

potatoes under the experimental shipment exemption will not incur these costs. Any savings accrued will be proportional to the quantities of potatoes shipped under the experimentation exemption.

With regard to alternatives, we believe that this action best reflects the marketing and product development goals of the Washington potato industry.

The Committee estimates that initially four or five handlers may apply for and obtain Special Purpose Certificates for the purpose of making shipments of experimental packs or varieties. In addition, such handlers will be required to furnish to the Committee a Special Purpose Shipment Report for each shipment made under the experimental purposes exemption. The Committee estimates that the time taken by the handlers who apply for the exemptions will total less than ten hours. Such time is currently approved under OMB No. 0581-0178 by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

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. In addition, as noted in the initial regulatory flexibility analysis, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the Washington potato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the June 8, 2000, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

An interim final rule concerning this action was published in the **Federal Register** on November 24, 2000. Copies of the rule were mailed by the Committee's staff to all Committee members and Washington potato handlers. In addition, the rule was made available through the Internet by the Office of the Federal Register. That rule provided for a 60-day comment period which ended January 23, 2001. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/maob.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 material presented, including the Committee's recommendation, and other information, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (65 FR 70461, November 24, 2000 and 65 FR 71201, November 29, 2000) will tend to effectuate the declared policy of the Act.

#### List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

#### PART 946—IRISH POTATOES GROWN IN WASHINGTON

Accordingly, the interim final rule amending 7 CFR part 946 which was published at 65 FR 70461 on November 24, 2000, and corrected at 65 FR 71201 on November 29, 2000, is adopted as a final rule without change.

Dated: April 4, 2001.

**Kenneth C. Clayton,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 01-8870 Filed 4-10-01; 8:45 am]

**BILLING CODE 3410-02-P**

#### DEPARTMENT OF ENERGY

##### 10 CFR Parts 1040 and 1042

RIN 1901-AA87

#### Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

**AGENCY:** Department of Energy (DOE).

**ACTION:** Final rule; completion of regulatory review.

**SUMMARY:** In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001 (66 FR 7702), DOE temporarily delayed for 60 days (66 FR 8747, February 2, 2001) the effective date of the rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" published in the **Federal Register** on January 18, 2001 (66 FR 4627). DOE has now completed its review of that regulation, and does not intend to initiate any further rulemaking action to modify its provisions.

**DATES:** The final rule published on January 18, 2001 (66 FR 4627) is effective April 23, 2001.

**FOR FURTHER INFORMATION CONTACT:** Isiah Smith, Jr., (202) 586-8618, [Isiah.Smith@hq.doe.gov](mailto:Isiah.Smith@hq.doe.gov)

Issued in Washington, D.C. on April 4, 2001.

**Spencer Abraham,**

*Secretary of Energy.*

[FR Doc. 01-8898 Filed 4-10-01; 8:45 am]

**BILLING CODE 6450-01-P**

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 39

[Docket No. 2000-NM-290-AD; Amendment 39-12172; AD 2001-07-07]

RIN 2120-AA64

#### Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Series Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to all Fokker Model F.28 Mark 0070 and Mark 0100 series airplanes, that currently requires revising the Airplane Flight Manual (AFM) to provide the flightcrew with instructions not to arm the lift-dumper system prior to commanding the landing gear to extend. For Model F.28 Mark 0100 series airplanes, the existing AD also requires modification of the grounds of the shielding of the wheelspeed sensor wiring of the main landing gear (MLG) and installation of new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG. This amendment removes the previous revision of the AFM and requires a new limitation and a new warning. This amendment 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 inadvertent deployment of the lift-dumpers during approach for landing or reduced brake pressure during low speed taxiing, and consequent reduced controllability and performance of the airplane.

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

The incorporation by reference of certain publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of November 2, 1999 (64 FR 52219, September 28, 1999).

**ADDRESSES:** The service information referenced in this AD may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw Vennep, the Netherlands. 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, FAA, 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) by superseding AD 99-20-07, amendment 39-11337 (64 FR 52219, September 28, 1999), which is applicable to all Fokker Model F.28 Mark 0070 and Mark 0100 series airplanes, was published in the **Federal Register** on January 16, 2001 (66 FR 3518). The action proposed to continue to require modification of the grounds of the shielding of the wheelspeed sensor wiring of the main landing gear (MLG) and installation of new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG. The action also proposed to remove the previously required revision of the Airplane Flight Manual (AFM) and would require a new limitation and a new warning.

#### 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

There are approximately 123 airplanes of U.S. registry that will be affected by this AD.

The modifications that are currently required by AD 99-20-07 take approximately 33 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts cost approximately \$755 to \$1,236 per airplane. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be between \$336,405 and

\$395,568, or between \$2,735 and \$3,216 per airplane.

The revision to the AFM required in this AD 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 AFM revision required by this AD on U.S. operators is estimated to be \$7,380, or \$60 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 39-11337 (64 FR 52219, September 28, 1999), and by adding a new airworthiness directive (AD), amendment 39-12172, to read as follows:

#### 2001-07-07 Fokker Services B.V.:

Amendment 39-12172. Docket 2000-NM-290-AD. Supersedes AD 99-20-07, Amendment 39-11337.

