or its delegated agent). In light of the type of repair that would be required to address the identified unsafe condition, and in consonance with existing blateral airworthiness agreements, the FAA has determined that, for this AD, a repair approved by either the FAA or the DGAC would be acceptable for compliance with this AD.

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 10 work hours to accomplish the required replacement, at an average labor rate of $60 per work hour. Required parts would cost approximately $1,030 per airplane. Based on these figures, the cost impact of this AD would be $1,630 per airplane.

Determination of Rule's Effective Date

Since this AD action does not affect any airplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, prior notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–316–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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 the following new airworthiness directive:

2001–06–11 Airbus Industrie: Amendment 39–12158. Docket 2000–NM–316–AD.

Applicability: Model A330–301, –321, –322, –341, and –342 series airplanes which have not received Airbus Modification 43283, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent fatigue cracking of the bottom skin and vertical webs of the airplane wings, which could result in reduced structural integrity of the wings, accomplish the following:

Modification

(a) Before the accumulation of 17,200 total flight cycles, or 53,500 total flight hours, whichever occurs first, replace the applicable existing fasteners of the vertical web of stringers 13 and 20 of both wings with interference fasteners (including performing an eddy current test to inspect for cracks and performing applicable corrective actions), according to Airbus Service Bulletin A330–57–3019, Revision 02, dated September 14, 2000.

(b) If any crack is found during any inspection required by paragraph (a) of this AD, and the applicable service bulletin specifies to contact Airbus for appropriate action: Prior to further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, or the Direction Générale de l'Aviation Civile (or its delegated agent).

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, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(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.

Incorporation by Reference

(e) The actions shall be done in accordance with Airbus Service Bulletin A330–57–3019, Revision 02, dated September 14, 2000. 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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in French airworthiness directive 2000–358–124(B), dated August 23, 2000.

Effective Date

(f) This amendment becomes effective on April 17, 2001.

Issued in Renton, Washington, on March 22, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–7696 Filed 3–30–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–222–AD; Amendment 39–12161; AD 2001–06–14]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes, that requires installation of a new circuit breaker and related wiring, and relocation of circuit breaker 12FG, if applicable. The actions specified by this AD are intended to prevent loss of the nose wheel steering and reduced controllability of the airplane on the ground. This action is intended to address the identified unsafe condition.

DATES: Effective May 7, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 7, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. This information may be

examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roseanne Ryburn, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2139; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Saab Model SAAB SF340A and SAAB 340B series airplanes was published in the **Federal Register** on December 21, 2000 (65 FR 80392). That action proposed to require installation of a new circuit breaker and related wiring, and relocation of circuit breaker 12FG, if applicable.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 312 Saab Model SAAB SF340A and SAAB 340B series airplanes of U.S. registry will be affected by this AD.

It will take approximately 7 work hours per airplane to accomplish the required installation, at an average labor rate of $60 per work hour. Required parts will cost approximately $177 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $186,264, or $597 per airplane.

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

Regulatory Impact

The regulations 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 the following new airworthiness directive:

2001–06–14 SAAB Aircraft AB: Amendment 39–12161. Docket 2000–NM–222–AD.

Applicability: The following airplanes, certificated in any category:

Model	Serial Nos.
SAAB SF340A	–004 through –159 inclusive.
SAAB 340B	–160 through –459 inclusive, except. –342, –379, –395, –409, –431, and –455.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of the nose wheel steering and reduced controllability of the airplane on the ground, accomplish the following:

Installation of Circuit Breaker and Related Wiring and Relocation of the Circuit Breaker, if Applicable

(a) Within 6 months after the effective date of this AD, install a new circuit breaker and related wiring, per Saab Service Bulletin 340–32–120, Revision 01, dated August 29, 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, International Branch, ANM–116, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Incorporation by Reference

(d) The actions shall be done in accordance with Saab Service Bulletin 340–32–120, Revision 01, dated August 29, 2000. 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 Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Swedish airworthiness directive (SAD) 1–155, dated February 28, 2000.

Effective Date

(e) This amendment becomes effective on May 7, 2001.

Issued in Renton, Washington, on March 22, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–7698 Filed 3–30–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–326–AD; Amendment 39–12163; AD 2001–06–16]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes, that currently requires revisions to the Airplane Flight Manual (AFM) and installation of inspection aids on the wing upper surfaces. This amendment requires, among other actions, installation of an overwing heater blanket system or primary upper wing ice detection system, and installation of a heater protection panel or an equipment protection device on certain overwing heater blanket systems. This amendment is prompted by incidents in which ice accumulation on the wing upper surfaces shed into the engines during takeoff. The actions specified by this AD are intended to prevent ice accumulation on the wing upper surfaces, which could result in ingestion of ice into one or both engines and consequent loss of thrust from one or both engines.

DATES: Effective May 7, 2001.

The incorporation by reference of McDonnell Douglas Service Bulletin 30–59, dated September 18, 1989, and McDonnell Douglas Service Bulletin 30–59, Revision 1, dated January 5, 1990, as listed in the regulations, was approved previously by the Director of the Federal Register as of January 17, 1992 (57 FR 2014, November 12, 1998).

The incorporation by reference of certain other publications, as listed in the regulations, is approved by the Director of the Federal Register as of May 7, 2001.

ADDRESSES: The service information referenced in this AD 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 Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Albert Lam, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5346; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 92–03–02, amendment 39–8156 (57 FR 2014, January 17, 1992), which is applicable to all McDonnell Douglas Model DC–9–80 series airplanes and Model MD–88 airplanes, was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on April 28, 2000 (65 FR 24882). The action proposed to continue to require a revision to the Airplane Flight Manual (AFM) to specify restrictions on operations during icing conditions, installation of inspection aids on the inboard side of the wing upper surfaces, and a revision to the AFM to specify restrictions on operations when such inspection aids are missing. That action also proposed to add a requirement for installation of an overwing heater blanket system or a primary upper wing ice detection system, and a new revision to the AFM to advise the flight crew of the hazards associated with ice accumulation on wing surfaces.

Comments Received

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

Support for Supplemental NPRM

Several commenters support the supplemental NPRM.

Request To Allow a Certain Installation After the Effective Date of the AD

One commenter requests that installation of an operational overwing heater blanket system per TDG Aerospace, Inc., Supplemental Type Certificate (STC) SA6042NM without an equipment protective device (EPD) be allowed after the effective date of this AD until an EPD becomes available, provided that the inspection and test requirements of paragraph (d)(2) of the supplemental NPRM are done. As currently worded, paragraph (d) of the supplemental NPRM requires inspection and test requirements for airplanes on which an overwing heater blanket system was installed without a heater protection panel (HPP) or an EPD prior to the effective date of this AD. The commenter states that it interprets this paragraph to mean that any overwing heater blanket system installed after the effective date of the AD must include an HPP or EPD as part of the installation. The commenter notes that there are no EPD's available to date.

The FAA does not agree and finds that clarification is necessary. The commenter is correct that this AD (paragraph (f)) requires installation of an overwing heater blanket system with an HPP or EPD. Since issuance of the supplemental NPRM, we have reviewed and approved the design of an EPD (reference TDG Master Drawing List (MDL) E93–104, Revision R, dated October 25, 2000), which provides a circuit protection function to the overwing heater blanket, for installation on certain affected airplanes. We have revised paragraph (f)(2)(i) of the final rule to reference this MDL as an acceptable method of compliance. We find that the 3-year compliance time specified in paragraph (f) of this AD for installation of an EPD will accommodate the time necessary for affected operators to order, obtain, and install an EPD in conjunction with an

overwing heater blanket system, without adversely affecting safety.

Request To Revise Repetitive Test Intervals

One commenter requests that the repetitive test interval specified in paragraph (d)(2)(ii)(A) of the supplemental NPRM be extended from 150 days to 180 days. The commenter states that it currently does the tests during base maintenance visits every 1,300 flight hours. The commenters notes that, based on its average airplane utilization rate, 1,300 flight hours can be as much as 180 days.

The FAA does not agree. In developing an appropriate compliance time, the FAA considered the safety implications of potential arcing of an overwing heater blanket, and normal maintenance schedules for timely accomplishment of the tests. In light of these items, we have determined that 150 days for compliance is appropriate. However, paragraph (i)(1) of the final rule does provide affected operators the opportunity to apply for an adjustment of the compliance time if data are presented to justify such an adjustment.

Request To Allow Deactivation of the Heater Blanket System

One commenter requests that a statement be added to paragraph (e) of the supplemental NPRM to allow the heater blanket system to be deactivated per the Master Minimum Equipment List (MMEL) until the repair or replacement can be done.

The FAA agrees. As discussed below under the heading ''Request to Allow An Inoperative Overwing Heater Blanket System,'' we find that an overwing heater blanket or ice detection system may be inoperative for 10 days per the MMEL, so that the affected airplane may be rerouted to a suitable repair station. We have included a new paragraph (h) in the final rule that provides for such an option. We have also revised paragraph (e) of the final rule to reference that option in paragraph (h) of the final rule.

Requests To Revise 3-Year Compliance Time

Several commenters request that the 3-year compliance time specified in paragraph (f) of the supplemental NPRM be revised. Some of the commenters suggest 2 years, and another suggests 18 months. One commenter suggests that the FAA determine and define a compliance time that is consistent with the flight safety risk implications, parts availability, and ability of operators to incorporate the modification.

Three commenters, one acting as a consultant to the others, state that a shorter compliance time would enhance public safety and reduce exposure to current manual tactile inspection procedures as the primary means of determining whether wings are free of ice. The commenters also state that an 18-month or 24-month compliance time should not cost operators any more to comply with than a 3-year compliance time. The commenters further state that one of the heater blanket manufacturers can provide sufficient quantities of heater blanket kits within an 18-month or 24-month compliance time. One of the commenters states that a 3-year compliance time seems unduly long given the potential severity of the problem and that the solution is already well established.

The FAA does not agree. As discussed under the heading ''Explanation of Differences Between Service Bulletins and Supplemental NPRM'' in the preamble of the supplemental NPRM, we find installation of both an overwing heater blanket system and HPP or EPD within 3 years after the effective date of this AD to be appropriate. In developing an appropriate compliance time, the FAA considered the interim requirements (i.e., repetitive inspections of the overwing heater blanket); development, approval, and manufacturing schedule of EPD's; scope of an EPD installation; and safety impact of the existing TDG overwing heater blanket without an EPD. Because the installation of an EPD or HPP is relatively simple and may be done during a light maintenance check, we find that a 3-year compliance time for fielding an EPD to affected operators will not impose an unreasonable burden on operators. Also, we find that an overwing heater blanket system should be installed during a heavy maintenance check (i.e., 3 years). An 18-month compliance time would require operators to schedule special times for installation of an overwing heater blanket system or primary upper wing ice detection system, at additional expense and downtime.

Operators are always permitted to accomplish the requirements of an AD at a time earlier than that specified as the compliance time; therefore, if an operator elects to accomplish the installation required by paragraph (f) of this AD before 3 years after the effective date of this AD, it is that operator's prerogative to do so. If additional data are presented that would justify a shorter compliance time, the FAA may consider further rulemaking on this issue. Therefore, no change to the compliance time of paragraph (f) of the final rule is necessary.

One commenter requests that the 3-year compliance time specified in paragraph (f) of the supplemental NPRM begin from the date when an approved EPD becomes available. The commenter states that, to date, there are no EPD's available. The FAA does not agree. As discussed above under the heading ''Request to Allow a Certain Installation After the Effective Date of the AD,'' we have approved the design for an EPD and find that the 3-year compliance time for installation of an EPD will accommodate the time necessary for affected operators to order, obtain, and install an EPD in conjunction with an overwing heater blanket system, without adversely affecting safety.

Request To Only Require Installation of an Overwing Heater Blanket System

One commenter requests that paragraph (f) of the proposed AD only require installation of an overwing heater blanket. The commenter states that installation of a primary upper wing ice detection system (the proposed alternative to installation of an overwing heater blanket) may detect the occurrence of ice, but will not remove ice. The commenter provides the following safety/operational issues concerning ice detectors:

1. Ice can form on the ''cold corner'' of Model DC–9–80 series airplanes at an outside air temperature as high as 50° Fahrenheit (10° Celsius). Under these non-winter conditions, de-icing equipment may not be available.

2. Most types of ice detectors are ''point detectors,'' so ice may form undetected away from the sensor head.

The commenter concludes that installation of an overwing heater blanket provides both the required level of safety and airline operational benefit (no de-icing from ''cold corner'' ice).

Another commenter states that it is concerned about the availability of technology related to primary upper wing ice detection systems, which may not be adequate to provide a reliable ice detection system. However, in contradiction to this statement, the commenter also states the remote system ice detection technology may prove to be more adequate; however, current airport environments may preclude their use.

The FAA does not agree with the commenter's request to only require installation of an overwing heater blanket system. The requirements of this AD are intended to prevent ''ice accumulation on the wing upper surfaces, which could result in ingestion of ice into one or both engines and

consequent loss of thrust from one or both engines.'' We have determined that installation of an FAA-approved primary upper wing ice detection system will detect ice on the ''cold corner'' of Model DC–9–80 series airplanes and is a reliable ice detection system. In addition, all Model MD–90–30 and 717 series airplanes are equipped with primary upper wing ice detection systems. We have not received any report of failures or malfunctions of the primary upper wing ice detection systems that resulted in an unsafe condition on those airplanes. Furthermore, airplane-mounted ice detection systems have been fully developed and are being widely used on different areas and on different types of airplane models. We find that both the overwing heater blanket and primary upper wing ice detection systems perform their intended functions and provide an acceptable level of safety. As a result, the AD allows operators the flexibility to choose an appropriate system that suits their operational requirements.

Request To Revise Applicability of Certain Paragraphs

One commenter requests clarification of the applicability of paragraph (f)(1)(iii) of the supplemental NPRM. The commenter states that the wording is vague and should clearly state that airplanes identified, but not modified, per paragraph (f)(1)(i) or (f)(1)(ii) of the supplemental NPRM must do the requirements of paragraph (f)(1)(iii)(B) or (f)(1)(iii)(C) of the supplemental NPRM. The commenter states that its airplanes are identified in the effectivity of McDonnell Douglas Service Bulletin MD80–30–090, but opted to install the AlliedSignal system.

The FAA agrees that clarification is necessary. Paragraph (f) of the supplemental NPRM states ''accomplish the requirements of either paragraph (f)(1) or (f)(2) of this AD.'' Our intent was that operators could do any of the actions specified in those paragraphs (including the sub-paragraphs), regardless of whether an airplane was identified in paragraph (f)(1)(i) or (f)(1)(ii) of the supplemental NPRM (Group 1 and Group 2 airplanes listed in McDonnell Douglas Service Bulletin MD80–30–090, dated October 19, 1999). For airplanes not identified in paragraph (f)(1)(i) or (f)(1)(ii) of the supplemental NPRM, it was also our intent that operators be able to do the requirements of paragraph (f)(1)(i) or (f)(1)(ii) of this AD if approved per paragraph (i)(1) of this AD. Because some operators may misinterpret paragraph (f) of the supplemental NPRM as it is currently worded, we have revised paragraph (f) of the final rule to clarify these points by deleting paragraph (f)(1)(iii) of the supplemental NPRM, adding a new note, and redesignating other sub-paragraphs of paragraph (f) of the supplemental NPRM.

Request To Revise AFM

One commenter requests that the AFM be revised to include additional foreign object damage (FOD) information for the flight crew. The commenter suggests the following:

1. Airplanes operated with an overwing heater blanket system can still encounter possible FOD danger in certain weather conditions, and in this case, a hands-on inspection to detect ice in the flap and spoiler areas must be performed. The heaters should remain OFF until completion of that inspection and de-icing.

2. In the case of an inoperative overwing heater blanket system, a hands-on inspection, as required by AD 92–03–02, must be performed until the system is repaired.

The commenter notes that there were incidents of FOD to an engine on airplanes equipped with an overwing heater blanket system, which apparently originated from ice being ingested into the engine during takeoff. Investigation revealed that, if an overwing heater blanket system is left ON for several hours when an airplane is on the ground during a snow or ice storm, frozen precipitation over the heated area of the wing melts and runs off into the flap trailing edge or spoiler cavity areas. De-icing crews cleared the remainder of the airframe, but failed to detect the ice remaining in the flap or spoiler areas. If the airplane is dispatched in that condition, the ice may be ingested into the engine during takeoff.

The FAA does not agree. Overwing heater blanket systems are only designed and certified as anti-icing systems and should not be used as a de-icing device. We have determined that the runoff flows into the flap or spoiler cavity areas are no different for airplanes equipped with or without an overwing heater blanket system. Therefore, ice could form on any airplane area where runoff flows are not cleared by a de-icing crew. As discussed previously, the requirements of this AD are intended to prevent ice accumulation on the wing upper surfaces, which does not relieve operators and flight crews from complying with 14 CFR parts 91.527 and 121.629 requirements to properly operate an airplane in icing conditions. Subsequent to the incidents cited by the commenter, Boeing issued All Operators Letter, FO–AOL–9–061, dated September 25, 1996, which informs operators and flightcrews of proper de-icing and inspection procedures.

Request To Revise Description of Tufts and Triangular Decals

One commenter requests that the FAA revise the term ''tufts and triangular decals'' throughout the supplemental NPRM to ''inspection aids.'' The commenter states that this revision would provide one term to describe the various inspection aids (i.e., tufts, decals, mount pads, painted symbols, and paint stripes.) The FAA agrees and has revised the final rule accordingly.

Request To Continue To Require Inspection Aids After Certain Actions

One commenter requests that inspection aids required by paragraph (c) of the supplemental NPRM remain required after installation of either an overwing heater blanket system or primary upper wing ice detector system, and incorporation of the AFM revision required by paragraphs (f) and (g) of the supplemental NPRM, respectively. The commenter states that this is required for MMEL relief. The commenter also states that the inspection aids are part of the MD–90 production configuration, even though the wing clear ice issue was eliminated by a return-to-tank heating system. The commenter further states that a certain operator incorporated the grid strips inspection aids, along with the heater blanket installation, on its fleet.

The FAA partially agrees. We do not agree that the inspection aids required by paragraph (c) of the AD are necessary after installation of either an overwing heater or primary upper ice detector system, and incorporation of the AFM revision, required by paragraphs (f) and (g) of the AD, respectively. However, as discussed below under the heading ''Request to Allow An Inoperative Overwing Heater Blanket System,'' we do agree that an airplane may be operated with an inoperative overwing heater blanket or primary upper ice detection system for 10 days per the MMEL, provided that the actions specified in paragraphs (h)(1), (h)(2), and (h)(3) of this final rule are done before further flight. As indicated below, we have included a new paragraph (h) to provide this exception. Therefore, no change to paragraph (c) is necessary.

Request To Allow an Inoperative Overwing Heater Blanket System

One commenter requests that dispatch with an inoperative overwing heater

blanket system per the MMEL be permitted in paragraph (g) of the supplemental NPRM. The commenter notes the AFM revision required by paragraph (g) of the supplemental NPRM is the same as that required by AD 92–03–02 (paragraph (a) of the supplemental NPRM), except the requirement for the visual and physical checks of the wing upper surfaces for ice has been removed. The commenter also notes that requirements of paragraph (g) of the supplemental NPRM allow for the removal of the AFM revisions required by paragraphs (a) and (b) of the supplemental NPRM, as well as the tuft and triangular decal installation required by paragraph (c) of the supplemental NPRM (all of which were requirements of AD 92–03–02 that were retained in the supplemental NPRM).

The commenter states that its affected airplanes are equipped with an overwing heater blanket system and operated per the AFM Supplement for TDG Aerospace, Inc., STC SA6042NM. This STC, which was approved as an alternative method of compliance (AMOC) for AD 92–03–02, allows an overwing heater blanket system to be inoperative per the MMEL for 120 days, provided that the visual and physical checks of the wing upper surfaces for ice are performed as indicated in the AFM revision required by paragraph (a) of the supplemental NPRM. As paragraph (g) of the supplemental NPRM is currently worded, the commenter states that it will no longer be able to operate with an inoperative overwing heater blanket system per the MMEL, and that the overwing heater blanket system must be operational for every flight.

The FAA partially agrees with the commenter's request. The FAA acknowledges that it issued AMOC's for AD 92–03–02 (i.e., Boeing TDG overwing heater blankets without an HPP installed, and TDG Aerospace, Inc., STC SA6042NM without an EPD installed) that reverted to the physical and visual checks to detect ice required by that AD in the event that the overwing heater blanket became inoperative. As discussed in the preamble of the NPRM, we found that the physical and visual checks to detect ice accumulation, as specified by the AFM revision required by AD 92–03–02, may not be adequate to ensure the safety of the affected transport airplane fleet.

However, we find that, for 10 days (not the 120 days currently specified in the MMEL), an overwing heater blanket or primary upper wing ice detection system may be inoperative per the MMEL, provided that the physical and visual checks to detect ice are performed. This would allow the affected airplanes with an inoperative overwing heater blanket system to be rerouted to a suitable repair station and would still maintain an adequate level of safety. It should be noted that the 10-day MMEL relief does not relieve operators and flight crews from complying with the requirements of 14 CFR parts 91.527 and 121.69 for properly operating an airplane in icing conditions.

Therefore, the FAA has added a new paragraph (h) to include instructions for operating an airplane with an overwing heater blanket system that is inoperative and revised paragraph (g) to reference that paragraph as an exception.

Request To Include Previously Approved AMOC's

One commenter notes that paragraph (h)(2) of the supplemental NPRM states that ''Alternative methods of compliance, approved previously in accordance with AD 92–03–02, amendment 39–8156, are NOT approved as alternative methods of compliance with this AD.'' The commenter states that it has received AMOC's for the requirements of paragraphs (b) and (c) of the supplemental NPRM and provides an explanation of those AMOC's. Therefore, the commenter requests that the requirements of paragraphs (b) and (c) of the supplemental NPRM be revised to address those AMOC's.

The FAA partially agrees. We acknowledge that we approved an AMOC, which installed a non-skid, striped triangular symbol per Option 5 of McDonnell Douglas Service Bulletin MD80–30–059, Revision 4 through Revision 7, for the requirements of paragraph (b) of AD 92–03–02. We also acknowledge that we approved an AMOC, which revises the Configuration Deviation List (CDL) Appendix of the AFM by inserting a copy of CDL Appendix, Section I, Page 2A, dated March 10, 1993, into the AFM, for the requirements of paragraph (c) of AD 92–03–02.

We find that these AMOC's are still acceptable for compliance with the requirements of paragraphs (b) and (c) of this AD, respectively. We have revised paragraph (i)(2) of the final rule accordingly. However, for the reasons identified in the preamble of the supplemental NPRM, AMOC's approved previously per AD 92–03–02 for Boeing TDG overwing heater blankets without an HPP installed, or TDG Aerospace, Inc. STC SA6042NM without an EPD installed are NOT approved as AMOC's with this AD.

Explanation of Change to Certain STC References

The FAA has revised paragraphs (f)(2)(i) and (f)(2)(ii) of the final rule to: (1) Remove the reference to TDG Aerospace, Inc., STC SA6042NM and AlliedSignal STC SA6061NM and, instead, include a reference to a method approved by the FAA; and (2) add new notes to reference those STC's as approved means of compliance with the requirements of paragraphs (f)(2)(i) and (f)(2)(ii) of this AD, respectively. We find these STC's should not be incorporated by reference in the final rule, because they contain proprietary information.

Conclusion

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

Cost Impact

There are approximately 1,153 Model DC–9–80 series airplanes and Model MD–88 airplanes of the affected design in the worldwide fleet. The FAA estimates that 643 airplanes of U.S. registry will be affected by this AD.

The AFM revision that is currently required by AD 92–03–02 takes 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 currently required AFM revision on U.S. operators is estimated to be $38,580, or $60 per airplane.

The revision of the CDL that is currently required by AD 92–03–02 takes 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 CDL revision on U.S. operators is estimated to be $38,580, or $60 per airplane.

The installation of tufts and decals that is currently required by AD 92–03–02 takes approximately 3 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts cost approximately $25 per airplane. Based on these figures, the cost impact of the currently required installation of tufts and decals on U.S. operators is estimated to be $131,815, or $205 per airplane.

The installation of the wing heater system that is provided as one option

for compliance with this AD action will take approximately 200 to 350 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $76,000 to $130,000 per airplane, depending on suppliers, airplane fleet size, and configuration. Based on these figures, the cost impact of the installation required by this AD on U.S. operators is estimated to range from $88,000 to $151,000 per airplane.

In lieu of installation of a wing heater system, this AD provides for installation of a primary upper wing ice detector system. Because the manufacturer has not issued service information that describes the procedures for such an installation, the FAA is unable at this time to provide specific information as to the number of work hours or cost of parts that will be required to do that installation. However, based on estimated costs provided by the manufacturer, we can reasonably estimate that the required installation will require 290 work hours to do, at an average labor rate of $60 per work hour. The cost of required parts is estimated to range from $30,000 to $70,000 per airplane, depending on fleet size and airplane configuration. Based on these figures, the cost impact of the installation of a primary upper wing ice detector system required by this AD on U.S. operators is estimated to range from $47,400 to $87,400 per airplane.

The new AFM revision that is required in this AD action will 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 new AFM revision required by this AD on U.S. operators is estimated to be $38,580, or $60 per airplane.

For affected airplanes, the new repetitive tests required in this AD action will take approximately 3 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 repetitive tests required by this AD on U.S. operators is estimated to be $180 per airplane, per test cycle.

For affected airplanes, the one-time detailed visual inspection required in this AD action will take approximately 3 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 detailed visual inspection required by this AD on U.S. operators is estimated to be $180 per airplane.

For airplanes listed in Group 1 of McDonnell Douglas Alert Service Bulletin MD80–30–090, the modification of the existing HPP will take approximately 5 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. The manufacturer has committed previously to its customers that it will bear the cost of necessary parts. As a result, the cost of those parts is not attributable to this AD. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $300 per airplane.

For airplanes listed in Group 2 of McDonnell Douglas Alert Service Bulletin MD80–30–090, the installation of the HPP and associated wiring will take approximately 3 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. The manufacturer has committed previously to its customers that it will bear the cost of necessary parts. As a result, the cost of those parts is not attributable to this AD. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $180 per airplane.

The installation of an EPD will take approximately 1 work per airplane to accomplish, at an average labor rate of $60 per work hour. The required EPD will cost approximately $5,475 per airplane. Based on these figures, the cost impact of this action required by this AD on U.S. operators is estimated to be $5,535 per airplane.

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

Regulatory Impact

The regulations 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 39–8156 (57 FR 2014, January 17, 1992), and by adding a new airworthiness directive (AD), amendment 39–, to read as follows:

2001–06–16 McDonnell Douglas: Amendment 39–12163. Docket 98–NM–326–AD. Supersedes AD 92–03–02, Amendment 39–8156.

Applicability: All Model DC–9–81, –82, –83, and –87 series airplanes; and Model MD–88 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 (i)(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 ice accumulation on the wing upper surfaces, which could result in ingestion of ice into one or both engines and consequent loss of thrust from one or both engines, accomplish the following:

Restatement of Requirements of AD 92–03–02

Airplane Flight Manual Revision

(a) Within 10 days after January 17, 1992 (the effective date of AD 92–03–02, amendment 39–8156), revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following. This may be accomplished by inserting a copy of this AD in the AFM.

''Ice on Wing Upper Surfaces

CAUTION

Ice shedding from the wing upper surface during takeoff can cause severe damage to one or both engines, leading to surge, vibration, and complete thrust loss. The formation of ice can occur on wing surfaces during exposure of the airplane to normal icing conditions. Clear ice can also occur on the wing upper surfaces when cold-soaked fuel is in the main wing fuel tanks, and the airplane is exposed to conditions of high humidity, rain, drizzle, or fog at ambient temperatures well above freezing. Often, the ice accumulation is clear and difficult to detect visually. The ice forms most frequently on the inboard, aft corner of the main wing tanks. [END OF CAUTIONARY NOTE]

The wing upper surfaces must be physically checked for ice when the airplane has been exposed to conditions conducive to ice formation. Takeoff may not be initiated unless the flight crew verifies that a visual check and a physical (hands-on) check of the wing upper surfaces have been accomplished, and that the wing is clear of ice accumulation when any of the following conditions occur:

(1) When the ambient temperature is less than 50 degrees F and high humidity or visible moisture (rain, drizzle, sleet, snow, fog, etc.) is present;

(2) When frost or ice is present on the lower surface of either wing;

(3) After completion of de-icing.

When inspection aids (i.e. tufts, decals, mount pads, painted symbols, and paint stripes) are installed in accordance with McDonnell Douglas MD–80 Service Bulletin 30–59, the physical check may be made by assuring that all installed tufts move freely.

NOTE

This limitation does not relieve the requirement that aircraft surfaces are free of frost, snow, and ice accumulation, as required by Federal Aviation Regulations Sections 91.527 and 121.629. [END OF NOTE]''

AFM Configuration Deviation List Revision

(b) Within 10 days after January 17, 1992, revise the Configuration Deviation List (CDL) Appendix of the FAA-approved AFM to include the following. This may be accomplished by inserting a copy of this AD in the AFM.

''30–80–01 Triangular Decal and Tuft Assemblies

Up to two (2) decals or tufts per side may be missing, provided:

(a) At least one decal and tuft on each side is located along the aft spar line; and

(b) The tufts are used for performing the physical check to determine that the upper wing is free of ice by observing that the tufts move freely.

Up to eight (8) decals and/or tufts may be missing, provided:

(a) Takeoff may not be initiated unless the flight crew verifies that a physical (hands-on) check is made of the upper wing in the location of the missing decals and/or tufts to assure that there is no ice on the wing when icing conditions exist;

OR

(b) When the ambient temperature is more than 50 degrees F.''

Installation of Inspection Aids

(c) Within 30 days after January 17, 1992, install inspection aids (i.e., tufts, decals, mount pads, painted symbols, and paint stripes) on the inboard side of the wings' upper surfaces, in accordance with McDonnell Douglas Service Bulletin 30–59, dated September 18, 1989; Revision 1, dated January 5, 1990; or Revision 2, dated August 15, 1990.

New Requirements of This AD

Repetitive Tests and One-Time Inspection

(d) For airplanes on which an overwing heater blanket system was installed without installation of a heater protection panel (HPP) or an equipment protection device (EPD) prior to the effective date of this AD: Within 60 days after the effective date of this AD, accomplish the actions specified in paragraph (d)(1) or (d)(2) of this AD, as applicable.

(1) For airplanes on which the overwing heater blanket system was installed in accordance with McDonnell Douglas Service Bulletin MD80–30–071, Revision 02, dated February 6, 1996; or McDonnell Douglas Service Bulletin MD80–30–078, Revision 01, dated April 8, 1997: Accomplish paragraphs (d)(1)(i) and (d)(1)(ii) of this AD.

(i) Remove secondary access covers, and perform a one-time detailed visual inspection to detect discrepancies (mechanical damage or punctures in the upper skin of the blanket, prying damage on the panel, and fuel leakage) of the overwing heater blanket, in accordance with McDonnell Douglas Alert Service Bulletin MD80–30A087, dated September 22, 1997. And,

(ii) Accomplish paragraph (d)(1)(ii)(A) or (d)(1)(ii)(B) of this AD.

(A) Perform dielectric withstanding voltage and resistance tests in accordance with McDonnell Douglas Alert Service Bulletin MD80–30A087, dated September 22, 1997. Repeat the tests thereafter at intervals not to exceed 150 days, until installation of an HPP in accordance with paragraph (f)(1)(i) or (f)(1)(ii) of this AD, as applicable.

(B) Deactivate the overwing heater blanket system until accomplishment of dielectric withstanding voltage and resistance tests specified in paragraph (d)(1)(ii)(A). If the overwing heater blanket system is deactivated as provided by this paragraph, continue to accomplish the requirements of paragraphs (a), (b), and (c) of this AD.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(2) For airplanes on which the overwing heater blanket system was installed in accordance with TDG Aerospace, Inc., STC SA6042NM: Accomplish paragraphs (d)(2)(i) and (d)(2)(ii) of this AD.

(i) Remove secondary access covers, and perform a one-time detailed visual inspection to detect discrepancies (mechanical damage or punctures in the upper skin of the blanket, prying damage on the panel, and fuel leakage) of the overwing heater blanket, in accordance with McDonnell Douglas Alert Service Bulletin MD80–30A087, dated September 22, 1997. And,

(ii) Accomplish paragraph (d)(2)(ii)(A) or (d)(2)(ii)(B) of this AD.

(A) Perform dielectric withstanding voltage and resistance tests in accordance with McDonnell Douglas Alert Service Bulletin MD80–30A087, dated September 22, 1997. Repeat the tests thereafter at intervals not to exceed 150 days, until installation of an EPD in accordance with paragraph (f)(1)(iii)(B) of this AD.

(B) Deactivate overwing heater blanket system until accomplishment of dielectric withstanding voltage and resistance tests specified in paragraph (d)(2)(ii)(A). If the overwing heater blanket system is deactivated as provided by this paragraph, continue to accomplish the requirements of paragraphs (a), (b), and (c) of this AD.

Corrective Action

(e) If any discrepancy is detected during any inspection or test performed in accordance with paragraph (d) of this AD, prior to further flight, repair or replace the affected heater blanket, in accordance with McDonnell Douglas Alert Service Bulletin MD80–30A087, dated September 22, 1997; except as provided in paragraph (h) of this AD.

Note 3: McDonnell Douglas Alert Service Bulletin MD80–30A087, dated September 22, 1997, references TDG Aerospace Document E95–451, Revision B, dated January 31, 1996, as an additional source of service information for accomplishment of repair or replacement of the overwing heater blanket.

Installation of Overwing Heater Blanket or Primary Upper Wing Ice Detection System

(f) Within 3 years after the effective date of this AD, do the requirements of either paragraph (f)(1) or (f)(2) of this AD.

(1) Do the actions specified in paragraph (f)(1)(i) or (f)(1)(ii) of this AD, as applicable.

(i) For airplanes listed in Group 1 in McDonnell Douglas Service Bulletin MD80–30–090, dated October 19, 1999: Install an overwing heater blanket system in accordance with McDonnell Douglas Service Bulletin MD80–30–071, Revision 02, dated February 6, 1996; and modify and reidentify the existing HPP in accordance with McDonnell Douglas Service Bulletin MD80–

30–090. Modification of the existing HPP in accordance with this paragraph constitutes terminating action for the repetitive inspections required by (d)(1)(ii)(A) of this AD.

(ii) For airplanes listed in Group 2 in McDonnell Douglas Service Bulletin MD80–30–090, dated October 19, 1999: Install an overwing heater blanket system in accordance with McDonnell Douglas Service Bulletin MD80–30–078, Revision 01, dated April 8, 1997; and install an HPP and associated wiring in accordance with McDonnell Douglas Service Bulletin MD80–30–090. Installation of an HPP and associated wiring in accordance with this paragraph constitutes terminating action for the repetitive inspections required by (d)(1)(ii)(A) of this AD.

Note 4: For other airplanes, accomplishment of the requirements of paragraph (f)(1)(i) or (f)(1)(ii) of this AD may be acceptable per paragraph (i)(1) of this AD.

(2) Accomplish the actions specified in either paragraph (f)(2)(i), (f)(2)(ii), or (f)(2)(iii) of this AD.

(i) Install an overwing heater blanket system, and install an EPD that provides a circuit protection function to the overwing heater blanket, in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Installation of an EPD in accordance with this paragraph constitutes terminating action for the repetitive inspections required by (d)(2)(ii)(A) of this AD.

Note 5: Installation of an overwing heater blanket system and installation of an EPD that provides a circuit protection function to the overwing heater blanket, in accordance with TDG Aerospace, Inc., SA6042NM, or TDG Master Drawing List (MDL) E93–104, Revision R, dated October 25, 2000; is an approved means of compliance with the requirements of paragraph (f)(2)(i) of this AD.

(ii) Install an overwing heater blanket system in accordance with a method approved by the Manager, Los Angeles ACO.

Note 6: Installation of an overwing heater blanket system in accordance with AlliedSignal STC SA6061NM, is an approved means of compliance with the requirements of paragraph (f)(2)(ii) of this AD.

(iii) Install an FAA-approved primary upper wing ice detection system in accordance with a method approved by the Manager, Los Angeles ACO.

Note 7: Boeing (McDonnell Douglas) has received FAA approval of an acceptable primary upper wing ice detection system. This modification has been assigned a Boeing (McDonnell Douglas) service bulletin number but, at this time, no service bulletin is available.

AFM Revision

(g) Except as provided by paragraph (h) of this AD, prior to further flight after accomplishment of the installation required by paragraph (f)(1) or (f)(2) of this AD, revise the Limitations Section of the FAA-approved AFM to include the following. This may be accomplished by inserting a copy of this AD in the AFM. After accomplishment of the installation required by paragraph (f)(1) or (f)(2) of this AD and this AFM revision, the AFM revisions required by paragraphs (a) and (b) of this AD may be removed from the AFM, and the inspection aids required by paragraph (c) of this AD may be removed from the airplane.

''Ice on Wing Upper Surfaces

CAUTION

Ice shedding from the wing upper surface during takeoff can cause severe damage to one or both engines, leading to surge, vibration, and complete thrust loss. The formation of ice can occur on wing surfaces during exposure of the airplane to normal icing conditions. Clear ice can also occur on the wing upper surfaces when cold-soaked fuel is in the main wing fuel tanks, and the airplane is exposed to conditions of high humidity, rain, drizzle, or fog at ambient temperatures well above freezing. Often, the ice accumulation is clear and difficult to detect visually. The ice forms most frequently on the inboard, aft corner of the main wing tanks. [END OF CAUTIONARY NOTE]''

(h) An airplane may be operated with an inoperative overwing heater blanket or primary upper wing ice detection system for 10 days per the Master Minimum Equipment List (MMEL), provided that the actions specified in paragraphs (h)(1), (h)(2), and (h)(3) of this AD are done before further flight.

(1) Revise the Limitations Section of the FAA-approved AFM to include the following. This may be accomplished by inserting a copy of this AD in the AFM.

''Ice on Wing Upper Surfaces

CAUTION

The wing upper surfaces must be physically checked for ice when the airplane has been exposed to conditions conducive to ice formation. Takeoff may not be initiated unless the flight crew verifies that a visual check and a physical (hands-on) check of the wing upper surfaces have been accomplished, and that the wing is clear of ice accumulation when any of the following conditions occur:

(1) When the ambient temperature is less than 50 degrees F and high humidity or visible moisture (rain, drizzle, sleet, snow, fog, etc.) is present;

(2) When frost or ice is present on the lower surface of either wing;

(3) After completion of de-icing.

When inspection aids (i.e. tufts, decals, mount pads, painted symbols, and paint stripes) are installed in accordance with McDonnell Douglas MD–80 Service Bulletin 30–59, the physical check may be made by assuring that all installed tufts move freely.

NOTE

This limitation does not relieve the requirement that aircraft surfaces are free of frost, snow, and ice accumulation, as required by Federal Aviation Regulations Sections 91.527 and 121.629. [END OF NOTE]''

(2) Revise the CDL Appendix of the FAA-approved AFM to include the following. This may be accomplished by inserting a copy of this AD in the AFM.

''30–80–01 Triangular Decal and Tuft Assemblies

Up to two (2) decals or tufts per side may be missing, provided:

(a) At least one decal and tuft on each side is located along the aft spar line; and

(b) The tufts are used for performing the physical check to determine that the upper wing is free of ice by observing that the tufts move freely.

Up to eight (8) decals and/or tufts may be missing, provided:

(a) Takeoff may not be initiated unless the flight crew verifies that a physical (hands-on) check is made of the upper wing in the location of the missing decals and/or tufts to assure that there is no ice on the wing when icing conditions exist;

OR

(b) When the ambient temperature is more than 50 degrees F.''

(3) Install inspection aids (i.e., tufts, decals, mount pads, painted symbols, and paint stripes) on the inboard side of the wings' upper surfaces, in accordance with McDonnell Douglas Service Bulletin 30–59, dated September 18, 1989; Revision 1, dated January 5, 1990; or Revision 2, dated August 15, 1990.

Alternative Methods of Compliance

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

(2) The following alternative methods of compliance (AMOC) were approved previously per AD 92–03–02, amendment 39–8156, and are approved as AMOC's with the indicated paragraphs of this AD:

(i) Installation of a non-skid, striped triangular symbol per Option 5 of McDonnell Douglas Service bulletin MD80–30–059, Revision 4 though Revision 7, is approved as an AMOC with paragraph (b) of this AD.

(ii) Revision of the Configuration Deviation List (CDL) Appendix of the AFM by inserting a copy of CDL Appendix, Section I, Page 2A, dated March 10, 1993, into the AFM, is approved as an AMOC with paragraph (c) of this AD.

Note 8: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permits

(j) 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.

Incorporation by Reference

(k) The actions required by paragraphs (c), (d), (e), (f)(1), and (h)(3) of this AD shall be done in accordance with the applicable service document identified in Table 1 of this AD.

TABLE 1.—REFERENCED SERVICE DOCUMENTS

Service document	Revision level	Date
McDonnell Douglas Service Bulletin 30–59	Original	September 18, 1989.
McDonnell Douglas Service Bulletin 30–59	1	January 5, 1990.
McDonnell Douglas Service Bulletin 30–59	2	August 15, 1990.
McDonnell Douglas Alert Service Bulletin MD80–30A087	Original	September 22, 1997.
McDonnell Douglas Service Bulletin MD80–30–090	Original	October 19, 1999.
McDonnell Douglas Service Bulletin MD80–30–078	01	April 8, 1997.
McDonnell Douglas Service Bulletin MD80–30–071	02	February 6, 1996.

(1) The incorporation by reference of McDonnell Douglas Service Bulletin 30–59, dated September 18, 1989; McDonnell Douglas Service Bulletin 30–59, Revision 1, dated January 5, 1990; and McDonnell Douglas Service Bulletin 30–59, Revision 2, dated August 15, 1990; was approved previously by the Director of the Federal Register as of January 17, 1992 (57 FR 2014, January 17, 1992).

(2) The incorporation by reference of the remaining service bulletins listed in Table 1 of this AD, is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(3) Copies 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). Copies may be inspected 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(l) This amendment becomes effective on May 7, 2001.

Issued in Renton, Washington, on March 23, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–7732 Filed 3–30–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–15–AD; Amendment 39–12160; AD 2001–06–13]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–100, –200, and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Bombardier Model DHC–8–100, –200, and –300 series airplanes, that requires inspecting the endcaps of the main landing gear selector valve for leaks of hydraulic oil and, if leaks are detected, replacing the leaking endcaps or the entire selector valve. This amendment also requires eventual replacement or rework of certain selector valves, which will terminate the repetitive inspections. This amendment is prompted by a report of the collapse of the main landing gear due to an external leak of hydraulic oil in the landing gear selector valve, resulting from a fracture of the endcap. The actions specified by this AD are intended to prevent leaks of hydraulic oil from the main landing gear selector valve, which could result in the collapse of the main landing gear.

DATES: Effective May 7, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 7, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James E. Delisio, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7521; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Bombardier Model DHC–8–100, –200, and –300 series airplanes was published in the **Federal Register** on September 27, 2000 (65 FR 58011). That action proposed to require repetitive inspections of the endcaps of the main landing gear selector valve for leaks of hydraulic oil and, if leaks are detected, replacing the leaking endcaps or the entire selector valve. That action also proposed to require eventual replacement or rework of certain selector valves, which terminates the repetitive inspections.

Public Comment

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

Request To Specify Terminating Action

One commenter, an airline operator, points out that replacement of the endcap having part number (P/N) 52982 on a main landing gear selector valve having P/N 57420–5 is virtually the same action as specified in paragraph (c)(2) of the proposed rule. Therefore, the commenter requests that the FAA specify that such replacement on a selector valve having P/N 57420–5 also constitutes terminating action for the repetitive inspections required by paragraph (a) of the proposed rule.

The FAA agrees with the commenter for the reason stated. We have revised paragraph (b)(1) of the AD to reflect that change.

Conclusion

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

Cost Impact

The FAA estimates that 235 airplanes of U.S. registry would be affected by this AD, that it will take approximately 9 work hours per airplane to accomplish the required inspection and replacement of the main landing gear selector valve (if a leak of hydraulic oil is detected at the first inspection), and that the average labor rate is $60 per work hour. If the operator chooses to replace the endcaps and do repetitive inspections prior to replacing the main landing gear selector valve, the number of work hours will be greater. Required parts will be provided at no charge to operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $126,900, or $540 per airplane.

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

Regulatory Impact

The regulations 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 the following new airworthiness directive:

2001–06–13 Bombardier, Inc. (Formerly de Havilland): Amendment 39–12160. Docket 2000–NM–15–AD.

Applicability: Model DHC–8–100, –200, and –300 series airplanes, serial numbers 003 through 182 inclusive; and 184 through 531 inclusive; 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 (d) 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 the collapse of the main landing gear due to leaks of hydraulic oil from the main landing gear selector valve, accomplish the following:

Inspection

(a) Within 100 flight cycles after the effective date of this AD, perform a general visual inspection of the endcaps of the main landing gear selector valve for the presence of hydraulic oil, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A8–32–145, Revision 'A', dated December 3, 1999. Repeat the inspection thereafter at intervals not to exceed 400 flight hours until the requirements of paragraph (c) of this AD are accomplished.

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

Replacement or Modification

(b) If any hydraulic oil is detected on either endcap during any inspection required by paragraph (a) of this AD: Prior to further flight, perform the actions specified in either paragraph (b)(1) or (b)(2) of this AD.

(1) Replace the existing aluminum endcaps, part number (P/N) 34629, with new stainless steel endcaps, P/N 52982, as specified in paragraph (b)(1)(i) or (b)(1)(ii) of this AD, as applicable; in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A8–32–145, Revision 'A', dated December 3, 1999.

(i) For main landing gear selector valves having P/N 57420, P/N 57420–1, or P/N 57420–3, repeat the inspections required by paragraph (a) of this AD at intervals not to exceed 400 flight hours until the requirements of paragraph (c) of this AD are met.

(ii) For main landing gear selector valves having P/N 57420–5, replacement of the endcaps having P/N 52982 constitutes compliance with the requirements of this AD.

(2) Replace the main landing gear selector valve with a valve having P/N 57420–5A, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A8–32–145, Revision 'A', dated December 3, 1999. This action terminates the inspections required by paragraph (a) of this AD.

Note 3: Use care when removing the endcaps, so that the internal components do not fall on the ground and get damaged.

(c) Within 12 months after the effective date of this AD: Perform the actions specified in either paragraph (c)(1) or (c)(2) of this AD as applicable, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin A8–32–145, Revision 'A', dated December 3, 1999. Accomplishment of either paragraph (c)(1) or (c)(2) terminates the repetitive inspection requirements of this AD.

(1) If a main landing gear selector valve having P/N 57420, P/N 57420–1, or P/N 57420–3 is installed, remove it and replace it with a valve having P/N 57420–5A.

(2) If a main landing gear selector valve having P/N 57420–5 is installed, remove it and replace it with a valve having P/N 57420–5A or modify the valve to the P/N 57420–5A configuration (ModSum 8Q100802).

Alternative Methods of Compliance

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

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

Special Flight Permits

(e) 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.

Incorporation by Reference

(f) The actions shall be done in accordance with Bombardier Alert Service Bulletin A8–32–145, Revision 'A', dated December 3, 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 Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in Canadian airworthiness directive CF–99–22, dated August 30, 1999.

Effective Date

(g) This amendment becomes effective on May 7, 2001.

Issued in Renton, Washington, on March 22, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–7700 Filed 3–30–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–43–AD; Amendment 39–12143; AD 99–18–18 R1]

RIN 2120–AA64

Airworthiness Directives: Dowty Aerospace Propellers Model R381/6–123–F/5 Propellers, Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document makes a correction to Airworthiness Directive (AD) 99–18–18 R1 applicable to Dowty Aerospace Propellers model R381/6–123–F/5 propellers that was published in the **Federal Register** on March 15, 2001 (66 FR 15022). Under PART 39—AIRWORTHINESS DIRECTIVES, in paragraph 2, a part of that sentence was inadvertently repeated. Also, the amendment number was inadvertently omitted from one of the two locations where it appears in the regulatory section. This document corrects these typographical errors. In all other respects, the original document remains the same.

EFFECTIVE DATE: April 19, 2001.

FOR FURTHER INFORMATION CONTACT: Kirk Gustafson, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238–7190, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: A final rule airworthiness directive (FR Doc. 01–5735) applicable to Dowty Aerospace Propellers model R381/6–123–F/5 propellers was published in the **Federal Register** on March 15, 2001 (66 FR 15022). The following correction is needed:

§ 39.13 [Corrected]

On page 15023, in the third column, under PART 39—AIRWORTHINESS DIRECTIVES, amendatory instruction 2 and the heading of AD 99–18–18 R1 are corrected to read as follows:

2. Section 39.13 is amended by removing Amendment 39–11284 (64 FR 47661, September 1, 1999), and by adding a new airworthiness directive (AD), Amendment 39–12143 to read as follows:

99–18–18 R1, Dowty Aerospace Propellers: Amendment 39–12143. Docket 99–NE–43–AD. Revises AD 99–18–18, Amendment 39–11284.

* * * * *

Issued in Burlington, MA, on March 23, 2001.

David A. Downey,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 01–7962 Filed 3–30–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 99F–2082]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Food Starch-Modified by Amylolytic Enzymes

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of food starch-modified by amylolytic enzymes. This action is in response to a petition filed by the National Starch and Chemical Co.

DATES: This rule is effective April 2, 2001. Submit written objections and requests for a hearing by May 2, 2001.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Mary E. LaVecchia, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3072.

SUPPLEMENTARY INFORMATION:

I. Background

In a notice published in the **Federal Register** on July 2, 1999 (64 FR 36021), FDA announced that a food additive petition (FAP 9A4674) had been filed by the National Starch and Chemical Co., 10 Finderne Ave., Bridgewater, NJ 08807–0500. The petition proposed to amend the food additive regulations in § 172.892(i) *Food starch-modified* (21 CFR 172.892(i)) to provide for the safe use of food starch-modified by amylolytic enzymes. These amylolytic enzymes include beta-amylase, glucoamylase, isoamylase, and pullulanase. This petitioner proposes to use these amylolytic enzymes as a method of starch hydrolysis in addition to the use of alpha-amylase which is currently approved under § 172.892(i). The petitioner also requested that the limitation on dextrose equivalent (DE) as a measure of starch hydrolysis not be applied to starches hydrolyzed with beta-amylase, glucoamylase, isoamylase, or pullulanase. The petitioner states that standard practice is to measure starch hydrolysis by viscosity and other physiochemical properties rather than by dextrose equivalence which measures the ratio of reducing sugars to total sugars.

II. Conclusion

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that the proposed use of beta-amylase, glucoamylase, isoamylase, and pullulanase enzymes to modify food starch is safe and that the enzymes will achieve their intended technical effect. Additionally, the agency is not

imposing the limitation that food starch hydrolyzed by beta-amylase, glucoamylase, isoamylase, or pullulanase enzymes have a DE of less than 20.

Under current § 172.892(i), food starch can only be modified by treatment with alpha-amylase (E.C. 3.2.1.1) to produce a nonsweet nutritive saccharide polymer with a DE of less than 20. However, the agency has concluded that this limitation is not necessary for food starch-modified by the petitioned enzymes, beta-amylase, glucoamylase, isoamylase, and pullulanase, that the agency is now adding to § 172.892(i). Therefore, the agency concludes that the regulations in § 172.892(i) should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

III. Environmental Impact

The agency has previously considered the environmental effects of this rule as announced in the notice of filing for FAP 9A4674 (64 FR 36021). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

IV. Paperwork Reduction Act of 1995

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

V. Objections

Any person who will be adversely affected by this regulation may at any time file with the Dockets Management Branch (address above) written objections by May 2, 2001. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 348, 371, 379e.

2. Section 172.892 is amended by revising the introductory text of paragraph (i) and in the table in paragraph (i) by alphabetically adding the following entries to read as follows:

§ 172.892 Food starch-modified.

* * * * *

(i) Food starch may be modified by treatment with the following enzymes:

Enzyme	Limitations
* * * * * * *	
Beta-amylase (E.C. 3.2.1.2)	
Glucoamylase (E.C. 3.2.1.3)	
Isoamylase (E.C. 3.2.1.68)	
Pullulanase (E.C. 3.2.1.41)	

Dated: March 26, 2001.

Janice F. Oliver,

Deputy Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 01–8060 Filed 3–30–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 529

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for an approved abbreviated new animal drug application (ANADA) from Inhalon Pharmaceuticals, Inc., to Minrad, Inc.

DATES: This rule is effective April 2, 2001.

FOR FURTHER INFORMATION CONTACT: Norman J. Turner, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0214.

SUPPLEMENTARY INFORMATION: Inhalon Pharmaceuticals, Inc., P.O. Box 21170, Lehigh Valley, PA 18002, has informed FDA that it has transferred to Minrad, Inc., 836 Main St., 2d floor, Buffalo, NY 14202, ownership of, and all rights and interests in, ANADA 200–141 for Isoflurane, USP. Accordingly, the

agency is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) and § 529.1186 (21 CFR 529.1186) to reflect the transfer of ownership.

In addition, Minrad, Inc., has not been previously listed in the animal drug regulations as a sponsor of an approved application. At this time, § 510.600(c) is being amended to add entries for the firm. Since Inhalon Pharmaceuticals, Inc., no longer is the sponsor of any approved new animal drug application, their drug labeler code (060307) is being reassigned to Minrad, Inc., as requested. This drug labeler code was removed from § 529.1186(b) in error (60 FR 40455, August 9, 1995), and it is being added at this time.

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

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 529

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 529 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

2. Section 510.600 is amended in the table in paragraph (c)(1) by removing the entry for ''Inhalon Pharmaceuticals, Inc.,'' and by alphabetically adding an entry for ''Minrad, Inc.,'' and in the table in paragraph (c)(2) by revising the entry for ''060307'' to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * *	* * *
Minrad, Inc., 836 Main St., 2d floor, Buffalo, NY 14202	060307
* * * *	* * *

(2) * * *

Drug labeler code	Firm name and address
* * * *	* * *
060307	Minrad, Inc., 836 Main St., 2d floor, Buffalo, NY 14202
* * * *	* * *

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS

3. The authority citation for 21 CFR part 529 continues to read as follows:

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

§ 529.1186 [Amended]

4. Section 529.1186 *Isoflurane* is amended in paragraph (b) by removing ''and 059258'' and adding in its place ''059258, and 060307''.

Dated: March 2, 2001.

Claire M. Lathers,

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

[FR Doc. 01–8059 Filed 3–30–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF STATE

Bureau of Consular Affairs\

22 CFR Part 41

[Public Notice 3627]

RIN 1400–AA97

Visas: Nonimmigrant Visa Fees—Fee Reduction for Border Crossing Cards for Mexicans Under Age 15

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Final rule.

SUMMARY: This rule amends the Department's regulation regarding the collection of fees for certain Mexican citizens under the age of 15 who are applying in Mexico for a machine-readable combined border crossing card and nonimmigrant visa. The change in the regulation is necessitated by a chang in pertinent legislation. The effect of the change is to authorize consular officers to collect reduced fees in certain instances.

DATES: This rule takes effect on April 2, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Chavez, Office of Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520–0106, (202) 663–1206.

SUPPLEMENTARY INFORMATION:

Why Is the Department Amending the Regulation?

Public law 103–236 authorized the Department to collect a surcharge for processing the machine-readable combined border crossing card and nonimmigrant visa. Section 410 of Pub. L. 105–277 reduced the fee for certain Mexican citizens under the age of 15, if the application is made in Mexico by a person who has at least one parent or guardian who has a visa or is applying for a machine-readable combined border crossing card and nonimmigrant visa. The Department is, therefore, amending

its regulation at 22 CFR 41.107 to comport with the statute.

How Is the Department Amending Its Regulation?

The Department is amending 22 CFR 41.107(e) by adding a new paragraph authorizing consular officers to collect a reduced visa processing fee from certain Mexican citizens under the age of 15. The fee, to be designated by the Secretary of State, shall be in an amount that will recover only the cost of manufacturing the combined B–1/B–2/BCC. The statute specifies that such combined border crossing card and nonimmigrant visa shall be valid for 10 years or until such time as the child reaches the age of 15, whichever occurs first.

Administrative Procedure Act

The Department's implementation of this regulation as a final rule is based upon the ''good cause'' exceptions found at 5 U.S.C. 553(b)(B) and (d)(3). Since this rule provides for a reduction of fees thus bestowing a benefit on a certain class of aliens, the Department does not feel it necessary to publish a proposed rule nor a need to solicit comments.

Regulatory Flexibility Act

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

Unfunded Mandates Reform Act of 1995

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

Small Business Regulatory Enforcement Fairness Act of 1996

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

Executive Order 12866

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

Executive Order 13132

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

Paperwork Reduction Act

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

List of Subjects in 22 CFR Part 41

Aliens, nonimmigrants, passports and visas.

Accordingly, this rule amends 22 CFR part 41 as follows:

PART 41—[AMENDED]

1. The authority citation for Part 41 shall continue to read:

Authority: 8 U.S.C. 1104; Pub. L. 105–277, 112 Stat. 2681 *et seq.*

2. Amend 22 CFR 41.107 by designating paragraph (e) as paragraph (e)(1) and adding a new paragraph (e)(2) to read as follows:

§ 41.107 Visa fees.

* * * * *

(e)(1) * * *

(2) Notwithstanding paragraph (e)(1) of this section, a consular officer shall collect or insure the collection of a processing fee for a machine-readable combined border crossing card and nonimmigrant visa in an amount determined by the Secretary and set forth in 22 CFR 22.1 to be sufficient only to cover the cost for manufacturing the combined card and visa if:

(i) The alien is a Mexican citizen under the age of 15;

(ii) The alien is applying in Mexico; and

(iii) The alien has at least one parent or guardian who has a visa or is applying for a machine-readable combined border crossing card and visa.

Dated: March 16, 2001.

Mary A. Ryan,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 01–8038 Filed 3–30–01; 8:45 am]

BILLING CODE 4710–10–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD11–01–006]

Drawbridge Operation Regulations; Cerritos Channel, Long Beach, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations; request for comments.

SUMMARY: The Commander, Eleventh Coast Guard District has issued a temporary deviation from the regulation governing the operation of the Henry Ford Avenue railroad drawbridge , mile 4.8 across the Cerritos Channel at Long Beach, California. This deviation will test a change to the drawbridge operation to determine whether a permanent change is needed. The deviation allows the bridge to be maintained in the closed to navigation position and open fully and completely when requested for the passage of waterway traffic. This deviation is for the purpose of testing the ''best fit'' operation of the bridge, to reduce wear-and-tear on the operating machinery of the bridge, while continuing to meet the reasonable needs of navigation.

DATES: This deviation is effective from 12:01 a.m. on May 2, 2001, until 11:59 p.m. July 2, 2001. Comments must be received July 17, 2001.

ADDRESSES: Comments and related material may be mailed or hand-delivered to: Commander (oan–2), eleventh Coast Guard District, Bldg. 50–6, Coast Guard Island, Alameda, CA 94501–5100. The Commander (oan–2), Eleventh Coast Guard District, maintains the public docket for this deviation. Comments and material received from the public, as well as documents indicate in this notice as being available in the docket, are part of the docket [CGD11–01–06] and are available for inspection or copying at the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. David H. Sulouff, Chief, Bridge Section; Eleventh Coast Guard District, Bldg 50–6 Coast Guard Island, Alameda, CA 94501–5100, telephone (510) 437–3516.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages all interested persons to comment on this test schedule by submitting written data, views, or arguments. Persons submitting comments should identify this deviation, the specific section of the deviation to which each comment applies, and the reason for each comment. All comments and attachments must be submitted in an unbound format, no larger than 8½ x 11 inches, suitable for copying. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope. All comments and other materials referenced in this notice will be available for inspection and copying at the Coast Guard location under **ADDRESSES**, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Coast Guard will consider all comments and material received during the comment period.

Public Hearing

The Coast Guard plans no public hearing. Interested persons may request a public hearing by writing to the Coast Guard at the address under **ADDRESSES**. The request should include the reasons why a hearing should be beneficial. If it determines that the opportunity for oral presentations will be beneficial, the Coast Guard will hold a public hearing at a time and place to be announced by a later notice in the **Federal Register**.

Discussion of Deviation

The Henry Ford bridge, mile 4.8 across the Cerritos Channel, Long Beach, California, provides 7.3 feet above mean high water when closed. Vessels that can pass under the bridge without an opening may do so at all times. This deviation has been coordinated in advance with, the U.S. Coast Guard Marine Safety Office Los Angeles/Long Beach, U.S. Army Corps of Engineers Los Angeles District, fire departments for the cities of Los Angeles and Long Beach, the ports of Los Angeles and Long Beach, Alameda Corridor, commercial operators and marinas on the waterway.

The existing drawbridge regulation requires the drawspan to be maintained in the open-to-navigation position and lowered only for passage of land traffic. This deviation from the existing regulation will allow the bridge to be maintained in the closed-to-navigation position and operated in compliance with the General Drawbridge Operation Regulations under 33 CFR 117, subpart A. During the 60-day test period, the bridge will open fully and completely when requested for the passage of waterway traffic. This deviation is for the purpose of testing the ''best fit'' operation of the bridge, to reduce wear-and-tear on the operating machinery of the bridge, while continuing to meet the reasonable needs of navigation. At the conclusion of the 60-day test period, the drawspan will resume operation in compliance with 33 CFR, 117.147(b).

