

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11013; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

In considering of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

##### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

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

\* \* \* \* \*

##### ANM ID E5 Salmon, ID [Revised]

Salmon, Lemhi County Airport, ID  
(Lat 45°07'14" N., long. 113°52'55" W.)  
Salmon VORTAC  
(Lat. 45°01'17" N., long. 114°05'04" W.)

That airspace extending upward from 7000 feet above the surface within the 12.2-mile radius of the Lemhi County Airport, and within 6.5 miles each side of the 328° bearing from the 12.2 mile radius extending to 17.9 miles, and within 7.8 miles each side of the Salmon VORTAC 054° AND 234° radial

extending from the 12.2-mile radius of the Airport to 17.5 miles southwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a nine beginning at lat. 45°04'50" N., long. 114°32'53" W.; to lat. 45°12'31" N., long. 114°16'24" W.; to lat. 45°42'45" N., long. 114°16'24" W.; to lat. 45°42'45" N., long. 113°48'29" W.; to lat. 45°38'30" N., long. 113°25'10" W.; to lat. 45°24'35" N., long. 113°18'25" W.; to lat. 44°43'23" N., long. 113°42'40" W.; to lat. 44°43'23" N., long. 114°32'53" W. to the point of origin; excluding that airspace within Federal Airways.

\* \* \* \* \*

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

**Dan A. Boyle,**

*Assistant Manager, Air Traffic Division,  
Northwest Mountain Region.*

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**BILLING CODE 4910–13–M**

#### CONSUMER PRODUCT SAFETY COMMISSION

##### 16 CFR PART 1700

#### Household Products Containing Hydrocarbons; Notice of Data Availability and Request for Comments

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of data availability and request for comment.

**SUMMARY:** In the *Federal Register* of January 3, 2000, the Consumer Product Safety Commission ("CPSC" or "Commission") published a notice of proposed rulemaking ("NPR") proposing child-resistant packaging requirements for household chemical and cosmetic products with viscosity less than 100 Saybolt Universal Seconds ("SUS") containing 10 percent or more hydrocarbons. 65 FR 93. Since that time, CPSC's staff has acquired brand name-specific data on exposure to possible hydrocarbon-containing cosmetics and has conducted an analysis of that data as well as an additional analysis of the data available when the NPR was issued.

This notice makes these staff analyses available for public comment. Today's notice does not re-open the comment period on the NPR.

**DATES:** The Commission must receive any comments in response to this notice by May 11, 2001.

**ADDRESSES:** Comments should be mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207–0001, or delivered to the Office of the Secretary,

Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814; telephone (301) 504–0800. Comments also may be filed by facsimile to (301)504–0127 or by e-mail to cpsc-os@cpsc.gov. Comments should be captioned "Notice of Additional Hydrocarbon Data."

#### FOR FURTHER INFORMATION CONTACT:

Suzanne Barone, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0477, ext. 1196.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The January 3, 2000 NPR presented ingestion data collected by the American Association of Poison Control Centers ("AAPCC") Toxic Exposure Surveillance System ("TESS") for general cosmetic categories that may contain low viscosity hydrocarbons. The categories included: (1) Miscellaneous nail products; (2) sunscreen and suntan preparations; (3) bubble bath and bath oil; and (4) creams, lotions, and make-up. The data presented in the NPR were from the years 1995 through 1997.

A total of 74,042 ingestion incidents were reported in these product categories. While these incidents were not limited to known hydrocarbon-containing cosmetics, they demonstrate that children access the contents of these types of products in the home. Thus, if such products contain hydrocarbons of low viscosity, aspiration and therefore serious injury, can result. In addition, the NPR included 1996–1997 AAPCC data for exposures to baby oil, a cosmetic product known to contain low viscosity mineral oil, which is a hydrocarbon.

An analysis of brand name-specific cosmetic data obtained by CPSC staff after the NPR was issued is presented below. Data on additional deaths and the additional CPSC staff analysis of the data available when the NPR was issued are also presented.

