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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

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 01–016–1]

Brucellosis in Cattle; State and Area Classifications; Oklahoma

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Oklahoma from Class A to Class Free. We have determined that Oklahoma meets the standards for Class Free status. This action relieves certain restrictions on the interstate movement of cattle from Oklahoma.

DATES: This interim rule was effective April 20, 2001. We invite you to comment on this docket. We will consider all comments that we receive by June 25, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 01–016–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 01–016–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Dr. Valerie Ragan, Senior Staff Veterinarian, National Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–7708.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella.*

The brucellosis regulations, contained in 9 CFR part 78 (referred to below as the regulations), provide a system for classifying States or portions of States according to the rate of *Brucella* infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class A and Class B fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

The standards for the different classifications of States or areas entail (1) maintaining a cattle herd infection rate not to exceed a stated level during 12 consecutive months; (2) tracing back to the farm of origin and successfully closing a stated percentage of all brucellosis reactor cases found in the course of Market Cattle Identification (MCI) testing; (3) maintaining a surveillance system that includes testing of dairy herds, participation of all recognized slaughtering establishments in the MCI program, identification and monitoring of herds at high risk of infection (including herds adjacent to infected herds and herds from which infected animals have been sold or received), and having an individual herd plan in effect within a stated number of days after the herd owner is notified of the finding of brucellosis in a herd he or she owns; and (4) maintaining minimum procedural standards for administering the program.

Before the effective date of this interim rule, Oklahoma was classified as a Class A State.

To attain and maintain Class Free status, a State or area must (1) remain free from field strain *Brucella abortus* infection for 12 consecutive months or longer; (2) trace back at least 90 percent of all brucellosis reactors found in the course of MCI testing to the farm of origin; (3) successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the consecutive 12-month period immediately prior to the most recent anniversary of the date the State or area was classified Class Free; and (4) have a specified surveillance system, as described above, including an approved individual herd plan in effect within 15 days of locating the source herd or recipient herd.

The last brucellosis-infected cattle herd in Oklahoma was released from quarantine in November 1999. Since then, no brucellosis-affected herds have been detected.

After reviewing the brucellosis program records for Oklahoma, we have concluded that this State meets the standards for Class Free status. Therefore, we are removing Oklahoma from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.41(a). This action relieves certain restrictions on moving cattle interstate from Oklahoma.

Immediate Action

Immediate action is warranted to remove unnecessary restrictions on the interstate movement of cattle from Oklahoma. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we

will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the brucellosis status of Oklahoma from Class A to Class Free will promote economic growth by reducing certain testing and other requirements governing the interstate movement of cattle from this State. Testing requirements for cattle moved interstate for immediate slaughter or to quarantined feedlots are not affected by this change. Cattle from certified brucellosis-free herds moving interstate are not affected by this change.

The groups affected by this action will be herd owners in Oklahoma, as well as buyers and importers of cattle from this State.

There are an estimated 64,000 cattle operations in Oklahoma that may be affected by this rule. About 99 percent of these are owned by small entities. Test-eligible cattle offered for sale interstate from other than certified-free herds must have a negative test under present Class A status regulations, but not under regulations concerning Class Free status. If such testing were distributed equally among all animals affected by this rule, Class Free status would save approximately $3 to $4 per head.

Therefore, we believe that changing the brucellosis status of Oklahoma will not have a significant economic effect on the small entities affected by this interim rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 9 CFR part 78 as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 continues to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.4.

§ 78.41 [Amended]

2. Section 78.41 is amended as follows:

a. In paragraph (a), by adding ''Oklahoma,'' in alphabetical order.

b. In paragraph (b), by removing ''Oklahoma,''.

Done in Washington, DC, this 20th day of April 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–10385 Filed 4–25–01; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL RESERVE SYSTEM

12 CFR Part 201

[Regulation A]

Extensions of Credit by Federal Reserve Banks; Change in Discount Rate

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended its Regulation A on Extensions of Credit by Federal Reserve Banks to reflect its approval of a decrease in the basic discount rate at each Federal Reserve Bank. The Board acted on requested submitted by the Boards of Directors of the twelve Federal Reserve Banks.

DATES: The amendments to part 201 (Regulation A) were effective April 18, 2001. The rate changes for adjustment credit were effective on the dates specified in 12 CFR 201.51.

FOR FURTHER INFORMATION CONTACT: Jennifer J. Johnson, Secretary of the Board, at (202) 452–3259, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Pursuant to the authority of sections 10(b), 13, 14, 19, *et al.,* of the Federal Reserve Act, the Board has amended its Regulation A (12 CFR part 201) to incorporate changes in discount rates on Federal Reserve Bank extensions of credit. The discount rates are the interest rates charged to depository institutions when they borrow from their district Reserve Banks.

The ''basic discount rate'' is a fixed rate charged by Reserve Banks for adjustment credit and, at the Reserve Banks' discretion, for extended credit for up to 30 days. In decreasing the basic discount rate from 4.5 percent to 4.0 percent, the Board acted on requests submitted by the Boards of Directors of the twelve Federal Reserve Banks. The new rates were effective on the dates specified below. The 50-basic-point decrease in the discount rate was associated with a similar decrease in the federal funds rate approved by the Federal Open Market Committee (FOMC) and announced at the same time.

In a joint press release announcing these actions, the FOMC and the Board of Governors noted that, since the FOMC's March meeting, a significant reduction in excess inventories seems well advanced. Consumption and housing expenditures have held up reasonably well, though activity in these areas has flattened recently. Although measured productivity probably weakened in the first quarter, the impressive underlying rate of increase that developed in recent years appears to be largely intact.

Nonetheless, capital investment has continued to soften and the persistent erosion in current and expected profitability, in combination with rising uncertainty about the business outlook, seems poised to dampen capital spending going forward. This potential restraint, together with the possible effects of earlier reductions in equity wealth on consumption and the risk of slower growth abroad, threatens to keep

the pace of economic activity unacceptably weak. As a consequence, the FOMC agreed that an adjustment in the stance of policy is warranted during this extended intermeeting period.

The FOMC continues to believe that against the background of its long-run goals of price stability and sustainable economic growth and of the information currently available, the risks are weighted mainly toward conditions that may generate economic weakness in the foreseeable future.

Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Board certifies that the change in the basic discount rate will not have a significant adverse economic impact on a substantial number of small entities. The rule does not impose any additional requirements on entities affected by the regulation.

Administrative Procedure Act

The provisions of 5 U.S.C. 553(b) relating to notice and public participation were not followed in connection with the adoption of the amendment because the Board for good cause finds that delaying the change in the basic discount rate in order to allow notice and public comment on the change is impracticable, unnecessary, and contrary to the public interest in fostering price stability and sustainable economic growth.

The provisions of 5 U.S.C. 553(d) that prescribe 30 days prior notice of the effective date of a rule have not been followed because section 553 (d) provides that such prior notice is not necessary whenever there is good cause for finding that such notice is contrary to the public interest. As previously stated, the Board determined that delaying the changes in the basic discount rate is contrary to the public interest.

List of Subjects in 12 CFR Part 201

Banks, Banking, Credit, Federal Reserve System.

For the reasons set out in the preamble, 12 CFR part 201 is amended as set forth below:

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS (REGULATION A)

1. The authority citation for 12 CFR part 201 continues to read as follows:

Authority: 12 U.S.C. 343 *et seq.,* 347a, 347b, 347c, 347d, 348 *et seq.,* 357, 374, 374a and 461.

2. Section 201.51 is revised to read as follows:

§ 201.51 Adjustment credit for depository institutions.

The rates for adjustment credit provided to depository institutions under § 201.3(a) are:

Federal Reserve Bank	Rate	Effective
Boston	4.0	April 18, 2001.
New York	4.0	April 18, 2001.
Philadelphia	4.0	April 18, 2001.
Cleveland	4.0	April 18, 2001.
Richmond	4.0	April 19, 2001.
Atlanta	4.0	April 18, 2001.
Chicago	4.0	April 19, 2001.
St. Louis	4.0	April 20, 2001.
Minneapolis	4.0	April 18, 2001.
Kansas City	4.0	April 18, 2001.
Dallas	4.0	April 18, 2001.
San Francisco	4.0	April 18, 2001.

By order of the Board of Governors of the Federal Reserve System, April 23, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–10407 Filed 4–25–01; 8:45 am]

BILLING CODE 6210–01–M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 705

Community Development Revolving Loan Program for Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: The NCUA is revising its regulations pertaining to the Community Development Revolving Loan Program For Credit Unions (CDRLP) to make more flexible the manner in which NCUA may deliver technical assistance to participating credit unions. This revision reflects the broad authority granted to NCUA by the Federal Credit Union Act (Act) in this context.

DATES: This rule is effective April 26, 2001.

ADDRESSES: National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428.

FOR FURTHER INFORMATION CONTACT: Frank S. Kressman, Staff Attorney, at the above address, or telephone: (703) 518–6540.

SUPPLEMENTARY INFORMATION:

A. Background

The CDRLP is intended to support the community development activities of participating credit unions. It does this by making low interest loans and providing technical assistance to those credit unions. This increases economic and employment opportunities for the credit unions' low-income members.

The Act authorizes the NCUA Board to use interest earned by the CDRLP to provide technical assistance to participating credit unions. 12 U.S.C. 1772c–1. Section 705.10 of NCUA's rules implements this authority. 12 CFR 705.10. When this rule was initially adopted, the rule's preamble noted, ''NCUA plans to contract with a provider that can render necessary technical assistance to credit unions selected for participation in the [Community Development Revolving Loan] Program.'' 52 FR 34891, September 16, 1987. The NCUA Board later amended the rule to allow the agency to contract with more than one technical assistance provider. 58 FR 21648, April 23, 1993. The NCUA Board further amended the rule by eliminating the $120,000 annual limit on technical assistance that NCUA could provide in the aggregate to all participating credit unions. 61 FR 50694, September 27, 1996. Section 705.10 then provided: ''Based on available earnings, NCUA may contract with outside providers to render technical assistance to participating credit unions.''

In December 2000, shortly after Congress appropriated an additional $1 million to the CDRLP, $350,000 of which was specifically earmarked for technical assistance, the NCUA further amended § 705.10 by interim final rule with request for comments. 65 FR 80298, December 21, 2000. The NCUA Board recognized that the technical assistance provision in § 705.10 was more restrictive than the statutory authority granted to it by the Act. The NCUA Board determined that § 705.10 was unnecessarily restrictive and may interfere with the CDRLP's ability to provide technical assistance to participating credit unions efficiently. Specifically, the interim final rule gives CDRLP the flexibility to provide technical assistance to participating credit unions directly or through outside providers selected by the credit unions or NCUA.