Dated: March 21, 2001.

E.R. Riutta,

U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 01–8015 Filed 3–30–01; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[FRL–6952–3]

Clean Air Act Full Approval of Operating Permits Program in Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; Removal of amendment and reinstatement of regulatory text.

SUMMARY: On January 2, 2001, the EPA published a direct final rule (66 FR 16) approving, and an accompanying proposed rule (66 FR 84) proposing to approve, the operating permits program submitted by the State of Washington. Washington's operating permits program was submitted in response to the directive in the Clean Air Act 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 authority's jurisdiction.

EPA is removing the amendment made by that final rule due to the adverse public comments received and reinstating the previous regulatory text. In a subsequent final rule, EPA will summarize and respond to the comments received and take final rulemaking action on the operating permits program submitted by the State of Washington.

EFFECTIVE DATE: April 2, 2001.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: Denise Baker, Office of Air Quality (OAQ–107), EPA, 1200 6th Avenue, Seattle, WA 98101, (206) 553–8087.

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: February 28, 2001.

Charles E. Findley,

Acting Regional Administrator, Region 10.

40 CFR part 70, chapter I, title 40 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. In appendix A to part 70, the entry for Washington is amended by revising paragraphs (a), (b), (c), (d), (e), (f), (g), (h), and (i) to read as follows:

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

* * * * *

Washington

(a) Department of Ecology (Ecology): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(b) Energy Facility Site Evaluation Council (EFSEC): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(c) Benton County Clean Air Authority (BCCAA): submitted on November 1, 1993 and amended on September 29, 1994 and April 12, 1995; effective on December 9, 1994; interim approval expires December 9, 1996.

(d) Northwest Air Pollution Authority (NWAPA): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(e) Olympic Air Pollution Control Authority (OAPCA): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(f) Puget Sound Air Pollution Control Agency (PSAPCA): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(g) Southwest Air Pollution Control Authority (SWAPCA): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(h) Spokane County Air Pollution Control Authority (SCAPCA): submitted on November 1, 1993; effective on December 9,

1994; interim approval expires December 9, 1996.

(i) Yakima County Clean Air Authority (YCCAA): submitted on November 1, 1993 and amended on September 29, 1994; effective on December 9, 1994; interim approval expires December 9, 1996.

* * * * *

[FR Doc. 01–8023 Filed 3–30–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 533

[Docket No. NHTSA–2001–8977]

RIN 2127–AI35

Light Truck Average Fuel Economy Standard, Model Year 2003

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule.

SUMMARY: This final rule establishes the corporate average fuel economy standard for light trucks manufactured in model year (MY) 2003. The issuance of the standard is required by statute. As required by section 320 of the fiscal year (FY) 2001 DOT Appropriations Act, the light truck standard for MY 2003 is identical to the standard for MY 2002, 20.7 mpg.

DATES: This final rule becomes effective on May 2, 2001.

ADDRESSES: Petitions for reconsideration should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, call Henrietta Spinner, Office of Consumer Programs, at (202) 366–0846, facsimile (202) 493–2290, electronic mail ''hspinner@nhtsa.dot.gov'' For legal issues, call Otto Matheke, Office of the Chief Counsel, at 202–366–5263.

SUPPLEMENTARY INFORMATION:

I. Background

In December 1975, during the aftermath of the energy crisis created by the oil embargo of 1973–74, Congress enacted the Energy Policy and Conservation Act. The Act established an automotive fuel economy regulatory program by adding Title V, ''Improving Automotive Efficiency,'' to the Motor Vehicle Information and Cost Saving Act. Title V has been amended from time to time and recodified without substantive change as Chapter 329 of Title 49 of the United States Code. Chapter 329 provides for the issuance of average fuel economy standards for passenger automobiles and automobiles that are not passenger automobiles (light trucks).

Section 32902(a) of Chapter 329 states that the Secretary of Transportation shall prescribe by regulation corporate average fuel economy (CAFE) standards for light trucks for each model year. That section also states that ''[e]ach standard shall be the maximum feasible average fuel economy level that the Secretary decides the manufacturers can achieve in that model year.'' (The Secretary has delegated the authority to implement the automotive fuel economy program to the Administrator of NHTSA. 49 CFR 1.50(f).) Section 32902(f) provides that in determining the maximum feasible average fuel economy level, we shall consider four criteria: technological feasibility, economic practicability, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the United States to conserve energy. Using this authority, we have set light truck CAFE standards through MY 2002. See 49 CFR 533.5(a). The standard for MY 2002 is 20.7 miles per gallon (mpg) (65 FR 17776).

We began the process of establishing light truck CAFE standards for model years after MY 1997 by publishing an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register**. 59 FR 16324 (April 6, 1994). The ANPRM outlined the agency's intention to set standards for some, or all, of the model years from 1998 to 2006.

On November 15, 1995, the Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 1996 was enacted. Pub. L. 104–50. Section 330 of that Act provides:

> None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations . . . prescribing corporate average fuel economy standards for automobiles . . . in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

We then issued a notice of proposed rulemaking (NPRM) limited to MY 1998, which proposed to set the light truck CAFE standard for that year at 20.7 mpg, the same standard as had been set for MY 1997. 61 FR 145 (January 3, 1996). This 20.7 mpg standard was adopted by a final rule issued on March 29, 1996. 61 FR 14680 (April 3, 1996).

On September 30, 1996, the Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 1997 was enacted. Pub. L. 104–205. Section 323 of that Act provides:

> None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations . . . prescribing corporate average fuel economy standards for automobiles . . . in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

On March 31, 1997, we issued a final rule (62 FR 15859) establishing light truck fuel economy standards for the 1999 model year. This final rule was not preceded by an NPRM. The agency concluded that the restriction contained in Section 323 of the FY 1997 Appropriations Act prevented us from issuing any standards other than the standard set for the 1998 model year. Because we had no other course of action, we determined that issuing an NPRM was unnecessary and contrary to the public interest.

We followed that same procedure for following years and did not issue an NPRM prior to establishing the 2000, 2001, and 2002 light truck fuel economy standards. The agency concluded, as it had when setting the 1999 standard, that the restrictions contained in the appropriations acts prevented us from issuing any standards other than the standard set for the prior model year. We also determined that issuing an NPRM was unnecessary and contrary to the public interest because we had no other course of action.

On October 23, 2000, the Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 2001 was enacted. Pub. L. 106–346. This law contained the appropriations provisions for the Department of Transportation for the 2001 fiscal year. Section 320 of that Act provides:

> None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

Because light truck CAFE standards must be set no later than eighteen months before the beginning of the model year in question, the deadline for us to set the MY 2003 standard is approximately April 1, 2001. As the agency cannot spend any funds in violation of the terms of Section 320, it cannot undertake any work in preparation of a standard for MY 2003 unless it is identical to the MY 2002

standard.[1] Preparation of any fuel economy standard requires the agency to spend money to determine what the appropriate fuel economy level would be, to analyze the costs and benefits of that standard and to prepare documents and studies regarding the standard. Incurring these costs when the legislation dictates the fuel economy level would not be a productive use of resources. Accordingly, the agency is foregoing any analysis of what the appropriate fuel economy level for MY 2003 might be.

We note that the language contained in section 320 of the FY 2001 Act is identical to that found in section 330 of the FY 1996 Appropriations Act, section 323 of the FY 1997 Appropriations Act, section 322 of the FY 1998 Appropriations Act, section 322 of the FY 1999 Appropriations Act, and section 321 of the FY 2000 Appropriations Act. The adoption of identical language in these acts leads us to conclude that Congress considered our prior view of this language to be correct: the limitation precludes NHTSA from setting a light truck standard that differs from one adopted for the previous year.

As explained above, section 320 precludes NHTSA from preparing, proposing, or issuing any CAFE standard that is not identical to those previously established for MYs 1998, 1999, 2000, 2001, and 2002. We are therefore establishing the MY 2003 light truck standard through the issuance of this final rule. In our view, the express directive in the FY 2001 Department of Transportation and Related Agencies Appropriations Act stops us from considering a different CAFE standard for the 2003 model year. As we cannot expend any funds to set the 2003 standard at any level other than the MY 2002 standard, issuing a notice of proposed rulemaking and providing an opportunity for notice and comment would be unnecessary and contrary to the public interest. Accordingly, this final rule sets the MY 2003 light truck CAFE standard at the MY 2002 level of 20.7 mpg.

II. Final rule

These regulations are being published as a final rule. Accordingly, the fuel economy standards in part 533 are fully in effect 30 days after the date of the document's publication. No further regulatory action by the agency is necessary to make these regulations effective.

These regulations have been published as a final rule without prior issuance of a notice of proposed rulemaking because section 320 of the FY 2001 Department of Transportation and Related Agencies Appropriations Act prevents us from issuing any fuel economy standard for the 2003 model year that differs from those in effect for the 2002 model year. Because of this, providing for prior notice and opportunity for comment would have been superfluous.

In the agency's view, vehicle manufacturers and other parties will not be harmed by the agency's decision not to issue an NPRM before issuing a final rule to establish the MY 2003 light truck fuel economy standard. The applicable fuel economy standards established in this final rule do not differ from those established for the prior model year. As these standards cannot be modified by the agency, use of a final rule without a prior NPRM has no impact on the positions of any interested party.

III. Impact Analyses

A. Economic Impacts

We have not prepared a final economic assessment because of the restrictions imposed by Section 320 of the FY 2001 DOT Appropriations Act. All past fuel economy rules, however, have had economic impacts in excess of $100 million per year. The rule was reviewed by the Office of Management and Budget under Executive Order 12866 and is considered significant under the Department's regulatory procedures. Although we have no discretion under the statute (as well as with respect to the costs it imposes), we are treating this rule as ''economically significant'' under Executive Order 12866 and ''major'' under 5 U.S.C. 801.

B. Environmental Impacts

We have not conducted an evaluation of the impacts of this action under the National Environmental Policy Act. There is no requirement for such an evaluation where Congress has eliminated the agency's discretion by precluding any action other than the one announced in this document.

C. Impacts on Small Entities

We have not conducted an evaluation of this action pursuant to the Regulatory Flexibility Act. The agency notes that this final rule, which was not preceded by a Notice of Proposed Rulemaking, is not a ''rule'' as defined by the Regulatory Flexibility Act and is, therefore, not subject to its provisions. As Congress has eliminated the agency's discretion by precluding any action other than the one taken in this document, we would not be able to take any action in the event such an analysis supported setting the light truck fuel economy at a different level. Past evaluations indicate, however, that few, if any, light truck manufacturers would have been classified as a ''small business'' under the Regulatory Flexibility Act.

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires each agency to evaluate the potential effects of a final rule on small businesses. Establishment of a fuel economy standard for light trucks affects motor vehicle manufacturers, few of which are small entities. The Small Business Administration (SBA) has set size standards for determining if a business within a specific industrial classification is a small business. The Standard Industrial Classification code used by the SBA for Motor Vehicles and Passenger Car Bodies (3711) defines a small manufacturer as one having 1,000 employees or fewer.

Very few single stage manufacturers of motor vehicles within the United States have 1,000 or fewer employees. Those that do are not likely to have sufficient resources to design, develop, produce and market a light truck. For this reason, we certify that this final rule would not have a significant economic impact on a substantial number of small entities.

D. Executive Order 13132 (Federalism)

E.O. 13132 (64 FR 43255, August 10, 1999), revokes and replaces E.O.s 12612 ''Federalism'' and 12875 ''Enhancing the Intergovernmental Partnership.'' E.O. 13132 requires NHTSA 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.'' E.O. 13132 defines the term ''Policies that have federalism implications'' 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 E.O. 13132, NHTSA may not issue a regulation that has federalism implication, 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

[1] NHTSA notes that while the language in section 320 of the FY 2001 Appropriations Act is identical to that contained in prior appropriation acts, the Conference Committee Report for the FY 2001 Act directs the National Academy of Sciences (NAS) to conduct a study to evaluate the effectiveness and impacts of CAFE standards (H.R. Conf. Rep. No. 106–940, at 117–118). The NAS study, to be completed by July 1, 2001, will not affect the MY 2003 CAFE standards.

costs incurred by State and local governments, or NHTSA consults with State and local officials early in the process of developing the proposed regulation.

This final rule would 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 E.O. 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

E. The Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually.

The agency notes that section 320 of the FY 2001 Department of Transportation and Related Agencies Appropriations Act precludes the agency from the expenditure of any funds to prepare, propose or promulgate any fuel economy standard that differs from those currently in effect. This directive forbids NHTSA from studying any alternative fuel economy standards other than those presently in force. The agency cannot consider any other alternative standards that may result in lower costs, lesser burdens, or more cost-effectiveness for state, local or tribal governments or the private sector. Furthermore, as we are precluded from expending any funds to prepare an alternative fuel economy standard, it cannot embark on any studies of such alternatives. We have therefore not prepared a written assessment of this final rule for the purposes of the Unfunded Mandates Act.

F. Paperwork Reduction Act

There are no information collection requirements in this final rule.

G. Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

H. Plain Language

Executive Order 12866 and the President's memorandum of June 1, 1998, require each agency to write all rules in plain language. Application of the principles of plain language includes consideration of the following questions:

—Have we organized the material to suit the public's needs?
—Are the requirements in the rule clearly stated?
—Does the rule contain technical language or jargon that is not clear?
—Would a different format (grouping and order of sections, use of headings, paragraphing) make the rule easier to understand?
—Would more (but shorter) sections be better?
—Could we improve clarity by adding tables, lists, or diagrams?
—What else could we do to make the rule easier to understand?

If you have any responses to these questions, please forward them to Otto Matheke, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

I. Executive Order 13045

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental, health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we 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 us.

This rulemaking does not have a disproportionate effect on children. The primary effect of this rulemaking is to conserve energy resources by setting fuel economy standards for light trucks.

J. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) requires NHTSA to evaluate and use existing voluntary consensus standards [2] in its regulatory activities unless doing so would be inconsistent with applicable law (e.g., the statutory provisions regarding NHTSA's vehicle safety authority) or otherwise impractical. In meeting that requirement, we are required to consult with voluntary, private sector, consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), the Society of Automotive Engineers (SAE), and the American National Standards Institute (ANSI). If NHTSA does not use available and potentially applicable voluntary consensus standards, we are required by the Act to provide Congress, through OMB, an explanation of the reasons for not using such standards.

In establishing this fuel economy standard, the agency is simply establishing a goal for manufacturers to meet. Therefore, setting this standard does not involve the use of any voluntary standards.

K. Department of Energy Review

In accordance with 49 U.S.C. 32902(j), we submitted this final rule to the Department of Energy for review. That Department did not make any comments that we have not responded to.

[2] Voluntary consensus standards are technical standards developed or adopted by voluntary consensus standards bodies. Technical standards are defined by the NTTAA as ''performance-based or design-specific technical specifications and related management systems practices.'' They pertain to ''products and processes, such as size, strength, or technical performance of a product, process or material.''

V. Conclusion

Based on the foregoing, we are establishing a combined average fuel economy standard for non-passenger automobiles (light trucks) for MY 2003 at 20.7 mpg.

List of Subjects in 49 CFR Part 533

Energy conservation, Fuel economy, Motor vehicles.

PART 533—[AMENDED]

In consideration of the foregoing, 49 CFR part 533 is amended as follows:

1. The authority citation for part 533 continues to read as follows:

Authority: 49 U.S.C. 32902; delegation of authority at 49 CFR 1.50.

2. Section 533.5 is amended by revising Table IV in paragraph (a) to read as follows:

§ 533.5 Requirements.

(a) * * *

TABLE IV

Model year	Standard
1996	20.7
1997	20.7
1998	20.7
1999	20.7

TABLE IV—Continued

Model year	Standard
2000	20.7
2001	20.7
2002	20.7
2003	20.7

* * * * *

Issued on: March 29, 2001.

L. Robert Shelton,

Executive Director.

[FR Doc. 01–8156 Filed 3–29–01; 3:07 pm]

BILLING CODE 4910–59–P

Proposed Rules

Federal Register
Vol. 66, No. 63
Monday, April 2, 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 HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 192 and 592

[Docket No. 00N–1396]

RIN 0910–AC15

Premarket Notice Concerning Bioengineered Foods; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to May 3, 2001, the comment period for a proposed rule published in the **Federal Register** of January 18, 2001. The proposed rule would require the submission to the agency of data and information regarding plant-derived bioengineered foods that would be consumed by humans or animals. This action is being taken in response to a request for more time to submit comments to FDA.

DATES: Submit written comments on the proposed rule by May 3, 2001.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, or via e-mail to FDADockets@oc.fda.gov. Comments are to be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:
Regarding human food issues: Linda S. Kahl, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3101.
Regarding animal feed issues: William D. Price, Center for Veterinary Medicine (HFV–200), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–6652.

SUPPLEMENTARY INFORMATION:

I. Extension of Comment Period

In the **Federal Register** of January 18, 2001 (66 FR 4706), FDA published a proposed rule that, if finalized, would require the submission to the agency of data and information regarding plant-derived bioengineered foods that would be consumed by humans or animals. FDA proposed that this submission be made at least 120 days prior to the commercial distribution of such foods. FDA took this action to ensure that it would have the appropriate amount of information about bioengineered foods to help to ensure that all market entry decisions by the industry are made consistently and in full compliance with the law. The proposed action would permit the agency to assess on an ongoing basis whether plant-derived bioengineered foods comply with the standards of the Federal Food, Drug, and Cosmetic Act.

In the January 18, 2001, proposed rule, FDA announced that the timeframe for public comments would be 75 days from the date of publication in the **Federal Register**. On March 15, 2001, FDA received a request to allow an additional 60 days for interested persons to comment. In the requester's view, the time period of 75 days was insufficient to prepare thoughtful and responsive comments in light of the variety of difficult legal, procedural, and scientific issues raised by the proposed rule.

FDA believes that an extension of the comment period is appropriate given the variety of legal, procedural, and scientific issues raised by the proposed rule. However, FDA does not agree that an additional 60 days is warranted, because FDA announced its intent to conduct this rulemaking more than 8 months prior to publication of the proposed rule (Ref. 1). Therefore, FDA is extending the comment period for an additional 30 days, until May 3, 2001. This extension will provide the public with a total of 105 days to submit comments.

II. How to Submit Comments

You may submit to the Dockets Management Branch (address above) written comments regarding the proposed rule by May 3, 2001. You must submit two copies of any comments, except that if you are an individual you may submit one copy. You must identify comments with the docket number found in brackets in the heading of this document. You may view received comments in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

You may also send comments to the Dockets Management Branch via e-mail to FDADockets@oc.fda.gov. You should annotate and organize your comments to identify the specific issues to which they refer.

III. Reference

The following reference has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Press Release, U.S. Department of Health and Human Services, ''FDA to Strengthen Pre-market Review of Bioengineered Foods,'' May 3, 2000, available at http://vm.cfsan.fda.gov.

Dated: March 27, 2001.

Ann M. Witt,
Acting Associate Commissioner for Policy.

[FR Doc. 01–7996 Filed 3–30–01; 8:45 am]
BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–105801–00]

RIN 1545–AX92

Capitalization of Interest and Carrying Charges Properly Allocated to Straddles; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains corrections to proposed regulations that were published in the **Federal Register** on January 18, 2001 (66 FR 4746). The regulations clarify the application of the straddle rules to a variety of financial instruments.

FOR FURTHER INFORMATION CONTACT: Kenneth Christman (202) 622–3950 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

These proposed regulations that are the subject of this correction are under sections 1092 and 263(g) of the Internal Revenue Code.

Need for Correction

As published, these proposed regulations (REG–105801–00) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the proposed regulations (REG–105801–00), which were the subject of FR. Doc. 01–1240, is corrected as follows:

§ 1.263(g)–4 [Corrected]

1. On page 4750, column 3, § 1.263(g)–4, paragraph (c), paragraph (ii) of *Example 2*, line 3, the language ''of *z* ounces of silver. Consequently, *A*'s'' is corrected to read ''of *y* ounces of silver. Consequently, *A*'s''.

2. On page 4751, column 1, § 1.263(g)–4, paragraph (c), paragraph (i) of *Example 5*, line 9, the language ''the holder would receive an annual payment'' is corrected to read ''the holders would receive an annual payment''.

Cynthia E. Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization and Strategic Planning).

[FR Doc. 01–8047 Filed 3–30–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 301, and 602

[REG–106542–98]

RIN 1545–AW24

Election To Treat Trust as Part of an Estate; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document cancels the public hearing on proposed regulations that relate to an election to have certain revocable trusts treated and taxed as part of an estate.

DATES: The public hearing scheduled for Wednesday, April 11, 2001, at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: LaNita Van Dyke of the Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning), (202) 622–7190 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Monday, December 18, 2000 (65 FR 79015), announced that a public hearing was scheduled for Wednesday, February 21, 2001, at 10 a.m., in the Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. On Thursday, February 8, 2001, a document was published at 66 FR 9535 changing the date of the hearing to April 11, 2001, and extending the date the outlines of oral comments were due to March 21, 2001. The subject of the public hearing is proposed regulations under section 645 of the Internal Revenue Code. The public comment period and the date the outlines of oral comments were due for these proposed regulations expired on Wednesday, March 21, 2001.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of Wednesday, March 28, 2001, no one has requested to speak. Therefore, the public hearing scheduled for Wednesday, April 11, 2001, is cancelled.

Cynthia Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).

[FR Doc. 01–8046 Filed 3–30–01; 8:45 am]

BILLING CODE 4830–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4902

Disclosure and Amendment of Records Pertaining to Individuals Under the Privacy Act

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: The Pension Benefit Guaranty Corporation is proposing to amend its regulations implementing the Privacy Act of 1974, *as amended,* to exempt certain records that will be maintained in a system of records entitled ''PBGC–12, Personnel Security Investigation Records—PBGC,'' from the access, contest, and certain other provisions of the Privacy Act. The amendment would protect the identity of a source who furnishes information in confidence to the PBGC for a background investigation on an individual who works, or who is being considered for work, for the PBGC as a contractor or as an employee of a contractor.

DATES: Comments must be received by May 2, 2001.

ADDRESSES: Comments may be mailed to the Office of the General Counsel, Suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, or delivered to that address between 9 a.m. and 4 p.m. on business days. Comments also may be sent by Internet e-mail to *reg.comments@pbgc.gov.* Comments will be available for public inspection at the PBGC's Communications and Public Affairs Department, Suite 240 at the same address, between 9 a.m. and 4 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: D. Bruce Campbell, Attorney, Office of the General Counsel, Suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026; 202–326–4020 (extension 3672). (For TTY/TDD users, call the federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4020 (extension 3672).)

SUPPLEMENTARY INFORMATION: The PBGC conducts background investigations and reinvestigations to establish that applicants for employment and employees are reliable, trustworthy, of good conduct and character, and loyal to the United States. The PBGC maintains records about these investigations in a system of records subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a) (''Privacy Act''), entitled ''PBGC–12, Personnel Security Investigation Records—PBGC''. The PBGC's regulations implementing the Privacy Act exempt under 5 U.S.C. 552a(k)(5) certain records maintained in PBGC–12 from the access, contest, and certain other provisions of the Privacy Act (29 CFR 4902.9).

The PBGC is expanding its use of background investigations and reinvestigations to cover individuals who work, or who are being considered for work, for the PBGC as contractors or as employees of contractors. To reflect the change, the PBGC is proposing to alter PBGC–12 by revising it to include records pertaining to individuals who work, or who are being considered for work, for the PBGC as contractors or as employees of contractors. (The PBGC's notice of an altered system of records appears elsewhere in today's **Federal Register**.) The PBGC is proposing to amend § 4902.9 to exempt certain records pertaining to individuals who work, or who are being considered for work, for the PBGC as contractors or as

employees of contractors from the access, contest, and certain other provisions of the Privacy Act. The amendment would protect the identity of a source who furnishes information to PBGC in confidence for a background investigation of such an individual.

Compliance With Rulemaking Guidelines

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

The PBGC certifies under section 605(b) of the Regulatory Flexibility Act that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The rule would only affect the maintenance and disclosure of information about individuals by the PBGC under the Privacy Act and therefore would ordinarily be expected to have no economic impact on entities of any size. Accordingly, sections 603 and 604 of the Regulatory Flexibility Act do not apply.

List of Subjects in 29 CFR Part 4902

Privacy.

For the reasons set forth above, the PBGC is proposing to amend 29 CFR Part 4902 as follows:

PART 4902—DISCLOSURE AND AMENDMENT OF RECORDS PERTAINING TO INDIVIDUALS UNDER THE PRIVACY ACT

1. The authority citation for Part 4902 continues to read as follows:

Authority: 5 U.S.C. 552a.

§ 4902.9 [Amended]

2. Paragraph (b) of § 4902.9 is amended by removing the words ''for PBGC employment,'' and adding in their place the words ''for PBGC employment or for work for the PBGC as a contractor or as an employee of a contractor,''.

Issued in Washington, DC, this 28th day of March, 2001.

John Seal,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 01–8056 Filed 3–30–01; 8:45 am]

BILLING CODE 7708–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 032101E]

South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notification of public scoping meetings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold four scoping meetings in April and May 2001, to gather public input on measures for possible inclusion in an amendment to the Shrimp Fishery Management Plan (FMP) for the Region. The measures are being considered at the request of the commercial shrimp industry. These management measures will address the issue of larger vessels entering the fishery that are capable of fishing 24 hours a day and having far greater fishing power than the traditional fleet. Fishermen are concerned over the possible displacement of traditional shrimp vessels from the fishery, the unknown impact of adding highly efficient vessels into an already overcapitalized fishery, the biological impact of increased effort on shrimp stocks, and the unknown and possible increase in bycatch. Items under consideration include establishing a Federal permit for the shrimp fishery, night-time closures, and maximum trawl size for vessels harvesting or possessing penaeid shrimp from the South Atlantic EEZ.

DATES: The Council will accept written comments on the proposed amendment through May 29, 2001. The meetings will be held in April and May 2001. See **SUPPLEMENTARY INFORMATION** for specific dates and times of the meetings.

ADDRESSES: Written comments should be sent to Bob Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699, or via email to safmc@noaa.gov. Copies of the scoping document are available from Kim Iverson, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699; telephone: 843–571–4366.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699; telephone: 843–571–4366; fax: 843–769–4520; email: kim.iverson@noaa.gov.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Locations

All meetings are scheduled to begin at 6 p.m.

1. April 17, 2001, Crystal Coastal Civic Center, 3505 Arendell Street, Morehead City, NC 28557; telephone: 252–247–3883.
2. April 19, 2001, Cooperative Extension Building, Brunswick County Center, 25 Referendum Dr., Bolivia, NC 28422; telephone: 910–253–2610.
3. May 15, 2001, Town & Country Inn, 2008 Savannah Highway, Charleston, SC 29407; telephone: 843–571–1000.
4. May 21, 2001, Sea Turtle Inn, 1 Ocean Boulevard, Atlantic Beach, FL 32233; telephone: 904–249–7402.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by April 6, 2001.

Dated: March 27, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–8051 Filed 3–30–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 032101F]

South Atlantic Fishery Management Council; Public Scoping Meetings.

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

ACTION: Notification of public meetings.

SUMMARY: The Council will hold nine public scoping meetings to gather public comments regarding the use of Marine Protected Areas (MPAs) as a fishery management tool, emphasizing the conservation of essential fish habitat and the species associated with the snapper/grouper complex. These MPAs may be nearshore and/or offshore, as well as natural and/or man-made.

The Council is currently considering the following type of actions regarding

MPAs: (1) Permanent closure/no-take; (2) permanent closure/some take allowed; (3) limited duration closure/no take; (4) limited duration closure/some take allowed; (5) spawning area closure/no take; and (6) spawning area closure/some take allowed. During the scoping process, the Council is focusing on management actions involving permanent closures with some take allowed. It is the Council's intent to specifically review areas suggested by the public and the MPA Advisory Panel, using maps of offshore areas, to protect deepwater snapper grouper species. It is the Council's intent to prohibit fishing for and/or harvesting/possessing species in the snapper grouper management unit. It is not the Council's intent to prohibit fishing for and/or the harvesting/possession of pelagic species. The public is invited to comment on all aspects of this approach.

DATES: The meetings will be held in April and May 2001. See **SUPPLEMENTARY INFORMATION** for specific dates locations and times of the public meetings. Written comments will be accepted through May 21, 2001.

ADDRESSES: Written comments should be sent to Bob Mahood, Eecutive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407. Copies of the scoping document for MPAs are available by contacting Kerry O'Malley, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699; telephone: 843-571-4366; fax: 843–769–4520; email: kerry.omalley@noaa.gov. The scoping document will also be available at the meetings. See **SUPPLEMENTARY INFORMATION** for specific locations.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer; telephone: 843–571–4366; fax: 843–769–4520; email: kim.iverson@noaa.gov.

SUPPLEMENTARY INFORMATION:

Time and Location for Public Meetings

Public scoping meetings will be held at the following dates and locations. All meetings are scheduled to begin at 6:00 p.m.

1. April 16, 2001, Crystal Coastal Civic Center, 3505 Arendell Street, Morehead City, NC 28557; telephone: 252247–3883.
2. April 18, 2001, Blockade Runner Hotel, 275 Waynick Boulevard, Wrightsville Beach, NC 28480; telephone: 910–256–2251.
3. May 1, 2001, Sea Turtle Inn, 1 Ocean Boulevard, Atlantic Beach, FL 32233; telephone: 904–249–7402.
4. May 2, 2001, Radisson Beach Resort, 2600 N. A1A, Fort Pierce, FL 34949; telephone: 561–465–5544.
5. May 3, 2001, Holiday Isle's Resort, US Highway 1, Islamorada, FL 33036; telephone: 305–664–2711.
6. May 9, 2001, Embassy Suites North Charleston Convention Center, 5055 International Boulevard, North Charleston, SC 29418; telephone: 843–747–1882.
7. May 14, 2001, St. John's Inn, Oceanfront at 70th Avenue, N., Myrtle Beach, SC 29572; telephone: 843–918–8000.
8. May 15, 2001, University of Georgia Marine Extension Service, 715 Bay Street, Brunswick, GA 31520; telephone: 912–264–7268.
9. May 16, 2001, Richmond Hill City Hall, 40 Richard R. Davis Drive, Richmond Hill, GA 31324; telephone: 912–756–3345.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by April 6, 2001.

Dated: March 27, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–8050 Filed 3–30–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 010326079–1079-01; I.D. 010301C]

RIN 0648–AO96

Atlantic Highly Migratory Species (HMS); 2001 Atlantic Bluefin Tuna Quota Specifications and General Category Effort Controls

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

ACTION: Proposed initial annual quota specifications and General category effort controls; public hearings; request for comments.

SUMMARY: NMFS proposes initial specifications for the Atlantic bluefin tuna (BFT) fishery to set BFT quota and General category effort controls for the 2001 fishing year. The proposed initial quota specifications and effort controls are necessary to implement the 1998 recommendation of the International Commission for the Conservation of Atlantic Tunas (ICCAT) as required by the Atlantic Tunas Convention Act (ATCA) and to achieve domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). NMFS will hold public hearings to receive comments from fishery participants and other members of the public regarding the proposed initial quota specifications and effort controls.

DATES: Written comments must be received on or before May 14, 2001.

The public hearings dates are:

1. Wednesday, April 11, 2001, 7 p.m. to 9 p.m., Gloucester, MA 01930.
2. Tuesday, April 17, 2001, 7 p.m. to 9 p.m., Hyannis, MA 02601.
3. Friday, April 20, 2001, 7 p.m. to 9 p.m. Brunswick, ME 04011.
4. Friday, April 27, 2001, 7 p.m. to 9 p.m. Riverhead, NY 11901.

ADDRESSES: Written comments on the proposed initial quota specifications and General category effort controls should be sent to Chris Rogers, Acting Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3282. Comments also may be sent via facsimile (fax) to (301) 713–1917. Comments will not be accepted if submitted via e-mail or the Internet.

The public hearing locations are:

1. Gloucester--Milton Fuller School, 4 School House Road, Gloucester, MA 01930.
2. Hyannis--Sheraton Hyannis Four Points, Route 132, Hyannis, MA 02601.
3. Brunswick--The Atrium, 21 Gurnet Road, Cooks Corner, Brunswick, ME 04011
4. Riverhead--Riverhead Town Hall, 2000 Howell Ave, Riverhead, NY 11901

FOR FURTHER INFORMATION CONTACT: Brad McHale or Pat Scida, (978) 281–9260.

SUPPLEMENTARY INFORMATION: Atlantic tunas are managed under the dual authority of the Magnuson-Stevens Act and ATCA. ATCA authorizes the Secretary of Commerce (Secretary) to implement binding recommendations of ICCAT. The authority to issue regulations under the Magnuson-Stevens Act and ATCA has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

Background

On May 28, 1999, NMFS published in the **Federal Register** (64 FR 29090) final

regulations, effective July 1, 1999, implementing the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP) that was adopted and made available to the public in April 1999. The proposed initial specifications are necessary to implement the 1998 ICCAT recommendation, which is required by ATCA, and to achieve domestic management objectives under the Magnuson-Stevens Act. The proposed initial quota specifications would allocate the total ICCAT-recommended quota (including the allocation of the unused portion of the dead discard allowance) among the several established fishing categories, would carry-over any unharvested quota in 2000 from a specific category to the same category for 2001, and would be consistent with the BFT rebuilding program as set forth in the HMS FMP.

NMFS proposes the 2001 fishing year (June 1, 2001 to May 31, 2001) BFT initial quota specifications under the annual and inseason adjustment procedures of the HMS FMP. Also in accordance with the HMS FMP, NMFS proposes the General category effort control schedule, including time-period subquotas and restricted fishing days (RFDs), for the upcoming fishing season. After consideration of public comment, NMFS will issue final initial specifications and publish them in the **Federal Register**.

Domestic Quota Allocation

The HMS FMP and the implementing regulations established baseline percentage quota shares for each of the domestic fishing categories of the ICCAT-recommended U.S. BFT quota. These percentage shares were based on allocation procedures that had been developed by NMFS over several years. The baseline percentage quota shares established in the HMS FMP for fishing years beginning June 1, 2001 are as follows: General category--47.1 percent; Harpoon category--3.9 percent; Purse Seine category --18.6 percent; Angling category--19.7 percent; Longline category--8.1 percent; Trap category--0.1 percent; and Reserve--2.5 percent.

The current ICCAT BFT quota recommendation allows, and U.S. regulations require, the addition or subtraction, as appropriate, of any underharvest or overharvest in a fishing year to the appropriate quota category for the following year, provided that such carryover does not result in overharvest of the total annual quota and is consistent with all applicable ICCAT recommendations, including restrictions on landings of school BFT. Therefore, NMFS proposes to adjust the 2001 fishing year quota specifications for the BFT fishery to account for underharvest and overharvest in the 2000 fishing year.

The General, Harpoon, and Purse Seine category fisheries for BFT have been closed for the 2000 fishing year (June 1, 2000 to May 31, 2001), but landings figures are still preliminary and may be updated before the 2001 specifications are finalized. For the 2000 fishing year, NMFS has preliminarily determined that General category landings were less then the adjusted General category quota by 9.7 mt; Harpoon category landings were less then the adjusted Harpoon category quota by 0.6 mt; and Purse Seine category landings exceeded the adjusted Purse Seine category quota by 4.0 mt. Based on the estimated amount of Reserve that NMFS is maintaining for the landing of BFT taken during ongoing scientific research projects, NMFS estimates that 9.4 mt of Reserve remains unharvested from the 2000 fishing year.

Given estimated catch rates and available quota, the Angling and Longline category fisheries will remain open through May 31, 2001. As NMFS anticipates publication of final BFT quota specifications for the 2001 fishing year prior to the availability of final 2000 landings figures for these two categories, best estimates will be used to determine carryover amounts, if any. To date, the Angling category has the following underharvests for the 2000 fishing year: School BFT--118.4 mt; large school/small medium BFT--130.1 mt; and large medium/giant BFT--4.8 mt. In addition, 38.3 mt remains in the school reserve. To date, 100.6 mt remain in the Longline category. Should adjustments to the proposed initial 2001 BFT quota specifications be required based on the final 2000 BFT landings figures, NMFS will publish a **Federal Register** document adjusting the final initial 2001 fishing year quota specifications.

In accordance with the regulations regarding annual adjustments at § 635.27(a)(9)(ii), NMFS proposes specifications for the 2001 fishing year that include carryover adjustments. The proposed quotas are: General category--667.0 mt; Harpoon category--55.0 mt; Purse Seine category--255.6 mt; Angling category--566.4 mt; Longline category--213.6 mt; and Trap category--3.9 mt. Additionally, 44.3 mt would be reserved for inseason allocations or to cover potential overharvest in any category except the Purse Seine category. Regulations at 50 CFR 635.27(a)(9)(i) require that Purse Seine category vessels add or subtract under or overharvests to or from each individual vessel's quota allocation, as appropriate.

As part of the BFT rebuilding program, ICCAT recommended an allowance for dead discards. The U.S. dead discard allowance is 68 metric tons (mt). The 1999 fishing year preliminary estimate of U.S. dead discards, as reported in pelagic longline vessel logbooks, totaled 51 mt (data provided by the Southeast Fisheries Science Center). As estimates of BFT dead discards for the 2000 fishing year will not be available for some time, the estimate for the 1999 fishing year was used to calculate the amount to be added to, or subtracted from, the U.S. BFT landings quota for 2001 as a result of dead discards. Estimates of dead discards from other gear types and fishing sectors that do not use the pelagic longline vessel logbook are unavailable at this time and thus are not included in this calculation. As U.S. fishing activity is estimated to have resulted in less dead discards than its allowance, the ICCAT recommendation and U.S. regulations state that the U.S. may add one-half of the difference between the amount of dead discards and the allowance (i.e., 68 mt - 51 mt = 17 mt, 17 mt/2 = 8.5 mt) to its total allowed landings for the following year, or to individual fishing categories or to the Reserve. NMFS proposes to allocate the 8.5 mt to the total allowed landings quota, which would then be allocated to the individual fishing categories based on the baseline percentage quota allocations established in the HMS FMP.

Based on the proposed initial specifications, the Angling category quota of 566.4 mt would be divided as follows: School BFT--247.7 mt, with 134.3 mt to the northern area (north of 38° 47′ N. lat.), 113.4 mt to the southern area (south of 38° 47′ N. lat.), and an additional 20.6 mt held in reserve; large school/small medium BFT--286.9 mt, with 171.1 mt to the northern area and 115.8 mt to the southern area; and large medium/giant BFT--11.2 mt, with 4.9 mt to the northern area and 6.3 mt to the southern area. NMFS issued a proposed rule (65 FR 76601; December 7, 2000) that would adjust the location of the north-south dividing line to 39o 18′ N. latitude and change the percentage quota allocations in the northern and southern areas. Should a final rule be issued to implement these changes they will be incorporated into the final initial specifications.

The Longline category quota of 213.6 mt would be subdivided as follows: 27.0 mt to longline vessels landing BFT north of 34° N. lat. and 186.6 mt to

longline vessels landing BFT south of 34° N. lat.

General Category Effort Controls

For the last several years, NMFS has implemented General category time-period subquotas to increase the likelihood that fishing would continue throughout the late summer and early fall fishing seasons. The subquotas are consistent with the objectives of the HMS FMP and are designed to address concerns regarding allocation of fishing opportunities, to assist with distribution and achievement of optimum yield, to allow for a late season fishery, and to improve market conditions and scientific monitoring.

The HMS FMP divides the annual General category quota into three time-period subquotas as follows: 60 percent for June-August, 30 percent for September, and 10 percent for October-December. These percentages would be applied to the adjusted 2001 coastwide quota for the General category of 657.0 mt, with the remaining 10.0 mt being reserved for the New York Bight fishery. Therefore, coastwide, 394.2 mt would be available in the period beginning June 1 and ending August 31; 197.1 mt would be available in the period beginning September 1 and ending September 30; and 65.7 mt would be available in the period beginning October 1 and ending December 31, 2001.

In addition to time period subquotas, NMFS also has implemented General category RFDs to extend the fishing season throughout the summer and fall. The RFDs are consistent with the objectives of the HMS FMP and are designed to address the same issues addressed by time-period subquotas. For the 2001 fishing year, NMFS proposes a schedule of RFDs that is similar to that implemented for the 2000 fishing year, adjusted as necessary to coordinate with Japanese market holidays.

Persons aboard vessels permitted in the General category would be prohibited from fishing, including tag-and-release, for BFT of all sizes on the following days: July 15, 16, 18, 22, 23, 25, 29, and 30; August 1, 5, 6, 8, 11, 12, 13, 15, 19, 20, 22, 26, 27, and 29; September 2, 3, 5, 9, 10, 12, 16, 17, 19, 23, 24, 26, and 30; October 1, 3, 7, 8, 10, 14, and 15. These proposed RFDs would improve distribution of fishing opportunities without increasing BFT mortality.

Request for Comments

Over the past year industry has expressed interest and concern over the allocation of BFT quota underharvest and the implementation of RFDs. NMFS specifically invites comments on the following subjects: (a) BFT quota carry-over provisions and the allocation of BFT quota carry-over for successive years; and (b) alternative methods of implementing effort controls, including procedures for waiving or adding RFDs during the fishing season.

Comments submitted in response to this notice will be considered in the development of the final initial quota specifications and effort controls, and will also become a matter of public record.

Public Hearings and Special Accommodations

The public is reminded that NMFS expects participants at the public hearings to conduct themselves appropriately. At the beginning of each public hearing, a NMFS representative will explain the ground rules (e.g., alcohol is prohibited from the hearing room; attendees will be called to give their comments in the order in which they registered to speak; each attendee will have an equal amount of time to speak; and attendees should not interrupt one another). The NMFS representative will attempt to structure the hearing so that all attending members of the public will be able to comment, if they so choose, regardless of the controversial nature of the subject(s). Attendees are expected to respect the ground rules, and, if they do not, they will be asked to leave the hearing.

The public hearing sites are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Brad McHale (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days prior to the hearing.

Classification

These proposed specifications and effort controls are published under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*, and the Atlantic Tunas Convention Act, 16 U.S.C. 971 *et seq.* Preliminarily, the AA has determined that the proposed specifications and the effort controls are consistent with the HMS FMP, the Magnuson-Stevens Act, and the 1998 ICCAT BFT catch recommendation.

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed specifications and effort controls would not have a significant economic impact on a substantial number of small entities as follows:

The proposed initial specifications would set Atlantic BFT tuna quota allocations and General category effort controls for the 2001 fishing year; these proposed initial specifications are similar to those set for the 2000 fishing year and are in accordance with the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (Highly Migratory Species (HMS) FMP). Because the overall U.S. BFT landings quota and fishing patterns would remain the same, there is no anticipated change in revenues that would accrue to, or costs that would be incurred by, small businesses or in the fishery overall.

Because of this certification, an Initial Regulatory Flexibility Analysis was not prepared.

These proposed quota specifications and General category effort controls have been determined to be not significant for purposes of Executive Order 12866.

Taken together, the proposed quota specifications and General category effort controls are not expected to increase endangered species or marine mammal interaction rates. On September 7, 2000, NMFS re-initiated formal consultation for the HMS fisheries under section 7 of the Endangered Species Act. The proposed specifications would not significantly alter current fishing practices and would not likely increase takes of listed species or result in any irreversible and irretrievable commitment of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative measures to reduce adverse impacts on protected resources.

The area in which this proposed action is planned has been identified as EFH for species managed by the New England Fishery Management Council, the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, the Gulf of Mexico Fishery Management Council, the Caribbean Fishery Management Council, and the Highly Migratory Species Division of the Office of Sustainable fisheries at NMFS. It is not anticipated that this action will have any adverse impacts to EFH and, therefore, no consultation is required.

Dated: March 28, 2001.

Clarence Pautzke,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 01–8032 Filed 3–28–01; 3:17 pm]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 66, No. 63
Monday, April 2, 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 COMMERCE

Foreign-Trade Zones Board

[Order Nos. 1134, 1136 and 1137]

Notice of Correction

On December 28, 2000 and January 22, 2001, the Foreign-Trade Zones Board published in the **Federal Register** Board Orders 1134, 1136 and 1137 approving subzone status for Phillips Petroleum Company in Borger, Texas; Sunoco, Inc. in Toledo, Ohio; and Conoco, Inc. in Ponca City, Oklahoma, subject to restrictions. Subsequent to the publication of these notices, we identified an inadvertent error in Restriction #2 of each order as published. Restriction #2 of Board Orders 1134, 1136, and 1137 should read as follows:

2. Privileged foreign status (19 CFR 146.41) shall be elected on all foreign merchandise admitted to the subzone, except that non-privileged foreign (NPF) status (19 CFR 146.42) may be elected on refinery inputs covered under HTSUS Subheadings #2709.00.1000–#2710.00.1050, #2710.00.2500 and #2710.00.4510 which are used in the production of:

—Petrochemical feedstocks (examiner's report, Appendix ''C'');
—Products for export; and,
—Products eligible for entry under HTSUS #9808.00.30 and #9808.00.40 (U.S. Government purchases).

This language reflects the text of Board Orders 1134, 1136 and 1137 as approved by the Foreign-Trade Zones Board. This correction is made pursuant to 15 C.F.R. 400.12(c).

Dated: March 26, 2001.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–8033 Filed 3–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with section 351.213 (2000) of the Department of Commerce (the Department) Regulations, that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity To Request a Review

Not later than the last day of April 2001, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in April for the following periods:

	Period
Antidumping Duty Proceedings:	
France: Sorbitol A–427–001	4/1/00–3/31/01
Norway: Fresh and Chilled Atlantic Salmon, A–403–801	4/1/00–3/31/01
The People's Republic of China: Brake Rotors, A–570–846	4/1/00–3/31/01
Taiwan: Static Random Access memory Semiconductors (SRAMS), A–583–827	4/1/00–3/31/01
Turkey: Certain Steel Concrete Reinforcing Bars, A–489–807	4/1/00–3/31/01
Countervailing Duty Proceedings:	
Norway: Fresh and Chilled Atlantic Salmon, C–403–802	1/1/00–12/31/00
Suspension Agreements:	
None.	

In accordance with section 351.213(b) of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Six copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/

Countervailing Enforcement, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(l)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of April 2001. If the Department does not receive, by the last day of April 2001, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: March 23, 2001.

Holly A. Kuga,

Acting Deputy Assistant Secretary for Import Administration, Group II.

[FR Doc. 01–8034 Filed 3–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–840]

January 2001 Sunset Reviews: Final Result and Revocation

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of sunset reviews and revocation of antidumping duty order on manganese metal from the People's Republic of China.

SUMMARY: On January 2, 2001, the Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on manganese metal from the People's Republic of China (''PRC'') (66 FR 94). Because the domestic interested parties have withdrawn, in full, their participation in the ongoing sunset reviews, the Department is revoking this antidumping duty order.

EFFECTIVE DATE: February 6, 2001.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or James P. Maeder, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–5050 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statue

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the ''Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department of Commerce's (''Department'') regulations are to 19 CFR part 351 (2000).

Background

On February 6, 1996, the Department issued an antidumping duty order on manganese metal from the PRC, as amended (61 FR 4415). Pursuant to section 751(c) and 19 CFR part 351 in general, the Department initiated a sunset review of this order by publishing notice of the initiation in the **Federal Register** 66 FR 94 (January 2, 2001). In addition, as a courtesy to interested parties, the Department sent letters, via certified and registered mail, to each party listed on the Department's most current service list for this proceeding to inform them of the automatic initiation of a sunset review of this order.

We received a notice of intent to participate and a complete substantive response from Kerr-McGee Chemical LLC (''KMC'') by the deadline dates (*see* 19 CFR 351.218(d)(1)(i)). On March 1, 2001, we received a notice from KMC withdrawing its notice of intent to participate. As a result, the Department determined that no domestic party intends to participate in the sunset review and, on March 7, 2001, we notified the International Trade Commission that we intended to issue a final determination revoking this antidumping duty order.

Determination To Revoke

Pursuant to section 751(c)(3)(A) of the Act and section 19 CFR 351.218(d)(1)(iii)(B)(3), if no domestic interested party responds to the notice of initiation, the Department shall issue a final determination, within 90 days after the initiation of the review, revoking the finding or order or terminating the suspended investigation. Because KMC withdrew its notice of intent to participate and no other domestic interested party filed a substantive response, the Department finds that no domestic interested party is participating in this review and we are revoking this antidumping duty order.

Effective Date of Revocation

Pursuant to sections 751(c)(3)(A) and 751(d)(2) of the Act, and 19 CFR 351.222(i)(2)(i), the Department will instruct the Customs Service to terminate the suspension of liquidation of the merchandise subject to this order entered, or withdrawn from warehouse, on or after February 6, 2001. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and countervailing duty deposit requirements. The Department will complete any pending administrative reviews of this order and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: March 26, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–8035 Filed 3–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Initiation of Five-Year (''Sunset'') Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') is automatically initiating five-year (''sunset'') reviews of the antidumping duty orders listed below. The International Trade Commission (''the Commission'') is publishing concurrently with this notice its notices of *Institution of Five-Year Reviews* covering these same orders.

FOR FURTHER INFORMATION CONTACT: James P. Maeder, or Martha V. Douthit, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, at (202) 482–3330 or (202) 482–5050,

respectively, or Vera Libeau, Office of Investigations, U.S. International Trade Commission, at (202) 205–3176.

SUPPLEMENTARY INFORMATION:

The Applicable Statue

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the ''Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department of Commerce's (''Department'') regulations are to 19 CFR part 351 (2000). Pursuant to sections 751(c) and 752 of the Act, an antidumping (''AD'') or countervailing duty (''CVD'') order will be revoked, or the suspended investigation will be terminated, unless revocation or termination would be likely to lead to continuation or recurrence of (1) dumping or a countervailable subsidy, and (2) material injury to the domestic industry.

The Department's procedures for the conduct of sunset reviews are set forth in 19 CFR 351.218. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Background

Initiation of Reviews

In accordance with 19 CFR 351.218 we are initiating sunset reviews of the following antidumping duty orders:

DOC case No.	ITC case No.	Country	Product
A–570–842	TA–726	China	Polyvinyl Alcohol.
A–588–836	TA–727	Japan	Polyvinyl Alcohol.
A–583–824	TA–729	Taiwan	Polyvinyl Alcohol.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the *Sunset Regulations* (19 CFR 351.218) and *Sunset Policy Bulletin,* the Department's schedule of sunset reviews, case history information (*i.e.,* previous margins, duty absorption determinations, scope language, import volumes), and service lists, available to the public on the Department's sunset internet website at the following address: ''http://ia.ita.doc.gov/sunset/''.

All submissions in these sunset reviews must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303. Also, we suggest that parties check the Department's sunset website for any updates to the service list before filing any submissions. The Department will make additions to and/or deletions from the service list provided on the sunset website based on notifications from parties and participation in this review. Specifically, the Department will delete from the service list all parties that do not submit a substantive response to the notice of initiation.

Because deadlines in a sunset review are, in many instances, very short, we urge interested parties to apply for access to proprietary information under administrative protective order (''APO'') immediately following publication in the **Federal Register** of the notice of initiation of the sunset review. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties (defined in 19 CFR 351.102) wishing to participate in these sunset reviews must respond not later than 15 days after the date of publication in the **Federal Register** of the notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). We note that the Department considers each of the orders listed above as separate and distinct orders and, therefore, requires order-specific submissions. In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review.

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that *all parties* wishing to participate in the sunset review must file substantive responses not later than 30 days after the date of publication in the **Federal Register** of the notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for foreign and domestic parties. Also, note that the Department's information requirements are distinct from the International Trade Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of sunset reviews.[1] Please consult the Department's regulations at 19 CFR Part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: March 26, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–8036 Filed 3–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–821, C–560–813, C–791–810, C–549–818]

Certain Hot-Rolled Carbon Steel Flat Products From India, Indonesia, South Africa, and Thailand: Extension of Time Limit for Preliminary Determinations in Countervailing Duty Investigations

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

[1] A number of parties commented that these interim-final regulations provided insufficient time for rebuttals to substantive responses to a notice of initiation, 19 CFR 351.218(d)(4)). As provided in 19 CFR 351.302(b), the Department will consider individual requests for extension of that five-day deadline based upon a showing of good cause.

ACTION: Notice of extension of time limit for preliminary determinations in countervailing duty investigations.

SUMMARY: The Department of Commerce is extending the time limit of the preliminary determinations in the countervailing duty (''CVD'') investigations of certain hot-rolled carbon steel flat products from India, Indonesia, South Africa, and Thailand until no later than April 13, 2001. This extension is made pursuant to section 703(c)(1)(B) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

EFFECTIVE DATE: April 2, 2001.

FOR FURTHER INFORMATION CONTACT: Eric Greynolds (India), at (202) 482–6071; Stephanie Moore (Indonesia), at (202) 482–3692; Sally Gannon (South Africa), at (202) 482–0162; and Dana Mermelstein (Thailand), at (202) 482–1391, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (''the Act'') by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 C.F.R. Part 351 (2000).

Extension of Due Date for Preliminary Determinations

On December 4, 2000, the Department of Commerce (''the Department'') initiated the CVD investigations of certain hot-rolled carbon steel flat products from India, Indonesia, South Africa, and Thailand. *See Notice of Initiation of Countervailing Duty Investigations: Certain Hot-Rolled Carbon Steel Flat Products From Argentina, India, Indonesia, South Africa, and Thailand,* 65 FR 77580 (December 12, 2000). On January 18, 2001, the Department issued an extension to the preliminary determinations. *See Extension of Time Limit for Preliminary Determinations in Countervailing Duty Investigations: Certain Hot-Rolled Carbon Steel Flat Products from India, Indonesia, South Africa, and Thailand,* 66 FR 8199 (January 30, 2001) (''*Extension Notice*''). In that determination the Department found that these investigations are extraordinarily complicated pursuant to section 703(c)(1)(B) of the Act. In that notice, we stated that we were extending the due date only for an additional 45 days rather than the full 65 days (*see* section 703(c)(1)(B) of the Act). However, we are now amending the *Extension Notice* to take the full amount of time permitted under the statute to issue these preliminary determinations. Therefore, we are extending the due date for the preliminary determinations to April 13, 2001.

The bases for our decision to take the full amount of time are the same as set forth in the original extension notice (*see Extension Notice*), and our need to ensure that all of the complex and voluminous information can be fully analyzed.

Accordingly, we continue to find these investigations to be extraordinarily complicated and determine that additional time is necessary to make the preliminary determinations. Therefore, pursuant to section 703(c)(1)(B) of the Act, we are postponing the preliminary determinations in these investigations to no later than April 13, 2001.

This notice is published pursuant to section 703(c)(2) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: March 26, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–8031 Filed 3–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 010327081–1081–01]

Financial Assistance To Establish New Cooperative Science Centers Under NOAA's Educational Partnership Program With Minority Serving Institutions in Atmospheric, Oceanic and Environmental Sciences and Remote Sensing at Minority Serving Institutions

AGENCY: Office of Finance and Administration (OFA), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of criteria for establishing Cooperative Science Centers in Atmospheric, Oceanic and Environmental Sciences and Remote Sensing at Minority Serving Institutions; and notice of availability of funds and solicitation for proposals for these funds.

SUMMARY: NOAA announces the availability of funds, through a competitive process, to establish new Cooperative Science Centers at accredited post secondary minority serving institutions. These Centers will be established as partnerships between the institution(s) and NOAA, with the goal of expanding the institution's training and research capabilities and supporting the development of programs compatible with NOAA's mission. The Cooperative Centers will be established in the NOAA core science areas in atmospheric, oceanic and environmental sciences (AOES) and remote sensing.

The Centers will support activities that strengthen the research capability of minority serving institutions with accredited graduate programs and graduate degrees in AOES and related sciences. An essential goal of this program is to seek ways to improve opportunities for, and retention of, students and faculty from underrepresented groups in the NOAA related sciences, at MSIs, with the eventual goal of increasing the number of students graduating in AOES and related sciences. The overall program strategies include enhanced collaborative research opportunities and experiences for the faculty and students with NOAA research facilities, strengthening the infrastructure at minority serving institutions that serve underrepresented groups, and supporting staff exchanges between NOAA and MSIs.

A Distinguished Professorship will be created at each of the Science Centers. These professors will be required to develop significant research projects for their respective Centers with other professors and students. Staff and faculty exchanges will also be available as part of this program, and opportunities will be made available to participate in collaborative research or other agreed upon activities. Where appropriate, NOAA staff may be utilized to teach courses, develop curricula or conduct joint research.

NOAA expects the Centers to develop mechanisms and approaches to increase opportunities to make courses and seminars offered at the Centers available to students at other MSIs. Centers will also be required to utilize a minimum of twenty five percent (25%) of the award for student support, which includes, but is not limited to, scholarships, fellowships, travel expenses to professional meetings and for conducting site research. While the

Centers will be established at MSIs, consortia with non-minority serving institutions will not be restricted.

DATES: Applications must be received by NOAA OFA no later than 4 p.m., Eastern Daylight Savings Time on May 31, 2001. No facsimile or electronic mail applications will be accepted. Institutions may submit Letters of Intent to NOAA/OFA that would aid in planning the review processes. Potential PIs are asked to submit Letters of Intent 30 days after publication of this **Federal Register** Notice. Letters of Intent can be submitted via E-Mail to *Jacqueline.J.Rousseau@noaa.gov*. Information should include a general description of the Center proposal and participating institutions.

ADDRESSES: Send the original and two copies of the application to: Jacqueline J. Rousseau, Acting Program Manager, Office of Finance and Administration, National Oceanic and Atmospheric Administration, 1305 East-West Highway, SSMCIV Room 4162, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Jacqueline Rousseau at (301) 713–0325.

SUPPLEMENTARY INFORMATION:

I. Authorities

15 U.S.C. 1540, 49 U.S.C. 44720, 33 U.S.C. 883d, 33 U.S.C. 1442, 16 U.S.C. 1854(e), 16 U.S.C. 661, 16 U.S.C. 753(a), 16 U.S.C. 1451 *et seq.*, 16 U.S.C. 1431, 33 U.S.C. 883a and Executive Orders 12876, 12900 and 13021.

II. Catalog of Federal Domestic Assistance

This program is described in the ''Catalog of Federal Domestic Assistance'' under program number 11.481—Education Partnership Program with Minority Serving Institutions.

III. Program Description

The National Oceanic and Atmospheric Administration's (NOAA) mission is to describe and predict changes in the Earth's environment, and conserve and manage wisely the Nation's coastal and marine resources to ensure sustainable economic opportunities. NOAA envisions a 21st century in which environmental stewardship, monitoring, assessment and prediction serve as keystones to enhancing economic prosperity and quality of life, better protecting lives and property, and strengthening the U.S. balance of trade. This vision depends on actions now that:

1. Create and disseminate reliable assessments and predictions of weather, climate, space environment, ocean and living marine resources, nautical, and geodetic phenomena and systems;
2. Implement integrated approaches to environmental management and ocean and coastal resources development for economic and social health;
3. Ensure continuous operational observing capabilities—from satellites to ships to radars;
4. Build and use new information networks;
5. Develop public-private and international partnerships for the expansion and transfer of environmental knowledge and technologies;
6. Invest in scientific research and the development of new technologies to improve current operations and prepare for the future; and,
7. Improve NOAA's abilities to serve its customers and forge stronger ties with its partners and stakeholders.

Institutions will have an opportunity to compete for an award to establish a Center based on specific criteria outlined below.

Specific Criteria for AOES and Remote Sensing Cooperative Science Centers

Atmosphere Cooperative Science Center: The Cooperative Science Center for Atmosphere should address the ability to conduct collaborative research in numerical weather prediction, data assimilation, climate modeling, climate analysis and prediction, and studies that lead to improvements in warning and forecast operations. Atmospheric Center graduates should meet the National Weather Service's course requirements for meteorologists which include:

(1) Twenty four (24) semester hours in meteorology including six semester hours in weather analysis and prediction of weather systems (synoptic/mesoscale); six semester hours of atmospheric dynamics and thermodynamics; three semester hours of physical meteorology; and two semester hours of remote sensing of the atmosphere and/or instrumentation;

(2) Six semester hours of physics with at least one course that includes laboratory sessions;

(3) Three semester hours of ordinary differential equations; and,

(4) Nine semester hours of course work appropriate for a physical science major in any combination of three or more of the following: Physical hydrology, statistics, chemistry, physical oceanography, physical climatology, radiative transfer, aeronomy, advanced thermodynamics, advanced electricity and magnetism, light and optics, computer science. There is a prerequisite or co-requisite of calculus for course work in atmospheric dynamics and thermodynamics, physics, and differential equations. Calculus courses must be appropriate for a physical science major. The Center's proposal should address how its graduates will meet these course requirements.

Living Marine Resources Cooperative Science Center (Ocean Cooperative Science Center) Living Marine Resources (LMR) Cooperative Science Center proposals should address the ability to support education and research in Marine Science including an emphasis on the following: Biological assessments; stock assessment; marine chemical assessments; habitat quality, coastal ecology—including ecosystem monitoring; remote sensing and GIS mapping; biodiversity; essential fish habitat; fishery economics; fishery-related social sciences and fishery biology, to include reproduction and food habitats; systematics and taxonomy; biotechnology; aquaculture; and enhancement.