##### B. Brand-Specific Cosmetic Data

At the December 3, 1999 Commission briefing on the NPR, Commissioner Gall requested that the staff develop a plan for the collection and analysis of additional data related to ingestion incidents involving mineral oil-based cosmetics.<sup>1</sup> The staff recommended, and the Commission approved, the purchase of additional information from the

<sup>1</sup> See Statement of Commissioner Mary Sheila Gall on publication of a notice of proposed rulemaking to require special packaging for low-viscosity hydrocarbons, December 3, 1999. See also, Statement of Commissioner Thomas H. Moore on the same subject. (Copies of these statements are available from the CPSC Office of the Secretary.)

AAPCC on ingestion incidents involving mineral oil-based cosmetics. Permission was obtained from the AAPCC Board of Directors to purchase brand name data for the year 1998 for four cosmetic categories. Data on the following product categories were purchased: (1) Miscellaneous nail products; (2) sunscreen and suntan preparations; (3) bubble bath and bath oil; and (4) creams, lotions, and make-up.

A comment was received from the Cosmetic, Toiletry, and Fragrance Association (CTFA) (CP00-1-6) in response to the NPR requesting the opportunity to review and comment on the additional cosmetic data purchased from the AAPCC. These data contain brand names and must remain proprietary under the terms by which CPSC acquired them from the AAPCC. Therefore the database cannot be made available to the public. However, the staff analysis of the data that is summarized in this notice is available to the public. Copies may be obtained from the Office of the Secretary. The analysis is also available on the CPSC world wide web site at: <http://www.cpsc.gov/library/foia/foia01/brief/hydrocar.pdf>.

The supplemental AAPCC cosmetic database purchase contained a total of 31,903 ingestion cases coded as: (1) Miscellaneous nail products; (2) sunscreen and suntan preparations; (3) bubble bath or bath oil; and (4) creams, lotions, and make-up. Of these, 538 cases involved ingestion of more than one substance and were therefore eliminated from consideration. Of the 31,365 single substance ingestions, 476 involved potential aspirations as defined below by CPSC staff in Section D., Additional Analysis of Data Available when NPR Was Issued. Seventeen of the aspiration cases involved a serious medical outcome.<sup>2</sup>

CPSC staff eliminated 2,049 products (22,262 exposures) from further consideration because either the products were known not to contain hydrocarbons or the formulations were emulsions or solids. Of the remainder, 30 products (1,461 exposures) would require child-resistant packaging under the proposed rule. Staff lacked sufficient information to make that determination for 222 products (7,642 exposures). Some of these were from a specific cosmetic product category such as "bath oil," some members of which may require packaging under the rule as proposed, but were products for which a brand name was not available. The

remaining ones were products for which no formulation information was available.

The staff evaluated the combined data set of cases that were either known to be or might be subject to the rule as proposed. The two parameters evaluated were potential aspiration and serious injury. Five potential aspiration cases were identified in this manner as having serious medical outcomes. Three of these cases involved baby oil and two involved bath oil. There were 224 additional cases coded as potential aspirations that did not result in serious effects. Seventy-nine cases resulted in serious outcomes but did not meet the staff criteria for potential aspiration.

### C. Additional Deaths

Seven fatalities were identified in categories of products known to contain hydrocarbons. Five of these deaths were not reported in the NPR or the preceding advance notice of proposed rulemaking ("ANPR"). 62 FR 8,659 (February 26, 1997). Of these, three deaths were identified in TESS that were caused by products that appear not to be subject to the rule. The first case was the death of a child following ingestion and aspiration of a homemade cleaning product. The second case was the death of a child following ingestion and aspiration of motor oil. The third TESS case was the death of a child following ingestion and aspiration of hair oil. The products involved in these three deaths either contain less than 10 percent hydrocarbons or have a viscosity greater than 100 SUS at 100° F.

The other two deaths that were identified in CPSC databases were apparently caused by products that would be subject to the rule as proposed. The first death occurred in 1997 when a 12-month female died 45 days following ingestion of baby oil. The autopsy revealed that the child died as a result of a left hemothorax due to complications from swallowing and aspirating baby oil.