B. Summary of Comments

NCUA received comment letters about the interim final rule from three credit union trade associations. One commenter expressed its general support of the rule. Another asked if NCUA intends to use appropriated funds or earnings on the CDRLP fund to reimburse itself for technical assistance the NCUA renders directly to credit unions. No, NCUA does not intend, nor is it appropriate for it, to use

appropriated funds or earnings on the CDRLP fund to reimburse itself for technical assistance it provides directly to credit unions. Such appropriated funds or earnings on the CDRLP fund will only be used to pay for technical assistance rendered by outside providers.

That commenter also questioned NCUA's procedural decision to issue the latest amendment to § 705.10 as an interim final rule. As discussed in the preamble to the interim final rule, the NCUA Board issued an interim final rule because there was a strong public interest in having in place rules that made CDRLP technical assistance as readily accessible and easily deliverable to participating credit unions as possible. Also, the interim final rule imposed no additional regulatory burden or expense on participating credit unions. The NCUA Board found that, pursuant to 5 U.S.C. 553(b)(3)(B), notice and public procedures were impracticable, unnecessary, and contrary to the public interest; and, pursuant to 5 U.S.C. 553(d)(3), the rule would be effective immediately upon publication. Although the rule was issued as an interim final rule, the NCUA Board encouraged interested parties to submit comments.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact any regulation may have on a substantial number of small entities. For purposes of this analysis, credit unions under $1 million in assets will be considered small entities.

The NCUA Board has determined and certifies that this rule will not have a significant economic impact on a substantial number of small entities. The reason for this determination is that this rule provides the CDRLP with more options and flexibility in providing technical assistance to participating credit unions without any additional regulatory burden or expense to credit unions. Accordingly, the NCUA has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

NCUA has determined that this rule does not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget.

Executive Order 13132

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

Assessment of Federal Regulations and Policies on Families

NCUA has determined that this final rule will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the Administrative Procedure Act. 5 U.S.C. 551. The Office of Management and Budget has determined that this final rule is not a major rule for purposes of the Small Business Regulatory Enforcement Fairness Act of 1996.

List of Subjects in 12 CFR Part 705

Community development, Credit unions, Loan programs-housing and community development, Reporting and recordkeeping requirements, Technical assistance.

By the National Credit Union Administration Board, on April 19, 2001.

Becky Baker,

Secretary of the Board.

PART 705—COMMUNITY DEVELOPMENT REVOLVING LOAN PROGRAM FOR CREDIT UNIONS

Accordingly, the interim final rule amending 12 CFR 705.10, which was published at 65 FR 80298 on December 21, 2000, is adopted as a final rule without change.

[FR Doc. 01–10307 Filed 4–25–01; 8:45 am]

BILLING CODE 7535–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–CE–31–AD; Amendment 39–12187; AD 2001–08–10]

RIN 2120–AA64

Airworthiness Directives; Aerostar Aircraft Corporation Models PA–60–600 (Aerostar 600), PA–60–601 (Aerostar 601), PA–60–601P (Aerostar 601P), PA–60–602P (Aerostar 602P), and PA–60–700P (Aerostar 700P) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Aerostar Aircraft Corporation (Aerostar) Models PA–60–600, PA–60–601, PA–60–601P, PA–60–602P, and PA–60–700P airplanes. This AD requires you to replace both of the existing main landing gear lower side brace assemblies with parts of improved design. This AD is the result of several reports of cracking of the main landing gear lower side brace at the upper bolt lug discovered on preflight inspection. The actions specified by this AD are intended to correct damage or cracks in the main landing gear lower side brace at the upper bolt lug where the upper and lower side braces connect. This could result in failure of the main landing gear lower side brace. Such failure could lead to loss of control of the airplane.

DATES: This AD becomes effective on June 12, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of June 12, 2001.

ADDRESSES: You may get the service information referenced in this AD from Aerostar Aircraft Corporation, 10555 Airport Drive, Hayden Lake, ID 83835; telephone: (208) 762–0338; facsimile: (208) 762–8349. You may read this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–CE–31–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Richard Simonson, Aerospace Engineer, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW, Renton,

Washington 98055; telephone: (425) 227–2597; facsimile: (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA has received several reports of cracking of the main landing gear lower side brace at the upper bolt lug discovered on preflight inspection of Aerostar PA–60 Model airplanes. Damage or cracking of the main landing gear lower side brace, if not detected and corrected, could result in failure of this part. Such failure could lead to loss of the main landing gear with consequent loss of control of the airplane.

Aerostar has issued Service Bulletin SB600–134A, dated March 31, 2000. The service bulletin includes procedures for replacing both existing main landing gear lower side brace assemblies with parts of improved design, Aerostar part number 400084–001, lower side brace assemblies.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Aerostar Models PA–60–600, PA–60–601, PA–60–601P, PA–60–602P, and PA–60–700P airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 24, 2000 (65 FR 70535). The NPRM proposed to require you to replace both of the existing main landing gear lower side brace assemblies with parts of improved design

What is the potential impact if FAA took no action? Damage or cracks in the main landing gear lower side brace at the upper bolt lug where the upper and lower side braces connect could result in failure of the main landing gear lower side brace. Such failure could lead to loss of control of the airplane.

Was the public invited to comment? The FAA encouraged interested persons to participate in the making of this amendment. The following presents the comments received on the proposal and FAA's response to these comments:

Comment Issue: Why Not Withdraw the NPRM or Revise the AD To Require Only Repetitive Inspections?

What is the commenter's concern? Ten commenters state that their inspections have not shown any evidence of the problem described in the NPRM. They note that requiring replacement of these side braces with new parts imposes an undue financial burden on the airplane owners. Lastly, the commenters write that the repetitive inspections provide a sufficient level of safety for this airplane.

What is FAA's response to the concern? The FAA disagrees. There have been four reported cases, so far, of cracking in the upper bolt lug of this brace. More sophisticated analysis techniques than those available at the time of the initial airplane design show that the original braces do not meet the requirements of the Federal Aviation Regulations (14 CFR). As a result, the part was redesigned.

Fatigue cracks are extremely hard to detect early to avoid failure of the main landing gear lower side brace. The failure of a brace is hazardous. At the very least, the failure will result in severe damage to the airplane, with the possibility of follow-on damage to the airplane, and death or injury to the flight crew, passengers, and bystanders. For the above reasons, the original side braces must be replaced.

We are not changing the AD based on these comments.

FAA's Determination

What is FAA's Final Determination on this Issue? We carefully reviewed all available information related to the subject presented above and determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

—Will not change the meaning of the AD; and

—Will not add any additional burden on the public than was already proposed.

Cost Impact

How many airplanes does this AD impact? We estimate that this AD affects 650 airplanes in the U.S. registry.

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

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
20 workhours × $60 per hour = $1,200.	$1,682 for each airplane	$1,200 + $1,682 = $2,882 for each airplane.	$2,882 × 650 = $1,873,300.

Regulatory Impact

Does this AD impact various entities? The regulations adopted 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. We have determined that this rule would not have federalism implications under Executive Order 13132.

Does this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. You may get a copy of it 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, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding a new AD to read as follows:

2001–08–10 Aerostar Aircraft Corporation: Amendment 39–12187; Docket No. 2000–CE–31–AD.

(a) *What airplanes are affected by this AD?* This AD affects the following airplane models, serial numbers 1 through 1026 that are certificated in any category: Models PA–60–600 (Aerostar 600), PA–60–601 (Aerostar 601), PA–60–601P (Aerostar 601P), PA–60–602P (Aerostar 602P), and PA–60–700P (Aerostar 700P).

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

(c) *What problem does this AD address?* The actions specified by this AD are intended to correct damage or cracks in the main landing gear lower side brace at the upper bolt lug where the upper and lower side braces connect. This could result in cracking and failure of the main landing gear lower side brace. Such failure could lead to loss of control of the airplane.

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

Actions	Compliance	Procedures
(1) Replace both main landing gear lower side brace assemblies with Aerostar part number 400084–001 lower side brace assemblies.	Within the next 50 hours time-in-service after June 12, 2001, unless already performed.	Do these replacements following the INSTRUCTIONS PART II: Replacement paragraph of Aerostar Service Bulletin SB600–134A, dated March 31, 2000, and the Aerostar Maintenance Manual.
(2) Do not install, on any affected airplane, main landing gear lower side brace assemblies that are not Aerostar part number 400084–001 or FAA-approved equivalent part number.	As of June 12, 2001	Not applicable.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Seattle Aircraft Certification Office (ACO), approves your alternative. Send your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO, 1601 Lind Avenue, SW, Renton, Washington 98055.

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

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Richard Simonson, Aerospace Engineer, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW, Renton, Washington 98055; telephone: (425) 227–2597; facsimile: (425) 227–1181.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done following Aerostar Aircraft Corporation Service Bulletin SB600–134A, dated March 31, 2000. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Aerostar Aircraft Corporation, 10555 Airport Drive, Coeur d'Alene Airport, Hayden Lake, Idaho 83835–8742. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on June 12, 2001.

Issued in Kansas City, Missouri, on April 13, 2001.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9749 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–139–AD; Amendment 39–12188; AD 2001–08–11]

RIN 2120–AA64

Airworthiness Directives; Aerospatiale Model ATR42–200, –300, and –320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Aerospatiale Model ATR42–300 and –320 series airplanes, that currently requires repetitive ultrasonic inspections to detect cracking of certain lugs on the main landing gear (MLG), replacement of cracked lugs with new or serviceable parts, and a follow-on inspection; and provides for an optional terminating action for the repetitive inspections. This amendment removes that terminating action and requires new repetitive inspections of the rubber sealant to detect shearing, and corrective action, if necessary. This action also requires new one-time visual and fluorescent penetrant inspections to detect discrepancies of certain lugs, and refurbishment of the MLG barrel and swing lever assemblies, which terminates the requirements of this AD. This action also revises the applicability of the existing AD. 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 discrepancies of the MLG barrel lower lugs, which could result in reduced structural integrity and possible collapse of the MLG.

DATES: Effective May 31, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 31, 2001.

The incorporation by reference of certain other publications listed in the regulations was approved previously by the Director of the Federal Register as of March 7, 1997 (62 FR 7665, February 20, 1997).