Graduates must be able to carry out a variety of tasks including: predicting population trends of LMR; developing harvest strategies that maintain sustainable yields of renewable resources; analyzing the social and economic impacts of various management decisions on communities by decisions related to LMR; in addition to designing and carrying out projects for LMR.

Environment Cooperative Science Center: Coastal Environmental Cooperative Science Center proposals should address the ability to respond to coastal and ocean threats, restore damaged areas, manage coastal and ocean resources and support maritime commerce. Key areas of focus could include:

1. Supporting navigation of ships and boats in and out of ports and along our coasts in ways that are safe for both humans and the environment;
2. Understanding, predicting, assessing, managing, and communicating the impacts of human and natural stresses on coastal ocean ecosystems, including impacts from climate change, pollution, land and resource use, invasive species, and extreme natural events; and,
3. Developing the natural, social, and economic bases for integrated coastal and ocean management.

Remote Sensing Cooperative Science Center: This Center will have particular emphasis in environmental satellite-related research activities directed toward helping to sustain healthy coasts, to build sustainable fisheries, to recover protected species, to provide improved environmental forecasts or analyses, and to prepare for future

NOAA operational environmental satellite missions. The Center will be expected to:

1. Provide an organizational setting to promote and establish programs and related research relating to remote sensing by drawing upon multiple disciplines and involving collaboration with multiple performing and research-sponsoring partners;

2. Serve as a model for outreach, input, and collaboration that help ensure that research can be applied to solving priority NOAA remote sensing, current satellite system optimization, and future satellite system development and planning;

3. Expand research in remote sensing, satellite data management, and user access technologies; and,

4. Support multi-disciplinary research projects aimed at NOAA's remote sensing mission responsibilities, to include: (a) Passive radiometric remote sensing; (b) Passive multi-spectral remote sensing; (c) High spectral resolution (hyperspectral) remote sensing; (d) Active and passive microwave remote sensing; (e) Satellite sensor development and demonstration in the categories above; (f) technologies relating to satellite data acquisition, data distribution, mission operations, and mission planning; and, (g) Technologies relating to improved user data access and data management. Through such multi-disciplinary research, explore new approaches to enhance the use of present and future environmental satellites to meet the rapidly changing environmental needs of the Nation.

Rationale

NOAA has made a commitment to the recruitment and retention of minority employees, trained in NOAA related sciences, to conduct the ongoing mission of the agency. In an attempt to fulfill this commitment, the agency established a program aimed at partnering with Minority Serving Institutions (MSIs) that train and graduate students in the areas of atmospheric, oceanic and environmental sciences and remote sensing. Since approximately 40% of minority students receive their undergraduate degrees at MSIs, direct collaboration with MSIs, therefore, is an effective way to increase the number of minority students trained and graduating with degrees in NOAA-related fields who may become engaged in research and select careers compatible with the agency's mission.

Statistics from the National Science Foundation Science and Engineering Indicators 2000 Report illustrate that the number of minority students receiving Doctoral and Master's degrees in science and engineering for selected years from 1977–1997, continues to be lower than the national average. The NSF report states, for example, that in 1997 (the most recent data available) there were approximately 18,000 doctoral degrees granted in science and engineering (which includes earth atmosphere and ocean sciences) to U.S. citizens and permanent residents. Of those graduates, 607 degrees were granted to African Americans, 645 to Hispanics and 71 to American Indians and Alaska Natives. Statistics for master's degrees granted to these three groups are also disproportionately low. With such a limited pool of potential minority employees trained in NOAA related sciences, it is important that NOAA seek new ways to make students aware of the mission of the agency and to support activities that increase opportunities for students trained in NOAA related sciences.

NOAA anticipates that as the program succeeds and more minority students graduate in NOAA related sciences, the agency will have a larger pool of candidates from which to hire. An increase in the number of students trained and graduating in science and engineering will be beneficial to the nation at large, because NOAA relies on its partnerships with state, local and tribal governments as well as community interest groups to accomplish its mission.

IV. Funding Availability

This solicitation announces that funding up to $10 million will be available in FY 2001, with a maximum of $2.5 million per year, per Center. Applications in excess of $2.5 million per year per Center will not be considered.

V. Matching Requirements

The program has no matching requirements.

VI. Types of Funding Instruments

The cooperative agreement will be the funding instrument. NOAA will be substantially involved in the development of research priorities, conducting cooperative activities with recipients, exchanging staff and providing internship opportunities for students at MSIs.

VII. Eligibility Criteria

For the purposes of this program, Historically Black Colleges and Universities, Hispanic Serving Institutions and Tribal Colleges and Universities, as identified on the 2001 United States Department of Education, Accredited Post-Secondary Minority Institutions list at *http://www.ed.gov/ocr/minorityinst.pdf,* are eligible to apply.

VIII. Award Period

Proposals may be submitted requesting funding for up to three years.

IX. Indirect Costs

The total dollar amount of the indirect costs proposed must be the lesser of 25% of the total proposed direct costs or the amount that would be authorized as a result of applying the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award. If the applicant does not have a current negotiated rate and plans to seek reimbursement for indirect costs, documentation necessary to establish a rate must be submitted within 90 days of receiving an award.

X. Applications Forms & Grant Proposal Requirements

Proposals submitted in response to this solicitation must be complete and submitted in accordance with instructions in the standard NOAA Grants Application package. The applicant must include the following:

- Standard Form 424 Application for Federal Assistance.
- SF424A Budget Information Non-Construction Programs and budget justification narrative; SF424B Assurances Non-Construction Programs.
- CD–511 Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug Free Workplace Requirements, and Lobbying.
- SF–LLL Disclosure of Lobbying Activities, if applicable.
- Narrative project description (Statement of Work). Budgets must also include a detailed breakdown by category of cost estimates as they relate to specific aspects of the project, with appropriate justification for the Federal share.

Proposal Requirements

Each proposal must include the items listed below.

1. All pages must be double-spaced, typewritten and should not exceed 20 pages. All information needed for review of the proposal should be included in the main text.

2. Proposals must include a Title page and Executive Summary.—The title page should identify the Center being applied for, the lead Principal Investigator's (PI) name, Partner name(s) (if any) and their respective affiliations, complete addresses, telephone, FAX, and e-mail information. The title page

will also provide the total proposed cost and the proposed budget period. The title page should be signed by the PI(s) and the institutional representative of the PI's organization. The title page should be followed by a one-page Executive Summary that summarizes the salient components of the Center.

3. Proposals from multiple applicants must clearly identify the institution having primary responsibility for administering the award in addition to individual Letters of Participation signed by each participant. Letters should briefly summarize the role of the partnering institution(s), a budget and principal point of contact at the respective institution(s).

4. Proposals must include a Vitae of the PI and Principal Point of Contact for multi-institutional applications. (2 pages maximum per investigator)

5. Applications must contain a three-year Program Development Plan.

XI. Evaluation Criteria (With Weights)

Applications will be subject to a peer review by a panel of scientists who are specialists in AOES and remote sensing, and administrators familiar with the goals of the NOAA EPPMSI Programs. Proposal will be scored based on scientific and technical merit and each application will be evaluated individually against the following criteria. Applications or sub-recipients that do not allocate 25% of the total direct cost for student support which includes, but is not limited to, scholarships, fellowships, travel expenses to professional meetings and for conducting site will be returned to the applicant without review. Factors to be considered include:

1. Build infrastructure (Administrative Core)—40 Points

a. *Organizational Infrastructure:* Does the applicant demonstrate a multi-disciplinary approach to achieve the mission? Will the approach lead to capacity building at the institution(s) and to the development of a body of knowledge that can yield results beyond what can be accomplished with individual projects alone? Will the MSI attract established investigators or partners and develop genuine collaboration among investigators with a diverse areas of expertise, including individuals from underrepresented groups in the NOAA sciences? Does the institution, or group of institutions, have an accredited graduate program in the core sciences and adjacent disciplines that are required for the designation of a Cooperative Science Center?

b. *Environment:* Does the scientific, technical and administrative environment of the proposed Center contribute to excellence and the probability of success? Does the proposed Center take advantage of its scientific and administrative environments or employ useful collaborative arrangements? Is there evidence of a high level of Institutional commitment and support? Does the Center Director (Principal Investigator) have specific authority and responsibility to lead the Center? Is the Center Director located organizationally at a level to garner the support needed for the Center (i.e., reports to an appropriate institutional official)? Is the time and effort indicated for the Center Director and other supporting staff adequate to demonstrate full support for the Center?

c. *Collaboration:* What is the applicant's ability to build coalitions and partnerships with critical organizations and individuals (such as distinguished scientists as well as potential researchers in training, universities, colleges, research institutions, Federal, state and local partners, and other public and private nonprofit organizations) and to facilitate collaboration and coordination to assure the accomplishment of the Center's goals? How does the proposal advance the potential of the collaborative institutions to expand their degree offerings relative to the NOAA mission? Does the proposed Center allow for meaningful collaboration with any of NOAA's principal centers of research? How does this proposal demonstrate a workable partnership between the institution(s) and NOAA, whereby it expands the institution's training and research capabilities and is consistent with NOAA's mission?

d. *Organization:* (1) What is the quality and appropriateness of the organizational structure; (2) the quality and experience of the staff; (3) the quality of the plans for quality control through in-house consultation and outside review; and, (4) the quality of the plans for the allocating and monitoring resources?

e. *Budget:* What is the reasonableness of proposed budget and time frame for the project in relation to the work proposed?

2. Research Component—30 Points

a. *Research Theme and Agenda:* Is the concept of a Center fulfilled, i.e., is there an organizing research theme (or set of themes) and a research agenda that defines the mission of the Center?

b. *Significance to NOAA:* Does the proposal address issues identified as priorities to NOAA?

c. *Leadership:* Are the Center Director and other senior investigators recognized as leaders, or developing as leaders, in their respective fields and their academic community? Do they have the successful experience and authority to organize, administer and direct the Center?

3. Recruitment (Promote Training)—30 Points

a. What is the institution(s) record of graduating students in the sciences directly related to the Center for which the application is made?

b. Does the applicant include a research development component for students, as well as new, mid-career or transitional professionals through research training in AOES and remote sensing? What efforts are made to recruit, support and retain a diverse professional and student body?

c. To what extent does the proposal explore creative ways to attract students and faculty to increase the matriculation rate in NOAA-related sciences?

XII. Selection Procedures

Review of proposals will be conducted by an independent peer review panel. Proposals will be ranked in accordance with the above evaluation criteria (Section XI). The Selection Official may consider the following criteria in the final selection of the proposal to be funded: geographic balance; budget availability; level of overall Federal support for AOES, remote sensing and related sciences; and level of performance in previous Federal relationships.

XIII. How To Submit

An original and two copies of the proposal(s) for each Center for which the application is made must be submitted according to the requirements outlined in Section X.

XIV. General Information

A. *Collaboration:* Where multi institutional applications between majority and minority serving institutions are submitted, no less than 80% of the total funds shall be awarded to the MSI(s). The MSI lead cannot issue subawards more than 20% of the total project costs.

B. *Equipment & Products:* Any equipment or products authorized to be purchased with funding provided under this program must be American-made to the maximum extent feasible.

C. *Federal Policies and Procedures* Recipients and sub-recipients are

subject to all Federal laws and Federal and DOC policies, regulations, and procedures applicable to Federal assistance awards.

D. *Name Check Review* All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the recipient have been convicted of, or are presently facing, criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on the recipient's management, honesty, or financial integrity.

E. *Past Performance* Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

F. *Pre-Award Activities* If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DOC to cover pre-award costs, should an award not be made or funded at a level less than requested.

G. *No Obligation for Future Funding* If the application is selected for funding, the Department of Commerce (DOC) has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC.

H. *Delinquent Federal Debts* No award or Federal Funds will be made to an applicant who has an outstanding delinquent Federal debt until:

(i) The delinquent account is paid in full;

(ii) A negotiated repayment schedule is established and at least one payment is received; or

(iii) Other arrangements satisfactory to DOC are made.

I. *Primary Applicant Certifications*

All organizations or individuals preparing grant applications must submit a completed Form CD–511 ''Certifications Regarding Debarment, Suspension, and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,'' and explanations are hereby provided:

Non-Procurement Debarment and Suspension Prospective participants (as defined at 15 CFR part 26, section 105) are subject to 15 CFR part 26, ''Non-procurement Debarment and Suspension'' and the related section of the certification form prescribed above applies.

Drug-Free Workplace Grantees (as defined at 15 CFR part 26, section 605) are subject to 15 CFR part 26, subpart f, ''Government-wide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies.

Anti-Lobbying Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to application/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000.

Anti-Lobbying Disclosures Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR part 28, appendix B.

Lower-Tier Certifications Recipients shall require applicants/bidders for sub-grants, contracts, subcontracts, or other lower-tier-covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to DOC. SF–LLL submitted by any tier recipient or sub-recipient should be submitted to DOC in accordance with the instructions contained in the award document.

False Statements A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Intergovernmental Review Applications under this program are subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

XV. Classification

This notice contains 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 OMB under the respective control numbers 0348–0043, 0348–0044, 0348–0040 and 0348–0046. 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 Paperwork Reduction Act, unless that collection displays a currently valid OMB control number.

Louisa Koch,

Chair, NOAA Minority Serving Institution Council.

[FR Doc. 01–8017 Filed 3–30–01; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032701A]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of the Mackerel Stock Assessment Panel (MSAP).

DATES: This meeting will begin at 1:30 p.m. on Monday, April 16, 2001, and will conclude by 5 p.m. on Wednesday, April 18, 2001.

ADDRESSES: The meeting will be held at NMFS Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Leard, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The MSAP will convene to review stock assessment updates for Gulf and Atlantic group king and Spanish mackerel. The MSAP will consider available information, including but not limited to, commercial and recreational catches, natural and fishing mortality estimates, recruitment, fishery-dependent and fishery-independent data, bycatch and bycatch mortality, and data needs. These analyses will be used to determine the condition of the stocks and possibly the levels of acceptable biological catch (ABC) for the 2001-02 fishing year. The MSAP may also review estimates/proxies for maximum sustainable yield (MSY), overfishing and overfished definitions, management targets, and rebuilding schedules.

Although non-emergency issues not contained in the agenda may come before the MSAP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), those issues may not be the subject of formal MSAP action during this meeting. MSAP action will

be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the MSFCMA, provided the public has been notified of the Council's intent to take final action to address the emergency. A copy of the MSAP agenda can be obtained by calling (813) 228–2815.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by April 9, 2001.

Dated: March 27, 2001.

Richard W. Surdi,

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

[FR Doc. 01–8052 Filed 3–30–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032201B]

South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of its Marine Protected Area Advisory Panel (AP) in Charleston, SC, to develop recommendations to send to the Council regarding areas that should be considered for Marine Protected Areas.

DATES: The Marine Protected Area AP will meet May 8-10, 2001. The meeting will begin on May 8, from 8:30 a.m. until 5 p.m., on May 9 from 8:30 a.m. until 5 p.m., and on May 10 from 8:30 a.m. until 3 p.m.

ADDRESSES: These meetings will be held at the Embassy Suites North Charleston Convention Center, 5055 International Boulevard, North Charleston, SC 29418; telephone: (843) 747–1882; fax: (843) 747–1895.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer; telephone: (843) 571–4366; fax: (843) 769–4520; email: kim.iverson@noaa.gov.

SUPPLEMENTARY INFORMATION: Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by April 30, 2001.

Dated: March 23, 2001.

Richard W. Surdi,

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

[FR Doc. 01–8053 Filed 3–30–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Membership of the National Oceanic and Atmospheric Administration Performance Review Board

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of Membership of NOAA Performance Review Board.

SUMMARY: In accordance with 5 U.S.C. 4314(c)(4), NOAA announces the appointment of three additional members to serve on the NOAA Performance Review Board (PRB). The NOAA PRB is responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES) members and making written recommendations to the appointing authority on SES retention and compensation matters, including performance-based pay adjustments, awarding of bonuses and reviewing recommendations for potential Presidential Rank Award nominees, and SES recertification. The appointment of members to the NOAA PRB will be for a period of 24 months.

EFFECTIVE DATE: The effective date of service of the three additional appointees to the NOAA Performance Review Board is April 9, 2001.

FOR FURTHER INFORMATION CONTACT: David M. Belt, Executive Resources Program Manager, Human Resources Management Office, Office of Finance and Administration, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, (301) 713–0530 (ext. 204).

SUPPLEMENTARY INFORMATION: The names and position titles of the additional members of the NOAA PRB are set forth below (all are NOAA officials):

Sonya S. Stewart, Chief Financial Officer/Chief Administrative Officer, Office of Finance and Administration

Louisa Koch, Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research

Ted I. Lillestolen, Deputy Assistant Administrator for Ocean and Coastal Zone Management, National Ocean Service

Dated: March 27, 2001.

Scott B. Gudes,

Acting Under Secretary/Administrator and Deputy Under Secretary.

[FR Doc. 01–8008 Filed 3–30–01; 8:45 am]

BILLING CODE 3510–12–M

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Trademark Processing

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the submission of a revision of a currently approved information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before June 1, 2001.

ADDRESSES: Direct all written comments to Susan K. Brown, Records Officer, Office of Data Management, Data Administration Division, USPTO, Suite 310, Crystal Park 3, Washington, DC 20231; by telephone at 703–308–7400; or by e-mail at *susan.brown@uspto.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Ari Leifman, United States Patent and Trademark Office (USPTO), Washington, DC 20231, by telephone at 703–308–8900 (ext. 155).

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States Patent and Trademark Office (USPTO) administers

the Trademark Act, 15 U.S.C. 1051 et. seq, which provides for the Federal registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses who use their marks, or intend to use their marks, in commerce regulable by Congress, may file an application with the USPTO to register their mark. The mark will remain on the register for ten years. However, the registration will be canceled unless the owner files an affidavit with the USPTO attesting to the continued use (or excusable non-use) of the mark in commerce. The registration may be renewed for periods of ten years.

The rules implementing the Act are set forth in 37 CFR Part 2. These rules mandate that each register entry contain the mark, the goods and/or services that the mark is used in connection with, identifying ownership information, dates of use, and certain other information. The USPTO also provides similar information concerning pending applications. The register and pending application information may be accessed by an individual, or by businesses, to determine availability of a mark. By accessing the USPTO's information, potential trademark owners may reduce the possibility of initiating use of a mark previously adopted by another. The Federal Trademark Registration process serves to reduce the filing of papers in court and between parties.

The information collected can be provided using forms furnished by the USPTO. All of these forms are provided on printed paper, and various of these forms are also provided in electronic format, through the USPTO's Trademark Electronic Application System (TEAS). The TEAS forms, in turn, are provided in two different formats, known respectively as ETEAS and PRINTEAS. ETEAS forms are completed on-line and then transmitted to the USPTO electronically, via the Internet. PRINTEAS forms are completed on-line, printed by the user, and then mailed or hand-delivered to the USPTO. Payment of fees associated with a paper submission is made by check, money order, credit card, or through an authorization to charge a USPTO deposit account. Payment of fees associated with an electronic submission is made by credit card or through an authorization to charge a USPTO deposit account.

The TEAS system has included a form for applications for registration since October 1, 1998. In April 2000, four additional forms were developed for TEAS, namely, the Request for Extension of Time to File a Statement of Use, the Combined Declaration of Use in Commerce/Application for Renewal of Registration of a Mark under §§ 8 and 9; the Declaration of Use of a Mark in Commerce under § 8, and the Affidavit of Incontestability of a Mark under § 15. These forms are being added to this collection.

Additionally, the USPTO is currently developing electronic versions of three additional forms, namely, the Collective Trademark/Service Mark Application, Collective Membership Mark Application, and the Certification Mark Application. It is expected that these forms will be available for use by the end of 2001. These forms are being added to this collection.

The electronic Request to Divide and the Petition to Revive an Abandoned Application are being added to this collection as well.

II. Method of Collection

By mail, by hand, or electronically over the Internet through the USPTO's Trademark Electronic Application System (TEAS). In FY 2000, over 15% of applications for registration were filed electronically.

III. Data

OMB Number: 0651–0009.

Form Number(s): PTO–1478, PTO–1478(A), PTO–4.8, PTO–4.9, PTO–1553, PTO–1581, PTO–205/209, PTO–4.13A, PTO–205/4.13A, and PTO–205–209.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other non-profit; individuals or households; not-for-profit institutions; farms; the Federal Government; and state, local or tribal government.

Estimated Number of Respondents: 677,151 responses per year.

Estimated Time Per Response: The USPTO estimates that it will take the public an average of 3 minutes to 30 minutes to complete this information, depending on the form. This includes time to gather the necessary information, create the documents, and submit the completed request. The time estimates shown for the electronic forms in this notice are based on the average amount of time needed to complete and electronically file a trademark/service mark application.

Estimated Total Annual Respondent Burden Hours: 144,587 hours per year.

Estimated Total Annual Respondent Cost Burden: Using the professional hourly rate of $175 per hour for associate attorneys in private firms, the USPTO estimates $118,501,425.00 per year for salary costs associated with respondents.

Item	Estimated time for response (minutes)	Estimated annual burden hours	Estimated annual responses
Use-Based Trademark/Service Mark Application, including:			
—Trademark/Service Mark Application			
—Collective Trademark/Service Mark Application			
—Collective Membership Mark Application			
—Certification Mark Application	23	27,224	71,643
Electronic Use-Based Trademark/Service Mark Application, including:			
—Trademark/Service Mark Application			
—Collective Trademark/Service Mark Application			
—Collective Membership Mark Application			
—Certification Mark Application	21	21,493	61,408
Intent to Use Trademark/Service Mark Application, including:			
—Trademark/Service Mark Application			
—Collective Trademark/Service Mark Application			
—Collective Membership Mark Application			
—Certification Mark Application	17	31,205	111,445

Item	Estimated time for response (minutes)	Estimated annual burden hours	Estimated annual responses
Electronic Intent to Use Trademark/Service Mark Application, including:			
—Trademark/Service Mark Application			
—Collective Trademark/Service Mark Application			
—Collective Membership Mark Application			
—Certification Mark Application	15	5,331	21,322
Application for registration of Trademark/Service Mark under § 44(d) and (e), including:			
—Trademark/Service Mark Application			
—Collective Trademark/Service Mark Application			
—Collective Membership Mark Application			
—Certification Mark Application	20	3,940	11,940
Electronic application for Registration of Trademark/Service Mark under § 44(d) & (e), including:			
—Trademark/Service Mark Application			
—Collective Trademark/Service Mark Application			
—Collective Membership Mark Application			
—Certification Mark Application	19	819	2,558
Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use)	13	10,657	48,440
Electronic Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use)	11	3,944	20,760
Request for Extension of Time to File a Statement of Use	10	9,270	54,530
Electronic Request for Extension of Time to File a Statement of Use	9	3,506	23,370
Request to Divide	5	73	910
Electronic Request to Divide	4	27	390
Affidavit of Use of a Mark in Commerce under § 8	11	6,002	31,590
Electronic Declaration of Use of a Mark in Commerce under § 8	10	2,302	13,540
Combined Affidavit of Use in Commerce & Application for Renewal of Registration of a Mark under §§ 8 & 9	14	3,128	13,600
Electronic Combined Declaration of Use in Commerce & Application for Renewal of Registration of a Mark under §§ 8 & 9	12	1,224	5,830
Affidavit of Incontestability of a Mark under § 15	11	152	800
Electronic Declaration of Incontestability of a Mark under § 15	10	58	340
Combined Affidavit of Use and Incontestability under §§ 8 & 15	14	1,656	7,200
Electronic Combined Declaration of Use and Incontestability under §§ 8 & 15	12	649	3,090
Power of Attorney	3	6,397	127,930
Designation of Domestic Representative	3	1,706	34,115
Trademark Amendments/Corrections/Surrenders	30	3,600	7,200
Petition to Revive an Abandoned Application	4	224	3,200
Total	.....	144,587	677,151

Estimated Total Annual Nonhour Respondent Cost Burden (includes capital start-up costs and filing fees): $128,421,600.00. There are no maintenance costs associated with this information collection.

There are capital start-up costs associated with filing the TEAS forms. If the drawing submitted with a TEAS application is not depicted in typed form, the applicant must provide a digitized image of the drawing. Likewise, digitized images of specimens, if any, must also be provided. The production of these images requires use of either a scanner or a digital camera. The average cost of a scanner is $200, and the average cost of a digital camera is approximately $700. The purchase of either a scanner or a digital camera is not mandatory; applicants who do not own this equipment may complete the electronic application on-line, print this information using PrintTEAS, attach a specimen and drawing, and then mail the entire submission to the USPTO.

There is annual nonhour cost burden in the way of filing fees associated with this collection. The filing fees related to this collection are considered part of the nonhour cost burden of the collection. Following is a chart listing these filing fees/nonhour cost burden. A zero means that there is no fee associated with that requirement. The total annual filing fees/nonhour cost burden is $128,420,700.00.

Item	Responses (a)	Filing fees ($)* (b)	Total non-hour cost burden ($) (a) × (b)
Use-Based Trademark/Service Mark Application, including:			
—Trademark/Service Mark Application			
—Collective Trademark/Service Mark Application			
—Collective Membership Mark Application			
—Certification Mark Application	$71,643	$325.00	$23,283,975.00
Electronic Use-Based Trademark/Service Mark Application, including:			
—Trademark/Service Mark Application			
—Collective Trademark/Service Mark Application			
—Collective Membership Mark Application			
—Certification Mark Application	61,408	325.00	19,957,600.00

Item	Responses (a)	Filing fees ($)* (b)	Total non-hour cost burden ($) (a) × (b)
Intent to Use Trademark/Service Mark Application, including:			
—Trademark/Service Mark Application			
—Collective Trademark/Service Mark Application			
—Collective Membership Mark Application			
—Certification Mark Application	111,445	325.00	36,219,625.00
Electronic Intent to Use Trademark/Service Mark Application, including:			
—Trademark/Service Mark Application			
—Collective Trademark/Service Mark Application			
—Collective Membership Mark Application			
—Certification Mark Application	21,322	325.00	6,929,650.00
Application for registration of Trademark/Service Mark under § 44(d) and (e), including:			
—Trademark/Service Mark Application			
—Collective Trademark/Service Mark Application			
—Collective Membership Mark Application			
—Certification Mark Application	11,940	325.00	3,880,500.00
Electronic application for Registration of Trademark/Service Mark under § 44(d) & (e), including:			
—Trademark/Service Mark Application			
—Collective Trademark/Service Mark Application			
—Collective Membership Mark Application			
—Certification Mark Application	2,558	325.00	831,350.00
Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use)	48,440	100.00	4,844,000.00
Electronic Trademark/Service Mark Allegation of Use (Amendment to Allege Use/Statement of Use)	20,760	100.00	2,076,000.00
Request for Extension of Time to File a Statement of Use	54,530	150.00	8,179,500.00
Electronic Request for Extension of Time to File a Statement of Use	23,370	150.00	3,505,500.00
Request to Divide	910	100.00	91,000.00
Electronic Request to Divide	390	100.00	39,000.00
Affidavit of Use of a Mark in Commerce under § 8	31,590	100.00	3,159,000.00
Electronic Declaration of Use of a Mark in Commerce under § 8	13,540	100.00	1,354,000.00
Combined Affidavit of Use in Commerce & Application for Renewal of Registration of a Mark under §§ 8 & 9	13,600	500.00	6,800,000.00
Electronic Combined Declaration of Use in Commerce & Application for Renewal of Registration of a Mark under §§ 8 & 9	5,830	500.00	2,915,000.00
Affidavit of Incontestability of a Mark under § 15	800	200.00	160,000.00
Electronic Declaration of Incontestability of a Mark under § 15	340	200.00	68,000.00
Combined Affidavit of Use and Incontestability under §§ 8 & 15	7,200	300.00	2,160,000.00
Electronic Combined Declaration of Use and Incontestability under §§ 8 & 15	3,090	300.00	927,000.00
Power of Attorney	127,930	None	0
Designation of Domestic Representative	34,115	None	0
Trademark Amendments/Corrections/Surrenders	7,200	100.00	720,000.00
Petition to Revive an Abandoned Application	3,200	100.00	320,000.00
Total	677,151	5,050.00	128,420,700.00

* Note: All fees listed are based on per class filing.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, e.g., the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 26, 2001.

Susan K. Brown,

Records Officer, USPTO, Office of Data Management, Data Administration Division.

[FR Doc. 01–8013 Filed 3–30–01; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Short Supply Request under the United States—Caribbean Basin Trade Partnership Act (CBTPA)

March 29, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA)

ACTION: Request for public comments concerning a request for a determination that 100 percent polyester yarn of 150 denier/140 filament textured polyester containing one end of 75/70 cationic dyeable polyester intermingled with one end of 75/70 disperse dyeable polyester cannot be supplied by the domestic

industry in commercial quantities in a timely manner under the CBTPA.

FOR FURTHER INFORMATION CONTACT: Lori E. Mennitt, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUMMARY: On March 26, 2001 the Chairman of CITA received a petition on behalf of Val D'or, Inc. and Malden Mills alleging that 100 percent polyester yarn of 150 denier/140 filament textured polyester containing one end of 75/70 cationic dyeable polyester intermingled with one end of 75/70 disperse dyeable polyester, for use in knit fabric, classified in subheading 5402.33.60 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requests that the President proclaim that apparel articles of U.S. formed fabrics of such yarns be eligible for preferential treatment under the CBTPA. CITA hereby solicits public comments on this request, in particular with regard to whether 100 percent polyester yarn of 150 denier/140 filament textured polyester containing one end of 75/70 cationic dyeable polyester intermingled with one end of 75/70 disperse dyeable polyester can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by April 17, 2001 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, 14th and Constitution, N.W., Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION:

Authority: Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act, as added by Section 211(a) of the CBTPA; Section 6 of Executive Order No. 13191 of January 17, 2001.

BACKGROUND: The CBTPA provides for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. The CBTPA also provides for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more CBTPA beneficiary countries from fabric or yarn that is not formed in the United States or a CBTPA beneficiary country, if it has been determined that such fabric or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner and the President has proclaimed such treatment. In Executive Order No. 13191, the President delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA and directed CITA to establish procedures to ensure appropriate public participation in any such determination. On March 6, 2001, CITA published procedures that it will follow in considering requests. (66 FR 13502).

On March 26, 2001 the Chairman of CITA received a petition on behalf of Val D-or, Inc. and Malden Mills alleging that 100 percent polyester yarn of 150 denier/140 filament textured polyester containing one end of 75/70 cationic dyeable polyester intermingled with one end of 75/70 disperse dyeable polyester, for use in knit fabric, classified in HTSUS subheading 5402.33.60, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim quota- and duty-free treatment under the CBTPA for apparel articles that are cut (or knit-to-shape) and sewn or otherwise assembled in one or more CBTPA beneficiary countries from U.S. formed fabric from such yarn.

CITA is soliciting public comments regarding this request, particularly with respect to whether 100 percent polyester yarn of 150 denier/140 filament textured polyester containing one end of 75/70 cationic dyeable polyester intermingled with one end of 75/70 disperse dyeable polyester, for use in knit fabric, classified in HTSUS subheading 5402.33.60, can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant is whether other yarns that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the yarn for purposes of the intended use. Comments must be received no later than April 17, 2001. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that 100 percent polyester yarn of 150 denier/140 filament textured polyester containing one end of 75/70 cationic dyeable polyester intermingled with one end of 75/70 disperse dyeable polyester can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the yarn stating that it produces the yarn that is the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure to the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.01–8121 Filed 3–29–01; 1:11 pm]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: Working Group A (Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Thursday, February 15, 2001.

ADDRESSES: The meeting will be held at Palisades Institute for Research Services, Inc. 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: David Cox, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects Agency (ARPA) and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group A meeting will be limited to review of research and

development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave devices, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Pub. L. 92–463, as amended (5 U.S.C. App. 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: March 28, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–8030 Filed 3–30–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Training for Future Conflicts will meet in closed session on April 19–20, 2001; May 31–June 1, 2001; and September 11–12, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA 22201. This Task Force will focus on identifying and characterizing what education and training are demanded by Joint Vision 2010/2020, and will address the development and demonstration time phasing over the next two decades for the combined triad of technology modernization, operational concepts, and training.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will also identify those approaches and techniques that potential enemies might take that could prepare them to revolutionize their warfare capabilities, thereby achieving a training surprise against the U.S. or its allies. This review will include, but not be limited to, unique training/education developments which might be spawned by allies or an adversary, training techniques and methodologies which might be transferred from the U.S. or through third parties, and finally, the possibilities emerging as a result of the globalization of military and information technologies, related commercial services and their application by other nations.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II), it has been determined that this Defense Science Board meeting, concerns matters listed in 5 U.S.C. 552b(c)(1), and that accordingly this meeting will be closed to the public.

Dated: March 27, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–8028 Filed 3–30–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Panel To Review the V–22 Program

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense previously announced that it would conduct two open meetings (66 FR 10486). The Panel has also announced that it would hold an open meeting to conduct deliberations on April 13, 2001. The date for that meeting has been changed from April 13 to April 18, 2001. The meeting will begin at 9 a.m. and end no later than 12 p.m.

On March 9, 2001 the Panel held a public meeting and received information from the general public regarding the V–22 aircraft as previously announced.

DATES: April 18, 2001.

ADDRESSES: Crowne Plaza Hotel, 1489 Jefferson Davis Highway, Arlington Ballroom, Mezzanine Level, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Gary J. Gray, the Executive Secretary, 1235 Jefferson Davis Highway, Suite 940, Arlington, VA 22202–3283, phone (703) 602–1515, fax (703) 602–1532. Copies of the draft meeting agenda can be obtained by contacting Mrs. Carolyn Duke or Mr. Doug Pang by phone (703) 602–1515 or by fax (703) 602–1532.

SUPPLEMENTARY INFORMATION: Seating spaces for members of the public who want to observe the open meeting will be available on a first-come, first-served basis beginning at 8:30 a.m. No teleconference lines will be available. The Panel will not entertain questions or comments from the press or public at the meeting. The purpose of the meeting is to conduct deliberations.

Dated: March 27, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–8029 Filed 3–30–01; 8:45 am]

BILLING CODE 5000–10—M

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Board of Visitors to the U.S. Naval Academy

AGENCY: Department of the Navy, DOD.

ACTION: Notice of partially closed meeting.

SUMMARY: The U.S. Naval Academy Board of Visitors will meet to make such inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Naval Academy. During this meeting inquiries will relate to the internal personnel rules and practices of the Academy, may involve on-going criminal investigations, and include discussions of personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The Executive Session of this meeting will be closed to the public.

DATES: The meeting will be held on Monday, May 7, 2001, from 8:30 a.m. to 11:45 a.m. The closed Executive Session will be from 10:50 a.m. to 11:45 a.m.

ADDRESSES: The meeting will be held in the Bo Coppedge Dining Room of Alumni Hall at the U.S. Naval Academy.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Thomas E. Osborn, Executive Secretary to the Board of Visitors, Office of the Superintendent, U.S. Naval Academy, Annapolis, MD 21402–5000, telephone number (410) 293–1503.

SUPPLEMENTARY INFORMATION: This notice of partially closed meeting is provided per the Federal Advisory Committee Act (5 U.S.C. App. 2). The Executive Session of the meeting will consist of discussions of information which pertain to the conduct of various midshipmen at the Naval Academy and internal Board of Visitors matters. Discussion of such information cannot be adequately segregated from other topics, which precludes opening the

Executive Session of this meeting to the public. In accordance with 5 U.S.C. App. 2, section 10(d), the Secretary of the Navy has determined in writing that the special committee meeting shall be partially closed to the public because they will be concerned with matters as outlined in sections 552(b)(2), (5), (6), and (7) of title 5, U.S.C. This meeting was originally scheduled for March 5, 2001, and public notice was published on March 2, 2001 (66 FR 13062). Due to administrative constraints, notice of cancellation of the March 2, 2001, meeting could not be provided prior to the meeting.

Dated: March 23, 2001.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 01–8012 Filed 3–30–01; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.116J]

Fund for the Improvement of Postsecondary Education (FIPSE)—Special Focus Competition: European Community-United States of America Cooperation Program in Higher Education and Vocational Education and Training; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

Purpose of Program: To provide grants or enter into cooperative agreements to improve postsecondary education opportunities by focusing on problem areas or improvement approaches in postsecondary education.

Eligible Applicants: Institutions of higher education and vocational education and training or combinations of institutions and other public and private nonprofit educational institutions and agencies.

Deadline for Transmittal of Applications: May 29, 2001.

Deadline for Intergovernmental Review: July 30, 2001.

Applications Available: April 2, 2001.

Available Funds: $840,000 in fiscal year 2001; $2,370,000 over three years.

Estimated Range of Awards: $25,000–$200,000 total for up to three years.

Estimated Average Size of Awards: $25,000 for one-year preparatory projects; $50,000 per year for one- or two-year complementary activities projects; $50,000 for year one of a three-year consortia implementation project, with a $200,000 three-year total.

Estimated Number of Awards: 10–15.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 80, 82, 85, 86, 97, 98, and 99.

SUPPLEMENTARY INFORMATION: Under the Special Focus Competition, we will award grants or enter into cooperative agreements that focus on problem areas or improvement approaches in postsecondary education. We have included an invitational priority to encourage proposals designed to support the formation of educational consortia of institutions and organizations in the U.S. and the European Union to encourage cooperation in the coordination of curricula, the exchange of students and the opening of educational opportunities between the U.S. and the European Union. The invitational priority is issued in cooperation with the European Union. European institutions participating in any consortium proposal responding to the invitational priority may apply to the European Commission's Directorate General for Education and Culture for additional funding under a separate European competition.

Priority

Invitational Priority

The Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

Invitational Priority: Projects that support consortia of institutions of higher education and vocational education and training to promote institutional cooperation and student mobility between the United States and the Member States of the European Union.

Methods for Applying Selection Criteria: The Secretary gives equal weight to the listed criteria. Within each of the criteria, the Secretary gives equal weight to each of the factors.

Selection Criteria: In evaluating applications for grants under this program competition, the Secretary uses the following selection criteria chosen from those listed in 34 CFR 75.210.

1. The significance of the proposed project, as determined by—

a. The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies;

b. The likely utility of the products (such as information, materials, processes, or techniques) that will result from the proposed project, including the potential for their being used in a variety of other settings; and

c. The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

2. The quality of the design of the proposed project, as determined by—

a. The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable; and

b. The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

3. The adequacy of resources, as determined by—

a. The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project;

b. The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support; and

c. The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

For Applications Contact: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398, Telephone (toll free) 1–877–433–7827, fax (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free) 1–877–576–7734.

You may also contact ED Pubs at its web site: *http://www.ed.gov/pubs/edpubs.html*.

Or you may contact ED Pubs at its e-mail address: edpubs@inet.ed.gov.

If you request an application from Ed Pubs, be sure to identify this competition as follows: CFDA number 84.116J.

FOR FURTHER INFORMATION CONTACT: Beverly Baker, U.S. Department of Education, 1990 K Street, NW., room 8034, Washington, DC 20006–8544, Telephone 202–502–7500.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on

request to the contact person listed under **FOR FURTHER INFORMATION CONTACT.** Individuals with disabilities may obtain a copy of the application package in an alternative format, also, by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites: *http://ocfo.ed.gov/fedreg.htm;* or *http://www.ed.gov/news.html.*

To use PDF you must have the Adobe Acrobat Reader which is available free at either of the previous sites. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in Washington, DC at (202) 512–1530.

Note: The official version of a document is the document as published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

Program Authority: 20 U.S.C. 1135–1135a–3.

Dated: March 19, 2001.

Maureen McLaughlin,

Deputy Assistant Secretary for Policy, Planning, and Innovation, Office of Postsecondary Education.

[FR Doc. 01–7124 Filed 3–30–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity (National Advisory Committee); Meeting

AGENCY: National Advisory Committee on Institutional Quality and Integrity, Department of Education.

What Is the Purpose of This Notice?

The purpose of this notice is to announce the public meeting of the National Advisory Committee and invite third-party oral presentations before the Committee. This notice also presents the proposed agenda and informs the public of its opportunity to attend this meeting. The notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

When and Where Will the Meeting Take Place?

We will hold the public meeting on May 23, 2001 from 9:30 a.m. until 6 p.m., on May 24, 2001 from 9 a.m. until 6 p.m., and on May 25, 2001 from 8:30 a.m. until noon at the Ritz Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, Virginia 22202. You may call the hotel on (703) 415–5000 to inquire about rooms.

What Access Does the Hotel Provide for Individuals With Disabilities?

The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Who Is the Contact Person for the Meeting?

Please contact Ms. Bonnie LeBold, Executive Director of the National Advisory Committee on Institutional Quality and Integrity, if you have questions about the meeting. You may contact her at the U.S. Department of Education, Room 7007—MS 7592, 1990 K St., NW., Washington, DC 20006, telephone: (202) 219–7009, fax: (202) 219–7008, e-mail: Bonnie_LeBold@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339.

What Is the Authority for the National Advisory Committee?

The National Advisory Committee on Institutional Quality and Integrity is established under section 114 of the Higher Education Act (HEA) as amended, 20 U.S.C. 1011c.

What Are the Functions of the National Advisory Committee?

The Committee advises the Secretary of Education about:

- The establishment and enforcement of the criteria for recognition of accrediting agencies or associations under subpart 2 of part H of Title IV, HEA.
- The recognition of specific accrediting agencies or associations.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV, HEA.
- The development of standards and criteria for specific categories of vocational training institutions and institutions of higher education for which there are no recognized accrediting agencies, associations, or State agencies in order to establish the interim eligibility of those institutions to participate in Federally funded programs.
- The relationship between: (1) Accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory functions relating to accreditation and institutional eligibility that the Secretary may prescribe.

What Items Will Be on the Agenda for Discussion at the Meeting?

Agenda topics will include a panel discussion by higher education representatives on transfer of credit issues, the review of agencies that have submitted petitions for initial recognition or renewal of recognition, the review of agencies that have submitted interim reports, and the review of a Federal agency seeking degree-granting authority.

What Agencies Will the Advisory Committee Review at the Meeting?

The Advisory Committee will review the following agencies during its May 23–25, 2001 meeting.

Nationally Recognized Accrediting Agencies

Petition for Initial Recognition

1. Teacher Education Accreditation Council (Requested scope of recognition: The accreditation of professional education programs in institutions offering baccalaureate and graduate degrees for the preparation of teachers and other professional personnel for elementary and secondary schools)

Petitions for Renewal of Recognition

1. Accrediting Council for Independent Colleges and Schools (Requested scope of recognition: The accreditation of private postsecondary institutions offering business and business-related programs and the accreditation and preaccreditation (''Recognized Candidate'') of junior and senior colleges of business (including senior colleges with master's degree programs), as well as independent, freestanding institutions offering only

graduate business and business-related programs at the master's degree level)

2. American College of Nurse-Midwives, Division of Accreditation (Current scope of recognition: The accreditation and preaccreditation (''Preaccreditation'') of basic certificate and graduate nurse-midwifery education programs for registered nurses, as well as the accreditation and preaccreditation of pre-certification nurse-midwifery education programs) (Requested scope of recognition: the current scope of recognition plus the accreditation of midwifery education programs for non-nurses at the post-baccalaureate or higher academic level that lead to certificates or graduate degrees)

3. American Council on Pharmaceutical Education (Requested scope of recognition: The accreditation and preaccreditation (''Precandidate'' and ''Candidate'') of professional degree programs in pharmacy leading to the degrees of Baccalaureate in Pharmacy and Doctor of Pharmacy)

4. American Dental Association, Commission on Dental Accreditation (Requested scope of recognition: The accreditation of predoctoral dental education programs (programs leading to the D.D.S. or D.M.D. degree); dental auxiliary education programs (dental assisting, dental hygiene and dental laboratory technology); and advanced dental educational programs (general practices residency, advanced general dentistry, and the specialties of dental public health, endodontics, oral pathology, orthodontics, oral and maxillofacial surgery, pedodontics, periodontics, and prosthodontics))

5. American Occupational Therapy Association, Accreditation Council for Occupational Therapy Education (Current scope of recognition: The accreditation of entry-level professional occupational therapy educational programs awarding baccalaureate degrees, post-baccalaureate certificates, professional master's degrees, and combined baccalaureate/master's degrees, and also for the accreditation of occupational therapy assistant programs leading to an associate degree or certificate) (Requested scope of recognition: The current scope of recognition plus the accreditation of entry-level doctoral degree professional occupational therapy educational programs and the accreditation of programs offered principally through distance education)

6. Council on Chiropractic Education, Commission on Accreditation (Requested scope of recognition: The accreditation of Doctor of Chiropractic programs and single-purpose institutions offering the Doctor of Chiropractic program)

7. Commission on Opticianry Accreditation (Requested scope of recognition: The accreditation of two-year programs for the ophthalmic dispenser and one-year programs for the ophthalmic laboratory technician)

8. Joint Review Committee on Education in Radiologic Technology (Requested scope of recognition: The accreditation of educational programs for radiographers and radiation therapists)

9. Joint Review Committee on Educational Programs in Nuclear Medicine Technology (Requested scope of recognition: The accreditation of higher education programs for the nuclear medicine technologist)

10. Southern Association of Colleges and Schools, Commission on Colleges (Requested scope of recognition: The accreditation and preaccreditation (''Candidate for Accreditation'') of degree-granting institutions of higher education in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia)

11. Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities (Requested scope of recognition: The accreditation and preaccreditation (''Candidate for Accreditation'') of senior colleges and universities in California, Hawaii, the United States territories of Guam and American Samoa, the Republic of Palau, the Federated States of Micronesia, the Commonwealth of the Northern Marianna Islands, and the Republic of the Marshall Islands)

Interim Reports (An interim report is a follow-up report on an accrediting agency's compliance with specific criteria for recognition that was requested by the Secretary when the Secretary granted renewed recognition to the agency.)

1. Accrediting Commission of Career Schools and Colleges of Technology

2. American Physical Therapy Association, Commission on Accreditation in Physical Therapy Education

3. American Psychological Association, Committee on Accreditation

4. Commission on Collegiate Nursing Education

5. National Accrediting Commission of Cosmetology Arts and Sciences

6. National Association of Nurse Practitioners in Women's Health, Council on Accreditation

7. Transnational Association of Christian Colleges and Schools, Accreditation Commission

State Agencies Recognized for the Approval of Public Postsecondary Vocational Education

Interim Report—

1. Kansas Board of Regents

Federal Agency Seeking Degree-Granting Authority

In accordance with the Federal policy governing the granting of academic degrees by Federal agencies (approved by a letter from the Director, Bureau of the Budget, to the Secretary, Health, Education, and Welfare, dated December 23, 1954), the Secretary is required to establish a review committee to advise the Secretary concerning any legislation that may be proposed that would authorize the granting of degrees by a Federal agency. The review committee forwards its recommendation concerning a Federal agency's proposed degree-granting authority to the Secretary, who then forwards the committee's recommendation and the Secretary's recommendation to the Office of Management and Budget for review and transmittal to the Congress. The Secretary uses the Advisory Committee as the review committee required for this purpose. Accordingly, the Advisory Committee will review the following institution at this meeting:

Proposed Master's Degree-Granting Authority

1. U.S. Marine Corps University, Quantico, VA (request to award a master's degree in Strategic Studies)

Who Can Make Third-Party Oral Presentations at This Meeting?

We invite you to make a third-party oral presentation before the National Advisory Committee concerning the recognition of any agency published in this notice.

How Do I Request To Make an Oral Presentation?

You must submit a written request to make an oral presentation concerning an agency listed in this notice to the contact person so that the request is received no later than May 4, 2001. Your request (*no more than 6 pages maximum*) should include:

—The names, addresses, phone numbers, and fax numbers of all persons seeking an appearance,
—The organization they represent, and
—A brief summary of the principal points to be made during the oral presentation. If you wish, you may

attach documents illustrating the main points of your oral testimony. Please keep in mind, however, that *any attachments are included in the 6-page limit*.

Please do not send materials directly to Committee members. Only materials submitted by the deadline to the contact person listed in this notice and in accordance with these instructions become part of the official record and are considered by the Committee in its deliberations. Documents received after the May 4, 2001 deadline will not be distributed to the Advisory Committee for their consideration. Individuals making oral presentations may not distribute written materials at the meeting.

If I Cannot Attend the Meeting, Can I Submit Written Comments Regarding an Accrediting Agency in Lieu of Making an Oral Presentation?

This notice requests third-party oral testimony, not written comment. A request for written comments on agencies that are being reviewed during this meeting was published in the **Federal Register** on January 18, 2001. The Advisory Committee will receive and consider only written comments submitted by the deadlines specified in that **Federal Register** notice.

How Do I Request To Present Comments Regarding General Issues Rather Than Specific Accrediting Agencies?

At the conclusion of the meeting, the Committee, at its discretion, may invite attendees to address the Committee briefly on issues pertaining to the functions of the Committee, which are listed earlier in this notice. If you are interested in making such comments, you should inform Ms. LeBold before or during the meeting.

How May I Obtain Access to the Records of the Meeting?

We will record the meeting and make a transcript available for public inspection at the U.S. Department of Education, Room 7007, 1990 K St. N.W., Washington, D.C. 20006 between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. It is preferred that an appointment be made in advance of such inspection.

What Agencies Will Be Postponed for Review Until the Fall 2001 Meeting?

The agency listed below, which was originally scheduled for review during the Committee's May 2001 meeting, will be postponed for review until the Committee's Fall 2001 meeting. Any third-party written comments regarding these agencies that were received by March 5, 2001, in accordance with the **Federal Register** notice published on January 18, 2001, will become part of the official record and will be considered by the Committee in its deliberations at the Fall 2001 meeting. There will be another opportunity to provide written comments on these agencies this summer; a **Federal Register** notice requesting comments on all agencies scheduled for review at the Fall 2001 meeting will be published in June or July 2001.

Petition for Renewal of Recognition

1. Association for Clinical Pastoral Education, Inc., Accreditation Commission (Requested scope of recognition: The accreditation of clinical pastoral education (CPE) centers and CPE and supervisory CPE programs)

Authority: 5 U.S.C. Appendix 2.

Maureen A. McLaughlin,

Deputy Assistant Secretary for Policy, Planning, and Innovation, Office of Postsecondary Education.

[FR Doc. 01–7964 Filed 3–30–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Recognition of Accrediting Agencies, State Agencies for the Approval of Public Postsecondary Vocational Education, and State Agencies for the Approval of Nurse Education

AGENCY: National Advisory Committee on Institutional Quality and Integrity, Department of Education (The Advisory Committee).

What Is the Purpose of This Notice?

On January 18, 2001, we published a notice in the **Federal Register** to invite written comments on accrediting agencies that had submitted interim reports for review by Advisory Committee at their May 23–25, 2001 meeting. The Accrediting Commission of Career Schools and Colleges of Technology was inadvertently omitted from the list of accrediting agencies in our January 18, 2001 notice. This notice invites written comments on the interim report submitted by the Accrediting Commission of Career Schools and Colleges of Technology that will be reviewed at the Advisory Committee meeting to be held on May 23–25, 2001.

Where Should I Submit My Comments?

Please submit your written comments by May 4, 2001 to Carol Griffiths, Chief, Accrediting Agency Evaluation, Accreditation and State Liaison. You may contact her at the U.S. Department of Education, 1990 K Street, NW, 7th Floor, Room 7105, Washington, DC 20006–8509, telephone: (202) 219–7011. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339.

What Is the Authority for the Advisory Committee?

The National Advisory Committee on Institutional Quality and Integrity is established under section 114 of the Higher Education Act (HEA), as amended, 20 U.S.C. 1011c. One of the purposes of the Advisory Committee is to advise the Secretary of Education on the recognition of accrediting agencies and State approval agencies.

Will This Be My Only Opportunity To Submit Written Comments?

Yes, this notice announces the only opportunity you will have to submit written comments. However, another **Federal Register** notice will announce the meeting and invite individuals and/or groups to submit requests to make oral presentations before the Advisory Committee on the agencies that the Committee will review. That notice, however, does not offer an opportunity to submit written comment.

What Happens to the Comments That I Submit?

We will review your comments, in response to this notice, as part of our evaluation of the Accrediting Commission of Career Schools and Colleges of Technology's compliance with the Secretary's Criteria for Recognition of Accrediting Agencies. The Criteria are regulations found in 34 CFR part 602 (for accrediting agencies). We will also respond to your comments, as appropriate, in the staff analysis we present to the Advisory Committee at its May 2001 meeting. Therefore, in order for us to give full consideration to your comments, it is important that we receive them by May 4, 2001. In all instances, your comments regarding the Accrediting Commission of Career Schools and Colleges of Technology must relate to the Criteria for the Recognition cited in the Secretary's letter that requested the interim report. You may obtain a copy of the Secretary's letter by calling (202) 219–7011.

What Happens to Comments Received After the Deadline?

We will treat any negative comments received after the deadline as complaints. If such comments, upon investigation, reveal that the accrediting

agency is not acting in accordance with the Criteria for Recognition, we will take action either before or after the meeting, as appropriate. We will also notify the commentors of the disposition of those comments.

Where Can I Inspect Petitions and Third-Party Comments Before and After the Meeting?

Subject to the provisions of 5 U.S.C. 522, petitions, interim reports, and those third-party comments received in advance of the meeting, will, upon written request, be made available, on appointment, for inspection and copying at the U.S. Department of Education, 1990 K Street, NW, 7th Floor, Room 7105, Washington, DC 20006–8509, telephone (202) 219–7011 until May 4, 2001. They will be available again after the May 23–25 Advisory Committee meeting.

Authority: 5 U.S.C. Appendix 2.

Maureen A. McLaughlin,

Deputy Assistant Secretary for Policy, Planning, and Innovation, Office of Postsecondary Education.

[FR Doc. 01–7965 Filed 3–30–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Under Review by the Office of Management and Budget

AGENCY: Department of Energy.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Department of Energy (DOE) has submitted a renewal for an additional three years for the information collection listed at the end of this notice to the Office of Management and Budget (OMB) for review under sections 3507(h)(1) and 3506(c) of the paperwork Reduction Act of 1995 (Pub. L. 104–13).

The entry contains the following information: (1) The collection number and title; (2) a summary of the collection of information, type of request (extension), response obligation (required to certify compliance); (3) a description of the need and use of the information; (4) a description of the likely respondents; and (5) an estimate of the total annual reporting burden (i.e., the estimated number of likely respondents times the frequency of response times the average hours per response).

DATES: Comments must be filed on or before May 2, 2001. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The OMB Desk Officer may be telephoned at (202) 395–7318. (Also, please notify the DOE contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503. (Comments should also be addressed to the Records Management Division, Office of the Chief Information Officer, at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Susan L. Frey, Director, Records Management Division, Office of Records and Business Management (SO–312), U.S. Department of Energy, Germantown, MD 20874–1290. Ms. Frey can be contacted by telephone at (301) 903–3666, or e-mail at *Susan.Frey@hq.doe.gov*

SUPPLEMENTARY INFORMATION: The information collection submitted to OMB for review was: *Current OMB No.:* 1910–5104. *Package Title:* 10 CFR Part 431—Energy Efficiency (Energy Conservation Program for Certain Commercial and Industrial Equipment) and Part C of the Energy Policy and Conservation Act (Public Law 94–163) (EPCA), and amendments thereto. *Purpose:* The Compliance Certification set forth in appendix A to subpart G of 10 CFR 431 provides a format for a manufacturer or private labeler to certify compliance with the energy efficiency standards prescribed at section 342(b)(1) of EPCA, 42 U.S.C. 6313(b)(1), through an independent testing or certification program nationally recognized in the United States (EPCA 345(c), 42 U.S.C. 6316(c)). Compliance Certification information is used by the Department of Energy and United States Customs Service officials, and facilitates voluntary compliance with and enforcement of the energy efficiency standards established for electric motors under EPCA sections 342(b)(1), 42 U.S.C. 6313(b)(1). *Type of Respondents:* Manufacturers or private labelers of certain 1 through 200 horsepower electric motors. *Estimated Number of Burden Hours:* 200–300 reporting/record-keeping hours per year per manufacturer or private labeler.

Statutory Authority: Sections 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13).

Issued in Washington DC, March 22, 2001.

Susan L. Frey,

Director, Records Management Division, Office of Records and Business Management, Office of the Chief Information Officer, Office of Security and Emergency Operations.

[FR Doc. 01–8001 Filed 3–30–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Hydrogen Technical Advisory Panel

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Hydrogen Technical Advisory Panel (HTAP). Federal Advisory Committee Act (Public Law No. 92–463, 86 Stat. 770, as amended), requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Monday, April 16, 2001, 2:00 P.M.–6:00 P.M.;Tuesday, April 17, 2001, 8:00 A.M.–12:15 P.M.

ADDRESSES: Hilton Baltimore & Towers, 20 West Baltimore Street, Baltimore, MD 21201; Telephone: 410–539–8400.

FOR FURTHER INFORMATION CONTACT: Neil Rossmeissl, Designated Federal Officer, Hydrogen Program Manager, EE–15, Office of Power Technologies, Department of Energy, Washington, D.C. 20585. Telephone: 202–586–8668.

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting

This is the Spring 2001 meeting of HTAP that was originally scheduled for March 5 and March 6 and was canceled due to weather conditions.

The major purpose of this meeting will be to hold a discussion on Hydrogen and the National Energy Agenda.

Monday, April 16, 2001

2:00 PM Welcome and Introduction of New Members— D. Nahmias
2:15 The National Energy Agenda—N. Rossmeissl
2:45 The National Energy Agenda—HTAPs Role—D. Nahmias/Panel
3:15 The National Energy Agenda—Program Priorities—J. Ohi & C. Padro
4:00 Break
4:20 Federal Agency Coordination—N. Rossmeissl
5:00 Public Comments—Audience
6:00 Adjourn
6:30 Reception (Open to the Public)

Tuesday, April 17, 2001

8:00 AM Welcome, Order of Business—D. Nahmias

8:15 National Energy Agenda Panel—Recommendations for the Future
9:45 Break
10:00 Hydrogen Future Act Reauthorization-Discussion—H. Chum
11:00 Public Comments—Audience
11:30 Election of new Chairperson
12:15 PM Adjourn

Public Participation: This 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 Mr. Neil Rossmeissl's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentations in the agenda. The 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 5 minutes to present their comments.

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, S.W., Washington, DC 20585, between 9:00 A.M. and 4:00 P.M., Monday through Friday, except Federal Holidays. Minutes will also be available by writing to Neil Rossmeissl, Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585, or by calling (202) 586–8668.

Issued at Washington, DC on March 27, 2001.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–8003 Filed 3–30–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Fossil Energy; National Coal Council

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the National Coal Council. Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) requires notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, May 3, 2001, 9:00 AM to 12 Noon.

ADDRESSES: Hotel Washington, 515 15th Street, NW Washington, DC.

FOR FURTHER INFORMATION CONTACT: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy, Washington, DC 20585. Phone: 202/586–3867.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the National Coal Council is to provide advice, information, and recommendations to the Secretary of Energy on matters relating to coal and coal industry issues.

Tentative Agenda:

- Call to order by Mr. Steven F. Leer, Chairman.
- Council Business.
- Remarks by Department of Energy representative.
- Presentation by Mr. Jack N. Gerard, National Mining Association on energy perspective from NMA.
- Presentation by Mr. Gary Nicholson, Pegasus Technology on neural network combustion optimization.
- Presentation by Ms. Carrie Moore, National Academy of Science on preventing coal waste impoundment failure and breakthroughs.
- Discussion of other business properly brought before the Committee.
- Public comment—10 minute rule.
- Adjournment.

Public Participation: The meeting is open to the public. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. 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 the items on the agenda, you should contact Margie D. Biggerstaff at the address or telephone number listed above. You must make your request for an oral statement at least five business days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. Public comment will follow the 10 minute rule.

Transcripts: The transcript will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on March 27, 2001.

Belinda G. Hood,

Acting Deputy Advisory Committee, Management Officer.

[FR Doc. 01–8002 Filed 3–30–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Electrical Interconnection of the Goldendale Energy Project

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of Availability of Record of Decision (ROD).

SUMMARY: This notice announces the availability of the ROD to integrate power from the Goldendale Energy Project (GEP) into the Federal Columbia River Transmission System, based on input from the public process and information in the BPA Business Plan Environmental Impact Statement (DOE/EIS–0183) and a Supplement Analysis (DOE/EIS–0183/SA–03). BPA has decided to offer a contract to the project developer, Goldendale Energy, Inc., providing for integration of GEP's power at BPA's Harvalum Substation and delivery to the wholesale power market.

ADDRESSES: Copies of the ROD, EIS, and SA may be obtained by calling BPA's toll-free document request line: 1–800–622–4520.

FOR FURTHER INFORMATION CONTACT: Thomas C. McKinney, KEC–4, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon, 97208–3621, telephone number 503–230–4749; fax number 503–230–5699; e-mail *tcmckinney@bpa.gov.*

Issued in Portland, Oregon, on March 20, 2001.

Stephen J. Wright,

Acting Administrator and Chief Executive Officer.