The second death occurred in 2000 when a 9-month old female died six days following the ingestion of a hair moisturizer product. The patient suffered respiratory arrest and died in the intensive care unit.

### D. Additional Analysis of Data Available When NPR Was Issued

Commissioner Gall's specific interest in cases involving mineral oil-based cosmetics also prompted a reevaluation by CPSC staff of the data available at the NPR stage with a focus on aspiration. The data presented in the NPR contained 114 cases of cosmetic

exposure coded as aspirations by the AAPCC for the years 1995, 1996, and 1997 (29, 36, and 49 respectively).

TESS codes identify the routes of exposure for poisoning cases. These route codes include, "ingestion," "aspiration," "inhalation/nasal," "ocular," "dermal," "bite/sting," or "parenteral." The 74,042 incidents identified in the NPR were ingestions that did not also involve other routes of exposure. However, according to AAPCC coding guidelines, all cases coded as aspiration are also coded as ingestions.

Upon reevaluation, the CPSC staff believed that using only incidents coded with the aspiration route of exposure was underestimating the number of aspiration incidents. Numerous cases not coded as aspirations resulted in respiratory effects. Therefore, in addition to any case coded as an aspiration by the AAPCC, any inhalation or nasal route of exposure case, and any ingestion case that also had related respiratory effects, was considered by the CPSC staff to be a potential aspiration. Many of these cases are not coded as aspiration cases by the AAPCC. For example, a case of aspiration of hydrocarbon following vomiting may not be coded as an aspiration by the AAPCC because the initial route of exposure may have been ingestion. However, if the child exhibits respiratory effects related to the poisoning, the case would be considered an "aspiration" for purposes of this analysis.

The CPSC staff reanalyzed the TESS data originally presented in the NPR to take into account the additional cases of potential aspiration. In addition, several other changes were made. The analysis was expanded to include cases involving all routes of exposure. However, cases involving more than one product and cases where the age of the child was unknown were eliminated.

Reanalysis of the TESS cosmetic data in this manner resulted in 1200 cases of potential aspiration for the years 1995-1997 as opposed to the 114 cases identified in the NPR.

The TESS cosmetic data for the years 1993 through 1999 show 186,359 exposures with 2,894 potential aspirations. The TESS data also show 109,823 exposures to household chemical product categories that may contain hydrocarbons, 8,221 of which were potential aspirations.

The detailed staff reanalysis of these data is available to the public. Copies may be obtained from the Office of the Secretary. The reanalysis is also available on the CPSC world wide web

<sup>2</sup> "Serious medical outcome" is defined for purposes of this analysis as a TESS case with an outcome coded as "moderate effect," "major effect," death, or "not followed up-potentially toxic."

site at: <http://www.cpsc.gov/library/foia/foia01/brief/hydrocar.pdf>.

Dated: April 6, 2001.

**Todd A. Stevenson,**

*Acting Secretary, Consumer Product Safety Commission.*

[FR Doc. 01-8955 Filed 4-10-01; 8:45 am]

BILLING CODE 6355-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 2

[DA 01-786, ET Docket No. 00-258]

#### Final Report Spectrum Study of 2500-2690 MHz Band: The Potential for Accommodating Third Generation Mobile Systems

**AGENCY:** Federal Communications Commission.

**ACTION:** Request for comments.

**SUMMARY:** On March 30, 2001, the Federal Communications Commission released a Final Report on a spectrum study of the 2500-2690 MHz band for Third Generation (3G) wireless systems. The Final Report reviews and evaluates the earlier analyses and evaluates additional topics, including potential alternate frequency bands for relocating Instructional Television Fixed Service and Multipoint Distribution Service operations and the costs associated with relocation.

**DATES:** Comments Due: April 16, 2001.

**FOR FURTHER INFORMATION CONTACT:** Rodney Small, or Geraldine Matise, Office of Engineering and Technology, (202) 418-2452, or (202) 418-2322, respectively; internet: [rsmall@fcc.gov](mailto:rsmall@fcc.gov), or [gmatis@fcc.gov](mailto:gmatis@fcc.gov), respectively.