ADDRESSES: The service information referenced in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, 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, FAA, 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) by superseding AD 97–26–19, amendment 39–10262 (62 FR 66980, December 23, 1997), which is applicable to all Aerospatiale Model ATR42–300 and –320 series airplanes, was published in the **Federal Register** on November 28, 2000 (65 FR 70815). That action proposed to remove the terminating action and require new repetitive inspections of the rubber sealant to detect shearing, and corrective action if necessary. That action also proposed to require new one-time visual and fluorescent penetrant inspections to detect discrepancies of certain lugs and refurbishment of the main landing gear (MLG) barrel and swing lever assemblies, which would terminate the requirements of the proposed AD. That action also proposed to revise the applicability of the existing AD to include Model ATR42–200 series airplanes.

Comments

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

Request To Extend Compliance Time for Refurbishment

The commenter (the manufacturer of the subject MLG legs) requests an extension of the compliance time to refurbish the MLG legs, as specified in paragraphs (g) and (h) of the proposed AD. The commenter reports that those proposed compliance times have already passed for many of the affected airplanes. Approximately 70 MLG legs have not been refurbished. For certain airplanes, the proposed AD would require the MLG legs to be refurbished within the proposed 60-day grace period; for other airplanes, no grace period was provided. Furthermore, the refurbishment must be done by third-party maintenance vendors. They estimate that, based on current shop schedules and the availability of spare parts, it would take 36 months after December 2000 to refurbish all affected MLG legs in the U.S.

The FAA concurs with the request to extend the compliance times to refurbish the MLG legs. In developing an appropriate compliance time, the FAA considered the safety implications, parts availability, and maintenance schedules for timely accomplishment of the refurbishment. In consideration of these factors, the FAA has determined that the revised compliance times (24 months for airplanes modified in accordance with Messier-Dowty Service Bulletin 631–32–133; 42 months for unmodified airplanes) represent an appropriate interval in which the refurbishment can be accomplished in a timely manner within the fleet and an adequate level of safety can be maintained. Paragraphs (g) and (h) have been revised accordingly in this final rule.

Clarification of Compliance Time for Sealant Inspection

The FAA noted some incongruous compliance times specified in paragraph (e) of the proposed AD. Proposed paragraph (e)(1) referred to a repetitive interval of 300 landings, and proposed paragraph (e)(2) referred to immediate compliance for the corrective action. Both paragraphs conflict with the prior reference in paragraph (e) to a 400-flight-hour repetitive interval. Paragraphs (e), (e)(1), and (e)(2) have been revised in this final rule to eliminate the conflicting requirements.

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 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 84 airplanes of U.S. registry that will be affected by this AD.

The inspection that is currently required by AD 97–26–19, and retained in this AD, takes approximately 2 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions is estimated to be $120 per airplane, per inspection cycle.

The new inspections and refurbishment required by this AD will take approximately 29 work hours per airplane, at an average labor rate of $60 per work hour. Required parts will cost approximately $4,822 per airplane. Based on these figures, the cost impact of the new requirements of this AD on U.S. operators is estimated to be $551,208, or $6,562 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations 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 39–10262 (62 FR 66980, December 23, 1997), and by adding a new airworthiness directive (AD), amendment 39–12188, to read as follows:

2001–08–11 Aerospatiale: Amendment 39–12188. Docket 98–NM–139–AD. Supersedes AD 97–26–19, Amendment 39–10262.

Applicability: Model ATR42–200, –300, and –320 series airplanes; certificated in any category; except airplanes that have been refurbished in accordance with Messier-Dowty Service Bulletin 631–32–145, dated February 16, 1998.

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 (k)(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 detect and correct discrepancies of the main landing gear (MLG) barrel lower lugs, which could result in reduced structural integrity and possible collapse of the MLG, accomplish the following:

Ultrasonic Inspection

(a) For airplanes on which the actions specified by Messier-Dowty Service Bulletin 631–32–133, dated February 24, 1997, as revised by Change Notice No. 1, dated March 18, 1997, have not been accomplished prior to the effective date of this AD: Perform an ultrasonic inspection to detect fatigue cracks of the lower lugs of the barrel of the MLG, in accordance with Messier-Dowty Service Bulletin 631–32–132, dated January 21, 1997, at the applicable time specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this AD.

(1) For Model ATR42–300 and –320 series airplanes: Inspect within 2 years after the last overhaul or repair of the lower lugs of the barrel of the MLG; or within 60 days after March 7, 1997 (the effective date of AD 97–04–09, amendment 39–9933); whichever occurs later.

(2) For Model ATR42–300 and –320 series airplanes: Inspect within 5 years after the installation of a new MLG barrel assembly, or within 60 days after January 7, 1998 (the effective date of AD 97–26–19, amendment 39–10262); whichever occurs later.

(3) For Model ATR42–200 series airplanes: Inspect within 2 years after the last overhaul or repair of the lower lugs of the barrel of the MLG, or within 60 days after the effective date of this AD, whichever occurs later.

(4) For Model ATR42–200 series airplanes: Inspect within 5 years after the installation of a new MLG barrel assembly, or within 60 days after the effective date of this AD, whichever occurs later.

(b) If, during any inspection specified in paragraph (a) of this AD, no ultrasonic echo (as described in Messier-Dowty Service Bulletin 631–32–133, dated February 24, 1997, as revised by Change Notice No. 1, dated March 18, 1997) is detected, or if the echo is less than 20%: Except as required by paragraph (c) of this AD, repeat the ultrasonic inspection thereafter at intervals not to exceed 900 landings.

(c) For airplanes that are subject to the repetitive inspection requirements of paragraph (b) of this AD: As of the effective date of this AD, repeat the inspection, as specified by Table 1 of this AD, until the requirements of paragraph (f) of this AD are accomplished. Table 1 is as follows:

TABLE 1.—REPETITIVE INTERVAL

If the first ultrasonic inspection specified by paragraph (a) of this AD was done—	Then repeat the ultrasonic inspection—
At least 24 months, and less than 42 months, before the effective date of this AD.	Within 500 landings after the first ultrasonic inspection, or within 60 days after the effective date of this AD, whichever occurs later and thereafter at intervals not to exceed 500 landings.
Less than 24 months before the effective date of this AD, or at any time on or after the effective date of this AD.	At intervals not to exceed 900 landings, for a period not to exceed 24 months after the first ultrasonic inspection of (a) of this AD; and thereafter at intervals not to exceed 500 landings.

(d) If, during any inspection specified in paragraph (a) of this AD, the echo is greater than or equal to 20%: Prior to further flight, replace the MLG barrel assembly with a new or serviceable MLG barrel assembly, in accordance with Messier-Dowty Service Bulletin 631–32–132, dated January 21, 1997.

(1) If the damaged barrel assembly is replaced with an overhauled or repaired assembly, within 2 years after installation of that overhauled or repaired part, accomplish the actions specified in paragraph (a) of this AD.

(2) If the damaged barrel assembly is replaced with a new barrel assembly, within 5 years after installation of that new part, accomplish the actions specified in paragraph (a) of this AD.

Inspection of Sealant

(e) For airplanes on which the actions specified by Messier-Dowty Service Bulletin 631–32–133, dated February 24, 1997, as revised by Change Notice No. 1, dated March 18, 1997, have been accomplished prior to the effective date of this AD: Within 400 flight hours after the effective date of this AD, perform a detailed visual inspection to detect discrepancies (including shearing or separation) of the rubber sealant between the bushings and the MLG barrel lower lugs, and between the bushing and the swinging lever lug, in accordance with Messier-Dowty Service Bulletin 631–32–144, dated January 19, 1998.

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.''

(1) If no discrepancy is detected, repeat the detailed visual inspection specified in paragraph (e) of this AD thereafter at intervals not to exceed 400 flight hours, until accomplishment of the actions required by paragraph (f) of this AD.

(2) If any discrepancy is detected, prior to further flight, repeat the ultrasonic inspection and all applicable corrective actions specified by paragraphs (a), (b), and (d) of this AD.

Inspections and MLG Refurbishment

(f) For all airplanes: At the applicable time specified by paragraph (g) or (h) of this AD, accomplish the actions required by paragraphs (f)(1) and (f)(2) of this AD, in accordance with Messier-Dowty Service Bulletin 631–32–145, dated February 16, 1998, or Revision 1, dated May 31, 1999. Accomplishment of the inspections and refurbishment required by this paragraph constitutes terminating action for the requirements of this AD.

(1) Perform a one-time detailed visual inspection and a one-time fluorescent penetrant inspection to detect discrepancies (cracks, corrosion, and material defects) of the barrel lower lugs (outboard and inboard).

(i) If no discrepancy is found, prior to further flight, refurbish the lugs in accordance with the service bulletin.

(ii) If any discrepancy is found, prior to further flight, refurbish the lugs in accordance with the service bulletin and repeat the detailed visual inspection and fluorescent penetrant inspection. If any discrepancy remains, prior to further flight, do the actions specified by either paragraph (f)(1)(ii)(A) or (f)(1)(ii)(B) of this AD.

(A) Replace the damaged MLG barrel with a new or reconditioned barrel.

(B) 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 (DGAC) (or its delegated agent).

(2) Refurbish the MLG (including restoring the protective treatments, installing new bushings, and installing new lubrication points of the MLG barrel and swinging lever assemblies).

Compliance Times for Inspections and Refurbishment

(g) For airplanes on which the actions specified by Messier-Dowty Service Bulletin 631–32–133, dated February 24, 1997, have not been accomplished prior to the effective date of this AD: Do the actions required by paragraph (f) of this AD within 42 months after the effective date of this AD.

(h) For airplanes on which the actions specified by Messier-Dowty Service Bulletin 631–32–133, dated February 24, 1997, have been accomplished prior the effective date of this AD: Do the actions required by paragraph (f) of this AD within 24 months after the effective date of this AD.

Reporting Requirement

(i) At the applicable time specified by paragraph (i)(1) or (i)(2) of this AD, submit a report of the results (both positive and negative findings) of the initial inspections required by paragraphs (a) and (e) of this AD to Messier-Dowty, BP 10–78142 Vélizy Cedex, France. 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.

(1) For airplanes on which the inspections are accomplished after the effective date of this AD: Submit a report of each inspection within 10 days after performing the applicable inspection.

(2) For airplanes on which the inspections have been accomplished prior to the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

Spares

(j) As of the effective date of this AD, no person shall install a bushing, part number D66349, on the MLG barrel and swinging lever assemblies on any airplane.

Alternative Methods of Compliance

(k)(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, 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.