**Applicability:** All Model F.28 Mark 0070 and Mark 0100 series airplanes, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 inadvertent deployment of the lift/dumper systems during the approach for landing or reduced brake pressure during low speed taxiing, and consequent reduced controllability and performance of the airplane, accomplish the following:

#### Restatement of Certain Requirements of AD 99-20-07

#### Corrective Actions

(a) For Model F.28 Mark 0100 series airplanes having serial numbers as listed in Fokker Service Bulletin SBF100-32-067, Revision 1, dated July 6, 1998: Within 6 months after November 2, 1999 (the effective date of AD 99-20-07, amendment 39-11337), modify the grounds of the shielding of the wheelspeed sensor wiring of the main landing gear (MLG), in accordance with Part 1, 2, 3, or 4 of the Accomplishment Instructions of the service bulletin, as applicable.

**Note 2:** Modifications accomplished prior to November 2, 1999, in accordance with Fokker Service Bulletin SBF100-32-067, dated March 12, 1993, are considered acceptable for compliance with the requirements of paragraph (a) of this AD.

(b) For Model F.28 Mark 0100 series airplanes having serial numbers as listed in Fokker Service Bulletin SBF100-32-037, Revision 2, dated December 4, 1998: Within 12 months after November 2, 1999, install

new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG, in accordance with Part 1, 2, or 3 of the Accomplishment Instructions of the service bulletin, as applicable.

**Note 3:** Installations accomplished prior to November 2, 1999, in accordance with Fokker Service Bulletin SBF100-32-037, dated November 12, 1990, or Revision 1, dated November 16, 1998, are considered acceptable for compliance with the requirements of paragraph (b) of this AD.

#### New Actions Required by This AD:

##### Revision of the Airplane Flight Manual

(c) Within 10 days after the effective date of this AD, revise the Limitations and Normal Procedures sections of the FAA-approved Airplane Flight Manual (AFM), in accordance with paragraphs (c)(1), (c)(2), (c)(3) and (c)(4) of this AD. This may be accomplished by inserting a copy of this AD into the appropriate sections of the AFM.

(1) Remove the following information from the Limitations section:

“LIFTDUMPER SYSTEM

DO NOT ARM THE LIFTDUMPER SYSTEM BEFORE LANDING GEAR DOWN SELECTION.”

(2) Add the following information to the Limitations section in the Miscellaneous Limitations sub-section:

##### “FLIGHT CONTROLS

NORMAL OPERATION OF LIFTDUMPERS: DO NOT ARM THE LIFTDUMPER SYSTEM BEFORE LANDING GEAR IS DOWN AND LOCKED.”

(3) Remove the following information from Section 5—Normal Procedures, sub-section Approach and Landing, after the subject Approach:

“BEFORE LANDING

WARNING: DO NOT ARM THE LIFTDUMPER SYSTEM BEFORE LANDING GEAR DOWN SELECTION. Selecting Landing Gear DOWN after arming the lift-dumper system may result in inadvertent deployment of the lift-dumpers, because the lift-dumper arming test may be partially ineffective.”

(4) Add the following information to Section 5—Normal Procedures, sub-section Approach and Landing, after the subject Approach:

“BEFORE LANDING

WARNING: DO NOT ARM THE LIFTDUMPER SYSTEM BEFORE LANDING GEAR IS DOWN AND LOCKED.”

##### 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, International Branch, ANM-116, Transport Airplane Directorate, 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 4:** 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

(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 for the AFM revisions required by paragraph (c) of this AD, the actions shall be done in accordance with Fokker Service Bulletin SBF100-32-067, Revision 1, dated July 6, 1998; and Fokker Service Bulletin SBF100-32-037, Revision 2, dated December 4, 1998; as applicable. This incorporation by reference was approved previously by the Director of the Federal Register as of November 2, 1999 (64 FR 52219, September 28, 1999). Copies may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw Vennep, the Netherlands. 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 5:** The subject of this AD is addressed in Dutch airworthiness directive 1998-042/2, dated February 29, 2000.

##### Effective Date

(g) This amendment becomes effective on May 16, 2001.

Issued in Renton, Washington, on April 2, 2001.

**Donald L. Riggan,**

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

[FR Doc. 01-8614 Filed 4-10-01; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD 11-99-013]

RIN-2115-AE47

#### Drawbridge Operation Regulations; Oakland Inner Harbor Tidal Canal, Alameda County, CA

**AGENCY:** Coast Guard, DOT.

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

**SUMMARY:** The Commander, Eleventh Coast Guard District changes the operating regulations for the railroad drawbridge and three highway drawbridges crossing the Oakland Inner Harbor Tidal Canal (Oakland Estuary), between Oakland and Alameda,

California. The bridges are: Alameda County highway bridges at Park Street, mile 5.2; Fruitvale Avenue, mile 5.6; High Street, mile 6.0; and the Army Corps of Engineers railroad bridge, mile 5.6 at Fruitvale Avenue. This interim rule will more accurately align rush-hour closure periods of the drawbridges to the present needs of commuting land traffic, while continuing to meet the reasonable needs of navigation on the waterway. It states the above named bridges shall open on signal, except that, from 8 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. Monday through Friday except Federal holidays, the draw need not be opened for the passage of vessels. It also incorporates an administrative change to correct the waterway mile-points of the affected bridges to coincide with existing U.S. Army Corps of Engineers measurements of the waterway.

**DATES:** This interim rule becomes effective on May 11, 2001. Comments must be received on or before July 10, 2001.

**ADDRESSES:** Comments 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), maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Mr. David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District, Building 50-6, Coast Guard Island, Alameda, CA 94501-5100, phone (510) 437-3516.

##### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Coast Guard encourages all interested persons to participate in this interim rulemaking by submitting written data, views, or arguments. Persons submitting comments should identify this rulemaking (CGD 11-99-013), the specific section of the rule 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 × 11 inches, suitable for copying. Persons wanting acknowledgment 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 6:30 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 and may change this rule in view of them.