[FR Doc. 01–8004 Filed 3–30–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1078–000]

Georges Colliers, Inc.; Notice of Issuance of order

March 28, 2001.

Georges Colliers, Inc. (Colliers) submitted for filing a rate schedule under which Colliers will engage in wholesale electric power and energy transactions at market-based rates. Colliers also requested waiver of various Commission regulations. In particular, Colliers requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of

securities and assumptions of liability by Colliers.

On March 21, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Colliers should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Colliers is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Colliers' issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is April 20, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). 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. 01–8006 Filed 3–30–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–157–000, et al.]

Kentucky Mountain Power, LLC, et al.; Electric Rate and Corporate Regulation Filings

March 26, 2001.

Take notice that the following filings have been made with the Commission:

1. Kentucky Mountain Power, LLC

[Docket No. EG01–157–000]

Take notice that on March 22, 2001, Kentucky Mountain Power, LLC (KMP), a Kentucky limited liability company with its principal place of business at 2810 Lexington Financial Center, Lexington, Kentucky 40507, 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.

KMP proposes to own two circulating fluidized bed steam electric generating units of approximately 525 MW total capacity in Knott County, Kentucky (Facility). The proposed Facility is expected to commence commercial operation in 2004. All output from the Facility will be sold by KMP exclusively at wholesale.

Comment date: April 16, 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.

2. EnviroPower of Illinois, LLC

[Docket No. EG01–159–000]

Take notice that on March 22, 2001, EnviroPower of Illinois, LLC (EPIL), an Illinois limited liability company with its principal place of business at 2810 Lexington Financial Center, Lexington, Kentucky 40507 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.

EPIL proposes to own two circulating fluidized bed steam electric generating units of approximately 500 MW total capacity in Franklin County, Illinois (Facility). The proposed Facility is expected to commence commercial operation in 2004. All output from the Facility will be sold by EPIL exclusively at wholesale.

Comment date: April 16, 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.

3. Puget Sound Energy, Inc.

[Docket No. ER01–1597–000]

Take notice that on March 21, 2001, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service and a Service Agreement for Non-Firm Point-To-Point Transmission Service with American Electric Power Service Corporation (American), as Transmission Customer. A copy of the filing was served upon American.

Comment date: April 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Puget Sound Energy, Inc.

[Docket No. ER01–1596–000]

Take notice that on March 21, 2001, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service and a Service Agreement for Non-Firm Point-To-Point Transmission Service with Coral Power LLC (Coral), as Transmission Customer. A copy of the filing was served upon Coral.

Comment date: May 5, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Puget Sound Energy, Inc.

[Docket No. ER01–1594–000]

Take notice that on March 21, 2001, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service and a Service Agreement for Non-Firm Point-To-Point Transmission Service with Portland General Electric (PGE), as Transmission Customer. A copy of the filing was served upon PGE.

Comment date: April 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Entergy Services, Inc.

[Docket No. ER01–1593–000]

Take notice that on March 21, 2001, Entergy Services, Inc. (Entergy Services) tendered for filing with the Federal Energy Regulatory Commission an unexecuted Interconnection and Operating Agreement (the Agreement) between Entergy Services and the following parties: (1) Mississippi Delta Energy Agency (MDEA), a joint action agency organized and existing under the laws of the State of Mississippi, composed of the Clarksdale Public Utilities Commission of the City of

Clarksdale, Mississippi (Clarksdale) and the Public Service Commission of Yazoo City of the City of Yazoo City Mississippi (Yazoo City); (2) Clarksdale; and (3) Yazoo City. Entergy Services requests that the Agreement be accepted for filing effective as of May 1, 2001, and requests waiver of the Commission's regulations to the extent necessary to permit the Agreement to become effective that date.

Comment date: April 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Illinois Power Company

[Docket No. ER01–1592–000]

Take notice that on March 21, 2001, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 65251–2200, tendered for filing the First Amendment to Service Agreement for Network Integration Transmission Service and a Network Operating Agreement entered into with Dynegy Power Marketing, Incorporated (DPM) pursuant to Illinois Power's Open Access Transmission Tariff. Illinois Power requests an effective date of March 1, 2001 for the First Amendment and accordingly seeks a waiver of the Commission's notice requirement. Illinois Power states that a copy of this filing has been sent to DPM.

Comment date: April 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Exelon Generation Company, LLC

[Docket No. ER01–1591–000]

Take notice that on March 21, 2001, Exelon Generation Company, LLC (Exelon Generation) tendered for filing a service agreement for wholesale power sales transactions between Exelon Generation and The New Power Company under Exelon Generation's wholesale power sales tariff, FERC Electric Tariff, Original Volume No. 1.

Comment date: April 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Geysers Power Company, LLC

[Docket No. ER98–441–025]

Take notice that on March 21, 2001, Geysers Power Company, LLC (Geysers Power) tendered for filing certain revised tariff sheets to its Must-Run Service Agreement under which Geysers Power provides reliability must-run services to the California Independent System Operator Corporation (ISO) from the Geysers Main Units. This filing is made in compliance with the Federal Energy Regulatory Commission's (Commission) letter order dated March 7, 2001 (Letter Order), accepting Geysers Power's November 27, 2000 revised RMR Agreement for filing, with the exception of Section 9.1(b)(v) of the RMR Agreement. Geysers Power's November 27 filing inadvertently retained certain previously effective language for Section 9.1(b)(v) which should have been deleted. Accordingly, Geysers Power is hereby submitting revised tariff sheets.

Comment date: April 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Edison Sault Electric Company

[Docket No. ER01–1586–000]

Take notice that on March 21, 2001, Edison Sault Electric Company (Edison Sault) tendered for filing an Assignment of Transmission Coordination Agreement (Assignment). Under the Assignment, Edison Sault has conveyed almost all of its rights, interests, and obligations under a Transmission Coordination Agreement with Cloverland Electric Cooperative (Cloverland) to the American Transmission Company, LLC (ATCLLC). The Assignment has been signed by Edison Sault, Cloverland, and ATCLLC.

Comment date: April 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Great Bay Power Corporation

[Docket No. ER01–1588–000]

Take notice that on March 21, 2001, Great Bay Power Corporation (Great Bay) tendered for filing a Short-Form Market-Based Wholesale Power Sales Tariff (Short-Form Tariff) and a service agreement with Select Energy, Inc under the Short-Form Tariff. The Short-Form Tariff will not replace Great Bay's existing market-based rate tariff, FERC Electric Tariff No. 2, Second Revised Volume No. 2. The Short-Form Tariff will allow Great Bay to enter into agreements with counterparties that have provisions other than those set forth in the Short-Form Tariff.

Great Bay requests an effective date of April 1, 2001 for its Short-Form Tariff and a waiver of the Commission's sixty-day notice requirement.

Comment date: April 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Nevada Power Company

[Docket No. ER01–1589–000]

Take notice that on March 21, 2001, Nevada Power Company (Nevada Power) tendered for filing revisions to the rates in its Electric Service Coordination Agreement, FERC Electric Tariff, First Revised Volume No. 4. This filing is being made to conform the rates in the Coordination Tariff with those in Nevada Power's OATT. Nevada Power has requested an effective date of March 22, 2001.

This filing has been served on Nevada Power's customers under the Coordination Tariff.

Comment date: April 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Consumers Energy Company

[Docket No. ER01–1587–000]

Take notice that on March 21, 2001, Consumers Energy Company (Consumers) tendered for filing an unexecuted Generator Interconnection and Operating Agreement Between Consumers and Kinder Morgan Michigan, LLC [KMPower] (Agreement). KMPower had requested that the unexecuted Agreement be filed. Consumers requested that the Agreement be allowed to become effective March 21, 2001.

Copies of the filing were served upon KMPower and the Michigan Public Service Commission.

Comment date: April 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Puget Sound Energy, Inc.

[Docket No. ER01–1595–000]

Take notice that on March 21, 2001, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service and a Service Agreement for Non-Firm Point-To-Point Transmission Service with Public Service of Colorado (PSC), as Transmission Customer. A copy of the filing was served upon PSC.

Comment date: April 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. EnviroPower of Indiana, LLC

[Docket No. EG01–158–000]

Take notice that on March 22, 2000, EnviroPower of Indiana, LLC (EPIN), an Indiana limited liability company with its principal place of business at 2810 Lexington Financial Center, Lexington, Kentucky 40507 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.

EPIN proposes to own circulating fluidized bed steam electric generating units of approximately 500 MW total capacity located in Sullivan County, Indiana (Facility). The proposed Facility is expected to commence commercial operation in 2004. All output from the

Facility will be sold by EPIN exclusively at wholesale.

Comment date: April 16, 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.

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. 01–7973 Filed 3–30–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2585–002]

Northbrook Carolina Hydro, L.L.C.; Notice of Availability of Draft Environmental Assessment

March 27, 2001.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, the Office of Energy Projects has received the application filed on January 4, 1999, by Northbrook Carolina Hydro, L.L.C. (licensee) to surrender its license for the Idols Hydroelectric Project and has prepared a Draft Environmental Assessment (Draft EA) for the proposed and alternative actions.

The licensee indicates that the cost to replace the project powerhouse and generation equipment, which were destroyed in a fire on February 8, 1998, is not justified based on current and foreseeable electric power rates. The project site is situated near the town of Clemmons, a suburban area located 15 miles southwest of the City of Winston-Salem. The project does not utilize federal lands.

Copies of the Draft EA can be viewed at the Commission's Public Reference Room, Room 2A, 888 First Street, NE., Washington, DC 20426, or by calling (202) 208–1371. The document also may be viewed on the Web at www.ferc.fed.us/online/rims.htm. Call (202) 208–2222 for assistance.

Any comments on the Draft EA should be filed within 30 days from the date of this notice and should be addressed to David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please affix ''Idols Projects Surrender of License, No. 2585–002'' to the first page of your comments. 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.

For further information, please contact Jim Haimes, staff environmental protection specialist, at (202) 219–2780 or at his E-mail address: james.haimes@ferc.fed.us.

David P. Boergers,

Secretary.

[FR Doc. 01–8005 Filed 3–30–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

March 27, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Transfer of License.

b. *Project No.:* 2233–038.

c. *Date Filed:* January 9, 2001, supplement filed March 19, 2001.

d. *Applicants:* Smurfit Newsprint Corporation, Portland General Electric Company, and Blue Heron Paper Company.

e. *Name and Location of Project:* The Willamette Falls Hydroelectric Project is located on the Willamette River in Clackamas County, Oregon. The project does not occupy federal or tribal land.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

g. *Applicant Contacts:* Mr. Craig A. Hunt, Smurfit Newsprint Corporation, 150 N. Michigan Avenue, Chicago, IL 60601; Ms. Julie A. Keil, Portland General Electric Company, 121 SW Salmon Street, Portland, OR 97204, (503) 464–7717; and Mr. Mike Siebers, Blue Heron Paper Company, 419 Main Street, Oregon City, OR 97045, (503) 650–4239.

h. *FERC Contact:* Any questions on this notice should be addressed to James Hunter at (202) 219–2839.

i. *Deadline for filing comments and or motions:* May 3, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NW, Washington, DC 20426. Comments, motions to intervene, and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed,us/efi/doorbell.htm.

Please include the project number (P–2233–038) on any comments or motions filed.

j. *Description of Proposal:* The applicants request after-the-fact approval of a partial transfer of the license for Project No. 2233, to substitute Blue Heron Paper Company for Smurfit Newsprint Corporation as a co-licensee. The applicants state that Blue Heron Paper Company resulted from a management-led buyout of the assets of Smurfit Newsprint Corporation and that the buyout effected no change in the personnel responsible for operation of the project under the license

The transfer application was filed within five years of the expiration of the license for the project. In Hydroelectric Relicensing Regulations Under the Federal Power Act (54 FR 23,756; FERC Stats. and Regs., Regs. Preambles 1986–1990 30,854 at p. 31,437), the Commission declined to forbid all license transfers during the last five years of an existing license, and instead indicated that it would scrutinize all such transfer requests to determine if the transfer's primary purpose was to give the transferee an advantage in relicensing (id. at p. 31,438 n. 318).

k. *Locations of the application:* A copy of the application is available for inspection and reproduction at the

Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us/online/rims.htm (Call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the addresses in item g above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. An additional copy must be sent to the Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–7974 Filed 3–30–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

March 27, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project No.:* 10462–002.

c. *Date filed:* May 31, 1990.

d. *Applicant:* Erie Boulevard Hydropower, L.P.

e. *Name of Project:* Allens Falls Project.

f. *Location:* On the West Branch of the St. Regis River, near the village of Parishville, St. Lawrence County, New York. The project would not use federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Jerry L. Sabattis, Erie Boulevard Hydropower, L.P., Suite 201, 225 Greenfield Parkway, Liverpool, NY 13088–6656, (315) 413–2700.

i. *FERC Contact:* Peter Leitzke, (202) 219–2803.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. 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 website at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted and is now ready for environmental analysis.

l. *Description of project:* The Allens Falls Project consists of the following existing facilities: (1) A 40-foot-high dam composed of a 425-foot-long ungated concrete spillway, a 130-foot-long gated section with two 9-foot-high by 60-foot-long steel gates, an 8-foot-wide log sluice gate, and a 72-foot-long needle beam section; (2) a 132-acre reservoir having a 661-acre-foot net storage capacity at elevation 742.0 feet MSL (mean sea level); (3) an intake structure; (4) a 7-foot-diameter pipeline 9,344 feet long; (5) a differential surge tank; (6) a 7-foot-diameter penstock 886 feet long; 97) a powerhouse housing a 4,400-kW hydropower unit; (8) a tailrace 450 feet long; (9) a 2.4-mile-long 115-kV transmission line; and (10) appurtenant facilities.

m. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2–A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

o. The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS'', ''TERMS AND CONDITIONS'', or ''PRESCRIPTIONS''; (2) set forth in the heading the name of the applicant and the project number of the application to

which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

David P. Boerger,

Secretary.

[FR Doc. 01–7975 Filed 3–30–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

March 27, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project No.:* 10461–002.

c. *Date filed:* May 31, 1990.

d. *Applicant:* Erie Boulevard Hydropower, L.P.

e. *Name of Project:* Parishville Project.

f. *Location:* On the West Branch of the St. Regis River, near the village of Parishville, St. Lawrence County, New York. The project would not use federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Jerry L. Sabattis, Erie Boulevard Hydropower, L.P., Suite 201, 225 Greenfield Parkway, Liverpool, NY 13088–6656, (315) 413–2700.

i. *FERC Contact:* Peter Leitzke, (202) 219–2803.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. 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 website at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted and is now ready for environmental analysis.

l. The Parishville Project consists of the following existing facilities: (1) A dam composed of an earthen dike and various concrete structures; (2) a 70-acre reservoir having a net storage capacity of 35-acre-feet at elevation 844.5 feet MSL (mean sea level); (3) an intake structure; (4) a penstock 2,561 feet long and six to 10 feet in diameter; (5) a powerhouse housing a 2,400-kilowatt (kW) hydropower unit; (6) a tailrace 400 feet long; (7) a 4.8-kilovolt (kV) transmission line; and (8) appurtenant facilities. The project generates an estimated average of 15 million kilowatthours annually.

m. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2–A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item above.

n. Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

o. The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

David P. Boergers,

Secretary.

[FR Doc. 01–7976 Filed 3–30–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Fourth Interstate Natural Gas Facility-Planning Seminar

March 27, 2001.

The Office of Energy Projects will hold the fourth in a series of public meetings around the country for the purposes of exploring and enhancing strategies for constructive public participation in the earliest stages of natural gas facility planning. This seminar will be held in Seattle, Washington on Thursday, April 26, 2001. We are inviting interstate natural gas companies; Federal, state and local agencies; landowners and non-governmental organizations with an interest in developing new ways of doing business to join us in this effort. We will discuss:

• The pre-filing facility planning process;

• The potential benefits of pipeline facilities;

• Any other ways of improving the environmental review process for interstate natural gas pipeline projects.

The staff of the Commission's Office of Energy Projects will give a briefing on the results of our first three seminars in Albany, New York, Chicago, Illinois, and Tampa, Florida. We'll discuss problems that were identified and potential solutions that were offered in the seminars.

Join us as we continue to explore new strategies being employed by the natural gas industry, agencies, and citizens to learn about each others' concerns and to engage the public and agencies in participatory project design. Interactive discussions will be held with panelists from various Federal and state agencies, representatives from natural gas companies, and private landowners or citizen representatives who have had relevant experiences. There will be substantial opportunity for the sharing of experiences and knowledge during both the panel discussions and in the interactive ''brainstorming'' session. So, bring your ideas with you and prepare to share them.

The objectives of the seminar are:

• Exchange ideas with other stakeholders and explore the best avenues for involving people and agencies, pre-filing, toward fostering settlements through creative issue resolution.

• Explore steps taken to identify the parties directly involved with and affected by natural gas facility siting and/or permitting, so they can work together and resolve issues.

• Build upon the discussions from the first three seminars.

• To encourage the submission of filings with no or few contested issues in order to reduce the Commission's processing time.

• Discuss the potential benefits of an interstate natural gas pipeline project.

• Explore other ideas for improving the FERC's environmental review process.

We are building on what was learned at our prior meetings and continuing to work toward developing a toolbox of the best available techniques for increasing public involvement and developing solutions to issues during the pre-filing planning process. This will help to plan projects with less opposition that can achieve faster action from the Commission with less controversy and fewer conditions.

The meeting in Seattle, Washington will be held at the Washington Athletic Club, 1325 Sixth Avenue, Seattle, Washington 98101. The meeting is scheduled to start at 9 a.m. and finish at 2:30 p.m. A preliminary agenda (attachment 1) and directions to the Washington Athletic Club (attachment 2) are enclosed. Also, see attachment 3 regarding the selection of locations of future meetings.

If you plan to attend, please e-mail our team at: gasoutreach@ferc.fed.us by April 20, 2001. Or, you can respond via facsimile to Pennie Lewis-Partee at 202–208–0353. Please include in the response the names, addresses, and telephone numbers of all attendees from your organization. We will send an acknowledgment of your request.

To help us enhance our panel discussions, please consider issues and/or questions you would like to have addressed at the meetings and e-mail them to us. If you have any questions, you may contact any of the staff listed below:

Richard Hoffmann 202/208–0066
Lauren O'Donnell 202/208–0325
Jeff Shenot 202/219–2178
Howard Wheeler 202/208–2299

J. Mark Robinson,

Director, Division of Environmental & Engineering Review, Office of Energy Projects.

Attachment 1

Agenda

4th Interstate Natural Gas Facility Planning Seminar, Federal Energy Regulatory Commission, Washington Athletic Club, Seattle, Washington

April 26, 2001

9:00 a.m. to 2:30 p.m.

9:00 a.m.—Introductions
Welcome: Mark Robinson, Director, Division of Environmental & Engineering Review, Office of Energy Projects, FERC
Rich Hoffman, Office of Energy Projects (OEP), FERC

9:15—The Pipeline Planning/Approval Process—Lauren O'Donnell, OEP, What's the role of FERC

9:30—Summary of Contents from the Albany, Chicago, and Tampa Meetings—Rich Hoffman

9:45—Panel 1. Perspectives on Project Announcement, Route Planning, and How to Work Together—Howard Wheeler, OEP, Moderator
(Discussion of factors re: announcement of the project, planning of the route, types of surveys needed; extent of disturbance, and who to tell. What are the needs of the various stakeholders?)
John Cassidy, Pacific Gas and Electric
Citizen/NGO Representative
Gary Sprague, Washington Department of Fish and Wildlife
(10-minute discussion by each panelist with interactive Brainstorming/Q&A session with panelists and audience for remainder of Panel)

11:00—Break

11:15—Panel 2. What are the Benefits (real and potential) of a natural gas project and right-of-way?—Lauren O'Donnell, Moderator
(Discussion of the various types of benefits of a pipeline project to the company, the individual, local area, region and/or state. How to identify them, how to advertise them.)
Agency Representative
Representative of Northwest Pipeline Corporation
Joanne Longwoods, Muckleshoot Indian Tribe
(10-minute discussion by each panelist with interactive Brainstorming/Q&A session with panelists and audience for remainder of Panel)

12:30—Lunch

1:00—Brainstorming Session * * * OEP Staff will lead an all-participants discussion of issues regarding other potential ways of improving and speeding up the environmental review of interstate natural gas pipeline projects.
—Explore Environmental Impact Statement timelines;
—Explore starting the NEPA process pre-filing; and
—Discuss the role of state and local agencies.

2:15—Summary of the day

BILLING CODE 6717–01–M

Attachment 2

Directions to the Washington Athletic Club

Travel Directions:

Northbound I-5 (from Tacoma)
take the Seneca St. exit
turn right onto 6th Ave.

Southbound I-5 (from Everett /520)
take the Union St. exit
from Union St., turn left on 5th Ave.
turn left on University
turn left on 6th Ave.

Westbound I-90 (from the Eastside)
merge to I-5 Northbound
take the Madison St. exit
turn left on Madison
turn right on 6th Ave.

Northbound Aurora (Highway 99)
take the Seneca St. exit
turn left on 1st Ave.
turn right on University St.
turn left on 6th Ave.

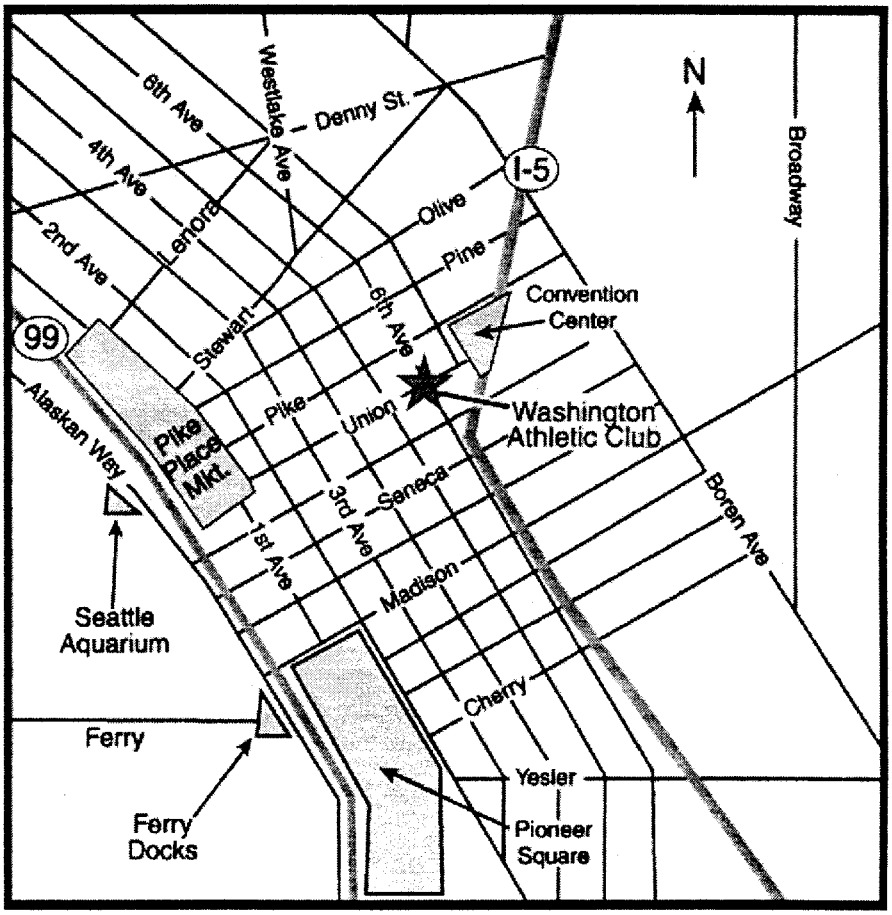
Southbound Aurora (Highway 99)
take the Denny St. exit
keeping to the right, cross Denny
turn left on 5th Ave.
turn left on University
turn left on 6th Ave.

Address:

Washington Athletic Club
1325 Sixth Avenue
Seattle, WA 98111
206-622-7900
1-800-275-3775
www.wac.net

The WAC is located in Downtown Seattle on 6th Avenue, between Union and University.

WAC Parking is available one block north of the Clubhouse just past Union St. on the left.



BILLING CODE 6717–01–C

Attachment 3

Future Meetings?

Between now and September of 2001, we will conduct additional seminars at locations around the country. Locations for the meetings will be selected based on the history of past, present and especially future pipeline projects where interstate natural gas markets are developing or expanding.

Yes, for those who have been following our progress, we've gone west for our fourth meeting. But, we will hold a meeting in the northeast!

Areas we are considering for meetings include:

Boston, Massachusetts/Portland, Maine area—May/June, 2001?

Reno, Nevada or Salt Lake City, Utah—July/August, 2001?

If you care to voice your opinion about these or other areas, please follow the instructions for contacting us in the notice.

[FR Doc. 01–7889 Filed 3–30–01; 8:45 am]

BILLING CODE 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

March 23, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before June 1, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, SW., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0331.

Title: Section 76.615B Notification Requirements.

From Number: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 1200.

Estimated Time Per Response: 0.5 hours.

Total Annual Costs: $120,000.00.

Needs and Uses: The notifications are used by the Commission to locate and eliminate harmful interference as it occurs, to help assure safe operation of aeronautical and marine radio services and to minimize the possibility of interference to these safety-of-life services.

OMB Control Number: 3060–0594.

Title: FCC Form 1220 Cost of Service Filing for Regulated Cable Services.

Form Number: FCC Form 1220.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities, State, Local or Tribal Government.

Number of Respondents: 30.

Estimated Time Per Response: 40 hours.

Total Annual Costs: $480,000.00.

Needs and Uses: The FCC Form 1220 is filed with the Commission by cable operators to demonstrate their costs of providing cable service in order to justify rates above levels determined under the Commission's benchmark methodology. The Commission uses the Form 1220 to determine whether cable rates for basic service, cable programming service and associated equipment are reasonable under the Commission's rules.

OMB Control Number: 3060–0601.

Title: FCC Form 1200 Setting Maximum Permitted Rates for Regulated Cable Services.

Form Number: FCC Form 1200.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities, State, Local or Tribal Government.

Number of Respondents: 100.

Estimated Time Per Response: 10 hours.

Total Annual Costs: $200,000.00.

Needs and Uses: The FCC Form 1200 is filed with the Commission by cable operators and local franchise authorities to justify the reasonableness of rates in effect on or after May 15, 1994. The data are used by the Commission to evaluate cable rates the first time they are reviewed on or after May 15, 1994, so that maximum permitted rates for regulated cable service can be determined.

OMB Control Number: 3060–0685.

Title: Annual Updating of Maximum Permitted Rates for Regulated Cable Services.

Form Number: FCC Form 1240.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities, State, Local or Tribal Government.

Number of Respondents: 4500.

Estimated Time Per Response: 1.0 hour.

Total Annual Costs: $900,000.00.

Needs and Uses: The FCC Form 1240 is filed with the Commission by cable operators seeking to adjust maximum permitted rates to reflect changes in external costs. The Commission uses the Form 1240 to adjudicate permitted rates for regulated cable rates, services and equipment and for the addition of new programming tiers, the addition and/or deletion of channels, and for allowance for pass through of external costs due to inflation.

OMB Approval Number: 3060–0004.

Title: Guidelines for Evaluating the Environmental Effects of Radiofrequency (Second Memorandum Opinion and Order, ET Docket No. 93–2).

Form No.: None.

Type of Review: Extension of a currently approved collection.

Respondents: Not for profit institutions; businesses or other for profit; small businesses and organizations.

Number of Respondents: 126,108.

Estimated Time Per Response: 2 hours per response (avg.). This time will vary with the number of transmitters considered; e.g., a site with a single

transmitter might require one hour to determine compliance, while a site with many co-located transmitters may require considerably more time.

Frequency of Response: On occasion reporting requirement and third party disclosure.

Total Annual Burden: 223,376 hours.

Estimated Annual Reporting and Recordkeeping Cost: The estimated cost to respondents to perform the environmental evaluations per service varies. For example, complex situations that require a consulting engineer @ $100 per hour may require additional time to perform an evaluation; portable devices authorized under Part 2 of the Rules require a specific absorption rate of RF energy test with an average cost of approximately $5,000 per test; and other applicants will use OET Bulletin No. 65 to perform environmental evaluations, and will have no financial burden associated with the evaluation.

Needs and Uses: The National Environmental Policy Act of 1969 (NEPA) requires agencies of the Federal Government to evaluate the effects of their actions on the quality of the human environment. To meet its responsibilities under NEPA, the Commission has adopted revised RF exposure guidelines for purposes of evaluating potential environmental effects of RF electromagnetic fields produced by FCC-regulated facilities. The new guidelines reflect more recent scientific studies of the biological effects of RF electromagnetic fields. The use of these new guidelines will ensure that the public and workers receive adequate protection from exposure to potentially harmful RF electromagnetic fields. The collection of environmental information required by section 1.1307 of the Rules will be used by the Commission staff to determine whether the environmental evaluation is sufficiently complete and in compliance with the Commission's Rules to be acceptable for filing.

OMB Control No. 3060–0813.

Title: Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems.

Form No.: N/A.

Type of Review: Revision and Extension of currently approved collection.

Respondents: Business and Government Entities.

Responses: 125,996.

Estimated Time Per Response: Between 1 hour and 5 hours.

Frequency of Response: Occasional (some are one-time burdens).

Total Annual Burden: 195,100 hours.

Total Annual Cost: 0.

Needs and Uses: The notification burden on Public Safety Answering Points (PSAPs) will be used by the carriers to verify that wireless 911 calls are referred to PSAPs who have the technical capability to use the data to the caller's benefit. TTY and dispatch notification requirements will be used to avoid consumer confusion as to the capabilities of their handsets in reaching help in emergency situations, thus minimizing the possibility of critical delays in response time. The annual TTY reports will be used to monitor the progress of TTY technology and thus compatibility. Consultations on the specific meaning assigned to pseudo-ANI are appropriate to ensure that all parties are working with the same information. Coordination between carriers and State and local entities to determine the appropriate PSAPs to receive and respond to E911 calls is necessary because of the difficulty in assigning PSAPs based on the location of the wireless caller. The deployment schedule that must be submitted by carriers seeking a waiver of the E911 Phase I or Phase II deployment schedule will be used by the Commission to guarantee that the rules adopted in this proceeding are enforced in as timely a manner as possible within technological constraints.

OMB Approval No.: 3060–0179.

Title: Section 73.1590 Equipment Performance Measurements.

Form No.: n/a.

Type of Review: Extension of currently approved collection.

Respondents: Businesses or other for-profit, not-for-profit institutions.

Number of Respondents: 4,685 AM stations, 8,032 FM stations and 332 TV stations.

Estimated Hours Per Response: 0.5 hours for AM/FM stations and 18 hours for TV stations.

Frequency of Response: On occasion.

Cost to Respondents: $0.

Estimated Total Annual Burden: 12,335 hours.

Needs and Uses: Section 73.1590 requires licensees of AM, FM and TV stations to make audio and video equipment performance measurements for each main transmitter. These measurements and a description of the equipment and procedure used in making the measurements must be kept on file at the transmitter for two years. In addition, this information must be made available to the FCC upon request. The data is used by station licensee to minimize the potential for interference to other stations and by FCC staff in field investigations to identify sources of interference.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–8041 Filed 3–30–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

March 23, 2001.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0787.

Expiration Date: 09/30/2001.

Title: Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance.

Form No.: FCC Form 478.

Respondents: Business or other for-profit.

Estimated Annual Burden: 28,676 respondents; 4.71 hours per response (avg.).; 135,126 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Semi-annually; Third Party Disclosure; Recordkeeping.

Description: Section 258 of the Communications Act of 1934 (Act), as amended by the Telecommunications Act of 1996, makes it unlawful for any telecommunications carrier to ''submit or execute a change in a subscriber's selection of a provider of telecommunications exchange service or telephone toll service except in accordance with such verification procedures as the Commission shall prescribe.'' The Section further provides that any telecommunications carrier that violates such verification procedures and that collects charges for telephone exchange service or telephone toll service from a subscriber, shall be liable to the carrier previously selected by the

subscriber in an amount equal to all charges paid by the subscriber after such violation. In the Second Report and Order and Further Notice of Proposed Rulemaking (section 258 Order) issued in CC Docket No. 94–129, the Commission adopted rules to implement section 258 of the Communications Act of 1934 (Act), as amended by the Telecommunications Act of 1996 (1996 Act). The goal of section 258 is to eliminate the practice of ''slamming,'' which is the unauthorized change of a subscriber's preferred carrier. In the Section 258 Order, the Commission adopted various rules addressing verification of preferred carrier changes and preferred carrier freezes. The Commission also adopted liability rules designed to take the profit out of slamming. In the First Order on Reconsideration (Order), released May 3, 2000, the Commission amended certain of its liability rules by requiring slamming disputes between consumers and carriers to be brought before appropriate state commissions, or this Commission in cases where the state has not opted to administer our rules, rather than to authorized carriers. The Order also modified the liability rules that apply when a consumer has paid charges to a slamming carrier. The Order set forth certain notification requirements to facilitate carriers' compliance with the liability rules. The Commission issued a Third Report and Order and Second Order on Reconsideration in CC Docket No. 94–129, released August 15, 2000 and an Order released February 22, 2001. The modifications and additions adopted these Orders will improve the carrier change process for consumers and carriers, while making it more difficult for unscrupulous carriers to perpetrate slams. Following is a synopsis of the requirements approved by OMB. See above-mentioned Orders and 47 CFR Parts 1 and 64 for complete details. *a. Section 64.1110, State Notification of Election to Administer FCC Rules.* Pursuant to section 64.1110(a), state notification of an intention to administer the Federal Communication Commission's unauthorized carrier change rules and remedies shall be filed with the Commission Secretary in CC Docket No. 94–129 with a copy of such notification provided to the Consumer Information Bureau Chief. Such notification shall contain, at a minimum, information on where consumers should file complaints, the type of documentation, if any, that must accompany a complaint, and the procedures the state will use to adjudicate complaints. Pursuant to section 64.1110(b), state notification of an intention to discontinue administering the Federal Communication Commission's unauthorized carrier change rules and remedies shall be filed with the Commission Secretary in CC Docket No. 94–129 with a copy of such amended notification provided to the Consumer Information Bureau Chief. Such discontinuance shall become effective 60 days after the Commission's receipt of the state's letter. (*No. of respondents:* 51; *hours per response:* 2 hours; *total annual burden:* 102 hours). *b. Section 64.1120, Verification of Orders for Telecommunications Carriers.* A carrier must retain verification records for two years after their creation. Pursuant to section 64.1120 no telecommunications carrier shall submit a preferred carrier charge order unless and until the order has first been confirmed. Telecommunications carriers may obtain the subscriber's written authorization as required by section 64.1130 or an electronic authorization, or an oral authorization through a qualified independent third party. (*Number of respondents:* 1800; *hours per response:* 1.5 hours; *total annual burden:* 2700 hours). *c. Section 64.1130, Letter of Agency Form and Content.* Pursuant to section 64.1130, a telecommunications carrier may use a written or electronically signed letter of agency to obtain authorization and/or verification of a subscriber's request to change his or her preferred carrier selection. A letter of agency that does not conform to this section is invalid for purposes of this part. The letter of agency shall be a separate document (or easily separable document) or located on a separate screen or webpage containing only the authorizing language described in 64.1130(e) having the sole purpose of authorizing a telecommunications carrier to initiate a preferred carrier change. The letter of agency must be signed and dated by the subscriber to the telephone lines requesting the preferred carrier change. The letter of agency shall not be combined on the same document, screen, or webpage with inducements of any kind. The letter of agency must contain language that confirms that the subscriber may consult with the carrier as to whether a fee will apply to the change in the subscriber's preferred carrier. A letter of agency submitted with an electronically signed authorization must include the consumer disclosures required by section 101(c) of Electronic Signatures in Global and National Commerce Act. A carrier shall submit a preferred carrier change order on behalf of a subscriber within no more than 60 days of obtaining a written or electronically signed letter of agency. (*No. of respondents;* 1800; *hours per response:* 3 hours; *total annual burden:* 5500 hours). *d. Section 64.1140, Carrier Liability for Slamming.* Pursuant to Section 64.1140(a), any submitting telecommunications carrier that fails to comply with the procedures prescribed in this part shall be liable to the subscriber's properly authorized carrier in an amount equal to 150% of all charges paid to the submitting telecommunications carrier by such subscriber after such violation, as well as for additional amounts as prescribed in § 64.1170 of Part 64. Pursuant to section 64.1140(b), any subscriber whose selection of telecommunications service provider is changed without authorization or verification in accordance with the procedures set for 47 CFR 64.1140 will be liable for charges. (*No. of respondents* 1910; *hours per response:* 2 hours; *total annual burden:* 3820 hours). *e. Section 64.1150, Procedures For Resolution of Unauthorized Changes in Preferred Carrier*—Pursuant to section 64.1150(a), executing carriers who are informed of an unauthorized carrier change by a subscriber must immediately notify both the authorized and allegedly unauthorized carrier of the incident. This notification must include the identity of both carriers. Pursuant to Section 64.1150(b), any carrier, executing, authorized, or allegedly unauthorized, that is informed by a subscriber or an executing carrier of an unauthorized carrier change shall direct that subscriber either to the state commission or, where the state commission has not opted to administer these rules, to the Federal Communications Commission's Consumer Information Bureau, for resolution of the complaint. Pursuant to section 64.1150(c), upon receipt of an unauthorized carrier change complaint, the relevant governmental agency will notify the allegedly unauthorized carrier of the complaint and order that the carrier removes all unpaid charges from the subscriber's bill pending a determination of whether an unauthorized change, as defined by § 64.1100(e), has occurred, if it has not already done so. Pursuant to section 64.1150(d), not more than 30 days after notification of the complaint, or such lesser time as is required by the state commission if a matter is brought before a state commission, the alleged unauthorized carrier shall provide to the relevant government agency a copy of any valid proof of verification of the carrier change. Failure by the carrier to

respond or provide proof of verification will be presumed to be clear and convincing evidence of a violation. Pursuant to section 64.1150(e), the Federal Communications Commission will not adjudicate a complaint filed pursuant to § 1.719 or §§ 1.720–736, involving an alleged unauthorized change, as defined by § 64.1100(e) of this part, while a complaint based on the same set of facts is pending with a state commission. (*No. of respondents:* 1960; *hours per response:* 8 hours; *total annual hours:* 9800 hours).

f. Section 64.1160, Absolution Procedures Where the Subscriber Has Not Paid—Pursuant to section 64.1160(a), this section shall only apply after a subscriber has determined that an unauthorized change, as defined by § 64.1100(e) of this part, has occurred and the subscriber has not paid charges to the allegedly unauthorized carrier for service provided for 30 days, or a portion thereof, after the unauthorized change occurred. Pursuant to section 64.1160(b), an allegedly unauthorized carrier shall remove all charges incurred for service provided during the first 30 days after the alleged unauthorized change occurred, as defined by § 64.1100(e) of this part, from a subscriber's bill upon notification that such unauthorized change is alleged to have occurred. Pursuant to Section 64.1160(c), an allegedly unauthorized carrier may challenge a subscriber's allegation that an unauthorized change, as defined by § 64.1100(e) of this part, occurred. An allegedly unauthorized carrier choosing to challenge such allegation shall immediately notify the complaining subscriber that: (1) The complaining subscriber must file a complaint with a state commission that has opted to administer the FCC's rules, pursuant to § 64.1110 of this part, or the FCC within 30 days of either (i) the date of removal of charges from the complaining subscriber's bill in accordance with paragraph (b) of this section or (ii) the date the allegedly unauthorized carrier notifies the complaining subscriber of the requirements of this paragraph, whichever is later; and (2) a failure to file such a complaint within this 30-day time period will result in the charges removed being reinstated on the subscriber's bill and, consequently, the complaining subscribers will only be entitled to remedies for the alleged unauthorized change other than those provided for in § 64.1140(b)(1) of this part. No allegedly unauthorized carrier shall reinstate charges to a subscriber's bill pursuant to the provisions of this paragraph without first providing such subscriber with a reasonable opportunity to demonstrate that the requisite complaint was timely filed within the 30-day period described in this paragraph. Pursuant to section 64.1160(d), if the relevant governmental agency determines after reasonable investigation that an unauthorized change, as defined by § 64.1100(e) of this part, has occurred, an order shall be issued providing that the subscriber is entitled to absolution from the charges incurred during the first 30 days after the unauthorized carrier change occurred, and neither the authorized or unauthorized carrier may pursue any collection against the subscriber for those charges. Pursuant to section 64.1160(e), if the subscriber has incurred charges for more than 30 days after the unauthorized carrier change, the unauthorized carrier must forward the billing information for such services to the authorized carrier. Pursuant to section 64.1160(f), if the unauthorized carrier received payment from the subscriber for services provided after the first 30 days after the unauthorized change occurred, the obligations for payments and refunds provided for in § 64.1160 of this part shall apply to those payments. Pursuant to section 64.1160(g), if the relevant governmental agency determines after reasonable investigation that the carrier change was authorized, the carrier may re-bill the subscriber for charges incurred. (*No. of respondents:* 1960; *hours per response:* 8 hours; *total annual burden:* 15,680). *g. Section 64.1170, Reimbursement Procedures Where the Subscriber Has Paid.* Pursuant to section 64.1170(a), the procedures set forth in section 64.1170 shall apply only after a subscriber has determined that an unauthorized change, as defined by section 64.1100(e) of our rules, has occurred and the subscriber has paid charges to an allegedly unauthorized carrier. Pursuant to section 64.1170(b), if the relevant governmental agency determines after reasonable investigation that an unauthorized change, as defined by § 64.1100(e) of this part, has occurred, it shall issue an order directing the unauthorized carrier to forward to the authorized carrier the following, in addition to any appropriate state remedies, an amount equal to 150% of all charges paid by the subscriber to the unauthorized carrier; and copies of any telephone bills issued from the unauthorized carrier to the subscriber. Pursuant to section 64.1170(c), within ten days of receipt of the amount provided for in paragraph (b)(1) of this section, the authorized carrier shall provide a refund or credit to the subscriber in the amount of 50% of all charges paid by the subscriber to the unauthorized carrier. The subscriber has the option of asking the authorized carrier to re-rate the unauthorized carrier's charges based on the rates of the authorized carrier and, on behalf of the subscriber, seek an additional refund from the unauthorized carrier, to the extent that the re-rated amount exceeds the 50% of all charges paid by the subscriber to the unauthorized carrier. The authorized carrier shall also send notice to the relevant governmental agency that it has given a refund or credit to the subscriber. Pursuant to section 64.1170(d), if an authorized carrier incurs billing and collection expenses in collecting charges from the unauthorized carrier, the unauthorized carrier shall reimburse the authorized carrier for reasonable expenses. Pursuant to section 64.1170(e), if the authorized carrier has not received payment from the unauthorized carrier as required by paragraph (c) of this section, the authorized carrier is not required to provide any refund or credit to the subscriber. The authorized carrier must, within 45 days of receiving an order as described in paragraph (b) of this section, inform the subscriber and the relevant governmental agency that issued the order if the unauthorized carrier has failed to forward to it the appropriate charges, and also inform the subscriber of his or her right to pursue a claim against the unauthorized carrier for a refund of all charges paid to the unauthorized carrier. Pursuant to section 64.1170(f), where possible, the properly authorized carrier must reinstate the subscriber in any premium program in which that subscriber was enrolled prior to the unauthorized change, if the subscriber's participation in that program was terminated because of the unauthorized change. If the subscriber has paid charges to the unauthorized carrier, the properly authorized carrier shall also provide or restore to the subscriber any premiums to which the subscriber would have been entitled had the unauthorized change not occurred. The authorized carrier must comply with the requirements of this section regardless of whether it is able to recover from the unauthorized carrier any charges that were paid by the subscriber. (*No. of respondents:* 1960; *hours per response:* 7 hours; *total annual burden:* 13,720 hours).

h. Section 64.1180, Reporting Requirement. Pursuant to section 64.1180, each provider of telephone exchange and/or telephone toll service shall submit to the Commission via

e-mail (slamming *478@fcc.gov*), U.S. Mail, or facsimile a slamming complaint report form identifying the number of slamming complaints received during the reporting period and other information as specified in 64.1180(b). Reporting shall commence August 15, 2001. Carriers are required to complete and file a copy of the FCC Form 478. Copies of the form may be downloaded from the Commission's forms webpage (www.fcc.gov/formpage.html). Carriers are encouraged to maintain all records regarding slamming complaints for at least 24 months from the date on which they receive written, electronic, or oral contact by a consumer alleging that an unauthorized change in his/her preferred carrier was made by the carrier or by another carrier. (*No. of respondents:* 1850; *hours per response:* 7 *hours per submission;* 14 hours; *total annual burden:* 25,900 hours).

i. Section 64.1190, Preferred Carrier Freezes. Section 64.1190 requires that all local exchange carriers that impose preferred carrier freezes on their subscribers' accounts must verify such freezes, as well as accept subscriber requests to lift such freezes in writing or by three-way calls. (*No. of respondents:* 1800; *hours per response:* 2 hours; *total annual burden:* 3600 hours).

j. Section 1.719, Informal Complaints Filed Pursuant to Section 258—Section 1.719 applies to complaints alleging that a carrier has violated section 258 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, by making an unauthorized change of a subscriber's preferred carrier, as defined by § 64.1100(e). Pursuant to section 1.719(b), the complaint shall be in writing, and should contain: (1) The complainant's name, address, telephone number and e-mail address (if the complainant has one); (2) the name of both the allegedly unauthorized carrier, as defined by § 64.1100(d), and authorized carrier, as defined by § 64.1100(c); (3) a complete statement of the facts (including any documentation) tending to show that such carrier engaged in an unauthorized change of the subscriber's preferred carrier; (4) a statement of whether the complainant has paid any disputed charges to the allegedly unauthorized carrier; and (5) the specific relief sought. If the complainant is unsatisfied with the resolution of a complaint under this section, the complainant may file a formal complaint with the Commission in the form specified in § 1.721 of this part. (*No. of respondents:* 13,200; *hours per response:* 4 hours; *total annual burden:* 52,800 hours).

k. Voluntary Reporting Requirement. States that choose to administer the Commission's slamming rules must regularly file information with the Commission that details slamming activity in their regions. Such filings should identify the number of slamming complaints handled, including data on the number of valid complaints per carrier; the identity of top slamming carriers; slamming trends; and other relevant information. See paragraph 34 of the Order. (*Number of respondents:* 51; *hours per response:* 10 hours; *total annual burden:* 510 hours). The information from these collections will be used to implement section 258 of the Act. The information will strengthen the ability of our rules to deter slamming, while addressing concerns raised with respect to our previous administrative procedures. The information will also enable us to give victims of slamming adequate redress and ensure that carriers that slam do not profit from their fraud. The information will help to protect consumers from carriers who may attempt to take advantage of consumer confusion over different types of telecommunications services. The information gathered in response to the reporting requirement will enable the Commission to identify, as soon as possible, the carriers that repeatedly initiate unauthorized changes. Obligation to respond: Required to obtain or retain benefits.

Public reporting burden for the collection of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, DC 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–8040 Filed 3–30–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Tentative Programmatic Agreement With Respect to Co-Locating Wireless Antennas on Existing Structures

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this public notice, we announce the issuance of a Nationwide Programmatic Agreement (Programmatic Agreement), attached as Appendix A, that streamlines procedures for review of collocations of antennas under the National Historic Preservation Act (NHPA). This Nationwide Programmatic Agreement has been executed by the Federal Communications Commission, the National Conference of State Historic Preservation Officers, and the Advisory Council on Historic Preservation.

FOR FURTHER INFORMATION CONTACT: Joel Taubenblatt, Wireless Telecommunications Bureau, at (202) 418–7240.

SUPPLEMENTARY INFORMATION: The Wireless Telecommunications Bureau previously sought public comment on a previous draft of this Programmatic Agreement by *Public Notice* released December 26, 2000. See Wireless Telecommunications Bureau Seeks Comment on a Draft Programmatic Agreement with Respect to Co-Locating Wireless Antennas on Existing Structure, *Public Notice*, DA 00–2901 (rel. Dec. 26, 2000), 66 FR 795 (Jan. 4, 2001). The executing parties have considered all comments received in response to the *Public Notice*, and have made several changes to the draft agreement in response to these comments.

This is a summary of the *Public Notice* which includes the full text of the finalized and agreed upon version of the Programmatic Agreement. See Wireless Telecommunications Bureau Announces Execution of Programmatic Agreement with Respect to Collocating Wireless Antennas on Existing Structures, *Public Notice*, DA 01–691 (rel. March 16, 2001). The *Public Notice* (including the Programmatic Agreement) is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth Street, SW., Washington DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington DC. 20036, (202) 857–3800. The document is also available via the internet at: *http://www.fcc.gov/wtb/siting.*

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Appendix A to the Public Notice

Nationwide Programmatic Agreement for the Collocation of Wireless Antennas

Executed by

The Federal Communications Commission, The National Conference of State Historic Preservation Officers and The Advisory Council on Historic Preservation

Whereas, the Federal Communications Commission (FCC) establishes rules and procedures for the licensing of wireless

communications facilities in the United States and its Possessions and Territories; and,

Whereas, the FCC has largely deregulated the review of applications for the construction of individual wireless communications facilities and, under this framework, applicants are required to prepare an Environmental Assessment (EA) in cases where the applicant determines that the proposed facility falls within one of certain environmental categories described in the FCC's rules (47 C.F.R. § 1.1307), including situations which may affect historical sites listed or eligible for listing in the National Register of Historic Places (''National Register''); and,

Whereas, Section 106 of the National Historic Preservation Act (16 U.S.C. §§ 470 *et seq.*) (''the Act'') requires federal agencies to take into account the effects of their undertakings on historic properties and to afford the Advisory Council on Historic Preservation (Council) a reasonable opportunity to comment; and,

Whereas, Section 800.14(b) of the Council's regulations, ''Protection of Historic Properties'' (36 CFR § 800.14(b)), allows for programmatic agreements to streamline and tailor the Section 106 review process to particular federal programs; and,

Whereas, in August 2000, the Council established a Telecommunications Working Group to provide a forum for the FCC, Industry representatives, State Historic Preservation Officers (SHPOs) and Tribal Historic Preservation Officers (THPOs), and the Council to discuss improved coordination of Section 106 compliance regarding wireless communications projects affecting historic properties; and,

Whereas, the FCC, the Council and the Working Group have developed this Collocation Programmatic Agreement in accordance with 36 CFR Section 800.14(b) to address the Section 106 review process as it applies to the collocation of antennas (collocation being defined in Stipulation I.A below); and,

Whereas, the FCC encourages collocation of antennas where technically and economically feasible, in order to reduce the need for new tower construction; and,

Whereas, the parties hereto agree that the effects on historic properties of collocations of antennas on towers, buildings and structures are likely to be minimal and not adverse, and that in the cases where an adverse effect might occur, the procedures provided and referred to herein are proper and sufficient, consistent with Section 106, to assure that the FCC will take such effects into account; and

Whereas, the execution of this Nationwide Collocation Programmatic Agreement will streamline the Section 106 review of collocation proposals and thereby reduce the need for the construction of new towers, thereby reducing potential effects on historic properties that would otherwise result from the construction of those unnecessary new towers; and,

Whereas, the FCC and the Council have agreed that these measures should be incorporated into a Nationwide Programmatic Agreement to better manage the Section 106 consultation process and streamline reviews for collocation of antennas; and,

Whereas, since collocations reduce both the need for new tower construction and the potential for adverse effects on historic properties, the parties hereto agree that the terms of this Agreement should be interpreted and implemented wherever possible in ways that encourage collocation; and

Whereas, the parties hereto agree that the procedures described in this Agreement are, with regard to collocations as defined herein, a proper substitute for the FCC's compliance with the Council's rules, in accordance and consistent with Section 106 of the National Historic Preservation Act and its implementing regulations found at 36 CFR part 800; and

Whereas, the FCC has consulted with the National Conference of State Historic Preservation Officers (NCSHPO) and requested the President of NCSHPO to sign this Nationwide Collocation Programmatic Agreement in accordance with 36 CFR Section 800.14(b)(2)(iii); and,

Whereas, the FCC sought comment from Indian tribes and Native Hawaiian Organizations regarding the terms of this Nationwide Programmatic Agreement by letters of January 11, 2001 and February 8, 2001; and,

Whereas, the terms of this Programmatic Agreement do not apply on ''tribal lands'' as defined under Section 800.16(x) of the Council's regulations, 36 CFR § 800.16(x) (''Tribal lands means all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities.''); and,

Whereas, the terms of this Programmatic Agreement do not preclude Indian tribes or Native Hawaiian Organizations from consulting directly with the FCC or its licensees, tower companies and applicants for antenna licenses when collocation activities off tribal lands may affect historic properties of religious and cultural significance to Indian tribes or Native Hawaiian organizations; and,

Whereas, the execution and implementation of this Nationwide Collocation Programmatic Agreement will not preclude members of the public from filing complaints with the FCC or the Council regarding adverse effects on historic properties from any existing tower or any activity covered under the terms of this Programmatic Agreement.

Now therefore, the FCC, the Council, and NCSHPO agree that the FCC will meet its Section 106 compliance responsibilities for the collocation of antennas as follows.

Stipulations

The FCC, in coordination with licensees, tower companies and applicants for antenna licenses, will ensure that the following measures are carried out.

I. Definitions

For purposes of this Nationwide Programmatic Agreement, the following definitions apply.

A. *''Collocation''* means the mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

B. *''Tower''* is any structure built for the sole or primary purpose of supporting FCC-licensed antennas and their associated facilities.

C. *''Substantial increase in the size of the tower''* means:

(1) The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

(2) The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

(3) The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(4) The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

I. Applicability

A. This Nationwide Collocation Programmatic Agreement applies only to the collocation of antennas as defined in Stipulation I.A, above.

B. This Nationwide Collocation Programmatic Agreement does not cover any Section 106 responsibilities that federal agencies other than the FCC may have with regard to the collocation of antennas.

III. Collocation of Antennas on Towers Constructed on or Before March 16, 2001

A. An antenna may be mounted on an existing tower constructed on or before March 16, 2001 without such collocation being reviewed under the consultation process set forth under Subpart B of 36 CFR Part 800, unless:

1. The mounting of the antenna will result in a substantial increase in the size of the tower as defined in Stipulation I.C, above; or

2. The tower has been determined by the FCC to have an effect on one or more historic properties, unless such effect has been found to be not adverse through a no adverse effect finding, or if found to be adverse or potentially adverse, has been resolved, such as through a conditional no adverse effect determination, a Memorandum of Agreement, a programmatic agreement, or

otherwise in compliance with Section 106 and Subpart B of 36 CFR Part 800; or

3. The tower is the subject of a pending environmental review or related proceeding before the FCC involving compliance with Section 106 of the National Historic Preservation Act; or

4. The collocation licensee or the owner of the tower has received written or electronic notification that the FCC is in receipt of a complaint from a member of the public, a SHPO or the Council, that the collocation has an adverse effect on one or more historic properties. Any such complaint must be in writing and supported by substantial evidence describing how the effect from the collocation is adverse to the attributes that qualify any affected historic property for eligibility or potential eligibility for the National Register.

IV. Collocation of Antennas on Towers Constructed After March 16, 2001

A. An antenna may be mounted on an existing tower constructed after March 16, 2001 without such collocation being reviewed under the consultation process set forth under Subpart B of 36 CFR Part 800, unless:

1. The Section 106 review process for the tower set forth in 36 CFR Part 800 and any associated environmental reviews required by the FCC have not been completed; or

2. The mounting of the new antenna will result in a substantial increase in the size of the tower as defined in Stipulation I.C, above; or

3. The tower as built or proposed has been determined by the FCC to have an effect on one or more historic properties, unless such effect has been found to be not adverse through a no adverse effect finding, or if found to be adverse or potentially adverse, has been resolved, such as through a conditional no adverse effect determination, a Memorandum of Agreement, a programmatic agreement, or otherwise in compliance with Section 106 and Subpart B of 36 CFR Part 800; or

4. The collocation licensee or the owner of the tower has received written or electronic notification that the FCC is in receipt of a complaint from a member of the public, a SHPO or the Council, that the collocation has an adverse effect on one or more historic properties. Any such complaint must be in writing and supported by substantial evidence describing how the effect from the collocation is adverse to the attributes that qualify any affected historic property for eligibility or potential eligibility for the National Register.

V. Collocation of Antennas on Buildings and Non-Tower Structures Outside of Historic Districts

A. An antenna may be mounted on a building or non-tower structure without such collocation being reviewed under the consultation process set forth under Subpart B of 36 CFR Part 800, unless:

1. The building or structure is over 45 years old; [1] or

2. The building or structure is inside the boundary of a historic district, or if the antenna is visible from the ground level of the historic district, the building or structure is within 250 feet of the boundary of the historic district; or

3. The building or non-tower structure is a designated National Historic Landmark, or listed in or eligible for listing in the National Register of Historic Places based upon the review of the licensee, tower company or applicant for an antenna license; or

4. The collocation licensee or the owner of the tower has received written or electronic notification that the FCC is in receipt of a complaint from a member of the public, a SHPO or the Council, that the collocation has an adverse effect on one or more historic properties. Any such complaint must be in writing and supported by substantial evidence describing how the effect from the collocation is adverse to the attributes that qualify any affected historic property for eligibility or potential eligibility for the National Register.

B. Subsequent to the collocation of an antenna, should the SHPO/THPO or Council determine that the collocation of the antenna or its associated equipment installed under the terms of Stipulation V has resulted in an adverse effect on historic properties, the SHPO/THPO or Council may notify the FCC accordingly. The FCC shall comply with the requirements of Section 106 and 36 CFR Part 800 for this particular collocation.

VI. Reservation of Rights

Neither execution of this Agreement, nor implementation of or compliance with any term herein shall operate in any way as a waiver by any party hereto, or by any person or entity complying herewith or affected hereby, of a right to assert in any court of law any claim, argument or defense regarding the validity or interpretation of any provision of the National Historic Preservation Act (16 U.S.C. §§ 470 *et seq.*) or its implementing regulations contained in 36 CFR Part 800.

VII. Monitoring

A. FCC licensees shall retain records of the placement of all licensed antennas, including collocations subject to this Nationwide Programmatic Agreement, consistent with FCC rules and procedures.

B. The Council will forward to the FCC and the relevant SHPO any written objections it receives from members of the public regarding a collocation activity or general compliance with the provisions of this Nationwide Programmatic Agreement within thirty (30) days following receipt of the written objection. The FCC will forward a copy of the written objection to the appropriate licensee or tower owner.

VIII. Amendments

If any signatory to this Nationwide Collocation Programmatic Agreement believes that this Agreement should be amended, that signatory may at any time propose amendments, whereupon the signatories will consult to consider the amendments. This agreement may be amended only upon the written concurrence of the signatories.

IX. Terminataion

A. If the FCC determines that it cannot implement the terms of this Nationwide Collocation Programmatic Agreement, or if the FCC, NCSHPO or the Council determines that the Programmatic Agreement is not being properly implemented by the parties to this Programmatic Agreement, the FCC, NCSHPO or the Council may propose to the other signatories that the Programmatic Agreement be terminated.

B. The party proposing to terminate the Programmatic Agreement shall notify the other signatories in writing, explaining the reasons for the proposed termination and the particulars of the asserted improper implementation. Such party also shall afford the other signatories a reasonable period of time of no less than thirty (30) days to consult and remedy the problems resulting in improper implementation. Upon receipt of such notice, the parties shall consult with each other and notify and consult with other entities that are either involved in such implementation or that would be substantially affected by termination of this Agreement, and seek alternatives to termination. Should the consultation fail to produce within the original remedy period or any extension, a reasonable alternative to termination, a resolution of the stated problems, or convincing evidence of substantial implementation of this Agreement in accordance with its terms, this Programmatic Agreement shall be terminated thirty days after notice of termination is served on all parties and published in the **Federal Register**.

C. In the event that the Programmatic Agreement is terminated, the FCC shall advise its licensees and tower construction companies of the termination and of the need to comply with any applicable Section 106 requirements on a case-by-case basis for collocation activities.

X. Annual Meeting of the Signatories

The signatories to this Nationwide Collocation Programmatic Agreement will meet on or about September 10, 2001, and on or about September 10 in each subsequent year, to discuss the effectiveness of this Agreement, including any issues related to improper implementation, and to discuss any potential amendments that would improve the effectiveness of this Agreement.

XI. Duration of the Programmatic Agreement

This Programmatic Agreement for collocation shall remain in force unless the Programmatic Agreement is terminated or superseded by a comprehensive Programmatic Agreement for wireless communications antennas.

Execution of this Nationwide Programmatic Agreement by the FCC, NCSHPO and the Council, and implementation of its terms, evidence that the FCC has afforded the Council an opportunity to comment on the collocation as described herein of antennas covered under the FCC's rules, and that the FCC has taken

[1] Suitable methods for determining the age of a building include, but are not limited to: (1) obtaining the opinion of a consultant who meets the Secretary of Interior's Professional Qualifications Standards (36 CFR Part 61) or (2) consulting public records.

into account the effects of these collocations on historic properties in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR part 800.

Federal Communications Commission.

Date:

Advisory Council of Historic Preservation.

Date:

National Conference of State Historic Preservation Officers.