(2) Alternative methods of compliance approved previously in accordance with AD 97–26–19, amendment 39–10262, are approved as alternative methods of compliance with the applicable requirements of this AD.

Note 3: 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

(l) 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

(m) Except as required by paragraph (f)(1)(ii)(B) of this AD: The actions must be done in accordance with Messier-Dowty Service Bulletin 631–32–132, dated January 21, 1997; Messier-Dowty Service Bulletin 631–32–144, dated January 19, 1998; Messier-Dowty Service Bulletin 631–32–145, dated February 16, 1998; and Messier-Dowty Service Bulletin 631–32–145, Revision 1, dated May 31, 1999; as applicable. Messier-Dowty Service Bulletin 631–32–145, Revision 1, dated May 31, 1999, contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1, 2, 9, 10	1	May 31, 1999.
3–8, 11–46	Original ..	Feb. 16, 1998.

(1) The incorporation by reference of Messier-Dowty Service Bulletin 631–32–144, dated January 19, 1998; Messier-Dowty Service Bulletin 631–32–145, dated February 16, 1998; and Messier-Dowty Service Bulletin 631–32–145, Revision 1, dated May 31, 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 Messier-Dowty Service Bulletin 631–32–132, dated January 21, 1997, was approved previously by the Director of the Federal Register as of March 7, 1997 (62 FR 7665, February 20, 1997).

(3) Copies of any of these service bulletins may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, 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 4: The subject of this AD is addressed in French airworthiness directive 1996–294(B) R4, dated March 10, 1999.

Effective Date

(n) This amendment becomes effective on May 31, 2001.

Issued in Renton, Washington, on April 16, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9879 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–180–AD; Amendment 39–12189; AD 2001–08–12]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A340 Series Airplanes Equipped With CFM International CFM56–5C Engines

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 Model A340 series airplanes. This action requires repetitive inspections of the pivoting door roller fittings of the upper and lower thrust reversers for cracks, and corrective action, if necessary. This action is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. This action is intended to detect and correct cracking of the pivoting door roller fittings of the thrust reversers, which could result in failure of the primary locking mechanism of the thrust reversers during flight, leading to reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective May 11, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 11, 2001.

Comments for inclusion in the Rules Docket must be received on or before May 29, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–180–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–180–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: Gary Lium, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1112; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus A340 series airplanes. The DGAC advises that two pilots experienced ''rev unlock'' warnings during flight, indicating that the thrust reversers were unlocked. In each incident, the warning led the pilot to turn back to the departure point. These warnings resulted from failure of the upper pivoting door roller fittings. Both fittings have been recovered and the failure has been confirmed to be due to fatigue. This action is intended to detect and correct cracking of the pivoting door roller fittings of the thrust reversers, which could result in failure of the primary locking mechanism of the thrust reversers during flight, leading to reduced controllability of the airplane.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A340–78–4017, dated October 14, 1999, which describes procedures for a special detailed inspection for cracks in the pivoting door roller fittings of the thrust reversers. The inspection may be done using either an eddy current or fluorescent penetrant procedure.

If cracked fittings are detected by the inspection, one must take one of the following actions:

1. Replace the cracked fittings with new fittings and re-inspect all four fittings every 500 flight hours, or

2. Replace all 4 fittings with new fittings, which resets the repetitive inspection interval to every 7,000 flight hours or 1,200 flight cycles.

One may also elect to replace all 4 fittings with new fittings without performing any inspection for cracks, which also resets the repetitive inspection interval to every 7,000 flight hours or 1,200 flight cycles.

The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 1998–543–105(B) R2, dated November 17, 1999, in order to assure the continued airworthiness of these airplanes in France.

Airbus Service Bulletin A320–78–4017 references ROHR Alert Service Bulletin RA340A78–57, Revision 1, dated May 18, 1999, as an additional source of service information for accomplishment of the special detailed inspection and replacement of the pivoting door roller fittings on the thrust reversers.

FAA's Conclusions

This airplane model is manufactured in France and is 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 is intended to detect and correct cracking of the pivoting door roller fittings on the thrust reversers, which could result in failure of the primary locking mechanism of the thrust reversers during flight, leading to reduced controllability of the airplane. This AD requires accomplishment of the actions specified in the Airbus service bulletin described previously.

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 6 work hours to accomplish the required special detailed inspection at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this AD would be $360 per airplane, per inspection cycle.

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–180–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:

2001–08–12 Airbus Industrie: Amendment 39–12189. Docket 2000–NM–180–AD.

Applicability: Model A340 series airplanes, certificated in any category, equipped with CFM International CFM56–5C engines.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct cracking of the pivoting door roller fittings on the thrust reversers, which could result in failure of the primary locking mechanism of the thrust reversers during flight, leading to reduced controllability of the airplane, accomplish the following:

Inspections

(a) Except as required by paragraph (b) of this AD, perform a special detailed inspection of the pivoting door roller fittings for cracks, using the eddy current or the fluorescent penetrant procedure. The inspection must be performed in accordance with Airbus Service Bulletin A340–78–4017, dated October 14, 1999, and must be performed at the later of the times specified in paragraphs (a)(1) and (a)(2).

(1) Prior to the accumulation of 7,000 total flight hours or 1,200 total flight cycles, whichever occurs first; or

(2) Within 500 flight hours after the effective date of this AD.

Note 2: ROHR Alert Service Bulletin RA340A78–57, Revision 1, dated May 18, 1999, is an additional source of service information for accomplishment of the special detailed inspection and replacement of the pivoting door roller fittings on the thrust reversers.

(b) Whenever a high engine vibration advisory occurs: Prior to the next flight, perform a special detailed inspection of the pivoting door roller fittings for cracks, using an eddy current or fluorescent penetrant procedure, in accordance with Airbus Service Bulletin A340–78–4017, dated October 14, 1999.

Corrective Action

(c) If no crack is detected during any inspection of the pivoting door roller fittings on the thrust reversers as required by paragraph (a) or (b) of this AD, repeat the inspection at intervals not to exceed 500 flight hours.

(d) If a crack is detected during any inspection of the pivoting door roller fittings on the thrust reversers as required by paragraph (a) or (b) of this AD, prior to further flight, accomplish either paragraph (d)(1) or (d)(2) of this AD.

(1) Replace the fittings which are cracked with new fittings and repeat the inspection required by paragraph (a) at intervals not to exceed 500 flight hours; or

(2) Replace all 4 fittings with new fittings and repeat the inspection required by paragraph (a) every 7,000 flight hours or 1,200 flight cycles, whichever comes first.

(e) If the inspection required by paragraph (a) or (b) cannot be performed, or if the inspection is performed and a fitting is found to be cracked, but it cannot be replaced prior to the next flight, perform a secondary lock functional test in accordance with Aircraft Maintenance Manual (AMM) 78–31–41–720–050 and deactivate the thrust reversers in accordance with AMM 78–30–00–040–802 and the FAA-approved Master Minimum Equipment List.

Note 3: Operators are reminded of the limit of three calendar days imposed on deactivation of thrust reversers not modified in accordance with BFGoodrich AOW/CFM56–97–017 and Airbus All Operators Telex (AOT) A340/AOT 78–06, dated May 28, 1998.

Alternative Methods of Compliance

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, 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

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

Incorporation by Reference

(h) Except as provided by paragraph (e) of this AD, the actions must be done in accordance with Airbus Service Bulletin A340–78–4017, dated October 14, 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 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 5: The subject of this AD is addressed in French airworthiness directive 1998–543–105(B) R2, dated November 17, 1999.

Effective Date

(i) This amendment becomes effective on May 11, 2001.

Issued in Renton, Washington, on April 16, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9878 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–12–AD; Amendment 39–12191; AD 2001–08–14]

RIN 2120–AA64

Airworthiness Directives; Turbomeca S.A. Arrius Models 2B, 2B1, and 2F Turboshaft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), that is applicable to Turbomeca S.A. Arrius Models 2B, 2B1, and 2F turboshaft engines. This amendment requires the replacement of the right injector half manifold, left injector half manifold, and privilege injector pipe. This amendment is prompted by reports from the Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority for France, of partially or totally blocked fuel injection manifolds, which were found during inspections at a repair workshop. The actions specified by this AD are intended to prevent engine flameout during rapid deceleration, or the inability to maintain the 2.5 minutes one engine inoperative (OEI) rating. The actions are also intended to prevent air path cracks, due to blockage of the fuel injection manifolds.

DATES: Effective date May 31, 2001. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 31, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Turbomeca S.A., 40220 Tarnos, France; telephone: (33) 05 59 64 40 00; fax: (33) 05 59 64 60 80. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: James Rosa, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone: (781) 238–7152; fax: (781) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to Turbomeca S.A. Arrius Models 2B, 2B1, and 2F turboshaft engines was published in the **Federal Register** on December 6, 2000 (65 FR 76187). That action proposed to require the replacement of the right injector half manifold, left injector half manifold, and privilege injector pipe with the engine installed on the helicopter in accordance with Turbomeca Alert Service Bulletin (ASB) No. A319 73 2012, Revision 2, dated May 25, 1999, for Arrius 2B and 2B1 turboshaft engines, and ASB No. A319 73 4001, Revision 3, dated May 25, 1999, for Arrius 2F turboshaft engines.

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.

Wording Changes

One commenter suggests that the word ''obtain'' be substituted for the word ''maintain'' in various places throughout the rule.

The FAA does not agree. The word ''maintain'' in this case refers to a rating which is required in the type certificate data sheet, e.g. the aircraft must maintain the ability to achieve 520 shaft horse power for 2.5 minutes with one engine inoperative in order to meet type design requirements.

The commenter also states that the word ''injector'' is meaningless as it is used in the last sentence of the summary.

The FAA agrees and the word ''injector'' has been removed from the last sentence in the summary.

Revised Alert Service Bulletins

The manufacturer states that the most recent ASB revisions should be cited in the rule to capture its clarification and changes.

The FAA partially agrees. The most recent ASB revisions, which are Turbomeca ASB No. A319 73 2012, Revision 3, dated July 21, 2000, and ASB No. A319 73 4001, Revision 4, dated October 20, 2000, have added the replacement of the manifold at the Turbomeca Repair Center, in Tarnos, France as an alternative to the on-airframe replacement. This AD allows operators credit for manifold replacement that was done in accordance with the previous revisions of the ASB's. Paragraph (a) of this AD has been changed to allow replacements of the manifolds with new or refurbished parts to be done by operators on installed engines; refurbishment to be done by Turbomeca's Repair Center or by any appropriately rated repair shop.