**SUPPLEMENTARY INFORMATION:** This is a summary of the text of the Public Notice, DA 01-786 released March 30, 2001. This document is available on the Commission's Internet site, at [www.fcc.gov](http://www.fcc.gov). It is also available for inspection and copying during regular business hours in the FCC Reference Center, Room CY-A257, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

#### Summary of the Public Notice

1. The staff of the Federal Communications Commission today released a Final Report on a spectrum study of the 2500-2690 MHz band for Third Generation (3G) wireless systems. The Final Report was prepared under

the leadership of the Office of Engineering and Technology, in cooperation with the Mass Media Bureau, Wireless Telecommunications Bureau, and the International Bureau.

2. The 2500-2690 MHz band was identified by the 2000 World Radiocommunication Conference (WRC-2000) as candidate spectrum for 3G systems, along with the 806-960 MHz and 1710-1885 MHz bands. The WRC-2000 results allow countries flexibility in deciding how to implement 3G systems. The conference recognized that in many countries the frequency bands identified for 3G may already be in use by equally vital services. In the United States, the 2500-2690 MHz band is currently used by the Instructional Television Fixed Service (ITFS) and Multipoint Distribution Service (MDS).

3. The technical study of the 2500-2690 MHz band has been conducted in two stages. In an Interim Report in ET Docket No. 00-232, released November 15, 2000, the staff examined technical characteristics of 3G systems; the existing and planned use of the 2500-2690 MHz band; the ability for 3G systems to share spectrum with incumbent services; and possible options for segmenting the frequency band to provide spectrum for 3G systems. The Final Report reviews and evaluates the earlier analyses and evaluates additional topics, including potential alternate frequency bands for relocating ITFS/MDS operations and the costs associated with relocation.

4. The study conducted by the FCC staff is a companion to a study done by the National Telecommunications and Information Administration (NTIA) on the 1755-1850 MHz band. The NTIA Interim Report ("Federal Operations in the 1755-1850 MHz Band: The Potential for Accommodating Third Generation Mobile Systems"), which was issued on November 15, 2000, and the NTIA Final Report ("The Potential for Accommodating Third Generation Mobile Systems in the 1710-1850 MHz Band: Federal Operations, Relocation Costs, and Operational Impacts") cover the same topics as the FCC staff reports. The FCC and NTIA band study reports are consistent with a Study Plan issued by Department of Commerce on October 20, 2000.

5. Earlier this year, the Commission issued a Notice of Proposed Rulemaking (NPRM) in ET Docket No. 00-258 on January 5, 2001, to examine and propose spectrum for allocation to fixed and mobile services that would be capable of being used to provide 3G wireless services. The NPRM recognized that a number of frequency bands, including

the 1755-1850 MHz and 2500-2690 MHz bands, are capable of supporting advanced wireless systems, and invited comment on the Interim Reports issued by the FCC staff and NTIA. To provide a complete record on issues under review in ET Docket No. 00-258, the Commission seeks comment on the Final Reports of the 1755-1850 MHz and 2500-2690 MHz band studies.

6. We hereby solicit comment by April 16, 2001 on the issues raised in the Final Reports. Comments should be filed in ET Docket No. 00-258. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Generally, only one electronic submission must be filed. If filing by paper, parties must file an original and four copies. Parties should send comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties are also encouraged to file a copy of all pleadings on a 3.5 inch diskette in Word 97 format.

7. Comments filed through the ECFS can be sent as an electronic file via the Internet at <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message: "get form (your e-mail address)." A sample form and directions will be sent in reply.

8. The full texts of the FCC and NTIA Final Reports are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. These documents may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW, 20036., telephone 202-857-3800, facsimile 202-857-3805, TTY 202-293-8810. You may also view the FCC Final Report at <http://www.fcc.gov/3G/> and the NTIA Final Report at <http://www.ntia.doc.gov/ntiahome/threeg/>

9. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 CFR 1.1200 and 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance or the presentations