Date:

[FR Doc. 01–7875 Filed 3–30–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2474]

Petition for Reconsideration and Clarification of Action in Rulemaking Proceeding

March 23, 2001.

Petitions for Reconsideration and Clarification has been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR section 1.429(e). The full text of this document is available for viewing and copying in Room CY–A257, 445 12th Street, S.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to this petition must be filed by April 17, 2001. See section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: Amendment of section 95.413(a)(9) CB Rule 13 Prohibition of Communications or Attempts to Communicate with Citizens Band Stations More Than 250 Kilometers (155.3 Miles) Away. (RM–9807).

Number of Petitions Filed: 1.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–7999 Filed 3–30–01; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL HOUSING FINANCE BOARD

[No. 2001–N–7]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995, the Federal Housing Finance Board (Finance Board) hereby gives notice that it is seeking public comments concerning a three-year extension by the Office of Management and Budget (OMB) of the previously approved information collection entitled ''Federal Home Loan Bank Directors.''

DATES: Interested persons may submit comments on or before June 1, 2001.

ADDRESSES: Address written comments and requests for copies of the information collection to Elaine L. Baker, Secretary to the Board, 202/408–2837, bakere@fhfb.gov, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Patricia L. Sweeney, Program Analyst, Program Assistance Division, Office of Policy, Research and Analysis, by telephone at 202/408–2872, by electronic mail at sweeneyp@fhfb.gov, or by regular mail to the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

A. Need For and Use of Information Collection

Section 7 of the Federal Home Loan Bank Act (Bank Act) and the Federal Housing Finance Board's (Finance Board) implementing regulation establish the eligibility requirements and the procedures for electing and appointing Federal Home Loan Bank (FHLBank) directors. *See* 12 U.S.C. 1427; 12 CFR part 915. Under part 915 (formerly codified at 12 CFR part 932), the FHLBanks determine the eligibility of elective directors and director nominees and run the director election process. The Finance Board determines the eligibility of and selects all appointive directors. To determine director eligibility, the FHLBanks use the elective director eligibility certification form (Form E–1), and the Finance Board uses the appointive director eligibility certification form (Form A–1). Both forms permit individuals to certify that no changes have occurred since they last submitted required information rather than completing anew the entire form.

The Gramm-Leach-Bliley Act, Pub. L. 106–102, 133 Stat. 1338, 1453 (Nov. 12, 1999) amended section 7(a) of the Bank Act to provide that a director of an FHLBank must be either a bona fide resident of the FHLBank or an officer or director of a member located in the district. Accordingly, the Finance Board amended part 915, effective August 7, 2000, to address specifically the statutory change with regard to the term ''bona fide resident'' of an FHLBank district as it applies to elective directors. In effect, an elective director no longer needs to be a bona fide resident of the district if he or she is an officer or director of a member located in the district. The elective director eligibility certification form has been revised to reflect this change.

There is no statutory change in director eligibility as applied to appointive directors. Thus, an appointive director will continue to be considered a bona fide resident of the district if he or she maintains a principal residence within the district or owns or leases a residence in his or her own name within the district and also is employed within the district.

The Finance Board uses the information collection contained in the appointive director eligibility certification form and part 915 to determine whether prospective and incumbent appointive directors satisfy the statutory and regulatory eligibility and reporting requirements. Only individuals meeting these requirements may serve as appointive directors of the FHLBanks. *See* 12 U.S.C. 1427(a) and (f)(2).

The FHLBanks use the information collection in the elective director eligibility certification form and part 915 to determine whether elective directors and director nominees satisfy the statutory and regulatory eligibility and reporting requirements. Only individuals meeting these requirements may serve as elective directors of the FHLBanks. *See* 12 U.S.C. 1427(a), (b) and (f)(3).

The likely respondents include prospective and incumbent FHLBank directors.

The OMB number for the information collection is 3069–0002. The OMB clearance for the information collection expires on June 30, 2001.

A. Burden Estimate

The Finance Board estimates that the total annual average number of prospective appointive directors and incumbent appointive directors at 88, with 1 response per person. The estimate for the average hours per person is .35 hours. The Finance Board estimates the total annual average number of prospective elective directors and incumbent elective directors at 172, with 1 response per person. The estimate for the average hours per person is .35 hours. The estimate for the annual hour burden for prospective and incumbent directors is 91 hours.

The Finance Board estimates that the total annual average hour burden for each FHLBank to run a director election, to process and review prospective elective director and incumbent elective director forms, and to distribute and collect incumbent appointive director forms is 160 hours, with 1 response per person. The estimate for the average hour burden for all FHLBanks is 1,920 hours.

The Finance Board estimates that the total annual hour burden for FHLBank System membership participation in the director elections is 960 hours.

Comment Request

The Finance Board requests written comments on the following: (1) whether the collection of information is necessary for the proper performance of Finance Board and FHLBank functions, including whether the information has practical utility; (2) the accuracy of the Finance Board's estimates of the burden of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) 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.

Dated: March 23, 2001.

By the Federal Housing Finance Board.

James L. Bothwell,

Managing Director.

[FR Doc. 01–8043 Filed 3–30–01; 8:45 am]

BILLING CODE 6725–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The application 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 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 25, 2001.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) South LaSalle Street, Chicago, Illinois 60690–1414:

1. American National Bank of Beaver Dam Employee Stock Ownership Trust, Beaver Dam, Wisconsin; to become a bank holding company by acquiring 30 percent of the voting shares of Ambanc Financial Services, Inc., Beaver Dam, Wisconsin; and thereby indirectly acquire The Bank of Helenville, Helenville, Wisconsin, and The American National Bank of Beaver Dam, Beaver Dam, Wisconsin.

Board of Governors of the Federal Reserve System, March 27, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–7977 Filed 3–30–01; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Federal Financial Participation in State Assistance Expenditures; Federal Matching Shares for Temporary Assistance to Needy Families, Medicaid, and Aid to Aged, Blind, or Disabled Persons for October 1, 2000 Through September 30, 2001 and for October 1, 2001 Through September 30, 2002. Legislated Change for Alaska

ACTION: Notice of legislated change.

SUMMARY: This Notice changes the Federal Medical Assistance Percentage (FMAP) and Enhanced FMAP values for Alaska shown in the Tables of Federal Medical Assistance Percentages calculated for determining the amount of Federal matching for State medical expenditures for Fiscal Years 2001 and 2002. The correction is necessary because the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 changed the formula for computing Alaska's percentages for purposes of Title XIX and XXI.

EFFECTIVE DATES: The corrected percentages will be effective for each of the 4 quarter-year periods in the period beginning October 1, 2000 and ending September 30, 2001 and for each of the 4 quarter-year periods in the period beginning October 1, 2001 and ending September 30, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Tolbert, Office of Health Policy, Office of the Assistant Secretary for Planning and Evaluation, Room 442E Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201, Telephone (202) 690–6870.

SUPPLEMENTARY INFORMATION: Section 706 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (P.L. 106–554), passed in December 2000, specified a new FMAP computation formula for Alaska for Fiscal Years 2001 through 2005. On February 23, 2000, at 65 FR 8979, the Department published the FY 2001 percentages. On November 17, 2000, at 65 FR 69560, the Department published the FY 2002 percentages. In these Notices, the FMAP for Alaska for FY 2001 is listed as 56.04% and for FY 2002 as 53.01%. These continue to be the correct percentages for Title IV–A and certain other programs. For purposes of Medicaid, the FMAP for Alaska will be 60.13% for FY 2001 and 57.38% for FY 2002. For purposes of the State Children's Health Insurance Program, the Enhanced FMAP will be 72.09% for FY 2001 and 70.17% for FY 2002.

Dated: March 23, 2001.

Brian P. Burns,

Deputy Assistant Secretary for Information Resource Management.

[FR Doc. 01–8007 Filed 3–30–01; 8:45 am]

BILLING CODE 4151–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Council for the Elimination of Tuberculosis: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (P.L. 92–463)

of October 6, 1972, that the charter for the Advisory Council for the Elimination of Tuberculosis (ACET) of the Centers for Disease Control and Prevention, Department of Health and Human Services, has been renewed for a 2-year period, through March 15, 2003.

For further information, contact Ronald O. Valdiserri, M.D., Executive Secretary, Advisory Council for the Elimination of Tuberculosis, CDC, 1600 Clifton Road, NE, M/S E–07, Atlanta, Georgia 30333, telephone 404/639–8002 or fax 404–639–8600.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: March 26, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–7874 Filed 3–30–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice Regarding Requirement for Submission of List of Ingredients Added to Tobacco in Cigarettes; Amendment

AGENCY: Centers for Disease Control and Prevention (CDC), HHS.

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Office on Smoking and Health (OSH), is amending the ingredient list due date referenced in the ''Notice Regarding Requirement for Submission of List of Ingredients Added to Tobacco in Cigarettes; Amendment'' published in the **Federal Register** on Tuesday, November 8, 1994.

FOR FURTHER INFORMATION CONTACT: Lawrence W. Green, Dr.P.H., Acting Director, Office on Smoking and Health, telephone (770) 488–5701.

SUPPLEMENTARY INFORMATION: On November 8, 1994, CDC published a notice changing the reporting date from December 31 to March 31 for submission of the list of ingredients added to tobacco in cigarettes [59 FR 55669]. The following amendment is made to that notice:

On page 55670, first column, second paragraph, after ''Dates:'' change to read ''upon initial importation and on March 31st every year thereafter.''

Dated: March 26, 2001.

Joseph R. Carter,

Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–7989 Filed 3–30–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice Regarding Requirement for Submission of List of Ingredients Added to Tobacco in the Manufacture of Smokeless Tobacco Products; Amendment

AGENCY: Centers for Disease Control and Prevention (CDC), HHS.

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC), National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Office on Smoking and Health (OSH), is amending the ingredient list due date referenced in the ''Notice Regarding Requirement for Submission of List of Ingredients Added to Tobacco in the Manufacture of Smokeless Tobacco Products; Amendment'' published in the **Federal Register** on Tuesday, November 8, 1994.

FOR FURTHER INFORMATION CONTACT: Lawrence W. Green, Dr.P.H., Acting Director, Office on Smoking and Health, telephone (770) 488–5701.

SUPPLEMENTARY INFORMATION: On November 8, 1994, CDC published a notice changing the reporting date from December 31 to March 31 for submission of the list of ingredients added to tobacco in the manufacture of smokeless tobacco products (59 FR 55670). The following amendment is made to that notice:

On page 55670, first column, fourth paragraph, after ''Dates:'' change to read ''upon initial importation and on March 31st every year thereafter.''

Dated: March 26, 2001.

Joseph R. Carter,

Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–7990 Filed 3–30–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Federal Allotments to State Developmental Disabilities Councils (DDC) and Protection and Advocacy (P&A) Formula Grant Programs for Fiscal Year 2002

AGENCY: Administration on Developmental Disabilities (ADD), Administration for Children and Families, Department of Health and Human Services.

ACTION: Notification of Fiscal Year 2002 Federal allotments to State Developmental Disabilities Councils and Protection and Advocacy formula grant programs.

SUMMARY: This notice sets forth Fiscal Year (FY) 2002 individual allotments and percentages to States administering the State Developmental Disabilities Councils and Protection and Advocacy programs, pursuant to Section 122 and Section 142 of the Developmental Disabilities Assistance and Bill of Rights Act (Act). The allotment amounts are based upon the FY 2001 Budget Request and are contingent upon congressional appropriations for FY 2002. If Congress enacts and the President approves a different appropriation amount, the allotments will be adjusted accordingly. The individual allotments will be available April 1, 2001 on the ADD homepage on the Internet: *http://www.act.dhhs.gov/programs/add/.*

EFFECTIVE DATE: October 1, 2001.

FOR FURTHER INFORMATION CONTACT: Doris Lee, Grants Fiscal Management Specialist, Office of Management Services, Administration for Children, Youth and Families, telephone (202) 205–4626.

SUPPLEMENTARY INFORMATION: Section 122(a)(2) of the Act requires that adjustments in the amounts of State allotments shall be made not more often than annually and that States are to be notified no less than six (6) months before the beginning of the fiscal year in which such adjustment is to take effect. In relation to the State DDC allotments, the description of service needs were reviewed in the State plans and are consistent with the results obtained from the data elements and projected formula amounts for each State (Section 122(a)(5)).

The Administration on Developmental Disabilities has updated the following data elements for issuance of Fiscal Year 2002 allotments for the

Developmental Disabilities formula grant programs.

A. The number of beneficiaries in each State and Territory under the Childhood Disabilities Beneficiary Program are from Table 5.J10 of the ''Annual Statistical Supplement, 2000 to the Social Security Bulletin'' issued by the Social Security Administration;

B. State data on Average Per Capita Income are from Table 1—Personal Income and Per Capita Personal Income by State and Region, 1996–99 of the ''Survey of Current Business,'' October, 2000, issued by the Bureau of Economic Analysis, U.S. Department of Commerce; comparable data for the Territories also were obtained from the Department of Commerce October, 2000; and

C. State data on Total Population and Working Population (ages 18–64) as of July 1, 1999, are from the ''Estimate of Resident Population of the U.S. by Selected Age Groups and Sex,'' issued by the Bureau of the Census, U.S. Department of Commerce. Total population estimates for the Territories, as of 1999, are from the Statistical Abstract of the United States: 2000 issued by the Bureau of Census. The Territories working population was issued in the Bureau of Census report, ''General Characteristics Report: 1980,'' which is the most recent data available from the Bureau.

TABLE 1.—FY 2002 ALLOTMENTS—ADMINISTRATION ON DEVELOPMENTAL DISABILITIES

	Developmental disabilities councils	Percentage
Total	[1] $67,800,000	100.000000
Alabama	1,316,694	1.942027
Alaska	20,477	.620173
Arizona	965,108	1.423463
Arkansas	768,612	1.133646
California	5,876,564	8.667492
Colorado	732,816	1.080850
Connecticut	678,461	1.000680
Delaware	420,477	.620173
District of Columbia	420,477	.620173
Florida	2,856,147	4.212606
Georgia	1,657,371	2.444500
Hawaii	420,477	.620173
Idaho	420,477	.620173
Illinois	2,656,686	3.918416
Indiana	1,465,626	2.161690
Iowa	795,933	1.173942
Kansas	610,953	.901111
Kentucky	1,218,231	1.796801
Louisiana	1,414,383	2.086111
Maine	420,477	.620173
Maryland	926,442	1.366434
Massachusetts	1,311,359	1.934158
Michigan	2,378,843	3.508618
Minnesota	1,007,871	1.486535
Mississippi	938,115	1.383650
Missouri	1,326,270	1.956150
Montana	420,477	.620173
Nebraska	425,955	.628252
Nevada	420,477	.620173
New Hampshire	420,477	.620173
New Jersey	1,493,616	2.202973
New Mexico	462.147	.681633
New York	4,150,337	6.121441
North Carolina	1,817,454	2.680611
North Dakota	420,477	.620173
Ohio	2,870,118	4.233212
Oklahoma	912,780	1.346283
Oregon	703,155	1.037102
Pennsylvania	3,111,570	4.589336
Rhode Island	420,477	.620173
South Carolina	1,059,459	1.567300
South Dakota	420,477	.620173
Tennessee	1,443,822	2.129531
Texas	4,290,573	6.328279
Utah	521,763	.769562
Vermont	420,477	.620173
Virginia	1,374,780	2.027699
Washington	1,066,152	1.572496
West Virginia	765,828	1.129540
Wisconsin	1,284,774	1.894947
Wyoming	420,477	.620173
American Samoa	220,752	.325593
Guam	220,752	.325593
Northern Mariana Islands	220,752	.325593
Puerto Rico	2,373,546	3.500805

TABLE 1.—FY 2002 ALLOTMENTS—ADMINISTRATION ON DEVELOPMENTAL DISABILITIES—Continued

	Developmental disabilities councils	Percentage
Virgin Islands	220,752	.325593

[1] Allocations are computed based on the requirements of Section 122(a)(4)(B), Reduction of Allotment of the Act.

TABLE 2.—FY 2002 ALLOTMENTS—ADMINISTRATION ON DEVELOPMENTAL DISABILITIES

State	Protection and advocacy	Percentage
Total	[1] $32,340,000	100.000000
Alabama	544,401	1.683367
Alaska	314,319	.971920
Arizona	454,324	1.404836
Arkansas	323,364	.999889
California	2,776,522	8.585411
Colorado	344,211	1.064351
Connecticut	326,619	1.009954
Delaware	314,319	.971920
District of Columbia	314,319	.971920
Florida	1,404,766	4.343741
Georgia	766,845	2.371197
Hawaii	314,319	.971920
Idaho	314,319	.971920
Illinois	1,113,210	3.442208
Indiana	631,366	1.952276
Iowa	320,978	.992511
Kansas	314,319	.971920
Kentucky	503,612	1.557242
Louisiana	557,936	1.725220
Maine	314,319	.971920
Maryland	427,672	1.322424
Massachusetts	550,395	1.701902
Michigan	1,047,124	3.237860
Minnesota	434,873	1.344691
Mississippi	387,714	1.198868
Missouri	574,279	1.775754
Montana	314,319	.971920
Nebraska	314,319	.971920
Nevada	314,319	.971920
New Hampshire	314,319	.971920
New Jersey	658,758	2.036976
New Mexico	314,319	.971920
New York	1,680,809	5.197307
North Carolina	810,417	2.505928
North Dakota	14,319	.971920
Ohio	1,207,229	3.732928
Oklahoma	380,649	1.177022
Oregon	329,527	1.018946
Pennsylvania	1,263,351	3.906466
Rhode Island	314,319	.971920
South Carolina	465,271	1.438686
South Dakota	314,319	.971920
Tennessee	619,765	1.916404
Texas	1,860,544	5.753074
Utah	314,319	.971920
Vermont	314,319	.971920
Virginia	637,072	1.969920
Washington	487,689	1.508006
West Virginia	338,198	1.045758
Wisconsin	548,445	1.695872
Wyoming	314,319	.971920
American Samoa	168,175	.520022
Guam	168,175	.520022
Northern Mariana Islands	168,175	.520022
Puerto Rico	897,039	3.288336
Virgin Islands	168,175	.520022
DNA People Legal Services [2]	168,175	.520022

[1] In accordance with Public Law 106–402, Section 142(a)(6), $660,000 has been withheld to fund technical assistance. The stature provides for spending up to two percent (2%) of the amount appropriated under Section 142 for this purpose. Unused funds will be reallotted in accordance with Section 142(c) of the Act.

[2] American Indian Consortiums are eligible to receive an allotment under Section 142(a)(6)(B) of the Act.

Dated: March 21, 2001.

Sue Swenson,

Commissioner, Administration on Developmental Disabilities.

[FR Doc. 01–7963 Filed 3–30–01; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Circulatory System Devices Panel of the Medical Devices 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: Circulatory System Devices Panel of the Medical Devices 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 23, 2001, 8 a.m. to 5 p.m.

Location: Holiday Inn, Kennedy Grand Ballroom, 8777 Georgia Ave., Silver Spring, MD.

Contact: Megan Moynahan, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8517, ext. 171, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12625. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will discuss, make recommendations, and vote on a premarket approval application for a peripheral stent used in the treatment of stenotic or occluded femoral or popliteal arteries. Subsequently, the committee will discuss clinical study design issues for peripheral stents used in the treatment of stenotic or occluded iliac arteries. Background information and questions for the committee will be available to the public on April 20, 2001, on the Internet at http://www.fda.gov/cdrh/panelmtg.html.

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 April 18, 2001. Oral presentations from the public will be scheduled between approximately 8 a.m. and 8:30 a.m. Near the end of the committee deliberations, a 30-minute open public session will be conducted for interested persons to address issues specific to the submission before the committee. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before April 18, 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 26, 2001.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 01–7995 Filed 3–30–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01D–0129]

Medical Devices Draft Guidance for the Implementation of the Biomaterials Access Assurance Act of 1998; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Implementation of the Biomaterials Access Assurance Act of 1998.'' The Biomaterials Access Assurance Act of 1998 (BAA98) allows persons to petition FDA for a declaration stating that a biomaterials supplier should have registered as a medical device establishment or listed its products with FDA but has not done so. This draft guidance provides information that FDA believes should be included in the petition, the procedures FDA believes should be followed in submitting the petition, and the procedures that the Center for Devices and Radiological Health (CDRH) intends to adopt for addressing petitions for declaration. This guidance is neither final nor is it in effect at this time.

DATES: Submit written comments on the draft guidance by July 2, 2001. Submit written comments on the information collection requirements by June 1, 2001.

ADDRESSES: Submit written requests for single copies on a 3.5″ diskette of the draft guidance document entitled ''Implementation of the Biomaterials Access Assurance Act of 1998'' to the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–443–8818. Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: Harold A. Pellerite, Center for Devices and Radiological Health (HFZ–300), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–4692, ext. 159.

SUPPLEMENTARY INFORMATION:

I. Background

BAA98 (21 U.S.C. 1601–1606) establishes a mechanism to protect some biomaterials suppliers of implanted medical devices from liability in civil suits for harm caused by an implant. However, biomaterials suppliers are not protected from liability when they fail to meet specifications, act as a manufacturer or seller of the implanted devices, or have substantial economic ties to either the manufacturer or seller. For the purposes of BAA98, a ''biomaterials supplier'' is defined as an entity that directly or indirectly supplies a component part or raw material for use in the manufacture of an implanted medical device. BAA98 also provides that a biomaterials supplier may be considered a manufacturer of a medical device if the supplier is the subject of an FDA declaration that states that the supplier was required to register, under section 510 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360), but failed to do so, or was required to list its device, under section 520(j) of the act (21 U.S.C. 360(j)), but failed to do so. BAA98 allows persons to petition FDA for a declaration stating that a biomaterials supplier should have registered or listed with FDA but has not done so.

The draft guidance discusses the prerequisites for filing a petition for declaration and suggests information to be included in the petition. The following three prerequisites must be

met in order to file a petition: (1) A civil suit has been filed in State or Federal court alleging that an implant directly or indirectly caused harm; (2) the suit was filed after August 13, 1998; and (3) the manufacturer of the implant was named as a party to the civil action. Petitioners are also requested to identify the final product and its intended use; the activities the supplier performs with respect to the device; and the name as well as the type of entity or person to which the supplier sends the device.

II. Significance of Guidance

This draft guidance document represents the agency's current thinking on BAA98. 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 applicable statutes and regulations.

The agency has adopted good guidance practices (GGP's), and published the final rule, which set forth the agency's regulations for the development, issuance, and use of guidance documents (21 CFR 10.115; 65 FR 56468, September 19, 2000). This draft guidance document is issued as a Level 1 guidance in accordance with the GGP regulations.

III. Electronic Access

In order to receive a copy of the draft guidance entitled ''Implementation of the Biomaterials Access Assurance Act of 1998'' via your fax machine, call the CDRH Facts-On-Demand system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. Press 1 to enter the system. At the second voice prompt press 1 to order a document. Enter the document number (1324) followed by the pound sign (#). Follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the draft guidance may also do so using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with Internet access. Updated on a regular basis, the CDRH home page includes the civil money penalty guidance documents package, device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, mammography matters, and other device-oriented information. The CDRH home page may be accessed at http://www.fda.gov/cdrh/comp/guidance/1324.pdf.

IV. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing a notice of the proposed collection of information set forth below.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Implementation of the Biomaterials Access Assurance Act of 1998

BAA98 establishes a mechanism to protect biomaterial suppliers of implanted medical devices from liability in civil actions. BAA98 includes exceptions for when protection from liability is not available to suppliers. One of those exceptions is when a supplier acts as a manufacturer of the implanted device. BAA98 says that a biomaterials supplier may be considered a manufacturer of a medical device if the supplier is the subject of an FDA declaration that the supplier was required to register under section 510 of the act and failed to do so, or was required to list its device under section 520(j) of the act and failed to do so.

BAA98 allows persons to petition FDA for a declaration that a biomaterials supplier should have registered its establishment or listed its device with FDA, and failed to do so. Petitioners are requested to include information about the prerequisites for filing a petition. This information includes the following: (1) A civil suit has been filed in State or Federal court alleging that an implant directly or indirectly caused harm; (2) the suit was filed after August 13, 1998; and (3) the manufacturer of the implant was named as a party to the civil action. Petitioners are also requested to include information to identify the following: (1) The final product and how it is intended to be used, (2) the activities the supplier performs on the device, and (3) the name as well as type of entity or person to which the supplier sends the device. These draft reporting requirements are intended to provide FDA with sufficient information to show that the prerequisites for filing the petition are met and determine whether a biomaterial supplier should have registered its establishment or listed its device with FDA, and failed to do so.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
5	1	5	1	5

[1] There are no operating and maintenance costs or capital costs associated with this collection of information.

BAA98 became effective August 13, 1998. Up until the current date, no petitions for declaration have been filed with FDA. However, FDA believes that in future years a handful (estimated at 5) of petitioners may file with the agency. FDA estimates that respondents would take approximately 1 hour to gather the requisite information and draft a petition. The likely respondents to this collection of information are persons involved in civil actions based

on harm arising from an implanted medical device.

V. Comments

Interested persons may submit to Dockets Management Branch (address above) written comments regarding this draft guidance by July 2, 2001. Submit two copies of any comments, 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. Written comments concerning the information collection requirements must be received by Dockets Management Branch by June 1, 2001. The draft guidance and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 26, 2001.

Linda S. Kahan,

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

[FR Doc. 01–7956 Filed 3–30–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–4130]

Medical Devices; Information Disclosure by Manufacturers to Assemblers for Diagnostic X–Ray Systems; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; availability of guidance.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a final guidance entitled ''Information Disclosure by Manufacturers to Assemblers for Diagnostic X–Ray Systems; Final Guidance for Industry and FDA.'' This guidance document is intended to provide guidance to the industry about meeting requirements for disclosure to assemblers, and to others upon request, of certain types of information at a cost not to exceed the cost of publication and distribution to ensure that x-ray systems will meet Federal performance standards.

DATES: Submit written comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies on a 3.5″ diskette of the guidance document entitled ''Information Disclosure by Manufacturers to Assemblers for Diagnostic X–Ray Systems; Final Guidance for Industry and FDA'' to the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–443–8818. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit written comments concerning the guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Thomas M. Jakub, Center for Devices and Radiological Health (HFZ–322), Food and Drug Administration, 2094 Gaither Rd., Rockville, MD 20850, 301–594–4591.

SUPPLEMENTARY INFORMATION:

I. Background

This final Level 1 guidance document entitled ''Information Disclosure by Manufacturers to Assemblers for Diagnostic X–Ray Systems; Final Guidance for Industry and FDA'' is intended to provide guidance to diagnostic x-ray system manufacturers, users, assemblers, and others concerning the requirement to disclose information about the assembly, installation, adjustment, and testing (AIAT) of x-ray components for diagnostic x-ray systems. (See § 1020.30(g) (21 CFR 1020.30(g))). With the advancement of technology and the use of computers with corresponding software, manufacturers need clarification about what information must be disclosed to satisfy the requirements of AIAT disclosure. This final Level 1 guidance document supersedes the corresponding draft guidance entitled ''Draft Guidance on Information Disclosure by Manufacturers to Assemblers for Diagnostic X–Ray Systems,'' which was announced in the **Federal Register** on October 8, 1999 (64 FR 54901). The comment period closed on January 6, 2000. The agency received several comments and recommendations concerning the draft guidance. A number of comments received by the agency addressed issues that do not fall within the scope of the guidance and § 1020.30(g). The final guidance contains only minor changes from the draft guidance.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). This guidance document represents the agency's current thinking on information disclosure by manufacturers to assemblers for diagnostic x-ray systems, as required by § 1020.30(g). It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statutes and regulations.

III. Electronic Access

In order to receive ''Guidance on Information Disclosure by Manufacturers to Assemblers for Diagnostic X–Ray Systems; Final Guidance for Industry and FDA'' via your fax machine, call the CDRH Facts-On-Demand system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. At the first voice prompt press 1 to access DSMA Facts, at the second voice prompt press 2, and then enter the document number (2619) followed by the pound sign (#). Then follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the guidance may also do so using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Internet. Updated on a regular basis, the CDRH home page includes ''Guidance on Information Disclosure by Manufacturers to Assemblers for Diagnostic X–Ray Systems; Final Guidance for Industry and FDA,'' device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, mammography matters, and other device-oriented information. The CDRH home page may be accessed at http://www.fda.gov/cdrh. ''Guidance on Information Disclosure by Manufacturers to Assemblers for Diagnostic X–Ray Systems; Final Guidance for Industry and FDA'' is also available at http://www.fda.gov/cdrh/comp/2619.html. Guidance documents are also available on the Dockets Management Branch website at http://www.fda.gov/ohrms/dockets/default.htm.

IV. Comments

Interested persons may, at any time, submit written comments regarding the guidance to the Dockets Management

Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 26, 2001.

Linda S. Kahan,

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

[FR Doc. 01–8058 Filed 3–28–01; 3:43 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Request for Public Comment: 60-day Proposed Collection; Indian Health Service Contract Health Service Report

AGENCY: Indian Health Service, HHS.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, to provide a 60-day advance opportunity for public comment on proposed data collection projects, the Indian Health Service (IHS) is publishing for comment a summary of a proposed information collection project to be submitted to the Office of Management and Budget for review.

Proposed Collection: Title: 09–17–0002, ''IHS Contract Health Service Report''. *Type of Information Collection Request:* 3-year reinstatement, without change, of previously approved information collection, 0917–0002, ''IHS Contract Health Service Report'' which expires 07/31/01. *Form Number:* IHS–843–1A, ''Purchase-Delivery Order for Health Services.'' *Need and Use of Information Collection:* The Contract Health Service health care providers complete form IHS–843–1A to certify that they have performed the health services authorized by the IHS. The information is used to manage, administer, and plan for the provision of health services to eligible American Indian patients, process payments to providers, obtain program data, provide program statistics, and serve as a legal document for health care services rendered. *Affected Public:* Businesses or other for-profit, Individuals, not-for-profit institutions and State, local or Tribal Government. *Type of Respondents:* Health care providers. The table below provides: Type(s) of Data Collection Instruments, Estimated Number of Respondents, Number of Responses per Respondent, Annual Number of Responses, Average Burden Hour per Response, and Total Annual Burden Hour.

Data collection instrument	Estimated number of respondents	Number of responses per respondent	Annual number of responses	Average burden hour per response (3 mins)*	Total annual burden hours
IHS–843–1A	7,399	42	310,758	0.05	15,538
IDS**	16,356	1	16,356	0.05	818

* For ease of understanding, burden hours are also provided in actual minutes.
** Inpatient Discharge Summary (IDS)

There are no Capital Costs, Operating Costs or Maintenance Costs to report.

Request for Comments: Your written comments and/or suggestions are invited on one or more of the following points: (a) Whether the information collection activity is necessary to carry out an agency function; (b) whether the agency processes the information collected in a useful and timely fashion; (c) the accuracy of public burden estimate (the estimated amount of time needed for individual respondents to provide the requested information); (d) whether the methodology and assumptions used to determine the estimate are logical; (e) ways to enhance the quality, utility, and clarity of the information being collected; and (f) ways to minimize the public burden through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments and Requests for Further Information: Send your written comments, requests for more information on the proposed project, or requests to obtain a copy of the data collection instrument and instructions to: Mr. Lance Hodahkwen, Sr., M.P.H., IHS Reports Clearance Officer, 12300 Twinbrook Parkway, Suite 450, Rockville, MD 20852.1601, call non-toll free (301) 443–1116, fax (301) 443–2316, or send your E-mail requests, comments, and return address to: lhodahkw@.hqe.ihs.gov.

Comment Due Date: Your comments are best assured of having their full effect if received on or before June 1, 2001.

Dated: March 23, 2001.

Michael H. Trujillo,

Assistant Surgeon General, Director, Indian Health Service.

[FR Doc. 01–7998 Filed 3–30–01; 8:45 am]

BILLING CODE 4160–16–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),Center for Substance Abuse Treatment (CSAT), and Center for Mental Health Services (CMHS) announce the availability of FY 2001 funds for a cooperative agreement for the following activity: Competing Continuation of the Starting Early Starting Smart Data Coordinating Center (DCC).

Eligibility: Only the currently funded SESS Data Coordinating Center, operated by the Evaluation, Management & Training (EMT), Associates may apply. Only EMT may

apply because they have served as the Data Coordinating Center for the cross-site study during the past 2+ years of data collection. The existing SESS Data Coordinating Center (DCC) has developed the necessary infrastructure for the collection, analysis and dissemination of SESS project data, and has experience working with the current 12 SESS grantees.

Availability of Funds: Up to $3.99 million ($1.740 million for the first year and $2.25 million for the second year) will be available for this award to the DCC (direct and indirect). The actual level will depend on the availability of appropriated funds and progress achieved.

Period of Support: The period of support will be for 22 months. Year 1 will consist of the first 12 months, which will be from June 1, 2001 to May 31, 2002. Year 2 will cover the subsequent 10 months from June 1, 2002 to March 31, 2003. Annual awards will depend on the availability of funds and progress achieved.

Catalog of Federal Domestic Assistance Number: 93.230.

Program Contact: For questions concerning program issues, contact: Michele M. Basen, M.P.A., Office on Early Childhood, Center for Substance Abuse Prevention, Substance Abuse and Mental Health Services Administration, Rockwall II, Room 950, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–6478, E-Mail *mbasen@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*.

Dated: March 26, 2001.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–7997 Filed 3–30–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–14]

Notice of Proposed Information Collection: Comment Request Floodplain Management and Protection of Wetlands

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* June 1, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Sheila Jones, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW., Room 7232, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Richard Broun, Director, Office of Community Viability, Department of Housing and Urban Development, Room 7240, 451 Seventh Street, SW., Washington, DC 20410–7000. For telephone communication, contact Walter Prybyla, Deputy Director for Policy, Environmental Review Division, (202) 708–1201 x4466 or e-mail: Walter_Prybyla@hud.gov. This phone number is not toll-free. Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Floodplain Management and Protection of Wetlands.

OMB Control Number, if applicable: 2506–0151.

Description of the need for the information and proposed use: The purpose of this information collection is regulatory compliance. Each respondent that proposes to use HUD assistance to benefit a property located within a floodplain or wetland must establish and maintain sufficient records to enable the Secretary of HUD to determine whether the requirements of 24 CFR part 55, especially subpart C, have been met. Part 55 implements Executive Order 11988, Floodplain Management, and Executive Order 11990, the Protection of Wetlands. The record, together with other environmental compliances that a proposed project may require under the National Environmental Policy Act and related laws, will serve to obtain the approval of an application under 24 CFR part 50 or will allow the use of grant funds or assistance already awarded under 24 CFR part 58.

Agency form numbers, if applicable: Not applicable.

Members of affected public: State, Local or Tribal Government.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: Annual reporting and recordkeeping hour burden estimate is a total of 2,700 hours. Estimates are 300 respondents, 1 frequency, and 9 hours of response. Total of 300 hours for notification of floodplain hazard (regulatory reference is § 55.21). Total of 2,400 hours for documentation of compliance with § 55.20 (regulatory reference is § 55.27).

Status of the proposed information collection: Reinstatement, without change, of previously approved collection for which approval has expired.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: March 26, 2001.

Donna M. Abbenante,

Acting General Deputy Assistant Secretary.

[FR Doc. 01–7969 Filed 3–30–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–23]

Notice of Submission of Proposed Information Collection to OMB; Public Housing Agency (PHA) Development Cost Budget/Cost Statement, Actual Development Cost Certificate, Acquisition and Relocation Report

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 2, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2577–0036) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Public Housing Agency (PHA) Development Cost Budget/Cost Statement, Actual Development Cost Certificate, Acquisition and Relocation Report.

OMB Approval Number: 2577–0036.

Form Numbers: HUD–52427, HUD–52484.

Description of the Need for the Information and Its Proposed Use: HA-owned insurance entities must submit certain documentation to HUD and also submit audit and actuarial reviews to HUD. PHAs provide information to enable HUD to determine whether amounts requested or spent are reasonable to services or items purchased or to actual or projected development progress so that, if necessary, action can be taken timely. Acquisition/relocation reports enable HUD to determine PHA compliance with the U.S. Housing Act of 1937.

Respondents: Not-for-profit institutions, State, Local or Tribal Government.

Frequency of Submission: Annually.

Reporting Burden:

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
824		2.95		4.79		11,667

Total Estimated Burden Hours: 11.667.

Status: Reinstatement, without change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 23, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–7970 Filed 3–30–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–22]

Notice of Submission of Proposed Information Collection to OMB; Insurance Information

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 2, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2577–0045) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction

Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Insurance Information.

OMB Approval Number: 2577–0045.

Form Numbers: HUD–5460.

Description of the Need for the Information and Its Proposed Use: The Annual Contributions Contract between HUD and PHAs require PHAs to insure their property for an amount sufficient to protect against financial loss. When new projects are considered HUD–5460 is used to establish an insurable value at the time the project is built. Insurance amounts can be adjusted yearly as inflation and increased costs of construction create an upward trend on insurable values.

Respondents: State, Local or Tribal Government.

Frequency of Submission: Reporting.

Reporting Burden:

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
60		1		1		60

Total Estimated Burden Hours: 60.

Status: Reinstatement, without change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 23, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–7971 Filed 3–30–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–21]

Notice of Submission of Proposed Information Collection to OMB; Low Income Housing Tax Credit Database

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 2, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2528–0165) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information. (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Low Income Housing Tax Credit Database.

OMB Approval Number: 2528–0165.

Form Numbers: None.

Description of the Need for the Information and its Proposed Use: Section 42 of the I.R.C. provides for Low-Income Housing Tax Credits (LIHTC) that encourages the production of qualified low-income housing units. This information collection provides basic data on LIHTC projects. The resulting database will be used for analysis of LIHTC projects and will serve as a sampling frame.

Respondents: State, Local or Tribal Government.

Frequency of Submission: Annually.

Reporting Burden:

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
58		1		24		1392

Total Estimated Burden Hours: 1392.

Status: Reinstatement, without change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 23, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–7972 Filed 3–30–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–033–01–1230–EA]

Temporary Closure of Public Lands—Recreation Special Events: Nevada, Carson City Field Office

AGENCY: Interior Department, Bureau of Land Management

ACTION: Temporary closure of public lands.

SUMMARY: Temporary closure of affected public lands in Lyon, Storey, Churchill, Carson, Douglas, Mineral and Washoe Counties on and adjacent to permitted special events such as: Motorized Off Highway Vehicle, Mountain Bike, Horse Endurance competitive event sites and routes. Competitive events (races) are conducted along dirt roads, trails, washes and areas approved for such use through the Special Recreation Use Permit application process. Events occur from May through November, 2001. Closure period is from 6:00 a.m. race day until race finish or until the event has cleared between affected Check Point locations; approximately 2 to 24 hour periods. The general public will be advised of each event and Closure specifics via local newspapers and mailed public letters within 30 days prior to the running of the events. Event maps and information will be posted at the Carson City Field Office.

Locations most commonly used for permitted events include:

1. Lemmon Valley MX Area—Washoe Co., T21N R19E S8
2. Hungry Valley Off Highway Vehicle Area—Washoe Co., T21–23N R20E
3. Pine Nut Mountains—Carson, Douglas & Lyon Counties: T11–16N R20–24E
4. Virginia City/Jumbo Areas—Washoe & Storey Counties: T 16–17N R20–21E
5. Yerington/Weeks Areas—Lyon Co.: T12–16N R23–27E
6. Fallon Area—Churchill Co.: T14–18N R27–32E
7. Hawthorne Area—Mineral County: T5–14N R31½–36E

The Assistant Manager, Non-Renewable Resources announces the temporary closure of selected public lands under his administration. This action is taken to provide for public safety and to protect adjacent resources.

EFFECTIVE DATES: May through November, 2001. Events may be canceled or rescheduled at short notice.

FOR FURTHER INFORMATION CONTACT: Fran Hull, Outdoor Recreation Planner, Carson City District, Bureau of Land Management, 5665 Morgan Mill Road, Carson City, Nevada 89701, Telephone: (775) 885–6161.

SUPPLEMENTARY INFORMATION: Bureau lands to be closed to public use include the width and length of those roads and trails identified as the race route by colorful flagging and directional arrows attached to wooden stakes. A map and schedule of each closure area may be obtained at the contact address. The authorized applicants are required to clearly mark and monitor the event routes during closure periods.

Public uses generally affected by a Temporary Closure include: road and trail uses, camping, shooting of any kind of weapon including paint ball, and public land exploration. Spectator and support vehicles may be driven on open roads only. Spectators may observe the races from certain locations as directed by event and BLM officials.

Exemptions: Closure restrictions do not apply to race officials, medical/rescue, law enforcement and agency personnel monitoring the event.

Authority: 43 CFR 8364 and 43 CFR 8372.

Penalty: Any person failing to comply with the closure orders may be subject to imprisonment for not more than 12 months, or a fine in accordance with the applicable provisions of 18 U.S.C. 3571, or both.

Dated: March 22, 2001.

Richard Conrad,

Assistant Manager, Non-renewable Resources.

[FR Doc. 01–07967 Filed 3–30–01; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–014–1610–PG; 01–0139]

Klamath Provisional Advisory Committee Meeting

AGENCY: Bureau of Land Management, Klamath Falls Resource Area, Interior.

ACTION: Meeting notice for the Klamath Provisional Advisory Committee.

SUMMARY: The Klamath Provisional Advisory Committee (PAC) will meet at the Bureau of Land Management, Redding Field Office, 355 Hemsted, Redding, CA 96002, on Thursday, April 5, 2001 from 12 Noon to 5 PM, and on April 6, 2001 from 8 AM to 3 PM. Among the topics to be discussed are Federal Energy Regulatory Commission relicensing of PacifiCorp facilities along the Klamath River and Forest reports on National Fire Planning. The entire meeting is open to the public. Information to be distributed to the Committee members is requested 10 days prior to the start of the meeting. Public comment is scheduled for 4:30 PM to 5 PM on Thursday April 5, 2001.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the Klamath PAC may be obtained from Teresa Raml, Field Manager, Klamath Falls Resource Area, 2795 Anderson Ave., Building 25, Klamath Falls, Oregon 97603, Phone Number 541–883–6916, FAX 541–884–2097, or e-mail *traml@or.blm.gov*.

Dated: March 21, 2001.

Melvin D. Crockett,

Acting Field Manager.

[FR Doc. 01–8110 Filed 3–30–01; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

60-day Notice of Intention To Request Clearance of Collection of Information; Opportunity for Public Comment

AGENCY: National Park Service, Interior.

ACTION: Notice and request for comments.

SUMMARY: Under the Paperwork Reduction Act of 1995 and 5 CFR part 1320, Reporting and Record Keeping Requirements, the NPS invites public comments on (1) the need for the information including whether the information has practical utility; (2) the accuracy of the reporting burden estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

The request is for extension of a currently approved information collection requirement approved by OMB and assigned clearance No. 1024–0037. Copies of the request and related forms and explanatory material may be obtained by contacting the individual named below.

DATES: Public comments will be accepted on or before June 1, 2001.

SEND COMMENTS TO: Dr. Francis P. McManamon, Manager, Archaeology

and Ethnography Program, National Park Service, 1849 C Street NW., Room NC210, Washington, DC 20240. Street address: 800 North Capitol, NW., Suite 210, Washington, DC 20001. Phone 202/343–4101. Fax 202/523–1547.

If you wish to comment, you may submit your comments using several metods. You may mail comments to the postal address given here. You may fax your comments to the fax number given. You may also hand-deliver comments to the street address given here. 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. 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 orgnizations or businesses, available for public inspection in their entirety.

SUPPLEMENTARY INFORMATION:

Title: Application for and issuane of Federal Permits under the Archaeological Resources Potection Act and the Antiquities Act.

Department Form Numbers: DI–1926 (permit application), DI–1991 (permit form)

OMB Number: 1024–0037.

Expiration date: to be determined by OMB.

Type of request: Extension of a previously approved clearance.

Description of need: Information collected responds to statutory requirements that Federal agencies (1) issue permits to qualified individuals and institutions desiring to excavate or remove archeoloical resources from public or Indian lands, and (2) specify terms and conditions, including reporting requirements, in permits. The information collected is reported annually to Congress and is used for land management purposes.

Automated Data Collection: At the present time, there is no automated way to gather this information.

Description of Respondents: Individuals, businesses, academic institutions, tribes or tribal members, Federal agencies and other parties wishing to excavate or remove archaeological resources from public or Indian lands.

Estimated Average Number of Respondents: 700.

Estimated Average Burden Hours per Response: 2.5 hour.

Estimated Annual Reporting Burden. 1750.

Leonard E. Stowe,

Acting, Information Collection Clearance Officer, WASO Administrative Program Center, National Park Service.

[FR Doc. 01–7988 Filed 3–30–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting; correction.

SUMMARY: On March 9, 2001, the National Park Service published a notice of a meeting of the National Landmarks Committee of the National Park System Advisory Board to be held at 9:00 a.m. on May 8 and May 9, 2001 at the Ann Pamela Cunningham Building, Mount Vernon, Mount Vernon, Virginia 22121.

FOR FURTHER INFORMATION CONTACT: Patricia Henry, National Historic Landmarks Survey, National Register, History, and Education (2280); National Park Service, 1849 C Street, NW; Room NC–400; Washington, DC 20240. Telephone (202) 343–8163.

Correction

In the **Federal Register** of March 9, 2001, in FR Doc. 01–5935, on page 14198, in the third column, in line 30, ''Wyoming'' is corrected to read ''West Virginia.''

Dated: March 21, 2001.

Carol D. Shull,

Chief, National Historic Landmarks Survey and Keeper of the National Register of Historic Places; National Park Service, Washington, DC.

[FR Doc. 01–7987 Filed 3–30–01; 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 17, 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 17, 2001.

Patrick W. Andrus,

Acting, Keeper of the National Register of Historic Places.

Georgia

Gilmer County

Cartecay Methodist Church and Cemetery, Jct. of roy Rd and GA 52, Ellijay, 01000383

Jackson County

Braselton Historic District, Jct. of GA 124 and GA 53, Braselton, 01000384

Kansas

Ellis County

Fort Fletcher Stone Arch Bridge, (Masonry Arch Bridges of Kansas TR) 4.8 mi. S of Walker, Walker Ave., Walker, 01000385

Lincoln County

Marshall—Yohe House, 316 S. Second St., Lincoln, 01000386

Louisiana

Vernon Parish

Reid, Dr. William E., House, 300 S. 8th St., Leesville, 01000387

Maryland

Baltimore Independent city

Mount Vernon Mill No. 1, 3000 Falls Rd., Baltimore, 01000388

New York

Jefferson County

Village of Antwerp Historic District, Roughly Main, Depot, Maple, VanBuren, Mechanic, Fulton, Academy and Washington Sts., Lexington, Hoyt & Madison Aves., Antwerp, 01000389

Ohio

Hardin County

Mount Victory Historic District, Main and Taylor Sts., Mount Victory, 01000390

Union County

Henderson, Dr. David W., House, 318 E. Fifth St., Marysville, 01000391

South Dakota

Hutchinson County

Salem Church Parsonage, 206 S. High St., Menno, 01000392

Tennessee

Giles County

Abernathy Farm, (Historic Family Farms in Middle Tennessee MPS) 9441 Elkton Pike, Conway, 01000393

Hamilton County

Signal Mountain Elementary School, 809 Kentucky Ave., Signal Mountain, 01000395

Knox County

Monday House, (Knoxville and Knox County MPS) 2721 Asbury Rd., Knoxville, 01000394

Texas

Travis County

University Junior High School, 1925 San Jacinto Blvd., Austin, 01000396

Wisconsin

Green Lake County

Ketchum, Daniel and Catherine, Cobblestone House, 147 E. Second St., Marquette, 01000397

[FR Doc. 01–7986 Filed 3–30–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of the U.S. Department of the 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 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 San Ildefonso, New Mexico; the Pueblo of Zia, New Mexico; and the Zuni Tribe of the Zuni Reservation.

In 1915, human remains representing three individuals were recovered from two archeological sites in Gobernador Canyon and Adams Canyon in northwestern New Mexico during legally-authorized excavations and collections by Earl Morris of the University of Colorado and the American Museum of Natural History. These human remains are presently curated at the University of Colorado Museum. No known individuals were identified. No associated funerary objects are present.

Based on material culture, architecture, and site organization, the Gobernador Canyon site and the Adams Canyon site have been identified as a Navajo pueblito and hogans occupied between C.E. 1500–1750.

In 1941, human remains representing one individual were recovered from site LA 11171 in New Mexico during legally-authorized excavations and collections by E.T. Hall of Columbia University. These human remains are presently curated by the Museum of New Mexico. No known individual was identified. The 13 associated funerary objects are pottery sherds and chipped stone.

Based on material culture, site LA 11171 has been identified as an 18th century Navajo burial.

During 1959–1965, human remains representing one individual were recovered from site LA 54175 in New Mexico during legally authorized excavations and collections by the Museum of New Mexico as part of the Navajo Reservoir Project. These human remains are presently curated by the Museum of New Mexico. No known individual was identified. No associated funerary objects are present.

Based on material culture, site LA 54175 has been identified as a cave with an historic-period Navajo utilization.

Continuities of ethnographic materials, technology, and architecture indicate affiliation of the four sites listed above with the historic and present-day Navajo Nation. Oral traditions presented by representatives of the Navajo Nation, Arizona, New Mexico, and Utah support cultural affiliation with these four sites in 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 a minimum of five 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 13 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 associated funerary objects and the Navajo Nation, Arizona, New Mexico and Utah. This notice has been sent to officials of 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 San Ildefonso, 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 and associated funerary objects 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 May 2, 2001. Repatriation of the human remains and associated funerary objects to the Navajo Nation, Arizona, New Mexico, and Utah may begin after that date if no additional claimants come forward.

Dated: March 16, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–7981 Filed 3–30–01; 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 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 Acoma, New Mexico; the Pueblo of Isleta, New Mexico; the Pueblo of Laguna, New Mexico; the Pueblo of Sandia, New Mexico; the Pueblo of Santa Ana, New Mexico; the Pueblo of Zia, New Mexico; and Ysleta Del Sur Pueblo of Texas.

Between 1970 and 1981, human remains representing 24 individuals were recovered from sites ENM 673, ENM 838, ENM 844, and ENM 880 in New Mexico during legally-authorized excavations and collections conducted by Cynthia Irwin-Williams with Eastern New Mexico University's Rio Puerco Valley Project. These human remains are presently curated at Eastern New Mexico University. No known individuals were identified. The two associated funerary objects are a pottery bowl and a sherd.

Based on material culture, architecture, and site organization, sites ENM 673, ENM 838, ENM 844, and ENM 880 have been identified as a Chaocan outlier and three associated Anasazi pueblos occupied between C.E. 900–1300.

In 1984, human remains representing one individual were recovered from site LA 45884 in New Mexico during legally-authorized excavations and collections by the Museum of New Mexico. No known individual was identified. No associated funerary objects were present.

Based on material culture, architecture, and site organization, site LA 45884 has been identified as an Anasazi pithouse village occupied between C.E. 900–1100.

Continuities of ethnographic materials, technology, oral traditions, and architecture indicate affiliation of sites with the Pueblo of Acoma, New Mexico; the Pueblo of Isleta, New Mexico; the Pueblo of Laguna, New Mexico; the Pueblo of Sandia, New Mexico; the Pueblo of Santa Ana, New Mexico; the Pueblo of Zia, New Mexico; and Ysleta Del Sur Pueblo of Texas.

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 25 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 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 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 Acoma, New Mexico; the Pueblo of Isleta, New Mexico; the Pueblo of Laguna, New Mexico; the Pueblo of Sandia, New Mexico; the Pueblo of Santa Ana, New Mexico; the Pueblo of Zia, New Mexico; and Ysleta Del Sur Pueblo of Texas. This notice has been sent to officials of the Pueblo of Acoma, New Mexico; the Pueblo of Isleta, New Mexico; the Pueblo of Laguna, New Mexico; the Pueblo of Sandia, New Mexico; the Pueblo of Santa Ana, New Mexico; the Pueblo of Zia, New Mexico; and Ysleta Del Sur Pueblo of Texas. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects 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 May 2, 2001. Repatriation of the human remains and associated funerary objects to the Pueblo of Acoma, New Mexico; the Pueblo of Isleta, New Mexico; the Pueblo of Laguna, New Mexico; the Pueblo of Sandia, New Mexico; the Pueblo of Santa Ana, New Mexico; the Pueblo of Zia, New Mexico; and Ysleta Del Sur Pueblo of Texas may begin after that date if no additional claimants come forward.

Dated: March 16, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–7982 Filed 3–30–01; 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 Essex Museum, Salem, 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 Essex Museum, Salem, 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 two cultural items are a wooden bowl and a wooden spear.

During the 1880s–1900s, these cultural items were collected in Hawaii by J.S. Emerson. In 1907, these cultural items were purchased for the Peabody Essex Museum by Dr. C.G. Weld.

According to museum documents, Mr. Emerson indicated that the bowl was a ''very old Umeke [wooden poi bowl] found by myself in the burial cave of Kanupa'' and the spear ''an old Koaia wood war spear of the style called IHE Hou * * * found by myself in the cave of Kanupa.'' Museum documents and consultation with representatives of Hui Malama I Na Kupuna O Hawai'i Nei, Ka Lahui Hawai'i, and the Office of Hawaiian Affairs indicate that these cultural items are unassociated funerary objects. Conultation with representatives of Hui Malama I Na Kupuna O Hawai'i Nei, Ka Lahui Hawai'i, and the Office of Hawaiian Affairs also indicates their desire to

repatriate these cultural items based on the repatriation of human remains and associated funerary objects from Kanupa Cave on the island of Hawaii, HI by the Bernice Pauahi Bishop Museum in 1997.

Based on the above-mentioned information, officials of the Peabody Essex Museum have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), these two 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 Essex 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 unassociated funerary objects and Hui Malama I Na Kupuna O Hawai'i Nei, Ka Lahui Hawai'i, and the Office of Hawaiian Affairs. This notice has been sent to officials of Hui Malama I Na Kupuna O Hawai'i Nei, Ka Lahui Hawai'i, and the Office of Hawaiian Affairs. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these unassociated funerary objects should contact Christina Hellmich, Director of Collections Management, Peabody Essex Museum, East India Square, Salem, MA 01970, telephone (978) 745–1876, facsimile (978) 744–0036, before May 2, 2001. Repatriation of these unassociated funerary objects to Hui Malama I Na Kupuna O Hawai'i Nei, Ka Lahui Hawai'i, and the Office of Hawaiian Affairs may begin after that date if no additional claimants come forward.

Dated: March 15, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–7985 Filed 3–30–01; 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 University of Pennsylvania Museum of Archaeology and Anthropology, Philadelphia, PA

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 University of Pennsylvania Museum of Archaeology and Anthropology, Philadelphia, PA, that meet the definition of ''object of cultural patrimony'' 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 19 cultural items are ceremonial masks made of painted wood.

In 1935, Frederica de Laguna collected these cultural items from a refuse pit in the village of Holikachuk, AK, during an archeological and geological expedition to the middle and lower Yukon River, sponsored by the University of Pennsylvania Museum of Archaeology and Anthropology. Following the expedition, these cultural items were accessioned into the collections of the University of Pennsylvania Museum of Archaeology and Anthropology.

In 1963, the residents of the village of Holikachuk permanently moved to the neighboring village of Grayling, AK. Documentation associated with the masks and information provided by representatives of Denakkanaaga, Inc., authorized representatives of the Organized Village of Grayling (aka Holikachuk), confirms that a shared group identity exists between the residents of the village of Holikachuk and the residents of present-day Organized Village of Grayling (aka Holikachuk). Consultation evidence from the elders from the Organized Village of Grayling (aka Holikachuk) and representatives of Denakkanaaga, Inc., indicates that, at the time of collection, these cultural items were considered to be communal property of the residents of the village of Holikachuk and could not properly or legally have been sold, alienated, appropriated, conveyed, or taken into ownership by any individual.

Based on the above-mentioned information, officials of the University of Pennsylvania Museum of Archaeology and Anthropology have determined that, pursuant to 43 CFR 10.2 (d)(4), these 19 cultural items have ongoing historical, traditional, and cultural importance central to the tribe itself, and could not have been alienated, appropriated, or conveyed by any individual. Officials of the University of Pennsylvania Museum of Archaeology and Anthropology 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 objects of cultural patrimony and the Organized Village of Grayling (aka Holikachuk). This notice has been sent to officials of Denakkanaaga, Inc., and the Organized Village of Grayling (aka Holikachuk). Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects of cultural patrimony should contact Dr. Jeremy Sabloff, the Williams Director, University of Pennsylvania Museum of Archaeology and Anthropology, 33rd and Spruce Streets, Philadelphia, PA 19104–6324, telephone (215) 898–4051, facsimile (215) 898–0657, before May 2, 2001. Repatriation of these objects of cultural patrimony to the Organized Village of Grayling (aka Holikachuk) may begin after that date if no additional claimants come forward.

Dated: March 16, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–7983 Filed 3–30–01; 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 University of Pennsylvania Museum of Archaeology and Anthropology, Philadelphia, PA

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 University of Pennsylvania Museum of Archaeology and Anthropology, Philadelphia, PA, that meets the definition of ''sacred object'' and ''object of cultural patrimony'' under Section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of this cultural item. The National Park Service is not responsible for the determinations within this notice.

The one cultural item is a *Dilzini Gaan* headdress of painted wood and cloth.

In 1931, this cultural item was purchased by the Denver Art Museum from Mr. O.L.N. Foster. In 1959, the University of Pennsylvania Museum of Archaeology and Anthropology received this cultural item in an exchange with the Denver Art Museum. No information exists for the circumstances of the collection of this cultural item.

Documentation associated with the *Gaan* headdress and information provided by representatives of the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona confirm that a relationship of shared group identity exists between the original makers of the headdress and the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona. Representatives of the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona also have indicated that this cultural item is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Representatives of the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona provided evidence that this cultural item has ongoing historical, traditional, and cultural importance central to the tribe itself, and could not properly or legally have been sold, alienated, appropriated, conveyed, or taken into ownership by any individual.

Based on the above-mentioned information, officials of the University of Pennsylvania Museum of Archaeology and Anthropology have determined that, pursuant to 43 CFR 10.2 (d)(3), this cultural item is a specific ceremonial object needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the University of Pennsylvania Museum of Archaeology and Anthropology have determined that, pursuant to 43 CFR 10.2 (d)(4), this cultural item has ongoing historical, traditional, and cultural importance central to the tribe itself, and could not have been alienated, appropriated, or conveyed by any individual. Officials of the University of Pennsylvania Museum of Archaeology and Anthropology 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 sacred object/object of cultural patrimony and the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona. This notice has been sent to officials of the Fort McDowell Mohave-Apache Indian Community of the Fort McDowell Indian Reservation, Arizona; the San Carlos Apache Tribe of the San Carlos Reservation, Arizona; the Tonto Apache Tribe of Arizona; the Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona; and the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona. Representatives of any other Indian tribe that believes itself to be culturally affiliated with this sacred object/object of cultural patrimony should contact Dr. Jeremy Sabloff, the Williams Director, University of Pennsylvania Museum of Archaeology and Anthropology, 33rd and Spruce Streets, Philadelphia, PA 19104–6324, telephone (215) 898–4051, facsimile (215) 898–0657, before May 2, 2001. Repatriation of this sacred object/object of cultural patrimony to the White Mountain Apache Tribe of the Fort Apache Reservation, Arizona may begin after that date if no additional claimants come forward.

Dated: March 16, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–7984 Filed 3–30–01; 8:45 am]

BILLING CODE 4310–70–F

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–726–727 and 729 (Review)]

Polyvinyl Alcohol From China, Japan, and Taiwan

AGENCY: United States International Trade Commission.

ACTION: Institution of five-year reviews concerning the antidumping duty orders on polyvinyl alcohol from China, Japan, and Taiwan.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty orders on polyvinyl alcohol from China, Japan, and Taiwan would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is May 22, 2001. Comments on the adequacy of responses may be filed with the Commission by June 18, 2001. For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: April 2, 2001.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at http://dockets.usitc.gov/eol/public.

SUPPLEMENTARY INFORMATION:

Background

On May 14, 1996, the Department of Commerce issued antidumping duty orders on imports of polyvinyl alcohol from China, Japan, and Taiwan (61 FR 24286). The Commission is conducting reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full reviews or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions

The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number if 3117–0016/USITC No. 01–5–061, expiration date July 31, 2002. Public reporting burden for the request is estimated to average 7 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436.

defined by the Department of Commerce.

(2) The *Subject Countries* in these reviews are China, Japan, and Taiwan.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the Subject Merchandise. In its original determinations, the Commission defined the Domestic Like Product as all polyvinyl alcohol hydrolyzed in excess of 85 percent.

(4) The *Domestic Industry* is the U.S. producers as a whole of the Domestic Like Product, or those producers whose collective output of the Domestic Like Product constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined the Domestic Industry as all producers of polyvinyl alcohol hydrolyzed in excess of 85 percent.

(5) The *Order Date* is the date that the antidumping duty orders under review became effective. In these reviews, the Order Date is May 14, 1996.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the Subject Merchandise into the United States from a foreign manufacturer or through its selling agent.