Change Compliance To Allow Use of Refurbished Parts

The manufacturer states that the requirements of paragraph (c) in the rule should be changed to allow the use of refurbished parts.

The FAA agrees. Paragraph (c) is changed to remove the existing installation limitations, and to add a definition of time-in-service.

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.

Economic Impact

There are about 130 engines of the affected design in the worldwide fleet. The FAA estimates that 22 engines installed on aircraft of U.S. registry will be affected by this AD, that it will take about 2 work hours per engine to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost about $14,320 per engine. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $317,680 for initial inspection and parts replacement. The manufacturer has advised the DGAC that the operator may exchange the removed injection manifolds, at no cost to the operator, thereby substantially reducing the cost impact of this rule.

Regulatory Impact

This final rule does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this final rule.

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 the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2001–08–14 Turbomeca S.A. Arrius Models 2B, 2B1, and 2F Turboshaft Engines: Amendment 39–12191. Docket No. 2000–NE–12–AD.

Applicability

This airworthiness directive (AD) is applicable to Turbomeca S.A. Arrius Models 2B, 2B1, and 2F turboshaft engines. These engines are installed on, but not limited to Eurocopter France Model EC120B and Eurocopter Deutschland EC135 T1 rotorcraft.

Note 1: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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

Compliance with this AD is required as indicated, unless already done.

To prevent engine flameout and the inability to maintain the 2.5 minutes one engine inoperative (OEI) rating due to blockage of the fuel injection manifolds, do the following:

Initial Replacement

(a) If not already done in accordance with Turbomeca Alert Service Bulletin (ASB) No. A319 73 2012, Revision 2, dated May 25, 1999, or ASB No. A319 73 4001, Revision 3, dated May 25, 1999, replace injector manifolds and borescope-inspect the flame tube and the high pressure turbine area within 30 days after the effective date of this AD, or prior to exceeding 200 hours time-in-service (TIS), whichever is later. Do these in accordance with Instructions 2.A. through 2.C. of Turbomeca ASB No. A319 73 2012, Revision 3, dated July 21, 2000 for Arrius 2B and 2B1 turboshaft engines, and ASB No. A319 73 4001, Revision 4, dated October 20, 2000, for Arrius 2F turboshaft engines, except that replacement may be done at any appropriately rated repair shop.

Repetitive Replacements

(b) Thereafter, replace injector manifolds within 200 hours TIS since last replacement, or prior to further flight after performing the applicable flight manual or overhaul manual power check if the power check shows a negative turbine outlet temperature (TOT) margin or negative T4 margin.

Definition

(c) For the purposes of this AD, time-in-service (TIS) is defined as the number of engine operating hours on the manifolds since the manifolds were new or since the manifolds were refurbished.

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, Engine Certification Office. Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

Special Flight Permits

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

Documents That Have Been Incorporated By Reference

(f) The inspections and replacements shall be done in accordance with the following Turbomeca S.A. alert service bulletins (ASB's):

Document No.	Pages	Revision	Date
ASB No. A319 73 2012 Total pages: 5	5	2	May 25, 1999.
ASB No. A319 73 2012 Total pages: 5	5	3	July 21, 2000.
ASB No. A319 73 4001 Total pages: 5	5	3	May 25, 1999.
ASB No. A319 73 4001 Total pages: 5	5	4	October 20, 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 Turbomeca S.A., 40220 Tarnos, France; telephone: (33) 05 59 64 40 00; fax: (33) 05 59 64 60 80. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; 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 by the Direction Generale de L'Aviation Civile (DGAC), which is the airworthiness authority for France, in airworthiness directives AD 1999–217(A) and AD 1999–233(A).

Effective Date

(g) This amendment becomes effective on May 31, 2001.

Issued in Burlington, Massachusetts, on April 16, 2001.

Francis A. Favara,

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

[FR Doc. 01–10021 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–79–AD; Amendment 39–12203; AD 2001–08–26]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes Equipped with Elevator and Aileron Computer (ELAC) L80 Standard

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 A319 and A320 series airplanes. This action requires revising the Airplane Flight Manual (AFM) to specify procedures for landing under certain conditions of gusty winds and turbulence. This action is prompted by a report of a recent hard landing on a Model A320 series airplane equipped with ELAC L80 standard, which was caused by activation of the high angle-of-attack protection during a landing in gusty winds and turbulence. This action is necessary to prevent activation of the high angle-of-attack protection during final approach for landing, which could result in loss of ability to flare properly during landings. This action is intended to address the identified unsafe condition.

DATES: Effective May 11, 2001.

Comments for inclusion in the Rules Docket must be received on or before May 29, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket Number 2001–NM–79–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–79–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.

Information pertaining to this amendment may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2141; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA of the recent hard landing of a Model A320 series airplane, equipped with Elevator and Aileron Computer (ELAC) L80 standard. During a landing in gusty winds with turbulence, the pilot was not able to prevent the airplane from touching down on the runway at an excessive vertical speed. The airplane contacted the runway in a slight nose down position. The nose landing gear collapsed and the main landing gear and the nacelles were damaged.

Analysis indicated that the combination of certain wind conditions and certain pilot side stick inputs resulted in activation of the ELAC high angle-of-attack protection during final approach, which prevented the pilot from conducting a normal flare.

Explanation of Relevant Service Information

Airbus has issued Operator Information Telex (OIT) 999.0036/01/CL, dated March 23, 2001, which provides procedures for landing in gusty and turbulent wind conditions for all Airbus Model A319 and A320 series airplanes equipped with ELAC L80 standard. The DGAC has issued French Telegraphic Airworthiness Directive No. T2001–106 (B), dated March 26, 2001, to require incorporation of these procedures into the Aircraft Flight Manual (AFM), 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 Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent activation of the high angle-of-attack protection during final approach for landing in gusty wind and turbulent conditions, which could result in loss of the ability to flare properly during landing. This AD requires revising the Limitations Section of the FAA-approved AFM for Airbus Model A319 and A320 series airplanes to include procedures for landing under certain conditions of gusty winds and turbulence, as specified in Airbus OIT 999.0036/01/CL, dated March 23, 2001.

Interim Action

This AD is considered interim action. Airbus has advised that it is developing a new ELAC standard to modify the high angle-of-attack protection logic in such conditions. Once the modification is developed, approved, and available, the FAA may consider further rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good

cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an 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 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 2001–NM–79–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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

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:

2001–08–26 Airbus Industrie: Amendment 39–12203. Docket 2001–NM–79–AD.

Applicability: Model A319 and A320 series airplanes; certificated in any category; equipped with Elevator and Aileron Computer (ELAC) L80 Standard having part numbers listed in Airbus Operator Information Telex (OIT) 999.0036/01/CL, dated March 23, 2001.

Compliance: Required as indicated, unless accomplished previously.

To prevent activation of the high angle-of-attack protection during final approach for landing, which could result in loss of the ability to flare properly during landings, accomplish the following:

Revision of Airplane Flight Manual (AFM)

(a) Within 10 days after the effective date of this AD: Revise the Limitations Section of the FAA-approved AFM to incorporate the following procedures. This may be accomplished by inserting a copy of this AD into the FAA-approved AFM.

''FOR APPROACH TO RUNWAYS WITH KNOWN GUSTY ENVIRONMENT, ESPECIALLY IF THESE CONDITIONS GENERATE VERTICAL GUSTS DUE TO THE SURROUNDING TERRAIN,

OR

—REPORTED GUST WIND INCREMENT (MAX. WIND MINUS AVERAGE WIND) HIGHER THAN 10 KT,

OR

—EXPECTED MODERATE TO SEVERE TURBULENCE ON SHORT FINAL,

THE FLIGHT CREW SHOULD STRICTLY ADHERE TO THE FOLLOWING PROCEDURE:

—USE CONF 3 FOR APPROACH AND LANDING,

—MINIMUM VAPP IS VLS + 10 KT; THE RECOMMENDATION TO USE MANAGED SPEED REMAINS VALID,

—CORRECT THE LANDING DISTANCE FOR THE SPEED INCREMENT,

—IF ''SINK RATE'' GPWS WARNING OCCURS BELOW 200 FT, IMMEDIATELY INITIATE A GO AROUND.''

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. 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 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Manager, 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.

Note 2: The subject of this AD is addressed in French Telegraphic Airworthiness Directive T2001–106 (B), dated March 26, 2001.

Effective Date

(d) This amendment becomes effective on May 11, 2001.

Issued in Renton, Washington, on April 19, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10340 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–272–AD; Amendment 39–12193; AD 2001–08–16]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–8 series airplanes, that requires a one-time inspection to determine the manufacturer of the circuit breakers, and corrective action, if necessary. This amendment is prompted by reports of smoke and electrical odor in the flight compartment and cabin area as a result of failure of circuit breakers. The actions specified by this AD are intended to prevent internal overheating and arcing of the circuit breakers and airplane wiring due to long-term use and breakdown of internal components of the circuit breakers, which could result in smoke and fire in the flight compartment and main cabin.

DATES: Effective May 31, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 31, 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: Data and Service Management, Dept. C1–L5A (D800–0024). 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: Elvin Wheeler, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5344; fax (562) 627–5210.

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 McDonnell Douglas Model DC–8 series airplanes was published in the **Federal Register** on September 1, 2000 (65 FR 53199). That action proposed to require a one-time inspection to determine the manufacturer of the circuit breakers, and corrective action, if necessary.

Comment Received

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

One commenter requests that paragraph (a) of the proposed AD reference McDonnell Douglas Alert Service Bulletin DC8–24A075, Revision 2, dated May 2, 2000, as an acceptable method of compliance.

The FAA agrees. Since issuance of the notice of proposed rulemaking (NPRM) the FAA has reviewed and approved Revision 02 of McDonnell Douglas Alert Service Bulletin DC8–24A075. Revision 02 is essentially identical to Revision 01 of the service bulletin, which was referenced in the NPRM as the appropriate source of service information for accomplishing the proposed actions. No more work is necessary on airplanes changed as shown in Revision 01 of the service bulletin. Therefore, we have revised the final rule accordingly to reference Revision 02 of the service bulletin as an additional source of service information.

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 previously described. 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

There are approximately 310 Model DC–8 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 231 airplanes of U.S. registry will be affected by this AD, that it will take approximately 80 work hours per airplane to accomplish the required inspection of the circuit breakers (over 700 installed on each airplane), 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 $1,108,800, or $4,800 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:

2001–08–16 McDonnell Douglas: Amendment 39–12193. Docket 99–NM–272–AD.