Participation in the Reviews and Public Service List

Persons, including industrial users of the Subject Merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

Former Commission employees who are seeking to appear in Commission five-year reviews are reminded that they are required, pursuant to 19 CFR 201.15, to seek Commission approval if the matter in which they are seeking to appear was pending in any manner or form during their Commission employment. The Commission's designated agency ethics official has advised that a five-year review is the ''same particular matter'' as the underlying original investigations for purposes of 19 CFR 201.15 and 18 U.S.C. 207, the post employment statute for Federal employees. Former employees may seek informal advice from Commission ethics officials with respect to this and the related issue of whether the employee's participation was ''personal and substantial.'' However, any informal consultation will not relieve former employees of the obligation to seek approval to appear from the Commission under its rule 201.15. For ethics advice, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and APO Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the reviews. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification

Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these reviews must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written Submissions

Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 22, 2001. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is June 18, 2001. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the reviews you do not need to serve your response).

Inability To Provide Requested Information

Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determinations in the reviews.

Information To Be Provided in Response to This Notice of Institution

If you are a domestic producer, union/worker group, or trade/business association; import/export Subject Merchandise from more than one Subject Country; or produce Subject Merchandise in more than one Subject Country, you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent Subject Country. As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and E-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the Domestic Like Product, a U.S. union

or worker group, a U.S. importer of the Subject Merchandise, a foreign producer or exporter of the Subject Merchandise, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in these reviews by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty orders on the Domestic Industry in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of Subject Merchandise on the Domestic Industry.

(5) A list of all known and currently operating U.S. producers of the Domestic Like Product. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in the Subject Countries that currently export or have exported Subject Merchandise to the United States or other countries since 1995.

(7) If you are a U.S. producer of the Domestic Like Product, provide the following information on your firm's(s'') operations on that product during calendar year 2000 (report quantity data in 1,000 pounds and value data in thousands of U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the Domestic Like Product accounted for by your firm's(s'') production;

(b) The quantity and value of U.S. commercial shipments of the Domestic Like Product produced in your U.S. plant(s); and

(c) The quantity and value of U.S. internal consumption/company transfers of the Domestic Like Product produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the Subject Merchandise from the Subject Countries, provide the following information on your firm's(s') operations on that product during calendar year 2000 (report quantity data in 1,000 pounds and value data in thousands of U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of Subject Merchandise from the Subject Countries accounted for by your firm's(s') imports;

(b) The quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of Subject Merchandise imported from the Subject Countries; and

(c) The quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of Subject Merchandise imported from the Subject Countries.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in the Subject Countries, provide the following information on your firm's(s') operations on that product during calendar year 2000 (report quantity data in 1,000 pounds and value data in thousands of U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of Subject Merchandise in the Subject Countries accounted for by your firm's(s') production; and

(b) The quantity and value of your firm's(s') exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from the Subject Countries accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in the Subject Countries since the Order Date and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in the Subject Countries, and such merchandise from other countries.

(11) (Optional) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: March 26, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–8037 Filed 3–30–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request.

ACTION: Request OMB Emergency Approval; Supplement A to Form I–539 (Filing Instructions for V Nonimmigrant Status).

The Department of Justice, Immigration and Naturalization Service (INS) has submitted an emergency information collection request (ICR) utilizing emergency review procedures to the Office of Management and Budget (OMB) for review and clearance in accordance with section 1320.13(a)(1)(ii) and (a)(2)(iii) of the Paperwork Reduction Act of 1995. The INS has determined that it cannot reasonably comply with the normal clearance procedures under this part because normal clearance procedures are reasonably likely to prevent or

disrupt the collection of information. INS is requesting emergency review from OMB of this information collection to ensure compliance with the Legal Immigration Family Equity Act of 2000 (LIFE Act). Emergency review and approval of this ICR ensures that the applicant may apply for this benefit utilizing the revised collection instrument. Therefore, OMB approval has been requested by March 30, 2001.

If granted, the emergency approval is only valid for 180 days. ALL comments and/or questions pertaining to this pending request for emergency approval MUST be directed on OMB, Office of Information and Regulatory Affairs, 725 17th Street, NW., Suite 10235, Washington, DC 20503; Attention: Ms. Lauren Wittenberg, Department of Justice Desk Officer, 202–395–4718. Comments regarding the emergency submission of this information collection may also be submitted via facsimile to Ms. Wittenberg at 202–395–6974.

During the first 60 days of this same period, a regular review of this information collection is also being undertaken. During the regular review period, the INS requests written comments and suggestions from the public and affected agencies concerning this information collection. Comments are encouraged and will be accepted until June 1, 2001. During the 60-day regular review, ALL comments and suggestions, or questions regarding additional information, to include obtaining a copy of the information collection instrument with instructions, should be directed to Mr. Richard A. Sloan, 202–514–3291, Director, Policy Directives and Instruments Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection: New information collection.*

(2) *Title of the Form/Collection:* Supplement A to Form I–539 (Filing Instructions for V Nonimmigrant Status).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–539 Supplement A. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals and households. This form will be used by nonimmigrant to apply for an extension of stay, for a change to another nonimmigrant classification, or for obtaining V nonimmigrant classification.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 427,000 responses at 30 minutes (.50 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 213,500 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., National Place Building, Suite 1220, Washington, DC 20530.

Dated: March 27, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–7959 Filed 3–30–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Office for Victims of Crime

[OJP[OVC]–1309]

Antiterrorism and Emergency Fund Guidelines for Terrorism and Mass Violence Crimes

AGENCY: Office for Victims of Crime, Office of Justice Programs, Justice.

ACTION: Notice of proposed guidelines.

SUMMARY: The Office for Victims of Crime (OVC) has developed these proposed Guidelines to implement the victim assistance provisions contained in the Antiterrorism and Effective Death Penalty Act of 1996 (Pub L. 104–132) and the Omnibus Consolidated Appropriations Act of 1997 (Pub. L. 104–208) and the Victims of Trafficking and Violence Prevention Act of 2000 (Pub. L. 106–386). 42 U.S.C. 10603b and 10603c outline the specific authority of the OVC to provide compensation and assistance to victims of acts of terrorism or mass violence within and assistance to victims of terrorism and mass violence outside the United States. Funding available through the Antiterrorism and Emergency Fund is designed to provide timely relief and to help prevent immediate and on-going challenges in responding to victims of terrorism or mass violence. Assistance from this program is *not* limited to Presidentially declared human-caused disasters and other mass casualty crimes. Funding and support is not provided automatically. Requested funds must supplement, not supplant, existing resources. Non-federal contributions (cash or in-kind) are expected for each type of grant. Federal agencies are not expected to make a contribution. Amounts paid out of state funds to victims of terrorism or mass violence may be included in a states annual certification of payments to victims which is the basis for matching federal victim compensation formula grants.

DATES: Submit comments on or before April 2, 2001.

FOR FURTHER INFORMATION CONTACT: Carolyn Hightower, Deputy Director, Office for Victims of Crime, 810 Seventh Street, NW., Washington, DC 20531, telephone (202) 307–5983.

SUPPLEMENTARY INFORMATION:

I. Authority

42 U.S.C. § 10604 provides authority to the Director of OVC to establish rules, regulations, guidelines and procedures consistent with the program oversight and implementation responsibilities of the Director. OVC is publishing these proposed Guidelines for implementation of its authority under the Antiterrorism and Effective Death Penalty and Trafficking and Violence Prevention Acts. The public has 30 days to provide comments regarding the proposed rules set forth in these proposed Guidelines. OVC will issue a separate set of Guidelines to implement the new Compensation Program for International Terrorism Victims authorized by the Victims of Trafficking

and Violence Prevention Act of 2000 (Pub L. 106–386). OVC will review the comments received and make changes, as appropriate, in the Guidelines in response to the comments received prior to issuing the Final Program Guidelines.

II. Introduction and Background

OVC was created by the U.S. Department of Justice in 1983 and formally established by Congress in 1988 through an amendment to the Victims of Crime Act of 1984 [42.U.S.C. § 10601]. OVC's mission is to enhance the Nation's capacity to assist victims of crime and to provide leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime. OVC accomplishes its mission in a variety of ways: Administering the Crime Victims Fund, supporting direct services, providing training programs, sponsoring demonstration projects with national and international impact, and publishing and disseminating materials that highlight promising practices in the effective support of crime victims that can be replicated throughout the country and worldwide. Also, OVC is in the process of establishing a compensation program for victims of international terrorism.

OVC works with international, national, tribal, state, military, and local victim assistance and criminal justice agencies, as well as other professional organizations to promote fundamental rights and comprehensive services for crime victims. The largest amount of OVC funding is provided to state agencies designated by the governor to administer programs to assist crime victims—crime victim compensation and victim assistance. OVC is not only a grant funding agency, but also advocates for the fair treatment of crime victims, develops policy and provides technical assistance to states, localities, and other federal agencies on effective responses to crime victims, and supports public awareness and education on critical victim issues [42 U.S.C. 10604 and 10605]. OVC monitors federal agency compliance with federal statutes and guidelines dictating the fair treatment of crime victims, and prepares an annual compliance report for the Attorney General as well as periodically updates the *AG Guidelines for Victim and Witness Assistance.* This is done by entering into interagency agreements and memoranda of understanding, offering technical assistance through expert consultants, and forming and leading working groups to address issues impacting crime victims. In addition, OVC provides funding to support services to people victimized on tribal or federal lands, such as military bases and national parks. OVC provides emergency funds to federal agencies with victim and witness responsibility to assist victims of federal crime when no other resources are available.

Statement about Terrorism and Mass Violence. Violent and unexpected acts of terrorism and criminal mass casualty may leave the victims with serious physical and emotional wounds. Nothing in life prepares people for the horror of an act of terrorism or mass violence that robs them of their sense of security and in some instances a loved one. Victims of violent crime experience a range of needs—physical, financial, emotional, and legal. Victims are entitled by law in the United States to certain types of information and support services. While victims of terrorism have much in common with other violent crime victims and with disaster victims, they appear to experience higher levels of distress that are in part due to the unique issues related to the traumatic elements, and often the magnitude, of these politically motivated events. Terrorism and mass violence may involve murders that are committed by more than one person, multiple victims, and a greater degree of violence. Targeting of victims can be either random or specific such as in the case of the Oklahoma City bombing where Federal Government employees were the target's of the terrorists activities or in the case of the school shooting in Littleton, Colorado at Columbine High School that resulted in 15 fatalities, including the gunmen, and numerous injuries. Terrorism and mass violence may place people at risk for significant and long-term psychological and physical challenges. Like other victims of violent crime, victims of terrorism and mass violence need help in dealing with the crisis created by the event, in stabilizing their lives, and with understanding and participating in the criminal justice process—whether there is an arrest and trial soon after the criminal act, or if an arrest and trial is delayed for years.

International terrorist attacks can involve victims and survivors from many different countries and different states within the United States. The local governmental infrastructure and resources of non-government organizations vary considerably in foreign countries. Thus the ability to respond to a terrorist or mass violence incident, provide crisis intervention and services to victims also varies. In addition, care givers are sometimes unable to effectively intervene due to language, legal, or cultural barriers. When terrorism or mass violence is perpetrated against U.S. citizens abroad, U.S. government agencies and others that are involved in the response must operate in a manner that is not in conflict with the laws of the foreign country. The efforts, services and benefits of several federal agencies and programs, as well as some state victim assistance and compensation programs, and the efforts of non-government organizations must be well coordinated. Further, in international cases, victims may need services or incur expenses that are not traditionally provided by states or the Federal government. In an effort to promote effective services to these victims, OVC works with federal, state, and local agencies as well as international organizations to establish comprehensive, appropriate, and consistent assistance for victims of terrorism and mass violence occurring outside of the United States.

Impetus for Congressional Authorization. Following the bombing of the federal office building in Oklahoma City on April 19, 1995, Congress took a number of legislative steps to authorize funding and activities to assist the bombing victims. First, they passed legislation authorizing the Director of OVC to set aside monies from the Antiterrorism and Emergency Fund to make funds available to U.S. Attorneys Offices to provide assistance to the victims of the bombing, to facilitate their observation and attendance in trial proceedings, and for other related expenses. Next, Congress amended the Victims of Crime Act (VOCA) of 1984 [42 U.S.C. § 10603b] to provide general authority to the OVC Director to respond to other incidents of terrorism or mass violence within the United States and abroad. OVC has used the Antiterrorism and Emergency Fund to provide funding to support the victims of the Oklahoma City bombing, the bombing of Pan Am Flight 103, the bombing of the U.S. Embassies in Kenya and Tanzania, and two cases of mass violence—the school shootings in Oregon and Colorado.

In the second session of the 106th Congress, federal legislators enacted the Victims of Trafficking and Violence Protection Act of 2000 (Pub. L. 106–386) which provides aid for victims of terrorism and expanded OVC's authority to respond to incidents of terrorism and mass violence outside the United States. Congress authorized the OVC Director: to increase money set aside for the Antiterrorism and Emergency Fund to $100 million and to deposit deobligated dollars from other funded program areas into this special Fund; to expand the list of eligible applicants for funding in cases of terrorism outside the U.S. to

include, not only states and United States Attorneys Offices, but also victim service organizations, and public agencies (including Federal, State, or local governments), and non-governmental organizations that provide assistance to victims of crime by providing emergency relief including crisis response efforts, assistance, training and technical assistance and on-going assistance including during any investigation and prosecution [42 U.S.C. 10603b(a)]; and to use the Antiterrorism and Emergency Fund to establish a program to compensate victims of acts of international terrorism that occur outside the United States for associated expenses. These proposed Guidelines apply only to OVC's efforts to provide funding in cases of terrorism and mass violence occurring within and outside the United States and for supporting services, other than compensation. (Separate guidelines will be established for the international compensation program.) The program is designed to supplement the available resources and services of entities responding to acts of terrorism or mass violence. Thus, Antiterrorism and Emergency Fund support may be granted if needed services cannot be adequately provided with existing resources, or if the provision of services and assistance will result in an undue financial hardship on the jurisdiction's ability to respond to crime victims in a comprehensive and timely manner. OVC works with several federal agencies such as the Federal Emergency Management Agency, the Center for Mental Health Services, the Department of Education, the Department of State as well as others to make available their respective expertise and to maximize federal funding through interagency coordination to assist crime victims.

Role of the Federal Government. In recent years, the Federal Government has been called upon to play a larger role in mitigating and responding to all types of human-caused violent events and disasters. The federal responsibility ranges from immediate disaster relief to subsequent assistance that helps victims and communities to recover from a terrorist act or mass violence incident, and helps victims participate effectively in the criminal justice process. Moreover, because terrorist acts are federal crimes, investigated and prosecuted by federal law enforcement officials, federal criminal justice agencies have statutory responsibilities under the *Attorney General's Guidelines for Victim and Witness Assistance* related to victims' rights and services in connection with terrorism criminal cases.

Role of State Governments. State Crime Victim Compensation Programs reimburse crime victims for out-of-pocket expenses such as medical expenses, mental health counseling, funeral and burial costs, and lost wages related to their victimization, and state and local victim services agencies provide a wide variety of direct assistance to victims of federal and state crimes such as crisis counseling, temporary shelter, criminal justice advocacy, and the like. OVC works in concert with these programs to maximize the limited funding available to assist crime victims and facilitate coordination among the various responding agency's including federal law enforcement and prosecutorial agencies victim and witness staff.

Role of Other Public and Private Entities. Public and private sector organizations have a unique role in meeting the needs of crime victims through their various mandates and programs. Organizations like the United Way, the American Red Cross, and others offer important large scale response to communities victimized by crime.

III. Statutory Language and Definitions

The Antiterrorism and Effective Death Penalty Act of 1996 gave OVC the authority to establish and access the Antiterrorism and Emergency Fund in terrorism and mass violence cases. The Act amended the Victims of Crime Act (VOCA) adding a new provision, 42 U.S.C. 10603b, which covers terrorism or mass violence occurring both within and outside the United States. The Victims of Trafficking and Violence Prevention Act of 2000 expanded OVC's authority under 42 U.S.C. 10603b(a) to authorize the OVC Director to provide comprehensive and timely assistance to victims of terrorism occurring outside the United States.

In cases of terrorism or mass violence outside the United States, 42 U.S.C. 10603b(a) authorizes OVC to provide funding for emergency relief, including crisis response efforts, assistance, training, and technical assistance, and on-going assistance including during any investigation or prosecution, to benefit of victims of terrorist acts or mass violence. In cases of terrorism or mass violence occurring outside the United States, OVC is authorized to provide funding to states, victim service organizations, public agencies (including federal, state, or local governments), and non-governmental organizations that provide assistance to victims of crime.

In cases of terrorism or mass violence occurring within the United States, 42 U.S.C. 10603b(b) authorizes OVC to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance for the benefit of victims of terrorist acts or mass violence. Eligible applicants for funding are limited to state victim compensation and assistance programs and United States Attorneys Offices. The United States Attorney's Offices may use funding in coordination with the State crime victim compensation and assistance programs to provide emergency relief and assistance throughout the criminal justice process.

Definitions

Terrorism occurring within the United States. The term ''terrorism'' means an activity that * * * (A) involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; and (B) appear to be intended * * * (i) to intimidate or coerce a civilian population; (ii) influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnaping. [18 U.S.C. 3077]

Terrorism occurring outside the United States. The term ''international terrorism'' is being used to define *terrorism outside the United States* and means an activity that * * * (A) involves a violent act or an act dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; (B) appear to be intended * * * (i) to intimidate or coerce a civilian population; (ii) influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnaping; and (C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum.'' [18 U.S.C. 2331]

Mass Violence occurring within or outside the United States. The term ''mass violence'' is not defined in VOCA or any statute amending VOCA nor is it defined the U.S. Criminal Code. Thus, OVC has developed a working definition of this term. For purposes of

accessing the Antiterrorism and Emergency Fund, the term ''mass violence'' means an intentional violent criminal act, for which a formal investigation has been opened by the Federal Bureau of Investigation or other law enforcement agency, that results in physical, emotional or psychological injury to a sufficiently large number of people as to significantly increase the burden of victim assistance for the responding jurisdiction.

Emergency Relief. Means those activities intended to address a need which if left unattended may result in significant consequences. *Emergency relief* may include assistance required during the investigation and prosecution of an act of terrorism or mass violence as well as activities needed immediately following the criminal event.

Supplantation. Means to deliberately reduce state or local funds because of the availability of federal funds. For example, when state funds are appropriated for a stated purpose and federal funds are awarded for that same purpose, the state replaces its state funds with federal funds, thereby reducing the total amount available for the stated purpose (OJP Financial Guide).

In-kind support/contribution. Includes, but is not limited to, the valuation of in-kind services. ''In-kind'' is the value of something received or provided that does not have a cost associated with it. For example, if in-kind match is permitted by law (other than cash payments), then the value of donated services could be used to comply with the match requirement. (OJP Financial Guide).

IV. Source of Funding

Crime Victims Fund. A major responsibility of OVC is to administer the Crime Victims Fund, which is derived, not from tax dollars, but from fines and penalties paid by federal criminal offenders. A large percentage of the money collected each year is distributed to states to assist in funding their victim assistance and compensation programs. These programs are the lifeline services that help many victims to cope with the devastation of crime. The Fund also supports OVC's training and technical assistance and demonstration efforts as well as its direct services to victims of federal crime.

Antiterrorism and Emergency Fund. The OVC Director is authorized to hold in reserve up to $100 million of the Crime Victims Fund for two purposes—to off-set collections and deposits in the Fund and thereby stabilize funding for state and local victim service programs, and to support compensation and assistance services for victims of terrorism or mass violence. Thus far this money has been used to assist the victims of the Oklahoma City bombing, the East Africa Embassy bombings, Pan Am Flight 103 bombing, and school shootings in Oregon and Colorado. In both the Oklahoma City and Pan Am Flight 103 bombing cases, Congress enacted special legislation that expanded OVC's authority to fund activities beyond the parameters of the previous governing statute.

V. Types of Assistance

There are five types of support available from OVC to respond to terrorism and mass violence: (a) Crisis response grants; (b) consequence management grants; (c) criminal justice support grants; (d) compensation grants; and (e) technical assistance/training services. Jurisdictions are not limited to receiving only one type of assistance. Funding and other assistance may be provided for an extended period of time if the justification is provided by the applicant. Justification for extension in cases of terrorism within the U.S. must meet the emergency relief requirement, as determined by the OVC Director and the Office of General Counsel. Funding may be provided for each type of assistance available; however, coordination among the applicants is expected and a separate application must be submitted for each. OVC does not provide funding directly to individual crime victims, except compensation benefits in the case of international terrorism.

A. *Crisis Response Grants (emergency/short-term, 6–9 months)* are designed to provide resources to help victims rebuild adaptive capacities, decrease stressors, and to reduce symptoms of trauma immediately following the terrorism or mass violence event. Requests for *crisis response funding* must be made as soon as practical following the mass casualty event. In cases where requests for funding for mental health services assistance are made, OVC may work in tandem with the Disaster Relief Branch at the Center for Mental Health Services, SAMHSA. No additional application information is needed for Crisis Response Grants beyond the core application requirements.

B. *Consequence Management Grants (on-going/longer-term, 12–18 months)* are designed to provide supplemental resources to help victims adapt to the trauma event and to restore the victims sense of equilibrium. In addition to the core application requirements, requests for federal assistance should include identification of service providers with experience and knowledge about working with violent crime victims and a long-range or transition plan for providing assistance to victims.

C. *Criminal Justice Support Grants (on-going/longer-term, 18–24 months)* are designed to facilitate victim participation in an investigation or prosecution directly related to the terrorist and mass violence event. Requests for funding from a federal agency requires only a letter containing an assessment of the need and estimated scope and cost of the proposed services with a budget and budget narrative. Funding will be made available in the form of a reimbursable agreement. No SF 424, Application for Federal Assistance is required. In cases where there may be multiple jurisdiction in prosecuting the perpetrators, priority will be given to supporting the federal investigation and prosecution. It is within the OVC Director's authority to approve or deny requests for support for subsequent or parallel state criminal investigations and prosecutions.

D. *Crime Victim Compensation Grants* are designed to provide supplemental funding to a state crime victim compensation program in cases of terrorism or mass violence occurring within the United States to reimburse victims for out-of-pocket expenses related to their victimization. Grant funds may be used to pay claims to victims for cost that includes, but is not limited to medical and mental health counseling, funeral and burial, and lost wages. (See Section VIII for other allowable activities and expenses.)

Note: OVC may provide funding to other organizations to cover expenses not traditionally covered by state crime victim compensation programs. State crime victim compensation programs will be notified if such an award is made.

Requests for funding from State Crime Victim Compensation Programs to address the needs of victims of terrorism or mass violence occurring within the United States may be made at anytime and should include the projected number of claims to be paid and the projected number of claimants to receive payments, and the estimated amount per claim as well as the states maximum award amount by category, i.e., medical, mental health, loss wages, funeral, etc. The request should also describe the range of expenses covered by the program and the amount of state funding available to cover expenses of the victims. This information will allow OVC to determine if it must provide funding to another source to cover expenses beyond the scope of the state

compensation program requesting funding.

In the event that a victim, who receives compensation benefits from a state administered compensation program, recovers expenses from a collateral source, the state must be reimbursed accordingly and funds must be used to assist other victims of the specific act of terrorism or mass violence for which the Antiterrorism and Emergency Fund dollars were awarded.

E. *Request for Technical Assistance and Training.* A request for *technical assistance or training* may be made any time during the aftermath of terrorism or mass violence and during the criminal justice investigation or prosecution. Technical assistance is principally available to help federal, state, and local authorities identify victim needs and needed resources, to coordinate services to victims, to develop short- and longer-term strategies for responding, and for other purposes deemed necessary and essential by OVC Director. Technical assistance may consist of OVC staff alone or supplemented with other federal agency personnel or individuals from OVC's consultant database. Technical assistance providers may be provided by state and local agency personnel from other jurisdictions with experience in similar situations with logistical support from OVC. In addition to the core application requirements, applicants requesting Technical Assistance and Training must provide an assessment of the need which identifies the recipient(s), the nature of the problem, type of assistance needed, the duration of assistance, and timetable and plan for implementing outcomes.

VI. Allowable Activities

The range of services that OVC will support for terrorism and mass violence victims is outlined in this section. Allowable expenses are based, in part, on activities authorized in guidelines established for OVC's Federal Emergency Assistance Fund and VOCA Victim Assistance and Compensation Program Guidelines. In addition, OVC has relied upon the requirements of the *Attorney General Guidelines for Victim and Witness Assistance* for affording rights and providing services to federal crime victims to guide the development of these proposed Guidelines.

The services identified are intended to complement services that are available from other agencies and organizations as well as ensure a ''base'' level of assistance is available to terrorism and mass violence victims. Funding for services and other support may include, but are not limited to the following:

Crisis Response Assistance

Crisis counseling
Employer and creditor intervention
Child and dependent care
Assistance securing compensation
Emergency food, housing, and clothing
Toll-free telephone lines
Transportation assistance
Needs assessment (limited)

Consequence Management Assistance

Counseling and group therapy
Employer and creditor intervention
Victim informational websites
Rehabilitation expenses
Vocational Rehabilitation
Temporary housing, per diem, and relocation
Transportation assistance
Needs assessment (expanded)

Criminal Justice Support Assistance

Victim Identification
Information and Referral
Case briefings by investigators, prosecutors
Coordination
Closed circuit monitoring of trial
Victim Information (printed and electronic)
Assistance with Victim Impact Statements
Criminal Justice Notification
Travel to trial/criminal justice proceedings
Needs assessment

Crime Victim Compensation Assistance

Telephone costs to contact family members abroad
Autopsy, refrigeration, and transport of body
Emergency Travel and/or transportation costs
Attorneys fees (settle estates, etc.)
Co-payments required by insurance programs
Outpatient mental health treatment/therapy
Medical expenses including non-medical attendant services, rehabilitation & physical therapy diagnostic examinations, prosthetic devices, eyeglasses

Note: Allowable activities in one category may be necessary and authorized in another funding category.

VII. Accessing Emergency Fund Funding

Eligible Applicants. In the case of terrorism or mass violence within the United States, funding may be granted to state victim compensation and assistance programs and United States Attorneys offices to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance for the benefit of victims of terrorist acts or mass violence. In the case of terrorism or mass violence outside the United States, funding may be granted to states, victim service organizations, and public agencies (including federal, state or local governments) and non-governmental organizations that provide assistance to victims of crime to provide emergency relief, including crisis response efforts, assistance, training, and technical assistance, ongoing assistance, including during any investigation or prosecution. OVC will not provide funding to a foreign or domestic organization operated for the purpose of engaging in any significant political or lobbying activities or to individual crime victims, except compensation benefits in the case of international terrorism. [See international compensation guidelines upon issuance.] Funding will be made available to state VOCA agencies in the form of a grant. Funding provided to federal agencies shall be made in the form of an Reimbursable Agreement between OVC and the federal agency.

The chief executive officer for the agency/organization must sign the grant application, award documents and special conditions. In the case of grant funding provided to a state compensation or assistance agency, the authorized applicant is the VOCA administrator designated by the governor to apply for and administer federal funds. The officer must attest that funding made available from the Antiterrorism and Emergency Fund will only be used for the purposes to respond to the needs of victims of terrorism and/or mass violence.

Eligible Recipients. Eligible recipients of funds includes victims and surviving family members of victims of terrorism or mass violence. In international terrorism cases, eligible recipients include persons who are legal residents, nationals of the United States or an officer or employee of the United States Government who is injured or killed as a result of a terrorist act or mass violence. This includes a family member or legal guardian for persons who are less than 18 years of age, incompetent, incapacitated, or deceased. Unless otherwise indicated, these individuals are generally eligible for assistance from federally funded victim assistance programs as well as compensation from the OVC-administered international compensation program.

Coordination of Effort with Other Public and Private Entities. Public and

private organizations offer important large scale assistance to communities in crisis. OVC has drawn heavily upon the experiences of agencies such as the Federal Emergency Management Agency and the Center for Mental Health Services both of which have responsibility for providing assistance to communities following disasters. Extensive coordination with these agencies and the Departments of Education and State are integral to OVC's response in cases of terrorism and mass violence. We strongly encourage applicants to engage in similar types of coordination and planning with other relief agencies as this will be an important criterion in determining the amount of funding available from OVC. Funding is authorized for a coordinated needs assessment at each level of response. Extensive coordination with agencies such as state emergency preparedness, state mental health, local chapters of the American Red Cross and the United Way is an important component to an effective response to terrorism and mass violence. To avoid duplication of effort, OVC requires applicants to identify other public and private entities which may be available to assist in a response to terrorism or mass violence. Prior to submitting a request for funding to OVC, the applicant should contact these entities and define the range of services they will provide to support the response prior to submitting a request for funding.

Areas of Special Concern. In the development of a request for assistance, the applicant should be cognizant of special concerns, such as applicable state or federal laws and requirements regarding rights and services for crime victims, and the needs of high-risk populations, such as children, the elderly, and people with disabilities.

Application Process. An application for funding should be submitted to the OVC Director as soon as practical following a terrorist or mass violence event by the appropriate state or federal official or private victim service and non-governmental organizations. OVC has developed an application kit to assist in making application for Antiterrorism and Emergency Fund dollars. The kit will be mailed or faxed to potential applicants upon request.

Depending upon the type of assistance sought, requests for funding may include the following in addition to specific application requirements identified for each type of assistance:

- SF 424, Application for Federal Funding and applicable forms
- Letter of request containing the following, as appropriate:

—*Description of the mass casualty event, including the type of event, identification of the lead law enforcement entity conducting the investigation, explanation of the criminality of the incident (terrorism or mass violence), time-place-duration of the event, estimated number of affected victims, and proposed course of action; description of activities from the date of incident to the date of application submission; identification (list) of service providers; description of services to be provided; period of time requested support;*

—*Projected budget based on actual or estimated costs including description of cash or in-kind contribution;*

—*Identification of the principals and staff who will oversee the implementation of services;*

—*Explanation why existing resources are insufficient to support a comprehensive response; and*

—*Any other known resources available to assist in the response*

Requests for funding must identify all other federal and non-federal contributions (cash or in-kind). The request must include a description of existing services and resources available for services to victims. For the purposes of determining undue financial hardship for assistance, applicants must describe why existing resources are insufficient to meet the demand or how providing services and support to terrorism or mass violence victims may deplete resources available to provide assistance to other victims of crime.

Application Processing and Turnaround Time. It is OVC's intention to provide rapid support to assist victims of terrorism and mass violence. Upon receipt of a letter of request and application, an OVC staff person will review the request, may contact the requesting agency to clarify any ambiguities, and make a recommendation to the OVC Director regarding the funding request in accordance with OVC's internal protocol for responding to incidents of terrorism and mass violence. The applicant can expect to receive notification regarding the determination from OVC within 5 business days. The applicant will be notified via telephone, Internet, or facsimile. OVC will process the necessary paperwork expeditiously to make funding available. A determination by the OVC Director to make funding available will be followed by a complete review of the application including an analysis and approval of the budget by the Office of the Comptroller. Funds will be available upon completion of the review and written notification and acceptance of the award.

Amount of Funding Available Per Incident. The amount of funding available is decided on a case-by-case basis based on factors such as the availability of other resources, the severity of the impact, and the number of people suffering from physical, emotional, and psychological injury. In the case of criminal justice support grants, the nature of the support being requested is a factor in determining the amount as well as the extent to which the response involves activities that will result in long-term improvements in how victims access and participate in criminal justice proceedings such as the development of protocols and systems to enhance victim notification. OVC applies a standard of ''reasonable accommodations'' in determining what expenditures will be approved and at what amount.

Grant period. The specific grant period for Antiterrorism and Emergency Fund funding is negotiable within the parameters outlined in VOCA. Because of the nature of this funding program, OVC will not provide long-term funding to support a single terrorist or mass violence event, except for criminal justice support grants when an investigation and prosecution is prolonged. Specific time frames have been identified for each type of assistance. However, if special circumstances exists, funding and other assistance may be provided for an extended period of time, as determined by the OVC Director based upon justification provided by the applicant.

Requests for Reconsideration. The OVC Director may deny a request for funding, if the applicant fails to document the need for federal funds, if the purposes for which funding is being sought falls outside the statutory authority for the use of these funds, or if funding is unavailable, or for other reasons deemed appropriate by the OVC Director. Applicants may request reconsideration of the request based on additional information, changes in the circumstances, or the withdrawal or termination of funding from other sources. Requests for reconsideration should be sent to the OVC Director and should include the basis for reconsideration of the initial request. The OVC Director will review the request and render a decision within 5 business days of the submission. The OVC Director may request additional information from the applicant or recommend alternative support from OVC such as technical assistance in lieu of direct funding.

Suspension and Termination of Funding. If, after notice, OVC finds that the recipient has failed to comply substantially with VOCA, including its prohibitions of discrimination on the basis of race, color, religion, national origin, handicap, or sex, *the OJP Financial Guide* (effective edition), the terms outlined in the application or award document, the final Guidelines, or any implementing regulation or requirement, the OVC Director may suspend or terminate funding to the recipient agency and/or take other appropriate action. Under the procedures of 28 CFR Part 18, recipients may request a hearing on the justification for the suspension and/or termination of Antiterrorism and Emergency Fund assistance.

VIII. Reporting Requirements

Financial Reporting Requirements. As a condition of receiving funding, recipients must agree to comply with the general and specific requirements of the *OJP Financial Guide*, applicable OMB Circulars, and Common Rules. This include maintenance of books and records in accordance with generally accepted government accounting principles. Copies of the *OJP Financial Guide* may be obtained by writing the Office of Justice Programs, Office of the Comptroller, 810 7th Street, N.W., Washington, D.C. 20531 or can be accessed at the OJP website at *http://www.ojp.usdoj.gov/FinGuide/.* Note: Financial Status Reports must be submitted to the Office of the Comptroller for each calendar quarter in which the grant is active. This report is due even if no obligations or expenditures were incurred during the reporting period.

Program Reporting Requirements. Recipients of Antiterrorism and Emergency Reserve Funds are required to submit a report containing the following information at the mid-way period of the grant or supported activity as well as at the conclusion of the award period documenting the following:

Breakout of expenditures

description of services provided

number of victims assisted

amount of funding expended

purpose of each expenditure, *e.g.*, hire staff, secure space, contract for services, conduct training, equipment, travel and transportation, etc.

Description of Plans for Addressing Longer Term and Unmet Needs

transition plan, *i.e.*, how services will be funded when federal funds have been exhausted.

Evaluation/Assessment of the Effectiveness of the Response

outcome of victim/user surveys

Note: State agencies that administer the VOCA formula grants and receive Antiterrorism and Emergency Fund dollars to respond to a case of terrorism or mass violence should report services and assistance rendered to victims on the state performance report.

Dated: March 28, 2001.

Mary Lou Leary,

Acting Assistant Attorney General, Office of Justice Programs.

[FR Doc. 01–8044 Filed 3–30–01; 8:45 am]

BILLING CODE 4410–18–U

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U. S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Information pertaining to the requirement to be submitted:

1. *The Title of the Information Collection:* 10 CFR part 11—Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material

2. *Current OMB Approval Number:* 3150–0062.

3. *How Often the Collection is Required:* New applications, certifications, and amendments may be submitted at any time. Applications for renewal are submitted every 5 years.

4. *Who is Required or Asked to Report:* Employees (including applicants for employment), contractors and consultants of NRC licensees and contractors whose activities involve access to or control over special nuclear material at either fixed sites or in transportation activities.

5. *The Number of Annual Respondents:* 5 NRC licensees.

6. *The Number of Hours Needed Annually to Complete the Requirement or Request:* Approximately 0.25 hours annually per response, for an industry total of 1.25 hours annually.

7. *Abstract:* NRC regulations in 10 CFR part 11 establish requirements for access to special nuclear material, and the criteria and procedures for resolving questions concerning the eligibility of individuals to receive special nuclear material access authorization. Personal history information which is submitted on applicants for relevant jobs is provided to OPM, which conducts investigations. NRC reviews the results of these investigations and makes determinations of the eligibility of the applicants for access authorization.

Submit, by June 1, 2001, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room located at One White Flint North, 11555 Rockville Pike, Room 01F23, Rockville, MD. OMB clearance requests are available at the NRC worldwide website (http://www.nrc.gov/NRC/PUBLIC/OMB/index.html). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E 6, Washington, DC 20555–0001, by telephone at (301) 415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 27th day of March, 2001.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–7993 Filed 3–30–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: U. S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

1. *Type of Submission, New, Revision, or Extension:* Revision.

2. *The Title of the Information Collection:* Policy Statement for the ''Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof By States Through Agreement,'' Maintenance of Existing Agreement State Programs, Request for Information through the Integrated Materials Performance Evaluation Program (IMPEP) Questionnaire, and Agreement State Participation in IMPEP.

3. *The Form Number if Applicable:* None.

4. *How Often the Collection is Required:* There are four activities that occur under this collection: IMPEP reviews conducted no less frequently than every four years; for States interested in becoming Agreement States; participation by Agreement States in the IMPEP reviews; and annual requirements for Agreement States to maintain their programs.

5. *Who Will be Required or Asked to Report:* 32 Agreement States who have signed Section 274b Agreements with NRC.

6. *An Estimate of the Number of Responses:* 50.

7. *The Estimated Number of Annual Respondents:* 32.

8. *An Estimate of the Total Number of Hours Needed Annually to Complete the Requirement or Request:* For States interested in becoming an Agreement State: Approximately 4,300 hours. For Agreement State participation in 9 IMPEP reviews (8 State and 1 NRC Region): 324 hours (an average of 36 hours per review). For maintenance of existing Agreement State programs: 239,040 hours (an average of 7,470 hours per State). For Agreement State response to 8 IMPEP questionnaires: 424 hours (an average of 53 hours per program). The total number of hours annually is 244,088 hours (5,048 reporting and 239,040 recordkeeping hours).

9. *An Indication of Whether Section 3507(d), Pub. L. 104–13 Applies:* Not applicable.

10. *Abstract:* States wishing to become an Agreement State are requested to provide certain information to the NRC as specified by the Commission's Policy Statement, ''Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof By States Through Agreement.'' Agreement States need to ensure that the Radiation Control Program under the Agreement remains adequate and compatible with the requirements of Section 274 of the Atomic Energy Act (Act) and must maintain certain information. NRC conducts periodic evaluations through IMPEP to ensure that these programs are compatible with the NRC's, meet the applicable parts of the Act, and are adequate to protect public health and safety.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, Maryland 20852. OMB clearance requests are available at the NRC worldwide web site: http://www.nrc.gov/NRC/PUBLIC/OMB/index.html. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by May 2, 2001. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. Amy Farrell, Office of Information and Regulatory Affairs (3150–0183), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–7318.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 27th day of March 2001.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–7991 Filed 3–30–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–413 and 50–414]

Duke Energy Corporation; Notice of Withdrawal of Application for Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Duke Energy Corporation (the licensee) to withdraw its June 1, 2000, application for proposed amendments to Facility Operating License Nos. NPF–35 and NPF–52 for the Catawba Nuclear Station, Units No. 1 and 2, located in York County, South Carolina.

The proposed amendments would have revised the Technical Specification (TS) 3.6.16 Reactor Building and TS 5.5.11 Ventilation Filter Testing Program. It would have also revised Bases Sections 3.6.10, 3.6.16, 3.7.12, and 3.7.13.

The Commission had previously issued a Notice of Consideration of Issuance of Amendments published in the **Federal Register** on September 6, 2000 (65 FR 54085). However, by letter dated March 8, 2001, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendments dated June 1, 2000, as supplemented by letter dated September 27, 2000, and the licensee's letter dated March 8, 2001, which withdrew the application for license amendments. 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, 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 26th day of March 2001.

For the Nuclear Regulatory Commission

Chandu P. Patel,

Project Manager, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–7994 Filed 3–30–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–220 and 50–410]

Niagara Mohawk Power Corporation Nine Mile Point Nuclear Station, Unit Nos. 1 and 2; Notice of Consideration of Approval of Direct and Indirect Transfer of Facility Operating Licenses and Conforming Amendments, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the direct transfer of Facility Operating Licenses Nos. DPR–63 and NPF–69 for the Nine Mile Point Nuclear Station, Unit Nos. 1 and 2 (NMP–1, NMP–2), to the extent the NMP–1 license is held by Niagara Mohawk Power Corporation

(NMPC) as exclusive owner and operator of NMP–1, and to the extent the NMP–2 license is held by NMPC as part-owner and exclusive operator of NMP–2, and New York State Electric & Gas Corporation (NYSEG), Rochester Gas and Electric Corporation (RG&E), and Central Hudson Gas & Electric Corporation (CHGEC) as part-owners of NMP–2. The remaining part-owner of NMP–2, Long Island Lighting Company (doing business as Long Island Power Authority), which has an undivided 18% ownership interest in NMP–2, is not involved in the proposed transaction described herein, and accordingly will retain its ownership interest in and remain a licensee for NMP–2. The direct transfer of the NMP–1 and NMP–2 licenses would be to a new limited liability company, Nine Mile Point Nuclear Station, LLC (NMP LLC). NMP LLC will be an indirect subsidiary of Constellation Nuclear, LLC, which is presently a subsidiary of Constellation Energy Group, Inc. (CEG). The Commission is also considering approving associated indirect license transfers to the extent such would be effected by a realignment of the CEG organization involving the creation of a new holding company, currently referred to as New Controlled, or by Virgo Holdings, Inc. (Virgo), an indirect wholly owned subsidiary of The Goldman Sachs Group, Inc., acquiring up to a 17.5% voting interest in New Controlled. The Commission is further considering amending the licenses for administrative purposes to reflect the proposed direct transfer. The facility is located in Oswego County, in the State of New York.

According to a February 1, 2001, application (consisting of a proprietary and a non-proprietary version) filed by Constellation Nuclear, LLC, on behalf of NMP LLC, NMPC, NYSEG, RG&E, and CHGEC, which was supplemented by letters from Constellation Nuclear, LLC, dated March 1 and March 16, 2001, NMP LLC would assume title to NMP–1 following approval of the proposed license transfer, and would assume the 82-percent ownership interest in NMP–2 currently held by NMPC, NYSEG, RG&E and CHGEC. In addition, NMP LLC would become responsible for the operation of both NMP–1 and NMP–2. The application states that NMP LLC will also assume the decommissioning responsibility of the current owners of NMP–1 and NMP–2 who are transferring their interests in the facilities to NMP LLC. NMP LLC will provide decommissioning funding assurance through the use of decommissioning trusts coupled with parent company guarantees.

No physical changes to the facility or operational changes are being proposed in the application. The application states that upon closing, substantially all NMPC employees will become employees of NMP LLC.

The application also states that Virgo may in the future exercise rights to acquire additional voting interests beyond 17.5% in New Controlled. The Commission is not considering at this time approving any indirect license transfers that may be associated with Virgo acquiring such additional voting interests.

The proposed amendments would replace references to NMPC, NYSEG, RG&E, and CHGEC in the licenses with references to NMP LLC, as appropriate, and make other administrative changes to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the direct transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and will approve an application for an indirect transfer if the Commission determines the underlying transaction effectuating the transfer will not affect the qualifications of the holder of the license, and in both cases if the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming 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.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By April 23, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon Jay E. Silberg, counsel for Constellation Nuclear, LLC, at Shaw Pittman, 2300 N Street, NW., Washington, DC 20037 (tel. 202–663–8063; fax 202–663–8007; e-mail: jay.silberg@shawpittman.com); Mark J. Wetterhahn, counsel for NMPC, at Winston & Strawn, 1400 L Street, NW., Washington, DC 20005 (tel. 202–371–5703; fax 202–371–5950; e-mail: mwetterh@winston.com); Daniel F. Stenger, counsel for RG&E, at Foley and Lardner, 888 16th St., NW., #700, Washington, DC 20006 (tel. 202–835–8185; fax 202–835–8136; e-mail: dstenger@hopsut.com); Mary A. Murphy, counsel for NYSEG, at LeBoeuf, Lamb, Greene & MacRae, L.L.P., 1875 Connecticut Ave, N.W., Suite 1200, Washington, D.C. 20009 (tel. 202–986–8021; fax 202–986–8102; e-mail: mmurphy@llgm.com); Robert J. Glasser and Bo Hong, counsel for CHGEC, at Gould & Wilkie, LLP, One Chase Manhattan Plaza, 58th Floor, New York, NY 10005 (tel: 212–344–5680; fax 212–809–6890; e-mail: BobGlasser@gouldwilkie.com and BHong@gouldwilkie.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.GOV); and the Secretary of the Commission,

U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by May 2, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated February 1, 2001, and supplements dated March 1 and March 16, 2001, 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 27th day of March 2001.

For the Nuclear Regulatory Commission.

Peter S. Tam,

Senior Project Manager, Section 1, Project Directorate 1, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–7992 Filed 3–30–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.72, ''Guidance for Implementation of 10 CFR 72.48, Changes, Tests, and Experiments,'' has been developed to provide guidance to licensees and holders of Certificates of Compliance on their evaluation of changes proposed to facilities or cask designs licensed under 10 CFR Part 72, ''Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste.''

Comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Specific questions on Regulatory Guide 3.72 may be directed to Mr. C.P. Jackson at the NRC at (301)415–2947, email CPJ@NRC.GOV.

Regulatory guides are available for inspection or downloading at the NRC's web site at <*WWW.NRC.GOV*> under Regulatory Guides and in NRC's Electronic Reading Room (ADAMS System) at the same site; Regulatory Guide 3.72 is under Accession Number ML010710153. Single copies of regulatory guides may be obtained free of charge by writing the Reproduction and Distribution Services Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by fax to (301)415–2289, or by email to <*DISTRIBUTION@NRC.GOV*>. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 20th day of March 2001.

For the Nuclear Regulatory Commission.

Roy P. Zimmerman,

Deputy Director, Office of Nuclear Regulatory Research.

[FR Doc. 01–7876 Filed 3–30–01; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Privacy Act of 1974; System of Records

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of an Altered System of Records—PBGC–12, Personnel Security Investigation Records—PBGC.

SUMMARY: The Pension Benefit Guaranty Corporation is proposing to alter a system of records maintained pursuant to the Privacy Act of 1974, as amended, entitled ''PBGC–12, Personnel Security Investigation Records—PBGC.'' The revised system will include records about individuals who work, or who are being considered for work, for the PBGC as contractors or as employees of contractors.

DATES: Comments on changes must be received by May 2, 2001. The changes will become effective May 17, 2001, without further notice, unless comments result in a contrary determination and a notice is published to that effect.

ADDRESSES: Comments may be mailed to the Office of the General Counsel, Suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, or delivered to that address between 9:00 a.m. and 4:00 p.m. on business days. Comments also may be sent by Internet e-mail to *reg.comments@pbgc.gov.* Comments will be available for public inspection at the PBGC's Communications and Public Affairs Department, Suite 240 at the same address, between 9:00 a.m. and 4:00 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: D. Bruce Campbell, Attorney, Office of the General Counsel, Suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026; 202–326–4020 (extension 3672). (For TTY/TDD users, call the federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4020 (extension 3672).)

SUPPLEMENTARY INFORMATION: The PBGC conducts background investigations and reinvestigations to establish that applicants for employment and employees are reliable, trustworthy, of good conduct and character, and loyal to the United States. The PBGC maintains records about these investigations in a system of records subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a) (''Privacy Act''), entitled ''PBGC–12, Personnel Security Investigation Records—PBGC.'' The PBGC's regulations implementing

the Privacy Act exempt under 5 U.S.C. 552a(k)(5) certain records maintained in PBGC–12 from the access, contest, and certain other provisions of the Privacy Act (29 CFR 4902.9).

The PBGC is expanding its use of background investigations and reinvestigations to cover individuals who work, or who are being considered for work, for the PBGC as contractors or as employees of contractors. To reflect the change, the PBGC is proposing to alter PBGC–12 by revising the description of the categories of individuals covered by PBGC–12 and the purpose(s) for which information is collected, amending the authority for maintaining the system, and adding a new system manager for background investigation records pertaining to contractors. A proposed rule amending 29 CFR 4902.9 to make conforming changes appears elsewhere in today's **Federal Register**. The amendment would protect the identity of a source who furnishes information in confidence to PBGC about an individual who works, or who is being considered for work, for the PBGC as a contractor or as an employee of a contractor.

The PBGC is also making other clarifying changes to PBGC–12 by updating the citations to its regulations and revising the description of how records are stored and safeguarded to make them more specific. The PBGC is clarifying the description of the categories of records in the system to more accurately differentiate between records on background investigations maintained by the PBGC and records on background investigations on PBGC employees and applicants conducted and maintained by the Office of Personnel Management. For the convenience of the public, PBGC–12, as amended, is published in full below with the changes italicized.

Issued in Washington, DC, this 28th day of March, 2001.

John Seal,

Acting Executive Director, Pension Benefit Guaranty Corporation.

PBGC–12

SYSTEM NAME:

Personnel Security Investigation Records—PBGC.

SECURITY CLASSIFICATION:

Not applicable.

SYSTEM LOCATION:

Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment with the PBGC. Individuals who work, or who are being considered for work, for the PBGC as contractors or as employees of contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory material regarding an individual's character, conduct, and behavior, including: records of arrests and convictions for violations of law; reports of interviews with the subject of the investigation and with persons such as present and former supervisors, neighbors, co-workers, associates, and educators who may have information about the subject of the investigation; reports about the qualifications of an individual for a specific position; reports of inquiries to law enforcement agencies, employers, and educational institutions; reports of action after an Office of Personnel Management (''OPM'') or Federal Bureau of Investigation field investigation; and other information or correspondence relating to or developed from the above.

This system of records is distinct from the OPM's Privacy Act system of records, OPM/Central-9 (Personnel Investigation Records), which covers records of personnel security investigations conducted by the OPM with respect to employees or applicants for employment with the PBGC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302; 5 CFR 5.2(c) and (d); 5 CFR parts 731 and 736; and OMB Circular No. A–130—Revised, Appendix III, 61 FR 6428.

PURPOSE(S):

This system of records is maintained to document investigations of individuals' character, conduct, and behavior. Records are used, in accordance with Federal personnel regulations, in making determinations relating to an individual's suitability and fitness for PBGC employment or work for the PBGC as a contractor or as an employee of a contractor, access to information, and security clearance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. A record from this system of records may be disclosed to any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, or identify the type of information requested.

2. A record from this system of records may be disclosed to the OPM, the Merit Systems Protection Board, the Federal Labor Relations Authority, or the Equal Employment Opportunity Commission to carry out its authorized functions (under 5 U.S.C. 1103, 1204, and 7105, and 42 U.S.C. 2000e–4, in that order).

General Routine Uses G1 through G8 (see Prefatory Statement of General Routine Uses) apply to this system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in paper and electronic form.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Paper records are kept in file cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

RETENTION AND DISPOSAL:

Records in cases in which favorable determinations are made are destroyed promptly after the determination. Records of cases in which unfavorable determinations are made are destroyed 1 year after issuance if litigation has not been initiated and otherwise upon completion of litigation.

SYSTEM MANAGER(S) AND ADDRESS:

For employees and applicants for employment with PBGC: Director, Human Resources Department, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026. For individuals who work, or who are being considered for work, for the PBGC as contractors or as employees of contractors: Director, Facilities and Services Department, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 4902.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Information contained in this system of records is obtained from the following: (a) Applications and other personnel and security forms; (b) personal interviews with the individual that is the subject of the investigation and with persons such as employers, references, neighbors, and associates who may have information about the subject of the investigation; (c) investigative records and notices of personnel actions furnished by other federal agencies; (d) sources such as educational institutions, police departments, credit bureaus, probation officials, prison officials, and doctors; and (e) public records such as court filings and publications such as newspapers, magazines, and periodicals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system of records is exempt from the access and contest and certain other provisions of the Privacy Act (5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G) through (I), and (f)) to the extent that disclosure would reveal the identity of a source who furnished information to the PBGC under an express promise of confidentiality or, prior to September 27, 1975, under an implied promise of confidentiality (5 U.S.C. 552a(k)(5)).

[FR Doc. 01–8057 Filed 3–30–01; 8:45 am]

BILLING CODE 7708–01–P

SECURITIES AND EXCHANGE COMMISSION

Request For Public Comment

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 19b–5 and From PILOT; SEC File No. 270–448; OMB Control No. 3235–0507

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 19b–5 provides a temporary exemption from the rule-filing requirements of section 19(b) of the Securities Exchange Act of 1934 (''Act'') to self-regulatory organizations (''SROs'') wishing to establish and operate pilot trading systems. Rule 19b–5 permits an SRO to develop a pilot trading system and to begin operation of such system shortly after submitting an initial report on Form PILOT to the Commission. During operation of the pilot trading system, the SRO must submit quarterly reports of the system's operation to the Commission, as well as timely amendments describing any material changes to the system. After two years of operating such pilot trading system under the exemption afforded by Rule 19b–5, the SRO must submit a rule filing pursuant to section 19(b)(2) of the Act in order to obtain permanent approval of the pilot trading system from the Commission.

The collection of information is designed to allow the Commission to maintain an accurate record of all new pilot trading systems operated by SROs and to determine whether an SRO has properly availed itself of the exemption afforded by Rule 19b–5.

The respondents to the collection of information are SROs, as defined by the Act, including national securities exchanges and national securities associations.

Ten respondents file an average total of 6 initial reports, 24 quarterly reports, and 12 amendments per year, with an estimated total annual response burden of 252 hours. At an average hourly cost of $51.71, the aggregate related cost of compliance with Rule 19b–5 for all respondents is $13,032 per year (252 burden hours multiplied by $51.71/hour = $13,032).

Written comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Dated: March 27, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–8024 Filed 3–30–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24917; 812–12378]

Wells Fargo Funds Trust, *et al.;* Notice of Application

March 27, 2001.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(f)(1)(A) of the Act.

SUMMARY OF APPLICATION: The requested order would permit Wells Fargo Funds Trust (''Funds Trust'') not to reconstitute its board of trustees to meet the 75 percent non-interested director requirement of section 15(f)(1)(A) of the Act in order for Wells Fargo Funds Management, LLC (''Funds Management'') to rely upon the safe harbor provisions of section 15(f).

APPLICANTS: Funds Trust and Funds Management.

FILING DATES: The application was filed on December 19, 2000 and amended on March 27, 2001.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 23, 2001, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Applicants, 525 Market Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: John L. Sullivan, Senior Counsel, at (202) 942–0681, or Janet M. Grossnickle, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. Funds Trust is an open-end management investment company registered under the Act and consists of sixty-seven series (''Funds Trust Series''). Funds Management, a bank and a wholly owned subsidiary of Wells Fargo & Company (''Wells Fargo''), currently serves as investment adviser to 62 of the Funds Trust Series, including each of the Acquiring Funds Trust Series (as defined below). Funds Management is registered with the Commission as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act'').

2. The Coventry Group (''Coventry'') is an open-end management investment company registered under the Act and consists of 15 series. Brenton Bank, N.A. (''Brenton Bank''), an indirect wholly owned subsidiary of Brenton Banks, Inc. (''Brenton Holding Company''), serves as investment adviser to three series of Coventry (''Brenton Funds'').[1] Brenton Bank is not registered under the Advisers Act in reliance on section 202(a)(11) of the Advisers Act.

3. On December 1, 2000, Wells Fargo acquired Brenton Holding Company in a transaction in which Brenton Holding Company shareholders received Wells Fargo common stock and Brenton Holding Company became an indirect wholly owned subsidiary of Wells Fargo (''Acquisition''). Following the Acquisition, it is proposed that three existing series of Funds Trust (''Acquiring Funds Trust Series'') will acquire the assets of the Brenton Funds (''Reorganization'').

4. Applicants state that the Acquisition resulted in a change in control of Brenton Bank within the meaning of section 2(a)(9) of the Act, and in an assignment of the current advisory contract between Brenton Bank and each of the Brenton Funds within the meaning of section 2(a)(4) of the Act. As required by section 15(a)(4) of the Act, the advisory contract automatically terminated in accordance with its terms.

5. On November 16, 2000 and December 18, 2000, the respective boards of trustees (each a ''Board'') of Coventry and Funds Trust unanimously approved the Reorganization. In addition, in reliance on rule 15a–4 under the Act, the Board of Coventry unanimously approved an interim advisory agreement (''Interim Agreement'') between Brenton Bank and each of the Brenton Funds covering the time period between the date of the Acquisition and the closing date of the Reorganization. The Reorganization and the Interim Agreement will require approval by a majority of the outstanding shares of each Brenton Fund. Applicants state that the Board of Coventry has scheduled a special meeting of the Brenton Funds' shareholders for April 6, 2001. Proxy materials for the special meeting were mailed to shareholders on or about February 15, 2001.

6. In connection with the Acquisition and the Reorganization, applicants have determined to seek to comply with the ''safe harbor'' provisions of section 15(f) of the Act. Applicants state that, absent exemptive relief, following consummation of the Reorganization, more than twenty-five percent of the Board of Funds Trust would be ''interested persons'' for purposes of section 15(f)(1)(A) of the Act.

Applicants' Legal Analysis

1. Section 15(f) of the Act is a safe harbor that permits an investment adviser to a registered investment company (or an affiliated person of the investment adviser) to realize a profit on the sale of its business if certain conditions are met. One of these conditions, set forth in section 15(f)(1)(A), provides that, for a period of three years after the sale, at least seventy-five percent of the board of directors of the investment company may not be ''interested persons'' with respect to either the predecessor or successor adviser of the investment company. Applicants state that, without the requested exemption, following the Reorganization, Funds Trust would have to reconstitute its Board to meet the seventy-five percent non-interested director requirement of section 15(f)(1)(A).

2. Section 15(f)(3)(B) of the Act provides that if the assignment of an investment advisory contract results from the merger of, or sale of substantially all of the assets by, a registered company with or to another registered investment company with assets substantially greater in amount, such discrepancy in size shall be considered by the Commission in determining whether, or to what extent, to grant exemptive relief under section 6(c) from section 15(f)(1)(A).

3. Section 6(c) of the Act permits the Commission to exempt any person or transaction from any provision of the Act, or any rule or regulation under the Act, if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

4. Applicants request an exemption under section 6(c) of the Act from section 15(f)(1)(A) of the Act. Applicants state that, as of November 30, 2000, Funds Trust had approximately $70 billion in aggregate net assets. Applicants also state that, as of November 30, 2000, the aggregate net assets of the Brenton Funds were approximately $120 million. Applicants thus assert that the Brenton Funds' assets would represent less than one-quarter of 1% of the aggregate net assets of Funds Trust.

5. Applicants state that three of the eight trustees who serve on a Board of Funds Trust are ''interested persons,'' within the meaning of section 2(a)(19) of the Act, of Funds Management. Applicants state that none of the trustees who serve on the Board of Coventry is an interested person of the Brenton Funds, Brenton Bank, or Funds Management.

6. Applicants state that to comply with section 15(f)(1)(A) of the Act, Funds Trust would have to alter the composition of its Board, either by asking experienced trustees to resign or by adding new trustees. Applicants further state that adding new trustees could require a shareholder vote only of shareholders of the Acquiring Funds Trust Series, but also the shareholders of the Funds Trust Series not otherwise affected by the Reorganization. Applicants assert that adding a substantial number of additional non-interested trustees to the Board of Funds Trust could entail a lengthy process and increase the ongoing costs of Funds Trust.

7. For the reasons stated above, applicants submit that the requested relief is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–8025 Filed 3–30–01; 8:45 am]

BILLING CODE 8010–01–M

[1] The Brenton Funds are the only series of Coventry for which Brenton Bank serves as an investment adviser, administrator or principal underwriter.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44102; File No. SR–ISE–01–06]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the International Securities Exchange LLC, Relating to Adoption of a Marketing Fee

March 26, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 26, 2001, the International Securities Exchange LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the ISE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE is proposing to establish a fee to fund Exchange marketing and business development efforts, and to reduce the payment for order flow fee by an amount equal to the new fee.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the ISE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The ISE has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The ISE operates a payment for order flow program as approved by the Commission.[3] This program is funded through a $.75 fee that ISE market makers pay on each customer contract they execute.[4] According to the terms of the ISE's program, the payment for order flow funds may be used by the ISE's primary market makers (''PMMs'') only to pay Electronic Access Members for order flow sent to the Exchange. The ISE administers the disbursement of these funds as instructed by the PMMs. By the terms of the program, however, the ISE may not itself utilize these funds.

The ISE proposes to reduce the $.75 fee to $.65 per contract and to adopt a marketing fee of $.10 to be paid by market makers for each customer contract they execute. The purpose of this proposed rule change is to provide the ISE with a source of funding for marketing efforts aimed at increasing order flow from Electronic Access Members to the Exchange, while not increasing the total fees that ISE market makers pay. The ISE would not use these funds to make cash payments for order flow. Rather, the ISE would use the money for general marketing and business development activities that would supplement the PMM's efforts to attract order flow to the ISE.

2. Basis

The basis for the proposed rule change is the requirement under Section 6(b)(4) of the Act [5] that an exchange have an equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The ISE believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The ISE has not solicited, and does not intend to solicit, comments on this proposed rule change. The ISE has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change, which establishes or changes a due, fee, or other charge applicable to members of the Exchange, has become effective pursuant to Section 19(b)(3)(A) of the Act [6] and Rule 19b–4(f)(2) thereunder.[7] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the ISE. All submissions should refer to SR–ISE–01–06 and should be submitted by April 23, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–8027 Filed 3–30–01; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 43833 (January 10, 2001), 66 FR 7822 (January 25, 2001) (SR–ISE–00–10).