Applicability: Model DC–8 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin DC8–24A075, Revision 02, dated May 2, 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 (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 internal overheating and arcing of the circuit breakers and airplane wiring due to long-term use and breakdown of internal components of the circuit breakers, which could result in smoke and fire in the flight compartment and main cabin, accomplish the following:

Inspection and Replacement, If Necessary

(a) Within 24 months after effective date of this AD: Perform a one-time inspection to determine the manufacturer of the circuit breaker in accordance with McDonnell Douglas Alert Service Bulletin DC8–24A075, Revision 01, dated September 21, 1999, or Revision 02, dated May 2, 2000.

(1) If no Wood Electric Corporation or Wood Electric Division of Potter Brumfield Corporation circuit breaker is found, no further action is required by this paragraph.

(2) If any Wood Electric Corporation or Wood Electric Division of Potter Brumfield Corporation circuit breaker is found, at the next scheduled maintenance visit, but not later than 24 months after the effective date of this AD, replace the circuit breaker with a new circuit breaker in accordance with the service bulletin.

Spares

(b) As of the effective date of this AD, no person shall install a circuit breaker, part number 104–205–104, 104–210–104, 104–215–104, 104–220–104, 104–225–104, 104–230–104, 104–235–104, 104–250–104, 446–250–102, 447–205–102, 448–205–102, 505–205–102, 506–205–102, 447–507–102, 448–507–102, 505–507–102, 506–507–102, 447–210–102, 448–210–102, 505–210–102, 506–210–102, 447–215–102, 448–215–102, 505–215–102, 506–215–102, 447–220–102, 448–220–102, 505–220–102, 506–220–102, 447–225–102, 448–225–102, 505–225–102, 506–225–102, 448–235–102, 505–235–102, or 506–235–102, on any airplane.

Alternative Methods of Compliance

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

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

Special Flight 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 McDonnell Douglas Alert Service Bulletin DC8–24A075, Revision 01, dated September 21, 1999, or McDonnell Douglas Alert Service Bulletin DC8–24A075, Revision 02, dated May 2, 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 Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). 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

(f) This amendment becomes effective on May 31, 2001.

Issued in Renton, Washington, on April 17, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9934 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–273–AD; Amendment 39–12194; AD 2001–08–17]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–8 series airplanes, that requires an inspection of the antifogging or heating wiring to detect chafing or damage, as applicable; inspection of the insulation blankets to detect damage; and repair, if necessary. This amendment also requires revising the clearview window heating wiring installations. This amendment is prompted by a report of an electrical short that resulted in damage to the antifogging circuit wiring and insulation blanket above the Captain's clearview window. The actions specified by this AD are intended to prevent chafed and damaged wires as a result of a sharp bend and restricted space between the fuselage frame and the clearview window in the full open position, which could result in an electrical short, damage to the antifogging circuit wiring and insulation blanket, and consequent smoke and fire in the flight deck.

DATES: Effective May 31, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 31, 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: Data and Service Management, Dept. C1–L5A (D800–0024). 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: Elvin Wheeler, Aerospace Engineer,

Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5344; fax (562) 627–5210.

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 McDonnell Douglas Model DC–8 series airplanes was published in the **Federal Register** on September 1, 2000 (65 FR 53201). That action proposed to require an inspection of the antifogging or heating wiring to detect chafing or damage, as applicable; inspection of the insulation blankets to detect damage; and repair, if necessary. That action also proposed to require revising the clearview window heating wiring installations.

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 163 airplanes of the affected design in the worldwide fleet. The FAA estimates that 113 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required detailed visual inspections, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the inspections required by this AD on U.S. operators is estimated to be $13,560, or $120 per airplane.

The FAA also estimates that 54 airplanes of U.S. registry specified as ''Group 1'' in McDonnell Douglas Alert Service Bulletin DC8–30A032, Revision 02, dated September 21, 1999, will be affected by this AD, that it will take approximately 5 work hours per airplane to accomplish the required wiring revision, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the wiring revision required by this AD on U.S. operators is estimated to be $16,200, or $300 per airplane.

The FAA also estimates that 59 airplanes of U.S. registry specified as ''Group 2'' in McDonnell Douglas Alert Service Bulletin DC8–30A032, Revision 02, dated September 21, 1999, will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required wiring revision, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the wiring revision required by this AD on U.S. operators is estimated to be $14,160, or $240 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 adding the following new airworthiness directive:

2001–08–17 McDonnell Douglas: Amendment 39–12194.

Applicability: Model DC–8–11, DC–8–12, DC–8–21, DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, DC–8–43, DC–8–51, DC–8–52, DC–8–53, DC–88–55, DC–8F–54, DC–8F–55, DC–8–61, DC–8–61F, DC–8–62, DC–8–62F, DC–8–63, and DC–8–63F series airplanes, as listed in McDonnell Douglas Alert Service Bulletin DC8–30A032, Revision 02, dated September 21, 1999; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent chafed and damaged wires as a result of a sharp bend and restricted space between the fuselage frame and the clearview window in the full open position, which could result in an electrical short, damage to the antifogging circuit wiring and insulation blanket, and consequent smoke and fire in the flight deck, accomplish the following:

Inspection and Modification

(a) Within 2 years after the effective date of this AD, perform a detailed visual inspection of the heating wiring (Group 1 airplanes) or antifogging wiring (Group 2 airplanes) to detect chafing or damage, as applicable; perform a general visual inspection of the insulation blankets to detect damage; and revise the clearview window heating wiring conduit installation; in accordance with McDonnell Douglas Alert Service Bulletin DC8–30A032, Revision 02, dated September 21, 1999. If any damaged insulation blanket or wire is detected, or if any chafed wire is detected, prior to further flight, repair in accordance with the service bulletin.

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.''

Note 3: 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.''

Alternative Methods of Compliance

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

Note 4: 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

(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 McDonnell Douglas Alert Service Bulletin DC8–30A032, Revision 02, dated September 21, 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 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

(e) This amendment becomes effective on May 31, 2001.

Issued in Renton, Washington, on April 17, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9935 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–274-AD; Amendment 39–12195; AD 2001–08–18]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–8 series airplanes, that requires installation of heat shrinkable tubing or application of Peel-Kote on each terminal connection of all cabin lighting switches in the forward and aft cabin electrical service panels. This action is necessary to prevent a short circuit within the cabin electrical service panel due to a foreign object being lodged between the terminals of a cabin light switch. Such a short circuit could result in overheating and damage to light circuits, and consequent smoke and fire in the main cabin of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective May 31, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 31, 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: Data and Service Management, Dept. C1–L5A (D800–0024). 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: Elvin Wheeler, Aerospace Engineer, Systems and Equipment Branch, ANM–130L; FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5344; fax (562) 627–5210.

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 McDonnell Douglas Model DC–8 series airplanes was published in the **Federal Register** on September 1, 2000 (65 FR 53203). That action proposed to require installation of heat shrinkable tubing or application of Peel-Kote on each terminal connection of all cabin lighting switches in the forward and aft cabin electrical service panel.

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 263 Model DC–8 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 194 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, 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 $11,640, or $60 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:

2001–08–18 McDonnell Douglas: Amendment 39–12195. Docket 99–NM–274–AD.

Applicability: Model DC–8 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin DC8–33A053, Revision 02, dated November 1, 1999; certificated in any category; except those airplanes on which McDonnell Douglas Service Bulletin 33–53, dated February 13, 1970, or Revision 1, dated August 5, 1975, has been accomplished.

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 a short circuit within the cabin electrical service panel due to a foreign object being lodged between the terminals of a cabin light switch, which could result in overheating and damage to light circuits, and consequent smoke and fire in the main cabin of the airplane, accomplish the following:

Installation

(a) At the next maintenance check, but no later than 6 months after the effective date of this AD, install heat shrinkable tubing or apply Peel-Kote on each terminal connection of all cabin lighting switches in the forward and aft cabin electrical service panels, in accordance with McDonnell Douglas Alert Service Bulletin DC8–33A053, Revision 02, dated November 1, 1999.

Note 2: Installation of heat shrinkable tubing or application of Peel-Kote accomplished prior to the effective date of this AD in accordance with McDonnell Douglas Service Bulletin 33–53, dated February 13, 1970, or Revision 1, dated August 5, 1975; is considered acceptable for compliance with the requirements of paragraph (a) of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permit

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

Incorporation by Reference

(d) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin DC8–33A053, Revision 02, dated November 1, 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 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

(e) This amendment becomes effective on May 31, 2001.

Issued in Renton, Washington, on April 17, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9936 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–275–AD; Amendment 39–12196; AD 2001–08–19]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–8 series airplanes, that requires replacing certain transformer ballast assemblies in the first officer's console and electrical power center with certain new, improved ballast assemblies. This action is necessary to prevent overheating of ballast transformers due to high power demands resulting from aging, which could result in smoke in the cockpit. This action is intended to address the identified unsafe condition.

DATES: Effective May 31, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 31, 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: Data and Service Management, Dept. C1–L5A (D800–0024). 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: Elvin Wheeler, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5344; fax (562) 627–5210.

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 McDonnell Douglas Model DC–8 series airplanes was published in the **Federal Register** on September 1, 2000 (65 FR 53205). That action proposed to require replacing certain transformer ballast assemblies in the first officer's console and electrical power center with certain new, improved ballast assemblies.

Comment Received

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

One commenter requests that a grace period of 3 to 6 months be added to paragraph (b) of the proposed AD to allow existing spares of transformer ballast assemblies to be used while supplies of new spares are acquired. The commenter states that a compliance time of ''as of the effective date of this AD'' is too restrictive, and that the current lead time to get new replacement units is 8 weeks.

The FAA does not agree. In the Material Information section of McDonnell Douglas Alert Service Bulletin DC8–33A070, dated November 1, 1999, it states ''Parts will be available within 30 days after receipt of purchase order.'' Because the compliance time to accomplish the required replacement is 12 months after the effective date of this AD, we find that operators have ample time to receive spare parts, even if the lead time is 8 weeks instead of the 30 days indicated in the referenced service bulletin.

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 as proposed.

Cost Impact

There are approximately 289 Model DC–8 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 228 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately between $1,379 and $3,092 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be between $341,772 and $732,336, or $1,499 and $3,212 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:

2001–08–19 McDonnell Douglas: Amendment 39–12196. Docket 99–NM–275–AD.

Applicability: Model DC–8 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin DC8–33A070, dated November 1, 1999; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent overheating of ballast transformers due to high power demands resulting from aging, which could result in smoke in the cockpit, accomplish the following:

Modification

(a) Within 12 months after the effective date of this AD, replace the transformer ballast assemblies from the first officer's console and electrical power center with new, improved transformer ballast assemblies, in accordance with McDonnell Douglas Alert Service Bulletin DC8–33A070, dated November 1, 1999.

Spares

(b) As of the effective date of this AD, no person shall install a transformer ballast assembly, part number BA170–1, BA170–11, BA170–21, BA170–MOD.B, or BA171–MOD.C, on any airplane.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (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.

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 McDonnell Douglas Alert Service Bulletin DC8–33A070, dated November 1, 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 Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). 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 90712; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on May 31, 2001.

Issued in Renton, Washington, on April 17, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9937 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–276–AD; Amendment 39–12197; AD 2001–08–20]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–8 series airplanes, that requires replacing the toilet flushing circuit breakers of the lavatory with new circuit breakers, and marking applicable nameplates. This action is necessary to prevent overheating of the flush pump motor, which could result in damage to the flush pump motor cover, and consequent smoke in the lavatory area. This action is intended to address the identified unsafe condition.

DATES: Effective May 31, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 31, 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: Data and Service Management, Dept. C1–L5A (D800–0024). 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: Elvin Wheeler, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5344; fax (562) 627–5210.

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 McDonnell Douglas Model DC–8 series airplanes was published in the **Federal Register** on September 1, 2000 (65 FR 53206). That action proposed to require replacing the toilet flushing circuit breakers of the lavatory with new circuit breakers, and marking applicable nameplates.

Comment Received

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

One commenter requests that the applicability of the proposed be revised to exclude airplanes in a freighter configuration on which the toilet flushing systems and associated equipment have been removed.

The FAA agrees. We find that McDonnell Douglas Model DC–8 series airplanes that have been converted from a passenger to a cargo-carrying (''freighter'') configuration, without toilet flushing systems and associated equipment installed, are not subject to requirements of this AD. Therefore, we have removed these airplanes from the applicability of the final rule.

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 previously described. 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

There are approximately 232 Model DC–8 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 199 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 or 2 work hours per airplane, depending on the configuration of the airplane, to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $348 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $408, or $468 per airplane, depending on the configuration of the 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:

2001–08–20 McDonnell Douglas: Amendment 39–12197. Docket 99–NM–276–AD.

Applicability: Model DC–8 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin DC8–24A068, Revision 01, dated November 1, 1999; certificated in any category; except those airplanes that have been converted from a passenger to a cargo-carrying (''freighter'') configuration, without toilet flushing systems and associated equipment installed.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent overheating of the flush pump motor, which could result in damage to the flush pump motor cover, and consequent smoke in the lavatory area, accomplish the following:

Replacing Circuit Breakers and Marking of Nameplate

(a) Within 2 years after the effective date of this AD, replace the toilet flushing circuit breakers of the lavatory with new circuit breakers, and mark applicable nameplates, in accordance with McDonnell Douglas Alert Service Bulletin DC8–24A068, Revision 01, dated November 1, 1999.

Note 2: Replacements and markings accomplished prior to the effective date of this AD in accordance with McDonnell Douglas DC–8 Service Bulletin 24–68, dated February 14, 1984; are considered acceptable for compliance with the requirements of paragraph (a) of this AD.

Spares

(b) As of the effective date of this AD, no person shall install a 2 amp toilet flushing circuit breaker, part number MP1503–DC8, on any airplane.

Alternative Methods of Compliance

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

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

Special Flight 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 McDonnell Douglas Alert Service Bulletin DC8–24A068, Revision 01, dated November 1, 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 Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). 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

(f) This amendment becomes effective on May 31, 2001.

Issued in Renton, Washington, on April 17, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9938 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Federal Highway Administration

23 CFR Part 1240

[Docket No. NHTSA–98–4494]

RIN 2127–AH38

Safety Incentive Grants for Use of Seat Belts—Allocations Based on State Seat Belt Use Rates

AGENCY: National Highway Traffic Safety Administration (NHTSA) and Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This final rule adopts, without change, the regulations that were published in an interim final rule to implement a new grant program established by the Transportation Equity Act for the 21st Century (TEA–21), and codified at section 157 of Title 23, United States Code. The final rule establishes procedures for allocating Federal grant funds to States whose seat belt use rates meet certain requirements. Under the statute, funds are to be allocated to States whose seat belt use rates exceed either the national average seat belt use rate or the State's highest-achieved seat belt use rate during certain years. Allocations are to be based on savings in medical costs to the Federal Government resulting from these seat belt use rates. The procedures in this final rule implement these statutory requirements.

DATES: This rule is effective on May 29, 2001.

FOR FURTHER INFORMATION CONTACT: The following persons at the U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590—In NHTSA: Wendi Wilson-John, State and Community Services, NSC–01, (202) 366–2121; John Donaldson, Office of the Chief Counsel, NCC–30, (202) 366–1834. In FHWA: Byron E. Dover, Office of Safety Design, HSA–10, (202) 366–2161; Raymond W. Cuprill, Office of the Chief Counsel, HCC–30, (202) 366–0791.

SUPPLEMENTARY INFORMATION:

A. Background

Section 1403 of the Transportation Equity Act for the 21st Century (TEA–21) (Public Law 105–178) added a new section 157 to Title 23 of the United States Code, replacing a predecessor Section 157. The new section (hereafter section 157) authorizes a State seat belt

incentive grant program covering fiscal years (FYs) 1999 through 2003. Under this program, the Secretary of Transportation (the Secretary) is directed to allocate funds each fiscal year, starting in FY 1999, to States that achieve certain seat belt use rates. A State can satisfy the requirement by meeting one of two conditions: First, if the State's seat belt use rate in each of the preceding two calendar years exceeded the national average seat belt use rate for those years; or second, if the State's seat belt use rate in the previous calendar year exceeded its ''base seat belt use rate.'' Section 157 defines the ''base seat belt use rate'' as the ''highest State seat belt use rate for the State for any calendar year during the period of 1996 through the calendar year preceding the previous calendar year.'' For example, for allocations to be made in FY 2001 (on or about October 1, 2000), the base seat belt use rate would be the State's highest seat belt use rate during the period from calendar year (CY) 1996 through CY 1998, and the State would meet the second condition if the State's CY 1999 seat belt use rate exceeds this base rate for the CY 1996 through CY 1998 period. Section 157 further provides that a State that meets the first condition must receive an allocation only under the first condition (even if the State also meets the second condition). Hence, a State may receive an allocation under the second condition only if it meets that condition and fails to meet the first condition.

A State that meets the first condition described above is to receive an allocation of funds that reflects the ''savings to the Federal Government'' due to the amount by which the State seat belt use rate for the previous calendar year exceeds the national average seat belt use rate for that year. A State that meets the second condition (and not the first condition) is to receive an allocation that reflects the ''savings to the Federal Government'' due to the amount by which the State seat belt use rate for the previous calendar year exceeds the State's base seat belt use rate. Section 157 defines ''savings to the Federal Government'' as ''the amount of Federal budget savings relating to Federal medical costs (including savings under the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 *et seq.*)), as determined by the Secretary.'' States may use these allocated funds for any projects eligible for assistance under Title 23, United States Code. (Section 157 provides for the further distribution of funds, if any funds remain unallocated after the required allocations related to seat belt use rates are made, but today's action does not address those provisions.)

B. Information Requirements and Determinations

A State's eligibility for an allocation of funds under the first condition during each fiscal year is dependent on State seat belt use rate information from two contiguous prior calendar years. Specifically, to make the determinations necessary to allocate funds in a given fiscal year under the first condition, section 157 requires the use of seat belt use rate information submitted by the States for the ''previous calendar year'' and the ''year preceding the previous calendar year.'' For example, FY 2000 allocations (on or about October 1, 1999) are dependent on CY 1997 and CY 1998 information, and FY 2001 allocations (on or about October 1, 2000) are dependent on CY 1998 and CY 1999 information. A State's eligibility for an allocation of funds under the second condition during each fiscal year (if it fails to meet the first condition) is dependent on seat belt use rate information from earlier calendar years beginning with CY 1996 and ending with the ''previous calendar year.'' For example, FY 2000 allocations (on or about October 1, 1999) are dependent on CY 1996 through CY 1998 information, and FY 2001 allocations (on or about October 1, 2000) are dependent on CY 1996 through CY 1999 information.

Section 157 provides that CY 1996 and CY 1997 information submitted by the States is to be weighted by the Secretary to ensure national consistency in methods of measurement. However, for CY 1998 and thereafter, section 157 requires States to measure seat belt use rates following criteria established by the Secretary, to ensure that the measurements are ''accurate and representative.'' In accordance with this latter mandate, NHTSA published a companion rule to today's rule, the Uniform Criteria for State Observational Surveys of Seat Belt Use (23 CFR Part 1340—Interim final rule, 63 FR 46389, September 1, 1998; final rule, 65 FR 13679, March 14, 2000) (hereafter, the Uniform Criteria), establishing the criteria to be followed by States in measuring seat belt use rates for CY 1998 and beyond.

For all calendar years during which State seat belt use rates must be measured, NHTSA must calculate the national average seat belt use rate to use in eligibility and allocation determinations. Additionally, for each State determined to be eligible for an allocation (based on a seat belt use rate that exceeds either the national average seat belt use rate or the State's own base seat belt use rate), NHTSA must calculate the amount of medical savings to the Federal Government due to the State's higher seat belt use rate, to determine the amount of the allocation.

These steps, and the information requirements necessary to accomplish them, were set forth in detail in an interim final rule published in the **Federal Register** on October 29, 1998 (63 FR 57904). The interim final rule set forth detailed procedures governing the determination of State seat belt use rates, the national average seat belt use rate, and the Federal medical savings—all prerequisites to making allocations of funds to eligible States each fiscal year. Today's final rule responds to comments to that interim final rule, and promulgates final requirements and procedures that apply to the allocation of funds based on seat belt use rates. This final rule is being issued jointly by NHTSA and the FHWA (hereafter, the agencies), because the agencies share responsibility for this grant program.

C. Comments on the Interim Final Rule

The interim final rule solicited comments from interested parties and noted that the agencies would respond to all comments and, if appropriate, amend the provisions of the rule. The agencies received comments from State agencies in Michigan, Missouri, New York, and Washington, from Advocates for Highway and Auto Safety, and from one private citizen. As explained below in the discussion addressing each of these comments, the agencies have made no changes to the rule.