[4] *See* Securities Exchange Act Release No. 43919 (February 1, 2001), 66 FR 9612 (February 8, 2001) (SR–ISE–01–01).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44103; File No. SR–PHLX–01–08]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Concerning Maintenance, Retention, and Furnishing of Records and Other Information With Respect to Payment for Order Flow Arrangements

March 26, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 19, 2001, the Philadelphia Stock Exchange, Inc. (''Phlx'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items the Phlx has prepared. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend Phlx Rule 760 to require specifically that members and member organizations make, keep current, and preserve records relating to payment for order flow arrangements and make those records available to the Phlx upon request for inspection and review. A copy of the proposed Supplementary Material .01 to Rule 760 is available at the principal office of the Phlx and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to specify that members and member organizations make, keep current, preserve, maintain and make available records relating to payment for order flow arrangements. The proposed rule change supplements the general recordkeeping provisions of Phlx Rule 760, which requires every member to make, maintain, preserve and make available books and records as prescribed by the Act, the rules and regulations under the Act, and the rules of the Phlx.

The Phlx began imposing payment for order flow fees on certain options transactions of specialists and Registered Options Traders (''ROTs'') as of August 1, 2000. A fee, currently $1.00 per contract, is imposed on all transactions executed by specialists and ROTs in the Top 120 Options traded on the Phlx, with various exceptions.[3] The specialists make all determinations concerning the amount that is paid for orders and which order flow providers receive the payments.

The proposed amendment to Rule 760 requires members and member organizations that participate in a payment for order flow arrangement to keep, among other things, records relating to: (a) The amount of fees received; (b) the transfer of those fees; (c) the final transfer of those funds to the order flow providers; (d) the names of the order flow providers; (e) the amount of payments and whether the amount is on a per-contract or flat-fee basis; and (f) any other records relating to payment for order flow arrangements.[4]

The Phlx believes that the proposed rule change will give Phlx members and member organizations more specific guidance concerning their obligations to maintain records relating to payment for order flow arrangements. The Phlx believes that this, in turn, should help the Phlx to review and verify, if necessary, that the funds collected for order flow purposes are not put to improper use.[5] It is the Phlx's belief that the proposed amendment to Rule 760 will emphasize the importance of recordkeeping duties with respect to payment for order flow, encourage compliance by the membership, and ensure the proper administration of the payment for order flow program as a whole.

The proposed amendment to Phlx Rule 760 does not enable the Phlx to become involved directly or indirectly in the decisions of members or member organizations regarding which order flow providers should be paid, which options they should be paid for, or how much should be paid to order flow providers individually or collectively. Those decisions are committed exclusively to the specialists.

The Phlx believes that the proposed rule change will assist its efforts to enforce compliance with the rules governing its payment for order flow program consistent with Section 6(b)[6] of the Act, particularly subsection 6(b)(1),[7] and will promote just and equitable principles of trade consistent with subsection 6(b)(5).[8]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Phlx neither solicited nor received any comments.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission might designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which Phlx consents, the Commission will:

(a) by order approve such proposed rule change, or

[3] Transactions in Top 120 Options that are excepted from the $1.00 fee are transactions between: (1) A specialist and an ROT; (2) an ROT and an ROT; (3) a specialist and a firm; (4) an ROT and a firm; (5) a specialist and a broker-dealer; and (6) an ROT and a broker-dealer. *See* Securities Exchange Act Release Nos. 43177 (Aug. 18, 2000), 65 FR 51889 (Aug. 25, 2000) (SR–Phlx–00–77); 43480 (Oct. 25, 2000), 65 FR 66275 (Nov. 3, 2000) (SR–Phlx–00–86, Phlx–00–87); and 43481 (Oct. 25, 2000),), 65 FR 66277 (Nov. 3, 2000) (SR–Phlx–00–88, SR–Phlx–00–89).

[4] Some of the records that must be kept and maintained for purposes of the payment for order flow program may also fall under the recorkeeping provisions of Section 17 of the Act and Rules 17a–3 and 17a–4 thereunder. State and federal tax law and other applicable laws may also require the maintenance of those records.

[5] In order to facilitate review and verification, the records should be maintained in such a fashion as to permit the Phlx to track payments to various order flow providers on an option-by-option basis, and to view all payments made to each order flow provider.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(1).

[8] 15 U.S.C. 78f(b)(5).

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–01–08 and should be submitted April 23, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–8026 Filed 3–30–01; 8:45 am]

BILLING CODE 8010–01–M

[9] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with P.L. 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995. SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer and at the following addresses: (OMB), Office of Management and Budget, Attn: Desk Officer for SSA, New Executive Office Building, Room 10230, 725 17th St., NW., Washington, DC 20503; (SSA), Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235.

I. The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410–965–4145, or by writing to him at the address listed above.

1. *Function Report*—Third Party, SSA–3380–0960–NEW. The Social Security Act provides that claimants must furnish medical and other evidence to prove they are disabled. The Social Security Act also gives the Commissioner authority to make rules and regulations on the nature and extent of evidence required as well as the methods of obtaining evidence. The information collected from third parties on the form SSA–3380 is needed for the determination of disability under Title II (Old-Age, Survivors and Disability Insurance (OASDI)) and/or Title XVI (Supplemental Security Income (SSI)). The form records information about the disability applicant's illnesses, injuries, conditions, impairment-related limitations and ability to function. The respondents are individuals who know about the disability applicant's impairment, limitations and ability to function.

Number of Respondents: 1,500,000.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 750,000 hours.

2. *Disability Hearing Officer's Decision*—0960–0441. The Social Security Act requires that SSA provide an evidentiary hearing at the reconsideration level of appeal for claimants who have received an initial or revised determination that a disability did not exist or has ceased. Based on the hearing, the disability hearing officer (DHO) completes an SSA–1207 and applicable supplementary forms (which apply to the type of claim involved). The DHO uses the information in documenting and preparing the disability decision. The form will aid the DHO in addressing the crucial elements of the case in a sequential and logical fashion. The respondents are DHOs in the State Disability Determination Services (DDS).

Number of Respondents: 100,000.

Frequency of Response: 1.

Average Burden Per Response: 45 minutes.

Estimated Annual Burden: 75,000 hours.

3. *Medical History and Disability Report, Disabled Child*—0960–0577. The Social Security Act requires claimants to furnish medical and other evidence to prove they are disabled. The form SSA–3820 is used to obtain various types of information about a child's condition, his/her treating sources and/or other medical sources of evidence. The information collected on the SSA–3820 is needed for the determination of disability by the State DDSs. The respondents are applicants for Title XVI (SSI) child disability benefits.

Number of Respondents: 523,000.

Frequency of Response: 1.

Average Burden Per Response: 40 minutes.

Estimated Annual Burden: 348,667 hours.

4. *Disability Report-Adult*—0960–0579. The Social Security Act requires claimants to furnish medical and other evidence to prove they are disabled. Applicants for disability benefits will complete form SSA–3368. The information will be used, in conjunction with other evidence, by State DDSs to develop medical evidence, to assess the alleged disability, and to make a disability determination. The respondents are adult applicants for Title II (OASDI) and Title XVI (SSI) disability benefits.

Number of Respondents: 2,116,667.

Frequency of Response: 1.

Average Burden Per Response: 60 minutes.

Estimated Annual Burden: 2,116,667 hours.

5. *Wage Reports and Pension Information*—0960–0547. The information required by 20 CFR 422.122(b) is used by SSA to identify the requester of pension plan information and to confirm that the individual is entitled to the data we provide. The respondents are requesters of pension plan information.

Number of Respondents: 600.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 300 hours.

6. *Beneficiary Recontact Report*—0960–0502. SSA uses the information

collected on Form SSA–1588–OCR–SM to ensure that eligibility for benefits continues after entitlement. SSA asks mothers/fathers information about their marital status and children in-care to detect overpayments and avoid continuing payment to those no longer entitled. The respondents are recipients of survivor mother/father Title II (OASDI) benefits.

Number of Respondents: 133,400.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 11,117 hours.

7. *Quiz Show—Internet Edition*—0960–NEW.

Background

As stated in the 1997 Agency Strategic Plan, one of the SSA's five major goals is ''To Strengthen Public Understanding of the Social Security Programs'' so the public will understand what benefits are valuable to them personally. Accordingly, the public will be able to more effectively plan for retirement security. Under this goal, SSA established a strategic objective that, by 2005, 90% of the public will be knowledgeable about SSA programs. In establishing this goal SSA recognized the need to develop innovative methods to help educate and continually measure the public's knowledge of SSA programs.

The Collection—''Quiz Show''

SSA intends to implement an online interactive educational game entitled ''Quiz Show—Internet Edition''. The purpose of Quiz Show is to help support the Agency's goal of increasing the public's understanding of Social Security programs.

Quiz Show will consist of 10 questions, which are based on 8 key messages about SSA programs that the Agency wants the public to understand. Participation in the online game will be strictly voluntary. Data collected through each Quiz Show question will measure the overall responses for the purpose of gauging the public's knowledge of each key Social Security message.

SSA will implement Quiz Show in stages, with the initial stage providing performance feedback to the user. However, eventually SSA will use Quiz Show to collect performance data and demographic data. SSA will not require users to provide demographic data to play the game. Rather, users would be asked to provide this data voluntarily. Questions related to demographics are for the sole purpose of identifying audiences to whom specific key messages should be targeted to increase their knowledge. Respondents to Quiz Show will be individuals who visit SSA's website, Social Security Online, and elect to play the online game.

Number of Respondents: 12,000.

Frequency of Response: 1.

Average Burden Per Response: 8 minutes.

Estimated Annual Burden: 1,600 hours.

8. *Work History Report*—0960–0578. The information collected on form SSA–3369 is needed to determine disability by the State DDSs. The information will be used to document an individual's past work history. The respondents are applicants for disability benefits.

Number of Respondents: 1,000,000.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 500,000 hours.

9. *Internet Social Security Benefits Application*—0960–0618. The Internet Social Security Benefits Application (ISBA), which is available at the Social Security Administration's (SSA) Internet site, is one application that the Commissioner of Social Security prescribes to meet the requirement to file an application for benefits. Currently, the ISBA can only be used to apply for retirement and spouse's benefits. SSA plans to expand ISBA to encompass surviving spouse (i.e., widow and widower) benefits. The expanded ISBA will enable individuals to complete the application electronically on their own and submit the application over the Internet. Until SSA develops an acceptable electronic signature process, applicants will also print, sign and mail the IBSA statement with the required evidence that supports their benefit application. The information that SSA collects will be used to determine entitlement to Social Security benefits. The respondents are individuals who choose to apply for Social Security benefits over the Internet.

Number of Respondents: 150,000.

Frequency of Response: 1.

Average Burden Per Response: 25 minutes.

Estimated Annual Burden: 62,500 hours.

II. The information collection listed below has been submitted to OMB for clearance. Your comments on the information collection would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance package by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him at the address listed above.

Function Report—Adult; 0960–0603. Form SSA–3373–TEST is used by the SSA to record the claimant's description of his or her impairment-related limitations and ability to function. The respondents are Applicants for Title II (Old-Age, Survivors and Disability Insurance) and Title XVI (Supplemental Security Income) benefits.

Number of Respondents: 7,000.

Frequency of Response: 1.

Average Burden Per Response: 30.

Estimated Annual Burden: 3,500.

Dated: March 26, 2001.

Frederick W. Brickenkamp,

Reports Clearance Officer.

[FR Doc. 01–8000 Filed 3–30–01; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 3628]

Culturally Significant Objects Imported for Exhibition Determinations: ''The Road to Aztlan: Art from the Mythic Homeland''

DEPARTMENT: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985, 22 U.S.C. 2459], the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681 *et seq.*], Delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], and Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended, I hereby determine that the objects to be included in the exhibit, ''The Road to Aztlan: Art from the Mythic Homeland'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects will be imported pursuant to loan agreements with foreign lenders. I also determine that the temporary exhibition or display of the exhibit objects at the Los Angeles County Museum of Art, in Los Angeles, CA, from on or about May 13, 2001, to on or about August 26, 2001, at the Austin Museum of Art and Texas Fine Arts Association, in Austin, TX, from on or about October 5, 2001, to on or about December 30, 2001, and at the Albuquerque Museum, in Albuquerque, NM, from on or about February 10, 2002, to on or about April 28, 2002, is in the national interest. Public Notice of

these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6529). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: March 27, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 01–8039 Filed 3–30–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCGD08–01–004]

Lower Mississippi River Waterway Safety Advisory Committee.

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Lower Mississippi River Waterway Safety Advisory Committee (LMRWSAC) will meet to discuss various issues relating to navigational safety on the Lower Mississippi River and related waterways. The meeting will be open to the public.

DATES: LMRWSAC will meet on Thursday, April 19, 2001, from 9 a.m. to 12 noon. This meeting may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before April 12, 2001. Requests to have a copy of your material distributed to each member of the committee should reach the Coast Guard on or before April 12, 2001.

ADDRESSES: LMRWSAC will meet in the basement conference room of the Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA. Send written material and requests to make oral presentations to Lt(jg). Zeita Merchant, Committee Administrator, c/o Commanding Officer, Marine Safety Office New Orleans, 1615 Poydras Street, New Orleans, LA 70112. This notice is available on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on this notice, contact Lt(jg). Zeita Merchant, Committee Administrator, telephone (504) 589–4222, Fax (504) 589–4241.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

Lower Mississippi River Waterway Safety Advisory Committee (LMRWSAC)

The agenda includes the following:

(1) Introduction of committee members.

(2) Remarks by RADM P. Pluta, Committee Sponsor.

(3) Approval of the December 7, 2000 minutes.

(4) Old Business:

COTP Update report

VTS Update report

(5) New Business:

(6) Next meeting.

(7) Adjournment.

Procedural

The meeting is open to the public. Please note that the meeting may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify the Committee Administrator no later than April 12, 2001. Written material for distribution at the meeting should reach the Coast Guard no later than April 12, 2001. If you would like a copy of your material distributed to each member of the committee or subcommittee in advance of the meeting, please submit 30 copies to the Committee Administrator at the location indicated under Addresses no later than April 12, 2001.

Information on Services for Individuals with Disabilities

For information on facilities or services for individuals with disabilities, or to request special assistance at the meetings, contact the Committee Administrator at the location indicated under **ADDRESSES** as soon as possible.

Dated: March 19, 2001.

Paul J. Pluta,

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

[FR Doc. 01–7948 Filed 3–30–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program for Dillingham Airfield, Mokuleia, Hawaii

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the Noise Compatibility Program submitted by the State of Hawaii, Department of Transportation under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193) and Title 14, Code of Federal Regulations Part 150 (Part 150). These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On September 14, 2000, the FAA determined that the noise exposure maps submitted by the State of Hawaii, Department of Transportation under Part 150 were in compliance with applicable requirements. On March 13, 2001, the Acting Associate Administrator for Airports approved the Dillingham Airfield Noise Compatibility Program. Seven of the eight recommendations of the program were approved. One measure was approved as a voluntary measure, six measures were approved outright, and one measure was disapproved pending the submission of additional information.

EFFECTIVE DATES: The effective date of the FAA's approval of the Dillingham Airfield Noise Compatibility Program is March 13, 2001.

FOR FURTHER INFORMATION CONTACT: David J. Welhouse, Airport Planner Honolulu Airports District Office, Federal Aviation Administration, Box 50244, Honolulu, Hawaii 96850–0001, Telephone: (808) 541–1243; street address: 300 Ala Moana Blvd., Room 7–128. Documents reflecting this FAA action may be reviewed at this location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the Noise Compatibility Program for the Dillingham Airfield, effective March 13, 2001.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as ''the Act''), an airport operator who has previously submitted a Noise Exposure Map may submit to the FAA a Noise Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport Noise Compatibility Program developed in accordance with

Part 150 is a local program, not a federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of Part 150 program recommendations is measured according to the standards expressed in Part 150 and is limited to the following determinations:

a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Programs measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport Noise Compatibility Program are delineated in FAR Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Honolulu, Hawaii.

The State of Hawaii, Department of Transportation submitted to the FAA on December 3, 1998 (original submittal) and April 12, 2000 (revised pages), the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from May 1997 through November 1998. The Dillingham Airfield noise exposure maps were determined by FAA to be in compliance with applicable requirements on September 14, 2000. Notice of this determination was published in the **Federal Register** on September 27, 2000.

The Dillingham Airfield study contains a proposed Noise Compatibility Program comprised of actions designed for implementation by airport management and adjacent jurisdictions. It was requested that the FAA evaluate and approve this material as a Noise Compatibility Program as described in section 104(b) of the Act. The FAA began its review of the program on September 14, 2000 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained eight proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and Part 150 have been satisfied. The Acting Associate Administrator for Airports approved the overall program effective March 13, 2001.

Seven of the eight program measures have been approved. The following measure was approved as a voluntary measure: Seek voluntary cooperation to fly over open spaces and the ocean. The following measures were approved outright: Sound attention of impacted residence; Use comprehensive planning and zoning; acquire avigation easements; acquire development rights; review and modify subdivision regulations; and, use of tax incentives. The following measure was disapproved pending submission of additional information: Land banking.

These determinations are set forth in detail in a Record of Approval endorsed by the Acting Associate Administrator for Airports on March 13, 2001. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the State of Hawaii.

Issued in Hawthorne, California on March 22, 2001.

Herman C. Bliss,

Manager, Airports Division.

[FR Doc. 01–7951 Filed 3–30–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Security Advisory Committee Meeting

SUMMARY: Notice is hereby given of a meeting of the Aviation Security Advisory Committee.

DATES: The meeting will be held April 19, 2001, from 10:00 a.m. to 1:00 p.m.

ADDRESSES: The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue, SW., 10th floor, MacCracken Room, Washington, D.C. 20591, telephone 202–267–7622.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 11), notice is hereby given of a meeting of the Aviation Security Advisory Committee to be held April 19, 2001, at the Federal Aviation Administration, 800 Independence Avenue, SW., 10th floor, MacCracken Room, Washington, D.C. The agenda for the meeting will include: The Implementation of the Airport Security Improvement Act of 2000, the Status of the Expansion of the Electronic Fingerprinting Pilot Program, the status of the Verification Card Program Pilot, the status of FAA Regulatory Actions and the Security Equipment Integrated Product Team. The meeting is open to the public but attendance is limited to space available. Members of the public may address the committee only with the written permission of the chair, which should be arranged in advance. The chair may entertain public comment if, in its judgment, doing so will not disrupt the orderly progress of the meeting and will not be unfair to any other person. Members of the public are welcome to present written material to the committee at any time. Persons wishing to present statements or obtain information should contact the Office of the Associate Administrator for Civil Aviation Security, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202–267–7622.

Issued in Washington, D.C., on March 21, 2001.

Patrick T. McDonnell,

Acting, Associate Administrator for Civil Aviation Security.

[FR Doc. 01–7953 Filed 3–30–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Valdosta Regional Airport, Valdosta, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Valdosta Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 2, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Campus Building, 1701 Columbia Ave., Suite 2–260, College Park, GA 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Robert A. Ator, Executive Director of the Valdosta-Lowndes County Airport Authority at the following address: Valdosta-Lowndes County Airport Authority, 1750 Airport Road, Suite 1, Valdosta, GA 31601.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Valdosta-Lowndes County Airport Authority under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Rusty Nealis, Program Manager, Atlanta Airports District Office, 404–305–7142. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Valdosta Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On March 20, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by Valdosta-Lowndes County Airport Authority was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than July 4, 2001.

The following is a brief overview of the application.

PFC Application No.: 01–05–C–00–VLD.

Level of the proposed PFC: $4.50.

Proposed charge effective date: July 1, 2001.

Proposed charge expiration date: September 30, 2004.

Total estimated net PFC revenue: $408,926.

Brief description of proposed project(s):

Project No. 12 Master Plan
Project No. 13 Install Part 139 signage
Project No. 14 Install lighting on Airport Apron
Project No. 15 Paint Runway Marking
Project No. 16 Construct Aircraft Parking Apron for New Commercial Air Terminal
Project No. 17 Construct Partial Parallel Taxiway and Taxiway Stub
Project No. 18 Rehabilitate Runway Lighting Runway 17/35 and Replace Weather Reporting Equipment Cable
Project No. 19 Install Sliding Security Gates with Key Pads
Project No. 20 Approach Zone Obstruction Study
Project No. 21 Repair Drainage Problems
Project No. 22 Runway Hold Bar Marking
Project No. 23 Purchase of Passenger Lift Device
Project No. 24 Tree Removal around ASOS
Project No. 25 Preparation of PFC Applications
Project No. 26 RPZ Obstruction Clearing
Project No. 27 Overlay Taxiway ''C''
Project No. 28 Overlay Taxiway ''F''
Project No. 29 Replace Rotating Beacon
Project No. 30 Replace VASI with PAPI and install REILs on Runway 4/22
Project No. 31 Replace VASI with PAPI on Runway 17 and install PAPI on Runway 35
Project No. 32 Expand Terminal Parking Lot
Project No. 33 Construct Perimeter Road around North End of Runway 17/35
Project No. 34 Rehabilitate Taxiway ''A''
Project No. 35 Rehabilitate General Aviation Apron
Project No. 36 Obtain Avigation or Fee Simple Easement off the ends of Runway 4/22
Project No. 37 Non-Precision Approach Runway Markings for Runway 4/22
Project No. 38 Expand Computer Apron
Project No. 39 Environmental Assessment for Runway 17 Extension
Project No. 40 Construct T-hangar Taxilane
Project No. 41 Extend Taxiway ''M''

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Nonscheduled/On-Demand Air Carriers filing FAA form 1800–31 and Nonscheduled Large Certificated Route Air Carriers filing RSPA form T–100.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Valdosta Regional Airport.

Issued in Atlanta, GA on March 20, 2001.

Scott L. Seritt,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 01–7954 Filed 3–30–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Federal Railroad Administration

Environmental Impact Statement: Kelso-Martin's Bluff Rail Project, Washington

AGENCY: Federal Highway Administration (FHWA), and Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of intent.

SUMMARY: The FHWA and the FRA are issuing this notice to advise the public that as joint lead federal agencies and in cooperation with the Washington State Department of Transportation, they will prepare an environmental impact statement for a proposed rail corridor improvement project on the Burlington Northern Santa Fe Railroad mainline

between Kelso and Martin's Bluff (south of Kalama, Washington).

FOR FURTHER INFORMATION CONTACT: Mr. Gary S. Hughes, Federal Highway Administration, Evergreen Plaza Building, 711 South Capitol Way, Suite 501, Olympia, Washington 98501, Telephone: (360) 753–9025; Mr. David Valenstein, Federal Railroad Administration, 1120 Vermont Avenue, NW., MS–20, Washington, DC 20590, Telephone: (202) 493–6368; or Mr. James Slakey, Washington State Department of Transportation, 310 Maple Park Southeast, Olympia, Washington 98504, Telephone: (360) 705–7920.

SUPPLEMENTARY INFORMATION: On October 22, 1992, the U.S. Department of Transportation designated the existing rail corridor from Eugene, Oregon through Portland, Oregon and Seattle, Washington to Vancouver, British Columbia, Canada as a high-speed rail corridor pursuant to section 1010 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). As part of phase one of the long-term plan to develop high-speed intercity passenger service on the corridor, the Washington State Department of Transportation proposes to improve the Burlington Northern Santa Fe mainline between the City of Kelso and Martin's Bluff (south of Kalama, Washington). Proposed improvements include: additional tracks and associated roadbed, drainage structures, signal systems, and other related facilities. FHWA and FRA, as joint lead federal agencies, in cooperation with the Washington State Department of Transportation (WSDOT), will prepare an environmental impact statement on WSDOT's proposal. The purpose of this corridor improvement project is to increase capacity for passenger rail service along the Pacific Northwest Rail Corridor. This increased capacity will result in faster, safer, more reliable and more frequent service. The added capacity along the main line is also expected to have secondary benefits for freight rail movement.

The three agencies intend to implement agency and public involvement programs that will describe the proposed action and solicit comment from citizens, organizations, and federal, state, and local agencies on the proposed improvements and possible environmental considerations. The agencies will solicit comments and questions, which may be provided by telephone, internet, public meetings, and the mail. In addition, targeted direct mail, advertisements, and media relations efforts may be used to reach the public and agencies.

Public scoping meetings are being held on March 28, 2001 in Kalama and on March 29, 2001 in Kelso as announced by the Washington State Department of Transportation. The scoping meetings are to include presentations by the agencies about the scope of the project and an opportunity for the public and agency representatives to ask questions and provide comments and suggestions regarding the project and relevant environmental considerations. The comments made at these scooping meetings will be considered in preparation of the scope of the Draft Environmental Impact Statement along with subsequent comments submitted by April 30, 2001. Comments submitted after that date will be considered to the greatest extent possible.

Following completion of the scoping process, the agencies will initiate appropriate environmental and related studies. Following completion of the environmental analysis, the agencies will issue a draft environmental impact statement which will be circulated for public and agency comment. Advertisements offering interested persons the opportunity to attend and offer comments at a public hearing will be published contemporaneously with the circulation of the draft environmental impact statement. Public notice of actions related to the proposal that identify the date, time, place of meetings, and the length of review periods will be published at the appropriate time.

To ensure that the full range of issues related to this proposed improvement program and its reasonable alternatives are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action, the scoping process, and the environmental impact statement should be directed to the FHWA or FRA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of federal programs and activities apply to this program.)

Gary S. Hughes,

Operations Team Leader, Federal Highway Administration, Washington Division.

Mark E. Yachmetz,

Associate Administrator for Railroad Development, Federal Railroad Administration.

[FR Doc. 01–8014 Filed 3–30–01; 8:45 am]

BILLING CODE 4910–06–M; 4910–22–M

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 26, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 2, 2001 to be assured of consideration.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: New.
Form Number: ATF F 2300.10.
Type of Review: Extension.
Title: Special Agent Medical Preplacement.
Description: Information collected will be used to determine whether or not an applicant is actually qualified for the position. The information will be initially used to make a recommendation on either hiring or not hiring an applicant.
Respondents: Individuals or households.
Estimated Number of Recordkeepers: 300.
Estimated Burden Hours Per Recordkeeper: 45 minutes.
Frequency of Response: Other (as long as employed).
Estimated Total Recordkeeping Burden: 225 hours.

OMB Number: 1512–0025.
Form Number: ATF F 2 (5320.2).
Type of Review: Extension.
Title: Notice of Firearms Manufactured or Imported.
Description: This form is used by qualified persons to register National

Firearms Act firearms imported or manufactured. The information on the form establishes eligibility and exemption from tax.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 816.

Estimated Burden Hours Per Respondent: 45 minutes .

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 3,750 hours.

OMB Number: 1512–0508.

Form Number: ATF F 5300.28.

Recordkeeping Requirement ID Number: ATF REC 5300/28.

Type of Review: Extension .

Title: Application for Registration for Tax-Free Transactions Under 26 U.S.C. 4221.

Description: Business, State and local governments, and small businesses apply for registration to sell or purchase firearms or ammunition tax free on this form. ATF uses the form to determine an applicant's qualification.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 125.

Estimated Burden Hours Per Respondent: 3 hours.

Frequency of Response: Other (one-time).

Estimated Total Reporting Burden: 375 hours.

Clearance Officer: Frank Bowers (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, NW, Washington, DC 20226.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 01–7887 Filed 3–30–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 26, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 2, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0047.

Form Number: IRS Form 990 and Schedules A & B.

Type of Review: Extension.

Title: Return of Organization Exempt From Income Tax Under Section 501(c) of the Internal Revenue Code (Except Black Lung Benefit Trust or Private Foundation) or Sections 527 and 4947(a)(1) Non-Exempt Charitable Trust (Form 990); Organization Exempt Under Section 501(c)(3) (Except Private Foundation) and Section 501(e), 501(f), 501(k). 501(n), or Section 4947(a)(1) Nonexempt Charitable Trust (Schedule A); and Schedules of Contributors (Schedule B)

Description: Form 990 is needed to determine that Internal Revenue Code (IRC) section 501(a) tax-exempt organizations fulfill the operating conditions within the limitations of their tax exemption.

Respondents: Not-for-profit institutions.

Estimated Number of Respondents/Recordkeepers: 287,769.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form/schedule	Recordkeeping	Learning about the law or the form	Preparing the form	Copying, assembling, and sending the form to the IRS
990	95 hr., 23 min	16 hr., 48 min	21 hr., 55 min	48 min.
990–EZ	28 hr., 28 min	10 hr., 24 min	12 hr., 16 min	16 min.
Schedule A (990/990–EZ)	50 hr., 13 min	9 hr., 26 min	10 hr., 40 min	0 min
Schedule B (990/990–EZ)	4 hr., 32 min	1 hr., 23 min	1 hr., 31 min	0 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 47,397,875 hours.

OMB Number: 1545–0962.

Publication Number: IRS Publication 1075.

Type of Review: Extension.

Title: Tax Information Security Guidelines for Federal, State, and Local Agencies.

Description: Internal Revenue Code section 6103(p) requires that IRS provide periodic reports to Congress describing safeguard procedures, utilized by agencies which receive information from IRS, to protect the confidentiality of the information. This section also requires that these agencies furnish reports to the IRS describing their safeguards.

Respondents: State, Local or Tribal Government, Business or other for-profit; Not-for-profit institutions, Federal Government.

Estimated Number of Respondents: 5,100.

Estimated Burden Hours Per Respondent: 40 hours.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 204,000 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 01–7888 Filed 3–30–01; 8:45 am]

BILLING CODE 4830–01–P

Corrections

Federal Register

Vol. 66, No. 63

Monday, April 2, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[CO–001–0056 and CO–001–0057–FRL–6951–1]

Standards of Performance for New Stationary Sources: Supplemental Delegation of Authority to the State of Colorado

Correction

In rule document 01–5416 beginning on page 13438, in the issue of Tuesday, March 6, 2001, make the following corrections:

§ 60.4 [Corrected]

1. On page 13440, §60.4(c), in the table, in the Subpart Heading, ''MT–A [1]'' should read ''MT [1]''.
2. On the same page, in the same table, in the same heading,''SD–A [1]'' should read ''SD [1]''.
3. On the same page, in the same table, in the same heading,''UTA [1]'' should read ''UT [1]''.

[FR Doc. C1–5416 Filed 3–30–01; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,
April 2, 2001

Part II

Environmental Protection Agency

40 CFR Part 761

Reclassification of PCB and PCB-Contaminated Electrical Equipment; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPPTS–66015B; FRL–5790–7]

RIN 2070–AC39

Reclassification of PCB and PCB-Contaminated Electrical Equipment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is amending the requirements for reclassifying transformers, electromagnets, switches, and voltage regulators that contain polychlorinated biphenyls (PCBs) from PCB status (≥500 parts per million (ppm)) to PCB-Contaminated (≥50 but <500 ppm) or non-PCB (<50 ppm) status; or from PCB-Contaminated to non-PCB status. This rule brings the reclassification requirements into conformance with data and Agency experience gained since EPA last revised this regulation in 1982. The rule reduces the regulatory and economic burden of reclassification, and reduces the risk from PCBs to health and the environment by encouraging the phase-out and removal of PCBs from electrical equipment.

DATES: This rule is effective May 2, 2001. This rule is promulgated for purposes of judicial review at 1 p.m April May 2, 2001 under 40 CFR 23.5.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Tom Simons, Project Manager, National Program Chemicals Division (7404), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–3991; fax number: (202) 260–1724; e-mail address: simons.tom@epa.gov; or Julie Simpson, Attorney, National Program Chemicals Division (7404), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–7873; fax number: (202) 260–1724; e-mail address: simpson.julie@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you process, distribute in commerce, use, or dispose of PCBs contained in transformers, electromagnets, switches, voltage regulators, circuit breakers, reclosers, or cable. Potentially affected categories and entities include, but are not limited to:

TABLE 1.—POTENTIALLY AFFECTED ENTITIES

Categories	NAICS codes	Examples of potentially affected entities
Crude Petroleum and Natural Gas Extraction	211111	Facilities that own electrical equipment containing PCBs.
Electric Power Generation, Transmission, and Distribution.	2211	Facilities that own electrical equipment containing PCBs.
Food Manufacturing	311	Facilities that own electrical equipment containing PCBs.
Paper Manufacturing	322	Facilities that own electrical equipment containing PCBs.
Paper Mills	322121	Facilities that own electrical equipment containing PCBs.
Newsprint Mills	322122	Facilities that own electrical equipment containing PCBs.
Petroleum and Coal Products Manufacturing	324	Facilities that own electrical equipment containing PCBs.
Petroleum Refining	32411	Facilities that own electrical equipment containing PCBs.
All Other Petroleum and Coal Products Manufacturing	324199	Facilities that own electrical equipment containing PCBs.
Chemical Manufacturing	325	Facilities that own electrical equipment containing PCBs.
Primary Metal Manufacturing	331	Facilities that own electrical equipment containing PCBs.
Iron and Steel Mills	331111	Facilities that own electrical equipment containing PCBs.
Rolled Steel Shape Manufacturing	331221	Facilities that own electrical equipment containing PCBs.
Primary Aluminum Production	331312	Facilities that own electrical equipment containing PCBs.
Line Haul Railroads	482111	Facilities that own electrical equipment containing PCBs.
Lessors of Real Estate	5311	Owners of commercial buildings with electrical equipment containing PCBs
Waste Treatment and Disposal	5622	Facilities that own electrical equipment containing PCBs.
Materials Recovery Facilities	56292	Facilities that own electrical equipment containing PCBs.
Public Administration	92	Agencies that own electrical equipment containing PCBs.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action applies to certain entities. To determine whether you or your business is affected by this action, you should carefully examine the applicability provisions in 40 CFR part 761. If you have any questions regarding the applicability of this action to a particular entity, consult a technical person listed under **FOR FURTHER INFORMATION CONTACT**.

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

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

To access information about PCBs, go directly to the PCB Home Page for the Office of Pollution Prevention and Toxics at http://www.epa.gov/pcb.

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–66015B. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable

comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260–7099.

II. Background

A. What Action is the Agency Taking?

This final rule amends the requirements for reclassifying transformers, electromagnets, switches, and voltage regulators (40 CFR 761.30(a)(2)(v) and 761.30(h)(2)(v)). Reclassification is a voluntary process you can use to lower the PCB concentration in electrical equipment. This rule:

• Eliminates the requirement to raise the temperature of a transformer's dielectric fluid to at least 50°Centigrade (C) .

• Eliminates the 90-day in-service use requirement for all transformers, electromagnets, switches, and voltage regulators with a pre-retrofill PCB concentration <1,000 ppm.

• Allows you to reclassify PCB-Contaminated transformers, electromagnets, switches, and voltage regulators to non-PCB status by retrofilling with fluid <2 ppm PCBs. The rule does not require you to test the equipment after 90 days.

• Requires you to keep records showing that you followed the required reclassification procedures, and to make these records available to EPA or to any party holding or possessing the equipment.

1. *What are the advantages of reclassifying electrical equipment*? Electrical equipment containing PCBs is regulated for use based on the PCB concentration of its dielectric fluid. The most stringent and costly use conditions apply to electrical equipment containing dielectric fluid at PCB concentrations ≥500 ppm. Less stringent and less costly use conditions apply to PCB-Contaminated electrical equipment (containing ≥50 but <500 ppm PCBs in the dielectric fluid), and non-PCB electrical equipment (containing <50 ppm PCBs in the dielectric fluid). Reclassification allows you to take advantage of the less stringent and less costly use conditions that apply to electrical equipment at lower PCB concentrations, helps you avoid or reduce liability and insurance costs, and benefits health and the environment.

a. *Use conditions*—i. *Transformers*. EPA originally issued the reclassification rules to allow the owner of a PCB Transformer (a transformer containing dielectric fluid at ≥500 ppm PCBs) to rebuild the transformer rather than dispose of it. Rebuilding involves draining and opening the transformer to service the coil and other internal parts, and presents the risk of PCB exposure to workers and to the environment. Because of this risk, since 1979 EPA has banned rebuilding PCB Transformers unless they were first reclassified to at least PCB-Contaminated status (that is, the PCB concentration of the dielectric fluid was reduced to <500 ppm) (Ref. 1, p. 31532).

There are many advantages to reclassifying a PCB Transformer besides allowing you to rebuild it. PCB Transformers are subject to the following stringent use conditions, and associated costs, that do not apply to either PCB-Contaminated or non-PCB transformers. You can avoid these use conditions and costs by reclassifying the equipment.

• *Marking*. If you own a PCB Transformer, you must make sure it is marked with a 'M_L' (40 CFR 761.40(a)(2) and 40 CFR 761.40(c)(1)). For example, you must mark an unlabeled PCB Transformer that you sell to another entity; an unmarked PCB Transformer that you dispose of; a transformer that you assumed was PCB-Contaminated, but that you test and find is contaminated at ≥500 ppm; or a PCB Transformer whose mark is missing, damaged, or incorrect. Additionally, you must mark the location of a PCB Transformer, including vault doors, machinery room doors, fences, hallways or other means of access (other than grates and manhole covers) (40 CFR 761.40(j)(1)). There are no marking requirements for PCB-Contaminated or non-PCB transformers. EPA estimates that you save $32.09 each time you avoid having to mark a PCB Transformer or its location (Ref. 2, p. 8).

• *Inspections*. If you own a PCB Transformer, you must inspect it periodically to look for leaks and other potential problems (40 CFR 761.30(a)(ix), (x), and (xiii)) while the unit is in use and in storage for reuse. There are no inspection requirements for PCB-Contaminated or non-PCB transformers. EPA estimates that you incur $43.80 in annual inspection costs for each PCB Transformer you own (Ref. 2, pp. 8–9).

• *Recordkeeping*. If you own a facility that uses or stores a PCB Transformer, you must keep an annual document log (40 CFR 761.180(a)). You must include in the annual document log information on the location and disposal status of PCBs and PCB Items at your facility. EPA estimates that if your facility is large, your cost to keep an annual document log is $1,226. Large facilities are likely to have several PCB Items, including PCB Transformers. You do not have to include a reclassified in-service transformer in the annual document log. EPA expects that not having to include a reclassified transformer in the annual document log would result in cost savings, but is unable to quantify those savings for an individual transformer (Ref. 2, p. 9).

In addition, the regulations restrict the use of PCB Transformers near food or feed and in commercial buildings (40 CFR 761.30(a)(1)(i) through (v), 40 CFR 761.30(a)(1)(vii), 40 CFR 761.30(a)(1)(xiv)). PCB Transformers are subject to registration with EPA (40 CFR 761.30(a)(1)(vi)). You may not store combustible materials in a PCB Transformer enclosure or within 5 meters of an unenclosed PCB Transformer (40 CFR 761.30(a)(1)(viii)). If a PCB Transformer is involved in a fire-related incident, the owner of the transformer must immediately report the incident to the National Response Center (40 CFR 761.30(a)(1)(xi)). If a PCB Transformer leaks, you must initiate clean-up within 48 hours (40 CFR 761.30(x)). Finally, the owner of a PCB Transformer must keep records of inspection and maintenance for at least 3 years after disposing of a PCB Transformer (40 CFR 761.30(a)(1)(xii)). The PCB Transformer owner may avoid these restrictions and requirements by reclassifying the transformer to PCB-Contaminated or non-PCB status.

ii. *Electromagnets*. You may not use or store for reuse electromagnets containing ≥500 ppm PCBs that pose a risk to food or feed (40 CFR 761.30(h)(1)(i)). This prohibition does not apply to electromagnets that contain <500 ppm PCBs.

iii. *Voltage regulators*. Voltage regulators containing 1.36 kilograms (3 lb.) or more of dielectric fluid ≥500 ppm PCBs are subject to essentially the same marking, inspection, recordkeeping, and fire-reporting requirements as PCB Transformers (40 CFR 761.30(h)(1)(ii)). These requirements do not apply to

voltage regulators that contain <500 ppm PCBs.

b. *Liability and insurance costs*. Reclassification can help you avoid or reduce liability and insurance costs. Liability may result from catastrophic events such as explosions or fires, leaks or spills, or from improper handling or disposal of PCB waste. In addition, the risk of such events may increase your insurance costs. Dielectric fluid released from electrical equipment under any of these scenarios is unregulated for disposal if its concentration is <50 ppm PCBs, which it is likely to be if you have reclassified the equipment to non-PCB status. Therefore, cleanup of spills or releases from electrical equipment reclassified to non-PCB status is likely to be less costly and subject to less liability than if you had not reclassified the equipment.

c. *Environmental benefits*. Finally, reclassification of electrical equipment benefits health and the environment. Lower PCB concentrations in reclassified equipment reduce the risk to workers who may be exposed while using or servicing the equipment. Spills from reclassified equipment release less PCBs to the environment and present less of a risk during cleanup and disposal. PCBs removed from the equipment during reclassification are disposed of under existing requirements at 40 CFR part 761, subpart D, and thus are not released to the environment.

2. *What do the current reclassification regulations require*? Under the current rules for reclassifying electrical equipment containing PCBs:

• You may reclassify a transformer, electromagnet, switch, or voltage regulator with a PCB concentration ≥500 ppm to PCB-Contaminated status by reducing the PCB concentration in the equipment's dielectric fluid to <500 ppm.

• You may reclassify a transformer, electromagnet, switch, or voltage regulator with a PCB concentration ≥500 ppm, or a transformer, electromagnet, switch, or voltage regulator classified as PCB-Contaminated Electrical Equipment, to non-PCB status by reducing the PCB concentration in the equipment's dielectric fluid to <50 ppm.

• You must operate the equipment under loaded conditions (i.e., place it in in-service use) for 90 days after the last servicing conducted to reduce the PCB concentration in the equipment. The equipment's dielectric fluid must contain the specified PCB concentration at the end of this period.

• For electromagnets, switches, or voltage regulators, ''in-service use'' means the equipment is used electrically under loaded conditions. For transformers, ''in-service use'' means the transformer is used electrically under loaded conditions that raise the temperature of the dielectric fluid to at least 50°C.

Table 2 summarizes the current requirements for reclassifying electrical equipment.

TABLE 2.—CURRENT REQUIREMENTS FOR RECLASSIFYING ELECTRICAL EQUIPMENT

If the PCB concentration (ppm) in the equipment prior to retrofill is . . .	and you . . .	and, if your equipment is a transformer . . .	and test results show the PCB concentration (ppm) after retrofill is . . .	then the equipment's reclassified status is . . .
≥500	operate the equipment under loaded conditions for at least 90 days after retrofill	operation under loaded conditions raises the temperature of the dielectric fluid to at least 50°C	≥50 but <500	PCB-Contaminated
≥50 but <500			<50	non-PCB

Current rules governing reclassification of transformers are at 40 CFR 761.30(a)(2)(v); rules governing reclassification of electromagnets, switches, and voltage regulators are at 40 CFR 761.30(h)(2)(v). The rules governing reclassification of electromagnets, switches, and voltage regulators also apply to circuit breakers, reclosers, and cable (40 CFR 761.30(m)(1)(ii)).

The current rules also allow EPA to approve the use of alternate methods that simulate loaded conditions of in-service use. Requests for reclassifying transformers using an alternate method had typically involved simulating in-service use or requesting that the temperature requirement of 50°C for 90 days be waived. It has been EPA's experience that these requests were typically necessary when a transformer had failed, is not on line because it is being serviced or is in storage for reuse as a back-up unit, or for some other reason could not be operated under normal loaded conditions.

3. *Why did EPA propose to change the requirements*? After EPA promulgated the original reclassification rule in 1982, the Agency received information that raised questions about whether the 50°C requirement, the in-service use requirement, and the 90-day period for testing after retrofill were necessary for an effective reclassification. This unit discusses the new information and EPA's assessment of whether it warrants a change in the current reclassification requirements at § § 761.30(a)(2)(v) and 761.30(h)(2)(v).

a. *New information*—i. *The 1986 study*. An industry-sponsored study of 18 retrofilled PCB-Contaminated transformers was conducted in 1986 to determine what effect, if any, electrical loading had on removing PCBs from the core and coil of a drained, flushed, and refilled distribution transformer (Ref. 3). The study concluded that electrical loading had no significant effect on PCB levels. The refilled fluid in all the sampled transformers remained <50 ppm.

EPA's independent analyses also concluded that the study showed no discernable relationship between transformer temperature, transformer loading, and the rate of leaching (''leaching'' refers to the migration of PCBs from the transformer core and coils into the dielectric fluid) (Refs. 4 and 5). EPA also noted that the most important factor in the post-retrofill concentration of the transformer was the pre-retrofill concentration of the dielectric fluid. Another important factor was the length of time between retrofill and sampling—the results of the study generally confirmed EPA's belief that near asymptotic (eventual) PCB concentrations are achieved by 90 days after retrofill (Ref. 4). EPA also found that the study showed that within 7 days after retrofill the PCB concentration in the dielectric fluid had already achieved a relatively high

proportion of the level attained at 90 days. Increases in PCB concentrations after the first 7 days were gradual and fairly consistent from transformer to transformer (Refs. 4 and 5).

ii. *The 1989 study*. A larger industry-sponsored report analyzed data on 387 retrofilled transformers with concentrations <1,000 ppm collected from several dozen utility companies (Ref. 6). The report concluded that the percent of PCB reduction in a retrofilled transformer was not significantly related to its size (KVA rating), whether the transformer was energized, whether it was loaded, or whether the internal temperature reached 50°C. The report found that whether the transformer was flushed was a significant factor, but only for transformers with pre-retrofill concentrations ≤100 ppm PCBs.

EPA's analysis of the report focused on 263 transformers for which the data were complete (Ref. 4). Of these 263 transformers, 175 had pre-retrofill PCB concentrations of ≥50 but <500 ppm; the remaining 88 retrofilled transformers had pre-retrofill PCB concentrations ≥500 but <1,000 ppm. All the transformers were retrofilled with fluid containing <2 ppm PCBs, and were tested for PCB concentration shortly after retrofill. After 90 days of in-service use, during which the temperature of the dielectric fluid reached 50°C in some, but not all, of the transformers, the PCB concentrations were tested again. All but one of the 175 PCB-Contaminated transformers contained <50 ppm PCBs, and the concentration of that one was 53 ppm. Of the 88 PCB Transformers, all but eight (9.0%) had post-retrofill concentrations <50 ppm after 90 days, and the mean post-retrofill concentration for these eight transformers was 64.4 ppm. The results of EPA's analysis were generally consistent with those of the report's author. The only variable which EPA found to be related to post-retrofill PCB level was the number of days between pre-retrofill and post-retrofill testing. EPA's analysis concluded that these data showed that a properly conducted retrofill was very likely to reduce PCB dielectric oil concentrations to <50 ppm in transformers that had pre-retrofill levels <500 ppm; and that over 90% of transformers with pre-retrofill levels ≥500 but <1,000 ppm had 90-day test concentrations <50 ppm.

iii. *Other information*. EPA evaluated two additional sets of data on transformers that had been retrofilled and tested more than 90 days after retrofill (Ref. 4). The data did not specify how the retrofill was conducted or the conditions under which the transformers were operated after retrofill, so their usefulness for establishing regulatory requirements is limited.

In addition, information submitted to EPA orally and in writing indicated that many transformers, even under normal operating conditions, might never reach 50°C because of the design limitations of the equipment, equipment failure, low ambient temperatures, or transformer loading restrictions. In addition, this information suggested that there are drawbacks associated with attempting to comply with the 50°C temperature requirement by simulating in-service use of the transformers. These include safety risks to maintenance personnel, fire hazards associated with energizing or insulating equipment which is not designed to withstand heavy loads or increased temperatures, and the economic and resource commitment that must be borne by the transformer owners (Refs. 7, 8, 9, and 10).

b. *EPA's assessment of the new information*. Review of this new information led EPA to believe that changes to the reclassification requirements might be warranted (Refs. 4 and 5).

i. *The 50°C requirement*. EPA originally based the 50°C requirement on a 1981 study showing that this temperature was associated with light electrical loading and that it caused the release of PCBs from the internal components of transformers into the dielectric fluid (Refs. 8 and 11). EPA's independent analyses of the 1986 and 1989 studies concluded that they showed no discernable relationship between transformer temperature and leachback rate. Other information discussed in Unit II.A.3.a.iii. raised questions about the practicability, safety, and necessity of this requirement. EPA believed that the data showed that the rate of migration of PCBs into the dielectric fluid appeared not to be greatly affected by the transformer's temperature, and that the difficulties and dangers associated with meeting this criterion supported eliminating the 50°C requirement.

ii. *The in-service use requirement*. EPA's independent analyses of the 1986 and 1989 studies concluded that whether a transformer <1,000 ppm PCBs was loaded or energized did not significantly affect its post-retrofill concentration. The data showed that PCB levels in these transformers measured shortly after retrofill, but before being placed in service, had nearly reached their asymptotic PCB level. These studies therefore supported eliminating the in-service use requirement for transformers <1,000 ppm.

iii. *Properly conducted retrofill*. The studies showed that, in PCB-Contaminated transformers, a properly conducted retrofill substantially reduced the PCB concentration in the dielectric fluid. This is particularly well-demonstrated in the case of PCB-Contaminated transformers. During a properly conducted retrofill, the transformer was drained, flushed, and refilled with dielectric fluid <2 ppm PCBs. The studies supported requiring a properly conducted retrofill as part of the reclassification process.

iv. *Testing after 21 days*. The 1986 study data showed that a high proportion of the asymptotic PCB concentration was attained very soon after retrofill. After the first week, continued increases in PCB concentrations occurred gradually and predictably. The increase in PCB concentration was generally consistent from transformer to transformer, and from one make or model to another. In general, the longer the period after retrofill when sampling was conducted, the more reliable the estimate of the eventual PCB level. Sampling at 3 weeks provided a more reliable estimate than at 1 week. These data supported allowing testing shortly after retrofill for transformers <1,000 ppm PCBs.

4. *What changes to the reclassification requirements did EPA propose*? In the **Federal Register** of November 18, 1993 (Ref. 12), EPA proposed to amend the PCB rules governing the reclassification of transformers to:

- Eliminate the requirement to raise the temperature of a transformer's dielectric fluid to at least 50°C.
- Eliminate the 90-day in-service use requirement for all transformers with a pre-retrofill PCB concentration <1,000 ppm.
- Require you to test a transformer to determine its PCB concentration prior to retrofill.
- Require a ''properly conducted retrofill''—draining the PCB dielectric fluid, flushing with dielectric fluid <2 ppm PCBs or with a solvent in which PCBs were at least 5% soluble by weight using no less than 10% of the volume of the transformer, and retrofilling with <2 ppm dielectric fluid.
- Allow you to initially test a transformer with a pre-retrofill PCB concentration <1,000 ppm after 21 days, rather than 90 days, after a properly conducted retrofill. If post-retrofill test results showed a PCB concentration ≥25 to <500 ppm, you could reclassify the transformer to PCB-Contaminated status. If the results were <25 ppm, you could reclassify the transformer to non-PCB status.

• Allow you to immediately reclassify, with no 90-day post-retrofill test, a PCB-Contaminated transformer to non-PCB status, after a properly conducted retrofill.

Table 3 summarizes the proposed changes to the requirements for reclassifying transformers.

TABLE 3.—PROPOSED CHANGES TO THE REQUIREMENTS FOR RECLASSIFYING TRANSFORMERS

If test results show the PCB concentration (ppm) in the transformer prior to retrofill is . . .	and you . . .	and you . . .	and test results show the PCB concentration (ppm) after retrofill is . . .	then the transformer's reclassified status is . . .
≥1,000	drain the PCB dielectric fluid from the transformer; flush the transformer with dielectric fluid <2 ppm PCBs or with a solvent in which PCBs are at least 5% soluble by weight using no less than 10% of the volume of the transformer; and refill the transformer with <2 ppm dielectric fluid.	operate the transformer under loaded conditions for at least 90 days after retrofill	≥50 but <500	PCB-Contaminated
			<50	non-PCB
≥500 but <1,000		operate the transformer under loaded conditions for at least 21 days after retrofill	≥25 but <500	PCB-Contaminated
			<25	non-PCB
≥50 but <500		(not applicable)	(no need to test)	

EPA also proposed to:

• Regulate a reclassified transformer based on its actual concentration if testing showed that the actual concentration had increased after reclassification, but allow the owner to repeat the reclassification process.

• Require you to keep records of the transformer's pre-retrofill PCB concentration, the retrofill and reclassification schedule and procedure, and the transformer's post-retrofill PCB concentration.

• Require the PCB dielectric fluid drained from the equipment to be stored, manifested, and disposed of according to existing requirements for PCB waste.

EPA did not propose to change the requirements for reclassifying electromagnets, switches, and voltage regulators, but solicited comments on whether to treat this equipment like transformers for purposes of reclassification (Ref. 12, p. 60973). The current regulations at § 761.30(h)(2)(v) allow you to reclassify voltage regulators, switches and electromagnets that are ≥500 ppm PCBs to non-PCB or PCB-Contaminated status.

EPA also requested comment on whether to consider a transformer's Kilovolt-ampere (KVA) rating in determining what kind of reclassification process would be required (Ref. 12, p. 60972). EPA had received information that distribution transformers with a KVA rating of 500 or less are not required to have sampling valves and are therefore difficult to sample after retrofill (Ref. 13).

5. *What comments did EPA receive on the proposed rule*? EPA accepted written comments on the proposed rule for 45 days after its publication. On March 9, 1994, EPA held a public hearing on the proposed rule in Washington, DC, where the agency took oral comments (Ref. 20). An additional period for written reply comments followed the hearing. Copies of all written comments and a transcript of the hearing are in the official record for this rulemaking. These documents are available to you as part of the public version of the official record for this final rule. To learn how to get copies of these documents, see Unit I.B. The following discussion addresses significant issues raised by the commenters, EPA's reaction to those comments, and how these comments affected the outcome of this final rule. Comments raising each issue are identified in parentheses by the designation assigned each comment by the TSCA Nonconfidential Information Center staff.

a. *Drop the 50°C requirement*. The current reclassification rule requires you to operate a retrofilled transformer under conditions that would raise the temperature of the dielectric fluid to at least 50°C. Many commenters favored EPA's proposal to eliminate this requirement. Commenters agreed that the data discussed in Unit II.A.3. show that temperature has a minimal, if any, effect on the amount of PCBs recovered when a transformer is drained and refilled with non-PCB fluid. They also noted the practical difficulties and safety risks associated with attempting to comply with this requirement (C1-007, C1-008, C1-009, C1-011, C1-012, C1-014, C1-024, C1-033, C1-034, C1-035, C1-036, C1-037, C1-038, C1-039, C1-041, C1-043, C1-045, C1-046, C1-048, C1-050, C1-052, and C1-054) (Ref. 20, pp. 44–60). The final rule follows the proposal in eliminating the 50°C requirement.

b. *Drop the in-service use requirement for equipment <1,000 ppm PCBs*. Most commenters did not object to EPA's proposal to drop the in-service use requirement for transformers <1,000 ppm PCBs. However, one commenter supported maintaining the in-service use requirement for all transformers (C1-047) (Ref. 20, pp. 29–43). The commenter also asked EPA to define ''in-service use'' and ''under loaded conditions.'' The commenter was concerned that retrofilled transformers might be put back into in-service use

under conditions where there was significant voltage in the equipment, but no measurable electric current to ensure the movement of fluid through the internal components of the equipment; and that, without this movement, the levels of PCBs in the fluid might rise after retrofilling due to the retention of PCBs in the fluid remaining in the coil.

The commenter submitted results of experiments conducted to determine the effectiveness of triple rinsing in reducing the PCB concentration of fluids retained within the core and coils of mineral oil-filled electrical equipment. In one experiment, two transformers containing fluid at 128 and 282 ppm PCBs respectively were triple rinsed with <2 ppm PCB fluid. Then the transformers were disassembled and the fluid and core were tested. In one transformer, the PCB concentration of the fluid was 13 ppm and the concentration of the core was 58 ppm. In the other transformer, the concentration of the fluid was 6 ppm and the concentration of the core was 75 ppm. The second experiment used a hot oil flush a varied number of times in 3 transformers with PCB concentrations >400 ppm. The concentrations of the rinse oil after the last flush ranged from 9 to 22 ppm PCBs, and the residual concentrations in the core and coil assemblies ranged from 105 to 204 ppm PCBs. The commenter asserted that these experiments supported their concern that lack of loading could cause PCB concentrations to rise after retrofilling due to the retention of PCBs in the oil remaining in the coil. The commenter urged EPA to ensure that the PCB concentration of the oil in the coils was not still above regulated levels prior to reclassification of the equipment (C2-005).

EPA has never formally defined the terms ''in-service use'' or ''under loaded conditions,'' nor did it propose to. Placing equipment back into in-service use or operating it under loaded conditions means simply that, after retrofill, you must operate the equipment under its normal operating conditions, whatever they may be. As the commenter correctly pointed out, the purpose of putting the equipment back into in-service use was to circulate the oil in the equipment to remove PCBs from the inner workings of the equipment. Based on the data discussed in Unit II.A.3., this final rule does not require you to operate equipment containing <1,000 ppm PCBs under loaded conditions. At the same time, this rule does not allow you to reclassify equipment containing PCBs ≥50 ppm simply by rinsing, flushing, or retrofilling it (except for PCB-Contaminated equipment retrofilled with fluid <2 ppm). You must allow 90 days after retrofill for leaching to occur and then test the equipment to determine its post-retrofill concentration. The commenter's study, which tested only the effectiveness of flushing a transformer, does not demonstrate that the reclassification process required by the final rule for equipment <1,000 ppm PCBs (removing the free-flowing liquid from the equipment, refilling the equipment, and testing the fluid after 90 days) will not result in an effective reclassification.

Another commenter believed the in-service use requirement was necessary so that PCBs would leach adequately from the transformer's porous insulation into the newly retrofilled liquid (C1-001) (Ref. 20, pp. 8–29). The commenter correctly noted that the studies referenced in EPA's proposed rule did not measure the PCB level in the porous inner parts of a reclassified transformer. The commenter was concerned that workers dismantling a ''non-PCB'' reclassified transformer could be exposed to PCBs ≥500 ppm. EPA has not adopted this suggestion because the data discussed in Unit II.A.3. support allowing reclassification without in-service use for equipment <1,000 ppm PCBs while the equipment is in use. The reclassification procedure is a form of servicing to reduce the risks from PCBs during continued use. It does not determine equipment's concentration at the time of disposal. You should verify the equipment's PCB concentration at the time of disposal to ensure that you manage and dispose of it properly. An added safeguard to proper disposal is the disposal industry's practice of testing waste at the disposal facility.

Several commenters took issue with the statement in the preamble to the proposed rule that most substation transformers contain ≥1,000 ppm PCBs (Ref. 12, p. 60972). The commenters asked EPA to correct this statement in the final rule (C1-007, C1-011, C1-020, C1-024, C1-035, C1-036, and C1-045). EPA made the statement based on data available at the time of the proposed rule, as part of its rationale for dropping the in-service use requirement for transformers <1,000 ppm PCBs, but not for transformers ≥1,000 ppm. EPA believed that small distribution transformers, which are difficult and dangerous to sample after having been reconnected, are likely to contain <1,000 ppm PCBs, while large substation transformers, which can be sampled more conveniently and safely, generally contain ≥1,000 ppm PCBs. EPA is retaining the in-service use requirement for all equipment ≥1,000 ppm, but, in light of these comments, is not basing the requirement on assumptions about the concentration of substation transformers. EPA is relying on the data discussed in Unit II.A.3. in retaining the in-service use requirement for equipment ≥1,000 ppm, whether or not the equipment is a substation transformer. These data do not support dropping the requirement for this equipment, and commenters did not supply additional data to support such a change.

A commenter asked EPA to clarify that the rule covers Askarel transformers as well as mineral oil-filled transformers (C1-040). You may reclassify equipment regardless of the type of dielectric fluid it contains. Virtually all Askarel transformers will have PCB concentrations ≥1,000 ppm prior to reclassification. For equipment ≥1,000 ppm PCBs, you must operate the equipment for at least 90 days after retrofill, under loaded conditions, and retest the dielectric fluid. The equipment is regulated based on this post-reclassification PCB concentration.

Finally, a commenter suggested eliminating the 90-day in-service use requirement for all oil-filled electrical equipment, regardless of concentration, that does not contain a core (C1-038). The commenter did not support this suggestion with data showing that it would be effective for equipment ≥1,000 ppm, so EPA is not adopting it.

i. *Allow immediate reclassification of PCB-Contaminated equipment to non-PCB status.* Under the proposed rule, if you removed all free-flowing PCB dielectric fluid from a piece of PCB-Contaminated equipment and refilled the equipment with dielectric fluid containing <2 ppm PCBs, the equipment would be immediately reclassified to non-PCB status without being placed in in-service use (that is, operated under loaded conditions). The final rule retains this provision, which most comments on this issue supported (C1-009, C1-037, C1-045, C1-048, and C1-052) (Ref. 20, pp. 8–29). (See Unit II.A.5.b. for a discussion of a comment that supported maintaining the in-service use requirement for all transformers.)

ii. *Modify the 90-day in-service use requirement for equipment ≥1,000 ppm PCBs.* One commenter stated that they do not continuously use their ≥1,000 ppm PCB Transformers, and therefore would not be able to meet the continuous 90-day in-service use requirement included in the proposed rule. The commenter requested that EPA allow for cumulative time in service in the final rule (C1-008). Another commenter stated that it had one-of-a-

kind transformers that are in storage for reuse as backups to the equipment on line. These backups might never get on line and, therefore, might never be able to meet the 90-day in-service use requirement for equipment ≥1,000 ppm (C1-030). The commenter suggested that EPA allow equipment that has been properly retrofilled to be tested at an interval to be determined by EPA.

EPA is not adopting these suggestions. The effectiveness of these alternate reclassification methods could depend on factors such as the equipment's pre-retrofill PCB concentration, the amount of fluid replaced, and the length of the intervals the equipment was in service and out of service. EPA would need to look at each case individually. If you wish to use a method of reclassification that differs from the method in the final rule, you may request an approval from the Director of the National Program Chemicals Division under § 761.30(a)(2)(v)(C) or § 761.30(h)(2)(v)(C).

iii. *Do not require all retrofilled transformers to be installed.* A commenter asked EPA to clarify § 761.30(a)(1)(iii)(B) (formerly § 761.30(a)(1)(iii)(C)(*2*)(*iii*)). That provision refers to transformers that are ''installed'' for reclassification. The commenter noted that under the proposal, not all transformers would have to be installed as part of reclassification, only those ≥1,000 ppm PCBs (C1-017).

The purpose of § 761.30(a)(1)(iii)(B) is to authorize the installation of retrofilled transformers where installation is required for reclassification. Without this authorization, installation would be prohibited under § 761.30(a)(1)(iii). You need not install a transformer as part of reclassification unless required to do so under § 761.30(a)(2)(v), notwithstanding § 761.30(a)(1)(iii)(B).

The proposed rule would have deleted all but the first sentence of § 761.30(a)(1)(iii)(B). The purpose of this change was to remove language that would have conflicted with EPA's proposal to allow reclassification after 21 days for transformers ≥500 but <1,000 ppm PCBs. Since EPA is not finalizing this provision of the proposal (see Unit II.A.5.c.iii.), the final rule leaves the current language of § 761.30(a)(1)(iii)(B) intact.

c. *Drop the post-retrofill 90 day testing requirement*—i. *Allow immediate reclassification of equipment < 500 ppm PCBs.* Under the proposed rule, if you removed all free-flowing PCB dielectric fluid from a piece of PCB-Contaminated equipment and refilled the equipment with dielectric fluid containing <2 ppm PCBs, the equipment would be immediately reclassified to non-PCB status without further testing. The final rule retains this provision, which most comments on this issue supported (C1-007, C1-008, C1-014, C1-015, C1-036, C1-037, C1-039, C1-041, C1-043, C1-045, C1-046, C1-048, C1-050, and C1-052) (Ref. 20, pp. 8–29, 44–60). (See Unit II.A.5.c.v. for a comment recommending retesting until there is no increase in PCB concentration in at least two consecutive tests.)

ii. *Allow retrofill with fluid <50 ppm PCBs.* Commenters also wanted the option of retrofilling equipment with fluid <50 ppm PCBs (C1-037 and C1-054). Allowing retrofilling with fluid at this slightly higher PCB concentration would save costs and would not add to reclassification risks where testing was required after retrofill. Therefore, the final rule allows you to reclassify equipment using retrofill fluid <50 ppm PCBs, however testing is also required to ensure that the PCB concentration has been sufficiently reduced and the reclassification has been successful. If it has not, you may either repeat the reclassification process or treat the equipment as regulated at its actual concentration as reflected in the test.

iii. *Do not allow reclassification based on 25 ppm after 21 days for equipment ≥500 but <1,000 ppm.* Under the proposed rule, you could have tested transformers with a PCB concentration ≥500 but <1,000 ppm after 21 days rather than after 90 days following a properly conducted retrofill. Then, if the results of the post-retrofill test were <25 ppm PCBs, you could have reclassified the transformer to non-PCB status. If the results were ≥25 but <500 ppm PCBs, you could have reclassified it to PCB-Contaminated status.

Commenters were generally opposed to this provision. Most saw it as creating a new category of PCB-Contaminated transformer (≥25 but <500 ppm), and pointed out that this new category would create confusion, particularly in the application of the Spill Cleanup Policy (where a spill of ≥25 but <50 ppm would have to be categorized for purposes of cleanup as ≥50 but <500 ppm) (C1-002, C1-006, C1-011, C1-027, C1-032, C1-036, C1-038, and C1-041). Another commenter stated that this provision would allow high concentrations of PCBs to remain in the porous inner parts of the transformer (C1-001). Others believed the 25 ppm level was arbitrary, or might be unreasonably low based on the available data (C1-024, C1-039, and C1-048). A commenter asked EPA to clarify how these transformers should be labeled and stored during the 21-day period (C1-017). Other commenters favored the provision, but thought the 25 ppm threshold was overly conservative (C1-023, C1-024, and C1-051).

After re-examining the data discussed in Unit II.A.3. and these comments, EPA has not included this provision in the final rule. In the 1989 study, PCB concentrations in a significant percentage (9%) of transformers with pre-retrofill concentrations ≥500 but <1,000 ppm tested <50 ppm at 21 days, but continued to rise, and when retested after 90 days showed PCB concentrations ≥50 ppm. Therefore, in this final rule, EPA is requiring that transformers with a pre-retrofill concentration of ≥500 but <1,000 ppm PCBs be tested to determine PCB concentration 90 days after retrofill.

iv. *Allow reclassification based on testing after 21 days for transformers with PCB concentrations ≥1,000 ppm.* Commenters suggested that the reclassification procedures proposed for equipment ≥500 but <1,000 ppm be applied to at least some equipment at concentrations ≥1,000 ppm. This would allow equipment at higher concentrations to be tested after 21 days of in-service use as opposed to 90 days (C1-023 and C1-030). One commenter suggested that these classification procedures apply to equipment containing up to 5,000 ppm PCBs. The commenter theorized that since the data EPA relied on in the proposed rule indicated that most equipment retains less than 8% of the original PCB concentration after retrofill, EPA could raise the upper limit as high as 6,200 ppm (6,200 ppm x 0.08 = 496 ppm). For the reasons discussed in Unit II.A.5.c.iii., EPA is not including the 21-day provision in the final rule. EPA therefore is not adopting this suggestion.

Likewise, EPA is not adopting commenters' suggestion to eliminate the 90-day test after retrofill for transformers ≥1,000 ppm PCBs, especially for mineral oil transformers less than 500 KVA (C1-035 and C1-036). The data discussed in Unit II.A.3. support amending the reclassification requirements for electrical equipment <1,000 ppm PCBs, not for equipment at higher concentrations. The commenter did not support this suggestion with data, so EPA is not adopting it.

v. *Require testing to be repeated until there is no increase in concentration.* One commenter stated that, since leachback occurs, retesting should be conducted at regular intervals until there is no increase in PCB concentration in at least two consecutive tests. The commenter also argued that reliance on a single test taken at 21 days, or even at 90 days, can

lead to improper disposal based on the assumption that the equipment has maintained that concentration over time (C1-047) (Ref. 20, pp. 29–43).

EPA recognizes that even after a properly conducted reclassification procedure, the concentration of reclassified equipment may rise. The final rule at § 761.30(a)(2)(v)(B) and § 761.30(h)(2)(v)(B) clarifies that if the PCB concentration in the fluid of reclassified equipment changes, causing the equipment's reclassified status to change, the equipment is regulated based on the actual concentration of the fluid. The final rule allows you time to come into compliance with requirements for a transformer or voltage regulator you discover contains ≥500 ppm PCBs. The rule also allows you to repeat the reclassification procedure.

Finally, the reclassification procedure is a form of servicing to reduce the risks of continued use. It does not determine equipment's concentration for disposal. You should verify the equipment's PCB concentration at the time of disposal to ensure that you dispose of it properly. An added safeguard to proper disposal is the disposal industry's practice of testing waste at the disposal facility. EPA does not believe that continuous testing of reclassified equipment while in use is necessary to ensure proper disposal.

d. *Define ''properly conducted retrofill.''* A commenter requested that EPA define the term ''properly conducted retrofill'' or provide further clarification on the process (C1-036). EPA is not using this term in the final rule. Instead, the reclassification process described at § 761.30(a)(2)(v) and § 761.30(h)(2)(v) includes all the required steps for reclassifying electrical equipment, including the requirements for retrofilling.

i. *Clarify how to drain equipment prior to retrofill.* A comment suggested that EPA prescribe what draining means procedurally, i.e., whether there is a certain amount of time that should elapse when draining the free-flowing liquid from a piece of equipment, and whether there are other methods one could use to remove the fluid (C1-014).

The purpose of draining is to remove as much as possible of the original dielectric fluid from the equipment prior to retrofill. Removing this free-flowing liquid increases the likelihood of a successful reclassification. EPA is not requiring that a specific amount of time elapse or that a specific method be used to remove the fluid from the equipment. You may use any method that removes the fluid, such as draining or pumping. An extended or second draining or pumping may be prudent to remove as much of the free-flowing fluid as possible. To reduce confusion, the final rule requires you to ''remove'' rather than ''drain'' the fluid from the equipment prior to retrofill.

You must either test the fluid prior to initiating a reclassification procedure or assume that it is ≥1,000 ppm PCBs. You may not use the ''assumption rule'' at § 761.2 to classify mineral oil filled equipment as PCB-Contaminated (≥50 but <500 ppm PCBs) for purposes of reclassification under this rule. Nor may you batch test the fluid from several pieces of equipment and use those test results to classify all of the equipment.

ii. *Do not require flushing as part of a ''properly conducted retrofill.''* Several commenters were strongly opposed to including flushing as part of the reclassification procedure. They stated that flushing provided no significant benefit because it only removed superficial surface residues, and that flushing generated additional waste, which is counter to the Agency's waste minimization efforts (C1-007, C1-008, C1-045, C1-046, and C2-001) (Ref. 20, pp. 44–60).

Other commenters recommended that if the provision were maintained, the process should be revised. Some suggested reducing the flush volume from 10% to 5% of the volume of the transformer, or limiting the flush volume to a maximum of 500 gallons (C1-007, C1-036, and C1-046). Some commenters pointed out that the proposal to estimate flush volume based on the transformer's height, width, and depth would not account for volume displaced by the core and coils. They recommended estimating 10% of the volume of the equipment based on the volume of fluid removed or 80% of total volume (C1-007, C1-020, and C1-050).

Other comments suggested that EPA allow the use of flush material at PCB concentrations up to 50 ppm, rather than <2 ppm. One commenter wanted to know whether the flush material could be disposed of based on its ''as is'' PCB concentration as opposed to the original concentration of the equipment it was used to flush. Lastly, commenters felt that flushing should be optional for PCB Transformers ≥1,000 ppm where post-retrofill testing is required (C1-007 and C1-008).

Based on the data discussed in Unit II.A.3. and the comments, this final rule does not require flushing as part of the reclassification procedure. The data show that flushing provided only about a 7% difference in PCB reduction compared to equipment that was not flushed (Refs. 4 and 6). In addition, as commenters pointed out, flushing creates additional waste, which is counter to the Agency's waste minimization efforts. Nonetheless, you may flush equipment prior to retrofill, and the final rule prescribes neither the concentration nor the volume of flush material you must use. You may dispose of the flush material ''as is'', i.e., based on its concentration after the flushing procedure has been completed, not based on the concentration of the equipment prior to the flush. (See 40 CFR 761.79(g).)

e. *Do not make KVA a factor in the reclassification procedure.* In the preamble to the proposed rule, EPA asked for comment on whether KVA rating, in addition to or separately from pre-retrofill concentration, should be taken into account in determining transformer reclassification requirements. EPA had requested comment on this issue based on information provided by a utility that distribution transformers with a KVA rating of 500 or less are not required to have sampling valves, and that sampling these units outside of the shop environment is precarious. The utility therefore suggested that EPA not require post-retrofill testing of distribution transformers 500 KVA and below (Ref. 12, p. 60972, and Ref. 13).

There was little consensus among the commenters on this question. Some commenters noted that there were no data indicating a relationship between PCB concentration and KVA rating, or demonstrating a relationship between KVA rating and the effectiveness of a retrofill (C1-007, C1-008, C1-014, C1-024, C1-041, and C1-045) (Ref. 20, pp. 44–60). One commenter stated that the current post-retrofill testing requirements have not placed an undue burden on industry (C1-040). Other commenters favored taking KVA into consideration, stating that transformers larger than 500 KVA are generally designed to allow in-service sampling of their oil, while transformers 500 KVA and smaller are not. Sampling the latter transformers would be unfeasible and potentially dangerous to service personnel (C1-017, C1-035, and C1-036). One commenter suggested that, if KVA were taken into account, a 100 KVA rating level would be more favorable to the environment (C1-040). Another suggested that distribution transformers be defined as less than 69 KV, 500 KVA equipment (C1-020). Since most of the comments did not support the utility's suggestion, EPA has not added a KVA criterion to the final rule.

f. *Allow reclassification of all oil-filled equipment as well as transformers.* In the proposed rule, EPA invited comments on allowing the proposed

reclassification rules to be used for electromagnets, switches, and voltage regulators (Ref. 12, p. 60973). Commenters addressing the issue unanimously agreed that EPA should include these types of electrical equipment, but some also wanted EPA to expand the rules to include all oil-filled electrical equipment ≥50 ppm (C1-014, C1-036, C1-038, C1-041, C1-045, and C1-052). Information supplied by commenters supported amending § 761.30(h)(2)(v) so that the new reclassification procedures apply to electromagnets, switches, and voltage regulators. Under § 761.30(m)(1)(ii), these reclassification provisions also apply to circuit breakers and reclosers. The information shows that, compared to a transformer, this equipment contains the same amount or less porous inner materials that could absorb PCBs. Therefore, the reclassification requirements that apply to transformers would be as effective or more effective for this equipment.

• *Electromagnets*. A commenter stated that electromagnets do not contain significant core and coil components that can trap PCBs (C1-011).

• *Switches (including sectionalizers)*. Commenters stated that switches and sectionalizers are used throughout all utility systems. Switches and sectionalizers contain dielectric fluid, but, unlike transformers, do not contain an iron core or paper insulated coils of wire. Therefore, there is very little material into which oil (and thus PCBs) could be absorbed (C1-007, C1-011, C1-012, C1-023, and C1-037) (Ref. 20, pp. 44–60).

• *Voltage regulators*. Voltage regulators control voltage as it moves through the electric utility system from generation to ultimate consumption. Commenters stated that voltage regulators are like transformers in that they require the same type of insulating oil to retain dielectric integrity, and they contain an iron core or paper insulated coils of wire. Therefore, the anatomy of a voltage regulator and a transformer can be considered the same and the procedures to reclassify the two forms of equipment should be the same. Thus, enough oil and PCBs would be removed by a drain and refill process to reclassify a contaminated voltage regulator without placing it in service (C1-007, C1-011, C1-012, C1-017, C1-020, C1-037, and C1-039) (Ref. 20, pp. 44–60). One commenter provided data on retrofilled voltage regulators, but the data did not specify how the retrofill was conducted or the conditions under which the voltage regulators were operated after retrofill, so the data's usefulness for establishing regulatory requirements is limited (C1-007).

• *Circuit breakers*. Circuit breakers may be used throughout a utility system, but are especially common in transmission substations where they are used to protect transformers. According to commenters, circuit breakers require the same type of insulating oil as transformers for dielectric integrity. However, unlike transformers, they do not contain an iron core or paper insulated coils of wire into which oil (and thus PCBs) could be absorbed (C1-007, C1-023, and C1-041) (Ref. 20, pp. 44–60).

• *Reclosers*. Reclosers are relatively small pieces of equipment that are often mounted on utility poles to protect distribution system equipment. Reclosers contain dielectric fluid, but have no inner iron core or paper insulate coils of wire into which oil (and thus PCBs) could be absorbed (C1-007) (Ref. 20, pp. 44–60).

Under § 761.30(m)(1)(ii), you may also reclassify oil-filled cable. It is EPA's experience that oil-filled cable rarely contains PCBs ≥50 ppm (Ref. 14, p. 37352). Therefore, most oil-filled cable is considered non-PCB, and would not be reclassified. In the unlikely event that you discover oil-filled cable containing PCBs at ≥50 ppm, you may reclassify it by following the procedures at 40 CFR 761.30(h)(2)(v).

One commenter asked that the reclassification procedures also apply to bushings (C1-038). EPA has not adopted this suggestion because bushings are not regulated separately from the equipment on which they are installed, that is, there is no separate use authorization for bushings and therefore no reclassification provision for bushings in § 761.30. The PCB regulations assume that intact electrical equipment contains the component parts necessary for the equipment to operate. A bushing that is in service on authorized electrical equipment is treated as having the same PCB concentration as the equipment of which it is a part. Therefore, if you reclassify equipment under § 761.30(a)(2)(v), § 761.30(h)(2)(v), or § 761.30(m)(1), you need not reclassify the bushing separately for the equipment as a whole to be considered reclassified.

If, however, you wish to reduce the concentration of the bushing while it is installed on the equipment, you may do so by draining the existing fluid and disposing of it as PCB waste, flushing the bushing with fluid containing <2 ppm PCBs, and refilling it with fluid containing <2 ppm PCBs. Once you remove a bushing from the equipment, it is regulated as a separate PCB Article and you may not reclassify it under the provisions of this rule. At the time of disposal, you must dispose of a bushing containing fluid ≥50 ppm PCBs as a separate PCB Article under 40 CFR 761.60(b)(5) (Refs. 15, 16, and 17).

Commenters pointed out that many voltage regulators contain an internal small capacitor that has the potential to rupture or leak. They felt that it was important to remove this small capacitor during reclassification to prevent it from leaking and contaminating the replacement fluid in the voltage regulator (C1-017 and C1-024). Intact and non-leaking small capacitors containing PCBs are authorized for use without restriction (see 40 CFR 761.3 and 761.30(l)), and are subject to existing disposal requirements (see 40 CFR 761.60(b)(2)). If your voltage regulator's fluid were contaminated by a leak from an internal small capacitor, you could reclassify the voltage regulator if necessary, or you could manage it at its post-leak PCB concentration. EPA recognizes this potential problem and suggests that if you find a small capacitor in a voltage regulator, you remove it after draining and replace it with one that contains no PCBs.

g. *Do not regulate disposal as part of reclassification*. The proposed rule would have required you to properly store and dispose of PCB-containing waste materials as part of a properly conducted retrofill. Commenters felt that the ultimate disposal of these materials (such as drained fluid, rags, and personal protective equipment) was not necessary to complete a properly conducted retrofill (C1-007, C1-008, and C1-024) (Ref. 20, pp. 44–60). EPA agrees that the reclassification process can be regulated separately from the disposal of waste from reclassification. This final rule does not specifically refer to disposal of PCB-containing waste materials as part of the reclassification procedure, although you must dispose of these materials based on their PCB concentration at the time of disposal by following existing rules at 40 CFR part 761, subpart D.

h. *Allow time to come into compliance when equipment's concentration changes after reclassification*. Commenters were concerned that they would be subject to enforcement action if, after properly reclassifying a piece of equipment, the concentration of the equipment rose above the concentration limit for its class. Commenters strongly urged that the rules allow the opportunity to come into compliance if equipment originally reclassified as non-PCB were later discovered to be ≥50 ppm, or if

equipment originally reclassified as PCB- Contaminated were later discovered to be ≥500 ppm. Commenters suggested using a schedule similar to that at § 761.30(a)(1)(xv) for assumed mineral-oil transformers that are later discovered to be ≥500 ppm. Commenters also wanted to have the opportunity to repeat the reclassification process if the transformer's concentration increased (C1-007, C1-012, C1-016, C1-035, C1-050, C1-051, C1-052, and C2-001).

Under the final rule, a piece of equipment is regulated for use based on its reclassified concentration until the equipment is retested. If the retest shows that the equipment is above the upper concentration limit for its reclassified status, the equipment is regulated based on the actual concentration of the fluid. EPA agrees with the commenters that if you discover that the concentration of equipment reclassified to PCB-Contaminated status has risen to ≥500 ppm PCBs, you should have time to come into compliance with requirements that apply to equipment containing ≥500 ppm PCBs. The final rule directs you to follow the schedules in § 761.30(a)(1)(xv)(A) through (J) for transformers and § 761.30(h)(1)(iii) for voltage regulators. If you documented that you conducted the original reclassification procedure properly (see the recordkeeping requirement at § 761.180(g)) and you complied with these schedules, you would not be in violation of the reclassification requirements.

If you discover that the concentration of equipment reclassified to non-PCB status has risen to ≥50 but <500 ppm, the only regulatory concern (other than cleanup of spills during use) is the eventual disposition of the equipment and its fluid. During use, you do not need to mark, inspect, or keep records on the equipment.

The final rule also allows you to repeat the reclassification process to reduce the concentration in any reclassified equipment to the desired level.

i. *Allow reclassification based on the procedures in the proposed rule*. Several commenters requested that EPA allow owners to consider their equipment to be reclassified if they followed the procedures in the proposed rule before the effective date of this final rule. These commenters asked to be ''grandfathered in'' to the requirements of the final rule, rather than having to request a formal approval of an alternate method of reclassification from EPA or having to repeat the procedure after the effective date of this final rule (C1-007, C1-008, C1-023, C1-050, C1-052, and C1-053).

EPA is not adopting this suggestion. Prior to promulgation of this final rule, owners who wanted to reclassify their equipment based on the provisions of the proposed rule could do so based on a written approval from EPA. Those who have requested and received an approval need not follow the reclassification process in the final rule for the equipment that was subject to the approval. Those who have followed the requirements of the proposed rule without requesting and receiving an approval have not complied with the reclassification rules and must either request an approval or comply with the provisions of this final rule. Equipment reclassified under the rules currently in effect does not need to be reclassified again once this final rule goes into effect.

j. *Allow alternate reclassification methods*. A commenter suggested that EPA amend the rule to allow on-line processing (C1-021). The commenter stated that on-line processing is conducted while the transformer is energized and under load, thereby achieving sustained elevated temperatures which should promote effective PCB extraction from the transformer. The commenter did not submit enough data to allow EPA to include this process in the final rule. If you wish to use on-line processing for reclassification, you may request an approval under § 761.30(a)(2)(v)(C) or § 761.30(h)(2)(v)(C).

k. *Do not require recordkeeping*. The proposed rule would have required you to maintain the following records on your reclassified equipment for at least three years after you disposed of the equipment:

- The pre-retrofill concentration of the equipment.
- The retrofill and reclassification schedule and procedure.
- A copy of the analysis indicating the equipment's reclassified status (i.e., final PCB concentration).

Commenters questioned the need for this requirement (C1-022, C1-039, and C1-041). First, as discussed in Unit II.A.5.l., if reclassified equipment is sold or transferred to another company for use, service, or salvage, those records will provide useful information to the buyer, servicer or disposer. In addition, for equipment that has been reclassified from ≥500 to <500 ppm PCBs, the records of reclassification will provide documentation of why the equipment is no longer being recorded on the annual report or the annual document log and why the equipment is no longer being marked or inspected. Finally, the records will allow EPA inspectors to determine whether the equipment was reclassified according to the regulatory requirements. EPA is generally retaining the proposed recordkeeping provisions in this final rule for equipment reclassified on or after the effective date of this rule. This final rule requires you to maintain records of the pre-reclassification concentration of the equipment, the reclassification procedure conducted, and the final PCB concentration after the completion of the reclassification procedure (see § 761.180(g)).

In the preamble to the proposed rule (Ref. 12, p. 60971), EPA erroneously cited ASTM methods D923-86 and D923-89 as recognized methods for determining the concentration and nature of PCBs in dielectric fluid. These are sampling methods, not testing methods. You may analyze for PCBs using any method of gas chromatography that is appropriate for the material being analyzed (see 40 CFR 761.60(g)(iii)). Methods include ASTM Method D4059–96, ''Standard Test Method for Analysis of Polychlorinated Biphenyls in Insulating Liquids by Gas Chromatography'' (Ref.18) and ''The Determination of Polychlorinated Biphenyls in Transformer Fluid and Waste Oils,'' issued by EPA's Office of Research and Development (Ref.19). Other methods are listed in 40 CFR 761.60(g)(iii).

l. *Require that reclassified equipment be labeled to protect workers from higher PCB concentrations in porous inner parts*. A commenter submitted data to show that 21 days after a PCB-Contaminated transformer has been properly reclassified, the fluid in the equipment may test at <50 ppm, but the porous inner parts may be ≥50 ppm. The commenter expressed concern that workers who dismantle these transformers for servicing or disposal could unknowingly be exposed to PCBs at ≥50 ppm when they remove the internal components of the equipment. The commenter asked EPA to require notification and labeling to show that the equipment had been reclassified (C1-001 and B1-001) (Ref. 20, pp. 8–29, 62–67). Another commenter opposed such a requirement as misleading (Ref. 20, pp. 44–60).

EPA has not adopted this suggestion. Such a change would not by itself guarantee that workers dismantling transformers were protected from PCBs that might remain in the internal workings of reclassified equipment. The PCB regulations at 40 CFR 761.30(a)(2)(v) and (h)(2)(v) have allowed the reclassification of electrical equipment since 1982 and have never

required labeling of units <500 ppm. If EPA required labeling of all equipment reclassified after the effective date of this rule, disposal facilities would still receive equipment that had been reclassified before the effective date of this rule, but that was not labeled. If the facility needed to make sure of the PCB concentration of the internal components of this unlabeled equipment, it would still have to test these components—it could not rely on the fact that the equipment was not labeled to assume that the equipment had not been reclassified. EPA believes that imposing a labeling requirement for equipment reclassified after the effective date of this rule could therefore give disposers of electrical equipment a false sense of security in handling equipment that was not labeled. A labeling requirement would create costs and burdens for owners of reclassified equipment, but would be of limited usefulness to servicing and disposal facilities.

This final rule requires anyone conducting a reclassification after the effective date of this rule to keep records of the reclassification (see 40 CFR 761.180(g)). These records must contain the pre-reclassification concentration of the equipment, the reclassification procedure conducted, and the final PCB concentration after the completion of the reclassification procedure. Any potential buyer, servicer, or disposer may request these records. Obtaining these records would serve as notification of the potential for the inner workings of the equipment to contain higher PCB concentrations than the fluid itself, and would allow servicers and disposers to take proper precautions if the equipment were to be dismantled. In addition, the existing rules at § 761.60(b)(8) protect workers by requiring that persons disposing of PCB Articles wear or use protective clothing or equipment to protect against dermal contact with or inhalation of PCBs or materials containing PCBs.

Finally, nothing in this final rule limits the servicer's or disposer's flexibility to include provisions in its contracts with its suppliers requiring additional information on the servicing history of the equipment it receives.

m. *Do not encourage dilution of PCBs during reclassification*. One commenter objected to the proposal on the basis that it encouraged the deliberate dilution of PCBs as an acceptable means of avoiding more stringent disposal requirements. The commenter stated that reclassification in general, and the proposed amendments to an even greater extent, allow transformer owners to decrease the PCB concentration in the residual oils in the internal components of the transformer through dilution with the retrofill liquid. The commenter believed the proposal would cause huge volumes of PCBs to be diluted to unregulated levels rather than permanently destroyed. The commenter suggested that EPA instead create incentives for the use of methods which actually remove the PCBs from the transformer and decrease the risk of release of PCBs into the environment (C1-047 and C2-005) (Ref. 20, pp. 29–44).

As discussed in Unit II.A.1.a., EPA originally developed the reclassification process to allow the owner of a PCB Transformer to rebuild the transformer rather than dispose of it. Rebuilding involves draining and opening the transformer to service the coil and other internal parts, and presents the risk of PCB exposure to workers and to the environment. Because of this risk, in 1979 EPA banned the rebuilding of PCB Transformers unless they were reclassified to PCB-Contaminated status. Since 1979, EPA has regulated rebuilding and reclassification as a form of servicing, and has allowed dilution of PCBs during these activities. While EPA generally prohibits dilution of PCBs to avoid disposal requirements, the agency recognized that for certain activities, including servicing, dilution is essential to the intended performance of the activities and is not performed with the intent of evading the disposal requirements for PCBs. Therefore, reclassification is an exception to the general ban on dilution to avoid regulation at § 761.1(b)(5).

The process of retrofilling equipment during reclassification removes substantially all the original fluid (90% according to this commenter, 95% according to another commenter who testified at the informal hearing (Ref. 20, p. 51)), and since this fluid is subject to the disposal requirements, the PCBs it contains are not released to the environment. The reclassified equipment remains in use, but the lower-concentration fluid poses a reduced risk to health and the environment from spills or other exposures. In addition, disposal of the equipment at the end of its useful life, and the fluid it contains, are regulated to protect health and the environment. For all these reasons, EPA believes the benefits of allowing reclassification outweigh the risks to health and the environment of allowing a relatively small amount of the fluid in the equipment to be diluted.

6. *What does this final rule require*? Based on comments and data submitted in response to the proposed rule, and further review of the data the Agency had at the time of the proposed rule, EPA is modifying the current rule to:

- Eliminate the requirement to raise the temperature of a transformer's dielectric fluid to at least 50°C.
- Eliminate the requirement to operate the equipment under loaded conditions for all transformers, electromagnets, switches, and voltage regulators with a pre-retrofill PCB concentration <1,000 ppm.
- Allow you to reclassify equipment using retrofill fluid <50 ppm, as long as you test the equipment 90 days after retrofill to ensure that reclassification has been successful.
- Allow you to reclassify PCB-Contaminated transformers, electromagnets, switches, and voltage regulators to non-PCB status by retrofilling with fluid <2 ppm PCBs. You are not required to test the equipment after 90 days.
- Allow you time to come into compliance if you determine that the concentration of equipment reclassified to PCB-Contaminated status has risen to ≥500 ppm PCBs.
- Allow you to repeat the reclassification process to further reduce the PCB concentration in your equipment, for example, if your prior attempt at reclassification fails. If your attempt to reclassify your equipment does not lower its PCB concentration sufficiently, the equipment is not considered reclassified under the PCB regulations. This would be the case if your equipment had a PCB concentration ≥1,000 ppm prior to reclassification, and after following the reclassification procedures the concentration was not reduced to <500 ppm; if your equipment had a PCB concentration ≥500 ppm prior to reclassification, and after following the reclassification rocedures the PCB concentration was not reduced to <500 ppm; and if your equipment had a PCB concentration ≥50 but <500 ppm prior to reclassification, and after following the reclassification procedures the PCB concentration was not reduced to <50 ppm.
- Require you to keep records showing that you followed the required reclassification procedures. The records must include copies of pre- and post-reclassification PCB concentration measurements from a laboratory using quality control and quality assurance procedures. You must make these records available to EPA or to another party holding or possessing the equipment (for example, through sale, loan, lease, or for servicing). You must retain the records for at least 3 years

after you sell, transfer, or dispose of the equipment.

• Change the EPA official authorized to approve alternate methods for reclassifying equipment from the Assistant Administrator to the Director of the National Program Chemicals Division.

Table 4 summarizes the reclassification requirements for transformers from which you have removed free-flowing liquids (see § 761.30(a)(2)(v)); and for electromagnets, switches, and voltage regulators from which you have removed free-flowing liquids (see § 761.30(h)(2)(v))). Under § 761.30(m)(1)(ii), these reclassification provisions also apply to circuit breakers, reclosers, and cable.

TABLE 4.—CLASSIFICATION REQUIREMENTS OF THIS FINAL RULE

If test results show the PCB concentration (ppm) in the equipment prior to retrofill is . . .	and you retrofill the equipment with dielectric fluid containing . . .	and you . . .	and test results show the PCB concentration (ppm) after retrofill is . . .	then the equipment's reclassified status is . . .
≥1,000 (or untested)	<50 ppm PCBs	operate the equipment electrically under loaded conditions for at least 90 continuous days after retrofill, then test the fluid for PCBs	≥50 but <500	PCB-Contaminated
			<50	non-PCB
≥500 but <1,000		test the fluid for PCBs at least 90 days after retrofill	≥50 but <500	PCB-Contaminated
			<50	non-PCB
≥50 but <500	≥2 but <50 ppm PCBs			
	<2 ppm PCBs	(no need to test)	(not applicable)	

B. What is the Agency's Authority for Taking this Action?

This final rule is issued pursuant to TSCA section 6(e)(2)(B). Section 6(e)(2)(B) of TSCA gives EPA the authority to authorize the use of PCBs in other than a totally enclosed manner based on a finding of no unreasonable risk of injury to health or the environment (15 U.S.C. 2605(e)(2)(B)).

EPA finds that this rule's amendments to the reclassification requirements will not present an unreasonable risk of injury to health or the environment. PCBs have significant ecological and human health effects, including cancer, neurotoxicity, reproductive and developmental toxicity, immune system suppression, liver damage, skin irritation, and endocrine disruption (Ref. 21). EPA has found that any exposure of humans or the environment to PCBs may be significant, depending on such factors as the quantity of PCBs involved in the exposure, the likelihood of exposure to humans and the environment, and the effect of exposure (see 40 CFR 761.20). Nonetheless, EPA has recognized the economic benefits of continued use of PCBs in electrical equipment, and has authorized those uses under conditions designed to minimize the risk of exposure to PCBs during use and servicing, or through leaks or other releases (Ref. 14).

EPA finds that the amendments in this final rule will reduce the risk to health and the environment from exposure to PCBs. The process of retrofilling electrical equipment during reclassification removes substantially all the original fluid (90% to 95%), and because this fluid is subject to the disposal requirements of 40 CFR part 761, subpart D, the PCBs it contains are not released to the environment. The reclassified equipment remains in use, but the lower-concentration fluid poses a reduced risk to health and the environment from spills or other exposures. In addition, disposal of the equipment at the end of its useful life, and the fluid it contains, are regulated to protect health and the environment.

Because the final rule will relax a number of the requirements for reclassifying PCB-containing electrical equipment (while adding one new requirement), the rule will result in a net cost savings for owners who choose to reclassify their equipment. EPA estimates that the owner of a PCB Transformer, or the owner of a PCB-Contaminated transformer who reclassifies the transformer using fluid ≥2 but <50 ppm PCBs, will save $35.15 compared to the costs of the current requirements. EPA estimates that the owner of a PCB-Contaminated transformer who reclassifies the transformer using fluid <2 ppm PCBs (and who need not test the concentration of the transformer after retrofill) will save $80.15 compared to the costs of the current requirements. In addition to reducing the costs of reclassifying electrical equipment, the rule will allow owners of reclassified equipment to experience incremental savings from the less stringent regulatory requirements that apply to reclassified equipment. EPA estimates that the owner of a reclassified transformer will save $32.09 each time the owner avoids the requirement to mark a PCB Transformer and $43.80 annually for not having to inspect PCB Transformers that are reclassified (Ref. 2, p. 21). Reclassification can also help avoid or reduce recordkeeping, liability, and insurance costs.

Therefore, having considered the effects on health and the environment of PCBs, the economic benefits of continued use of PCBs in electrical equipment, and the expected cost savings of these amendments, EPA finds that this rule's amendments to the reclassification requirements will not present an unreasonable risk of injury to health or the environment.

III. References

1. U.S. Environmental Protection Agency (USEPA), Office of Toxic Substances (OTS). Polychlorinated Biphenyls (PCBs); Manufacturing,

Processing, Distribution in Commerce, and Use Prohibitions; Final Rule. **Federal Register** (44 FR 31514, May 31, 1979).

2. USEPA, Office of Pollution Prevention and Toxics (OPPT), Economics, Exposure and Technology Division, Economic and Policy Analysis Branch. Reclassification of PCB and PCB-Contaminated Electrical Equipment Rule: Supporting Analysis for Small Entity, Environmental Justice, and Unfunded Mandates Certifications, September 28, 2000.

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IV. Regulatory Assessment Requirements

A. Regulatory Planning and Review

Under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' subject to review by the Office of Management and Budget (OMB), because this action is not likely to result in a rule that meets any of the criteria for a ''significant regulatory action'' provided in section 3(f) of the Executive Order.

EPA's analysis of the potential impact of this action is contained in a document entitled ''Reclassification of PCB and PCB-Contaminated Electrical Equipment Rule: Supporting Analysis for Small Entity, Environmental Justice, and Unfunded Mandates Certifications'' (Supporting Analysis) (Ref. 2). This document is available to you as a part of the public version of the official record for this final rule. To learn how to get a copy of this document, see Unit I.B.

This final rule will affect owners of electrical transformers, voltage regulators, electromagnets, switches, circuit breakers, reclosers and cable that contain PCBs. Because of data limitations and the assumed small numbers of units of electrical equipment other than transformers, the analysis addresses only transformers. This analysis concludes that, because the final rule will relax a number of the requirements for reclassifying PCB-containing transformers, the rule will result in a net cost savings for transformer owners who choose to reclassify their equipment (Ref. 2, p. 4). The effect of including data on other electrical equipment affected by the rule, were these data available, would be only to further increase the overall cost savings attributable to the rule (Ref. 2, p. 1).

EPA estimates that the owner of a PCB Transformer, or the owner of a PCB-Contaminated transformer who reclassifies the transformer using fluid ≥2 but <50 ppm PCBs, will save $35.15 compared to the costs of the current requirements. EPA estimates that the owner of a PCB-Contaminated transformer who reclassifies the transformer using fluid <2 ppm PCBs (and who need not test the concentration of the transformer after retrofill) will save $80.15 compared to the costs of the current requirements (Ref. 2, pp. 3–5). In addition to reducing the costs of reclassifying electrical equipment, the rule will allow owners of reclassified equipment to experience incremental savings from the less stringent regulatory requirements that apply to reclassified equipment. EPA estimates that the owner of a reclassified transformer will save $32.09 each time the owner avoids the requirement to mark a PCB Transformer and $43.80 annually for not having to inspect PCB Transformers that are reclassified (Ref. 2, p. 8–9).

Moreover, neither the current reclassification requirements nor the amendments in this final rule require you to reclassify your electrical equipment. Whether to reclassify is a private business decision. Any firm, large or small, will reclassify their equipment only if the savings to the firm exceed the firm's costs of performing the reclassification. The changes to the reclassification rules

impose no positive net costs on small entities because firms that choose to reclassify their equipment are basing their decision on a comparison of private costs and benefits.

B. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.*, the Agency hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities. The factual basis for the Agency's determination is presented in the Supporting Analysis (Ref. 2), and is briefly summarized here.

For the purpose of analyzing potential impacts on small entities, EPA used the definition for small entities in section 601 of the RFA. Under section 601, ''small entity'' is defined as:

• A small business that meets Small Business Administration size standards codified at 13 CFR 121.201.

• A small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000.

• A small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

This rule will result in a net cost savings for transformer owners who reclassify their equipment. Information on transformer ownership and reclassification decisions among small entities is needed to accurately assess the small entity impacts. Following a review of available data sources, EPA concluded that complete data are not available for any of the affected sectors. Nevertheless, several observations can be drawn (Ref. 2, pp. 20–22).

• The rule is expected to generate cost savings for reclassifying PCB and PCB-Contaminated transformers. On a per reclassification basis, the estimated cost savings are $35.15 for PCB Transformers and for PCB-Contaminated transformers retrofilled with fluid ≥2 but <50 ppm, and $80.15 for PCB-Contaminated transformers retrofilled with fluid <2 ppm (EPA has eliminated the requirement to test the concentration of these transformers after retrofill). Thus, the rule will benefit both small and large entities by making reclassifications more affordable, and will increase the number of reclassifications that occur.

• These ''induced'' reclassifications will be able to capture cost savings associated with complying with reduced regulatory requirements. PCB Transformer owners who reclassify will save $32.09 each time they avoid having to mark a PCB Transformer and $43.80 annually for not having to inspect each reclassified transformer. Small entities that are induced to reclassify a PCB Transformer will benefit from these cost savings.

• Because reclassification is voluntary, it is a private business decision on the part of transformer owners in which the private benefits are compared to the private costs of reclassifying. Thus, each reclassification project should be assumed to generate net private benefits for transformer owners, both prior to and after implementation of the rule.

• Smaller entities are less likely to own transformers, and therefore less likely to need to perform reclassification. Thus, larger businesses may be more likely to take advantage of the reduced requirements of reclassification. However, even if smaller entities did own a disproportionate number of transformers (which is unlikely), this should not create an adverse impact because reclassification is performed only when it is in the interest of the transformer owner to do so, and the final rule is expected to only reduce the costs of reclassification.

Having reviewed all of the available relevant data and after taking the data limitations into account, EPA believes that this rule will not impose any adverse impact on small entities, and should actually provide a potential source of cost savings to many transformer owners who choose to reclassify their equipment. The final rule will make reclassification more affordable for both small and large entities, and should result in an increased rate of reclassification and an accelerated rate of removal of PCBs from use. Furthermore, reclassification is a business decision made by transformer owners based on a comparison of private benefits and costs. Assuming that transformers owners pursue their own best interest, no reclassification will take place that does not have a positive net benefit for transformer owners.

C. Paperwork Reduction Act

The information collection requirements contained in this rule are reflected in the *Consolidated Information Collection Request (ICR) Supporting Statement for the PCB Regulations at 40 CFR part 761, September 28, 1999* (Consolidated ICR) (Ref. 22). The Consolidated ICR was prepared in response to a request from OMB to combine the various PCB information collections into a single ICR. These information collection requirements (including minor amendments to address the requirements of this final rule) have been submitted to OMB for review and approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, and in accordance with the procedures at 5 CFR 1320.11. The burden and costs related to the information collection requirements contained in this rule are described in an ICR identified as EPA ICR No. 1446.07, which has been included in the public version of the official record described in Unit I.B.2., and is available electronically as described in Unit I.B.1., at http://www.epa.gov/opperid1/icr.htm, or by e-mailing a request to farmer.sandy@epa.gov. You may also request a copy by mail from Sandy Farmer, Collection Strategies Division, Environmental Protection Agency (2822), 1200 Pennsylvania Ave., NW., Washington DC 20460, or by calling (202) 260–2740.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information that is subject to approval under the PRA, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after appearing in the preamble of the **Federal Register**, are listed in 40 CFR part 9, and included on any related collection instrument.

As defined by the PRA and 5 CFR 1320.3(b), ''burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The information collection for this rule is a recordkeeping requirement placed on owners of electrical equipment containing PCBs who choose to reclassify that equipment to lower its PCB concentration. The recordkeeping requirement is being implemented so that if reclassified equipment is sold or transferred to another company for use, service or salvage, the buyer, servicer or disposer will be able to learn the servicing history of the equipment. In

addition, for equipment that has been reclassified from ≥500 ppm to <500 ppm PCBs, the records of reclassification will provide documentation of why the equipment is no longer being recorded on the annual report or the annual document log and why the equipment is no longer being marked or inspected. Finally, the records will allow EPA inspectors to determine whether the equipment was reclassified according to the regulatory requirements. The burden to respondents for complying with this information collection is estimated to total 15,050 hours per year, with an annual cost of $573,322. The totals are based on an average burden of 15 minutes per response for an estimated 60,200 respondents to maintain required records.

D. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4), EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. Rather than impose net costs of $100 million or more in any 1 year, this final PCB Reclassification rule will result in a net cost savings to transformer owners who decide to reclassify their equipment (Ref. 2, p. 23).

E. Executive Order 13132

Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local government officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

Under section 6 of the Executive order, 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 government 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 government officials early in the process of developing the proposed regulation.

Section 4 of the Executive order contains additional requirements for rules that preempt State or local law, even if those rules do not have federalism implications (i.e., the rules 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). Those requirements include providing State and local government officials notice and an opportunity for appropriate participation in the development of the regulation. If the preemption is not based on express or implied statutory authority, EPA also must consult, to the extent practicable, with appropriate State and local government officials regarding the conflict between State law and federally protected interests within the agency's area of regulatory responsibility.

The Agency has determined that this rule does not have federalism implications. It amends a voluntary process by which owners of transformers and other electrical equipment can reclassify that equipment to a less stringent regulatory status. The changes are not expected to result in a significant intergovernmental mandate under the UMRA, and thus, EPA concludes that the rule will not impose substantial direct compliance costs. Nor would the rule substantially affect the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Those relationships have already been established under the existing PCB regulations, and these amendments would not alter them. Thus, the requirements of section 6 of the Executive Order do not apply to this final rule.

This final rule would preempt State and local law in accordance with TSCA section 18(a)(2)(B). By publishing and inviting comment on the proposed rule (Ref. 12), EPA provided State and local government officials notice and an opportunity for appropriate participation. Thus, EPA has complied with the requirements of section 4 of the Executive Order.

F. Executive Orders 13084 and 13175

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998) EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

This rule does not significantly or uniquely affect the communities of Indian tribal governments, nor does it impose substantial direct compliance costs on such communities. It amends a voluntary process by which owners of transformers and other electrical equipment can reclassify that equipment to a less stringent regulatory status. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

On November 6, 2000, the President issued Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249). Executive Order 13175 took effect on January 6, 2001, and revokes Executive Order 13084 as of that date. EPA developed this rule, however, during the period when Executive Order 13084 was in effect; thus, EPA addressed tribal considerations under Executive Order 13084.

G. Executive Order 12898

Pursuant to Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994), the Agency has considered environmental justice related issues with regard to the potential impacts of this action on the environmental and health conditions in low-income and minority communities. EPA finds that the amendments in this final rule will reduce the risk to health and the environment from exposure to PCBs. The process of retrofilling electrical

equipment during reclassification removes substantially all the original PCB-containing fluid, and since this fluid is subject to the disposal requirements of 40 CFR part 761, subpart D, the PCBs it contains are not released to the environment. The reclassified equipment remains in use, but the lower PCB concentration in the fluid poses a reduced risk to health and the environment from spills or other exposures. In addition, at the end of its useful life, the equipment and the fluid it contains must be disposed of based on existing requirements to protect health and the environment. EPA's research did not reveal any data to suggest that the effects of this rule, even beneficial effects, would disproportionately affect minority or low-income populations (Ref. 2, pp. 22–23).

H. Executive Order 13045

Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997) applies to any rule that is both determined to be ''economically significant'' as defined under Executive Order 12966, and 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 and 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. However, it has been EPA's policy since November 1, 1995, to consistently and explicitly consider risks to infants and children in all risk assessments generated during its decision-making process, including the setting of standards to protect public health and the environment.

This regulation is not subject to Executive Order 13045 because it is not economically significant as defined by Executive Order 12966 (i.e., it does not generate annual costs of $100 million), and the Agency does not have reason to believe that the environmental health or safety risks addressed by the regulation present a disproportionate risk to children (Ref. 2, pp. 23–24). This regulation changes the requirements for reclassifying PCB Transformers, voltage regulators and other PCB-containing electrical equipment to a lower PCB status. The activities addressed by the regulation include draining PCB liquids from the equipment, refilling it with a non-PCB mixture, and then in some cases, testing the equipment after a period of use. Most transformers and voltage regulators are located in facilities such as electric utilities, manufacturing facilities, and prisons where children are not present. In facilities such as schools and hospitals that have equipment containing PCBs and where children are present, the equipment is located in areas that are strictly off-limits to children, and for that matter, any unauthorized personnel. Therefore, the reclassification will occur where children are either not present or not permitted, and the process will pose no special risks to children.

I. National Technology Transfer and Advancement Act

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

This rule requires you to test dielectric fluids from electrical equipment for PCB concentration. Existing regulations at § 761.60(g)(iii) set out requirements for testing the fluids, and allow you to use any method of gas chromatography that is appropriate for the material being analyzed, including voluntary consensus methods established by organizations such as the American Society for Testing and Materials.

J. Executive Order 12630

EPA has complied with Executive Order 12630, entitled *Governmental Actions and Interference with Constitutionally Protected Property Rights* (53 FR 8859, March 15, 1988), by examining the takings implications of this 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.

K. Executive Order 12988

In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988, entitled *Civil Justice Reform* (61 FR 4729, February 7, 1996).

V. Submission to Congress and the Comptroller General

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

List of Subjects in 40 CFR Part 761

Environmental protection, Hazardous substances, Labeling, Polychlorinated biphenyls, Reporting and recordkeeping requirements.

Dated: January 16, 2001.

Carol M. Browner,

Administrator.

Therefore, 40 CFR chapter I is amended as follows:

PART 761—[AMENDED]

1. The authority citation for part 761 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607, 2611, 2614, and 2616.

2. Section 761.30 is amended by revising paragraphs (a)(2)(v) and (h)(2)(v) to read as follows:

§ 761.30 Authorizations.

* * * * *

(a)***

(2)***

(v) You may reclassify a PCB Transformer that has been tested and determined to have a concentration of ≥500 ppm PCBs to a PCB-Contaminated transformer (≥50 but <500 ppm) or to a non-PCB transformer (<50 ppm), and you may reclassify a PCB-Contaminated transformer that has been tested and determined to have a concentration of ≥50 ppm but <500 ppm to a non-PCB transformer, as follows:

(A) Remove the free-flowing PCB dielectric fluid from the transformer. Flushing is not required. Either test the fluid or assume it contains ≥1,000 ppm PCBs. Retrofill the transformer with fluid containing known PCB levels according to the following table. Determine the transformer's reclassified status according to the following table (if following this process does not result in the reclassified status you desire, you may repeat the process):

If test results show the PCB concentration (ppm) in the transformer prior to retrofill is . . .	and you retrofill the transformer with dielectric fluid containing . . .	and you . . .	and test results show the PCB concentration (ppm) after retrofill is . . .	then the transformer's reclassified status is. . .
≥1,000 (or untested)	<50 ppm PCBs	operate the transformer electrically under loaded conditions for at least 90-continuous days after retrofill, then test the fluid for PCBs	≥50 but <500	PCB-contaminated
	<50 ppm PCBs	operate the transformer electrically under loaded conditions for at least 90-continuous days after retrofill, then test the fluid for PCBs	<50	non-PCB
≥500 but <1,000	<50 ppm PCBs	test the fluid for PCBs at least 90 days after retrofill	≥50 but <500	PCB-contaminated
	<50 ppm PCBs	test the fluid for PCBs at least 90 days after retrofill	<50	non-PCB
≥50 but <500	≥2 but <50 ppm PCBs	test the fluid for PCBs at least 90 days after retrofill	<50	non-PCB
	<2 ppm PCBs	(no need to test)	(not applicable)	non-PCB

(B) If you discover that the PCB concentration of the fluid in a reclassified transformer has changed, causing the reclassified status to change, the transformer is regulated based on the actual concentration of the fluid. For example, a transformer that was reclassified to non-PCB status is regulated as a PCB-Contaminated transformer if you discover that the concentration of the fluid has increased to ≥50 but <500 ppm PCBs. If you discover that the PCB concentration of the fluid has risen to ≥500 ppm, the transformer is regulated as a PCB Transformer. Follow paragraphs (a)(1)(xv)(A) through (J) of this section to come into compliance with the regulations applicable to PCB Transformers. You also have the option of repeating the reclassification process.

(C) The Director, National Program Chemicals Division, may, without further rulemaking, grant approval on a case-by-case basis for the use of alternative methods to reclassify transformers. You may request an approval by writing to the Director, National Program Chemicals Division (7404), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington DC 20460. Describe the equipment you plan to reclassify, the alternative reclassification method you plan to use, and test data or other evidence on the effectiveness of the method.

(D) You must keep records of the reclassification required by § 761.180(g).

* * * * *

(h)***

(2)***

(v) You may reclassify an electromagnet, switch, or voltage regulator that has been tested and determined to have a concentration of ≥500 ppm PCBs to PCB-Contaminated status (≥50 but <500 ppm) or to non-PCB status (<50 ppm), and you may reclassify a PCB-Contaminated electromagnet, switch, or voltage regulator that has been tested and determined to have a concentration of ≥50 ppm but <500 ppm to a non-PCB status, as follows:

(A) Remove the free-flowing PCB dielectric fluid from the electromagnet, switch, or voltage regulator. Flushing is not required. Either test the fluid or assume it contains ≥1,000 ppm PCBs. Retrofill the electromagnet, switch, or voltage regulator with fluid containing known PCB levels according to the following table. Determine the electromagnet, switch, or voltage regulator's reclassified status according to the following table (if following this process does not result in the reclassified status you desire, you may repeat the process):

If test results show the PCB concentration (ppm) in the equipment prior to retrofill is . . .	and you retrofill the equipment with dielectric fluid containing . . .	and you . . .	and test results show the PCB concentration (ppm) after retrofill is . . .	then the electromagnet, switch, or voltage regulator's reclassified status is . . .
≥1,000 (or untested)	<50 ppm PCBs	operate the equipment electrically under loaded conditions for at least 90-continuous days after retrofill, then test the fluid for PCBs	≥50 but <500	PCB-contaminated
	<50 ppm PCBs	operate the equipment electrically under loaded conditions for at least 90-continuous days after retrofill, then test the fluid for PCBs	<50	non-PCB
≥500 but <1,000	<50 ppm PCBs	test the fluid for PCBs at least 90 days after retrofill	≥50 but <500	PCB-contaminated
	<50 ppm PCBs	test the fluid for PCBs at least 90 days after retrofill	<50	non-PCB
≥50 but <500	≥2 but <50 ppm PCBs	test the fluid for PCBs at least 90 days after retrofill	<50	non-PCB
	<2 ppm PCBs	(no need to test)	(not applicable)	non-PCB

(B) If you discover that the PCB concentration of the fluid in a reclassified electromagnet, switch, or voltage regulator has changed, causing the reclassified status to change, the electromagnet, switch, or voltage regulator is regulated based on the actual concentration of the fluid. For example, an electromagnet, switch, or voltage regulator that was reclassified to non-PCB status is regulated as a PCB-Contaminated electromagnet, switch, or voltage regulator if you discover that the concentration of the fluid has increased to ≥50 but <500 ppm PCBs. If you discover that the PCB concentration of the fluid in a voltage regulator has risen to ≥500 ppm, follow paragraph (h)(1)(iii) of this section to come into compliance with the regulations applicable to voltage regulators containing ≥500 ppm PCBs. You also have the option of repeating the reclassification process.

(C) The Director, National Program Chemicals Division may, without further rulemaking, grant approval on a case-by-case basis for the use of alternative methods to reclassify electromagnets, switches or voltage regulators. You may request an approval by writing to the Director, National Program Chemicals Division (7404), Environmental Protection Agency,1200 Pennsylvania Ave., NW., Washington DC 20460. Describe the equipment you plan to reclassify, the alternative reclassification method you plan to use, and test data or other evidence on the effectiveness of the method.

(D) You must keep records of the reclassification required by § 761.180(g).

* * * * *

3. In § 761.180 by adding a new paragraph (g) to read as follows:

§ 761.180 Records and monitoring.

* * * * *

(g) *Reclassification records.* If you reclassify electrical equipment using the procedures in § 761.30(a)(2)(v) or § 761.30(h)(2)(v), you must keep records showing that you followed the required reclassification procedures. Where these procedures require testing, the records must include copies of pre- and post-reclassification PCB concentration measurements from a laboratory using quality control and quality assurance procedures. You must make these records available promptly to EPA or to any party possessing the equipment through sale, loan, lease, or for servicing. You must retain the records for at least 3 years after you sell or dispose of the equipment.

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CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

S.J. Res. 6/P.L. 107–5
Providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics. (Mar. 20, 2001; 115 Stat. 7)

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CFR CHECKLIST

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An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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***1, 2 (2** Reserved)	(869–044–00001–6)	6.50	[4] Jan. 1, 2001
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63 (63.1–63.1119)	(869–042–00141–9)	66.00	July 1, 2000
63 (63.1200–End)	(869–042–00142–7)	49.00	July 1, 2000
64–71	(869–042–00143–5)	12.00	July 1, 2000
72–80	(869–042–00144–3)	47.00	July 1, 2000
81–85	(869–042–00145–1)	36.00	July 1, 2000
86	(869–042–00146–0)	66.00	July 1, 2000
87-135	(869–042–00146–8)	66.00	July 1, 2000
136–149	(869–042–00148–6)	42.00	July 1, 2000
150–189	(869–042–00149–4)	38.00	July 1, 2000
190–259	(869–042–00150–8)	25.00	July 1, 2000
260–265	(869–042–00151–6)	36.00	July 1, 2000
266–299	(869–042–00152–4)	35.00	July 1, 2000
300–399	(869–042–00153–2)	29.00	July 1, 2000
400–424	(869–042–00154–1)	37.00	July 1, 2000
425–699	(869–042–00155–9)	48.00	July 1, 2000
700–789	(869–042–00156–7)	46.00	July 1, 2000
790–End	(869–042–00157–5)	23.00	[6]July 1, 2000
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–042–00158–3)	15.00	July 1, 2000
101	(869–042–00159–1)	37.00	July 1, 2000
102–200	(869–042–00160–5)	21.00	July 1, 2000
201–End	(869–042–00161–3)	16.00	July 1, 2000
42 Parts:			
1–399	(869–042–00162–1)	53.00	Oct. 1, 2000
400–429	(869–042–00163–0)	55.00	Oct. 1, 2000
430–End	(869–042–00164–8)	57.00	Oct. 1, 2000
43 Parts:			
1–999	(869–042–00165–6)	45.00	Oct. 1, 2000
1000–end	(869–042–00166–4)	55.00	Oct. 1, 2000
44	(869–042–00167–2)	45.00	Oct. 1, 2000
45 Parts:			
1–199	(869–042–00168–1)	50.00	Oct. 1, 2000
200–499	(869–042–00169–9)	29.00	Oct. 1, 2000
500–1199	(869–042–00170–2)	45.00	Oct. 1, 2000
1200–End	(869–042–00171–1)	54.00	Oct. 1, 2000
46 Parts:			
1–40	(869–042–00172–9)	42.00	Oct. 1, 2000
41–69	(869–042–00173–7)	34.00	Oct. 1, 2000
70–89	(869–042–00174–5)	13.00	Oct. 1, 2000
90–139	(869–042–00175–3)	41.00	Oct. 1, 2000
140–155	(869–042–00176–1)	23.00	Oct. 1, 2000
156–165	(869–042–00177–0)	31.00	Oct. 1, 2000
166–199	(869–042–00178–8)	42.00	Oct. 1, 2000
200–499	(869–042–00179–6)	36.00	Oct. 1, 2000
500–End	(869–042–00180–0)	23.00	Oct. 1, 2000
47 Parts:			
0–19	(869–042–00181–8)	54.00	Oct. 1, 2000
20–39	(869–042–00182–6)	41.00	Oct. 1, 2000
40–69	(869–042–00183–4)	41.00	Oct. 1, 2000
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48 Chapters:			
1 (Parts 1–51)	(869–042–00186–9)	57.00	Oct. 1, 2000
1 (Parts 52–99)	(869–042–00187–7)	45.00	Oct. 1, 2000
2 (Parts 201–299)	(869–042–00188–5)	53.00	Oct. 1, 2000
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49 Parts:			
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186–199	(869–042–00195–8)	17.00	Oct. 1, 2000
200–399	(869–042–00196–6)	57.00	Oct. 1, 2000
400–999	(869–042–00197–4)	58.00	Oct. 1, 2000
1000–1199	(869–042–00198–2)	25.00	Oct. 1, 2000
1200–End	(869–042–00199–1)	21.00	Oct. 1, 2000
50 Parts:			
1–199	(869–042–00200–8)	55.00	Oct. 1, 2000
200–599	(869–042–00201–6)	35.00	Oct. 1, 2000

Title	Stock Number	Price	Revision Date
600–End	(869–042–00202–4)	55.00	Oct. 1, 2000
CFR Index and Findings Aids	(869–042–00047–1)	53.00	Jan. 1, 2000
Complete 2000 CFR set		1,094.00	2000
Microfiche CFR Edition:			
Subscription (mailed as issued)		290.00	1999
Individual copies		1.00	1999
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2000, through January 1, 2001. The CFR volume issued as of January 1, 2000 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 1999, through April 1, 2000. The CFR volume issued as of April 1, 1999 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1999, through July 1, 2000. The CFR volume issued as of July 1, 1999 should be retained..

TABLE OF EFFECTIVE DATES AND TIME PERIODS—APRIL 2001

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
April 2	April 17	May 2	May 17	June 1	July 2
April 3	April 18	May 3	May 18	June 4	July 2
April 4	April 19	May 4	May 21	June 4	July 3
April 5	April 20	May 7	May 21	June 4	July 5
April 6	April 23	May 7	May 21	June 5	July 5
April 9	April 24	May 9	May 24	June 8	July 9
April 10	April 25	May 10	May 25	June 11	July 9
April 11	April 26	May 11	May 29	June 11	July 10
April 12	April 27	May 14	May 29	June 11	July 11
April 13	April 30	May 14	May 29	June 12	July 12
April 16	May 1	May 16	May 31	June 15	July 16
April 17	May 2	May 17	June 1	June 18	July 16
April 18	May 3	May 18	June 4	June 18	July 17
April 19	May 4	May 21	June 4	June 18	July 18
April 20	May 7	May 21	June 4	June 19	July 19
April 23	May 8	May 23	June 7	June 22	July 23
April 24	May 9	May 24	June 8	June 25	July 23
April 25	May 10	May 25	June 11	June 25	July 24
April 26	May 11	May 29	June 11	June 25	July 25
April 27	May 14	May 29	June 11	June 26	July 26
April 30	May 15	May 30	June 14	June 29	July 30