The Washington Traffic Safety Commission (Washington) and Advocates for Highway and Auto Safety (Advocates) both expressed support for the interim final rule without change. Washington termed the procedures and formulas for allocation of funding ''reasonable and fair.'' Advocates endorsed the incentive grant program as a ''significant financial incentive'' and a ''novel approach'' that might lead States to actively pursue strategies to increase seat belt use. Advocates supported the interim final rule as providing ''a reasonable basis for making the determinations of state use rates and a national average seat belt use rate required by the statute.'' Although it expressed concern that surveys, as opposed to ''more scientifically conducted studies,'' could yield inflated seat belt use rates, Advocates believed that the interim final rule and the Uniform Criteria, together, were reasonably calculated to provide comparative seat belt use rates that would be acceptable for determining

relative increases in seat belt use rates under this program.

The Michigan Department of State Police (Michigan) recommended that the formula for allocating incentive funds to States be ''weighted to recognize the difficulty of achieving, and the benefit of sustaining, safety belt use rates above the national average.'' According to Michigan, as seat belt use increases, additional protection is provided to at-risk drivers who are traditionally unbelted, and for each percentage point of increase at higher seat belt use levels, there should be a greater increase in the number of lives saved and serious injuries prevented. Michigan concluded that savings in medical costs to the Federal Government should be greater per percentage point increase at levels above the national average. Michigan also recommended that States whose seat belt use rates have increased, but remain below the national average, should continue to receive incentive funds to encourage aggressive seat belt programs.

The agencies agree with Michigan's comment that, as seat belt use rates increase, and at-risk drivers who are traditionally unbelted (and over-represented in crashes) begin to use seat belts, savings in medical costs will be even greater, due to decreases in injuries and fatalities among these at-risk drivers. In fact, the process used to calculate medical savings under the interim final rule (see ''Appendix E—Determination of Federal Medical Savings'' and the report cited therein) accounts for these beneficial impacts as marginal seat belt use rates increase when seat belt use is already at a high level. The agencies are confident that the process established in the interim final rule results in an accurate estimate of the medical cost savings associated with increased seat belt use at all levels. Consequently, we have made no changes to the rule in response to this comment.

Michigan's concern that States whose seat belt use rates have increased but remain below the national average should continue to receive funds is accommodated under the existing language of the rule, to the full extent allowed by the statute. In accordance with section 157, a State whose seat belt use rate is below the national average will receive an allocation of funds provided its rate exceeds its ''base seat belt use rate,'' which was defined in the statute and in the interim final rule as ''the highest State seat belt use rate for the State for any calendar year during the period from 1996 through the calendar year preceding the previous calendar year.'' Accordingly, a State will receive an allocation of funds based on improvements in seat belt use rates, even if the rate remains below the national average, provided only that the improvement is measured against a baseline of the highest previously achieved seat belt use rate during the time period specified in the statute. No changes have been made to the rule in response to this comment.

The New York Department of Motor Vehicles (New York) requested that the interim final rule be modified to explicitly extend previous approvals granted under the section 153 program (23 U.S.C. 153) for seat belt use survey designs. (This was one of several comments from New York directed at the companion rule, the Uniform Criteria. In the preamble to the final rule for the Uniform Criteria, NHTSA explained that the comment was outside the scope of that rule, and would be addressed in today's action.)

The interim final rule provided a procedure, applicable only to CY 1998 surveys, under which a State that had received previous written approval under Section 153 for a survey design could certify that the survey remained unchanged, except for the addition of elements required to comply with Section 157. Such a certification would serve in lieu of the otherwise required survey review and approval process. In crafting this exception, the agencies were mindful of the great burden imposed on the States by the short lead times that occurred at the inception of this program. We do not believe it appropriate to extend this exception to the later years of this program, as sufficient time has elapsed to allow all States to develop surveys that satisfy the requirements of the Uniform Criteria. Moreover, NHTSA has worked closely with the States to ensure that their surveys meet these requirements and, at this time, all States that have chosen to submit surveys are able to meet the requirements. Consequently, we decline to adopt New York's request, and we have made no changes to the rule in response to this comment. States will continue to be required to submit documentation of their survey procedures to NHTSA each year for verification of compliance with the requirements of the Uniform Criteria.

Mr. William C. Hickey, a private citizen, urged the agencies to require mandatory seat belt use in buses with a capacity of 37 to 45 seats. Today's action, conducted under the authority of 23 U.S.C. 157, does not relate to buses, nor does it mandate seat belt use in any category of vehicles. Mr. Hickey's comment falls outside the authority of the statute and the scope of this action. Consequently, the agencies have made no changes to the rule in response to this comment.

The Missouri Department of Public Safety (Missouri) expressed dissatisfaction with the procedures adopted under the interim final rule to estimate seat belt use rates when State data was missing and to account for seat belt use in pickup trucks. Missouri stated that the requirements of the Uniform Criteria were incorporated immediately into its CY 1998 survey. However, according to Missouri, the timetable of the grant program did not allow it to submit seat belt use rate information for the FY 1998 grant process. (The agencies assume that Missouri refers to the grant process leading to FY 1999 allocations.) Missouri explained that, ''[i]n lieu of the 1997 use rate figure,'' it submitted its 1996 seat belt use rate, with the result that NHTSA used the CY 1996 information to ''formulate'' a CY 1997 seat belt use rate, and that the numbers for both years then were adjusted under the interim final rule to account for pickup trucks.

Missouri characterized the ''formulated'' CY 1997 seat belt use rate as improbably high and ''suspect in terms of overall reliability,'' particularly when compared with the new methodology, which was used to calculate the CY 1998 seat belt use rate. According to Missouri, ''the basic unfairness with this process is that we are comparing a 1997 rate formulated from a 1996 survey that does not include pickup trucks, with the actual 1998 rate which includes pickup truck information.'' Missouri believes that this approach led to its loss of eligibility for ''nearly $1 million'' in FY 2000, and requested that Missouri's ''1996 and 1997 revised use rates be revisited to more accurately show the impact of the pickup trucks.''

Missouri noted that the definition of passenger vehicle in the agencies' interim final rule is inconsistent with the State's own definition, because the interim final rule includes pickup trucks. The result, according to Missouri, is that a portion of the seat belt use rate under the interim final rule includes vehicles in which, under most circumstances, occupants are not required to use seat belts in Missouri. Missouri asserted that the inclusion of pickup trucks in the determination of seat belt use rates resulted in a reduction in Missouri's overall percentage of belt usage and a ''skewed'' national average. According to Missouri, this disparity will hurt Missouri's

ability to qualify for incentive grants under this program in the future.

On the subject of the seat belt survey requirements, Missouri stated that implementing the new methodology was ''arduous and expensive,'' requiring 460 survey sites instead of the 18 the State had used in previous years. Missouri claimed that many States were dissatisfied with the increased number of survey sites, and that many States requested and were granted exceptions to the new survey process, raising questions about the ''inherent fairness that the new survey was designed to create.''

Missouri recommended several approaches to ''level the playing field'' and assure fairness. Specifically, Missouri suggested that all States should arrive at their light truck data in the same way; that pickup truck data should not be considered for purposes of the FY 1999 grant; that the ''policy'' of granting exceptions should be discontinued; and that all States should implement seat belt surveys without deviation from the NHTSA methodology. As a final point, Missouri suggested that the agencies should ''simply disseminate funding to all states [and] fix the problems in the process design * * * in time to implement a valid process for FY 2000.''

The agencies recognize that the early implementation of this grant program presented difficult problems. TEA–21, which introduced the new section 157, was enacted in mid-1998, but it established a framework under which the first allocations of funds (during FY 1999) were to be based on seat belt use rate information from prior years—CY 1996 and CY 1997. Recognizing that these two calendar years had already ended, and could not be the subject of uniform guidance or criteria, Congress required that available information from the States for these earlier years be ''weighted by the Secretary to ensure national consistency in methods of measurement.'' For CY 1998 and beyond, Congress required that information submitted by the States be in accordance with criteria established by the Secretary.

Given these circumstances, the agencies were faced with the task of using the best seat belt use information available from the States for CY 1996 and CY 1997 and applying reasonable procedures to ensure consistent treatment from State-to-State, as required by section 157. If seat belt use rate information was missing for a calendar year (as was the case for Missouri in CY 1997), the agencies used the most reliable methods at hand to estimate the missing information or to extrapolate it from other available sources. The inclusion of pickup trucks in the determination of the seat belt use rate is a statutory requirement. Consequently, if information on pickup trucks was missing (as was the case for Missouri in CY 1996 and CY 1997), it too had to be derived from other sources. The interim final rule set forth detailed procedures governing the agencies' treatment of these various contingencies for CY 1996 and CY 1997, including procedures to adjust for incomplete State-submitted information and procedures for making estimates where State data for a given year was missing entirely.

The agencies recognize that any estimation procedure introduces potential uncertainties. However, section 157 requires the agencies to evaluate seat belt use rate information from two contiguous prior calendar years in order to determine a State's eligibility for an allocation, and Missouri provided information only for CY 1996. The agencies could not make the statutorily required determinations based on Missouri's submission of CY 1996 seat belt use information ''in lieu of'' the CY 1997 information, but required information from both of those years.

Similarly, the agencies were bound by the statute to account for pickup trucks in the determination of seat belt use rates. The estimation procedures of the interim final rule were applied carefully and consistently to all States with incomplete or missing data. We are unaware of a process that would allow the CY 1996 and CY 1997 seat belt use rates to ''more accurately show the impact of the pickup trucks,'' as Missouri requests, and Missouri does not detail an alternative process.

Missouri's comment that the inclusion of pickup trucks in the determination of seat belt use rates resulted in a ''skewed'' national average, because its own seat belt use law exempts most of these vehicles, misconceives the purpose of this grant program. Section 157 does not dictate which vehicles State laws should cover, and it does not seek to allocate funds to a State based on the State's level of compliance with its own laws. Rather, the statute measures performance against a uniform standard, and that standard precisely defines the universe of covered vehicles, which includes pickup trucks. Hence, it is a requirement imposed by the Congress that Missouri's seat belt use rate (and that of any other State seeking to qualify for an allocation of funds) must take pickup trucks into account (all pickup trucks—not simply pickup trucks which are not exempt), irrespective of the breadth of the State's legal requirements. Similarly, the national average seat belt use rate must be based on inclusion of pickup trucks. The Federal requirement to include pickup trucks is an integral part of the incentive structure of this grant program.

Missouri's various comments that the estimation methods of the interim final rule and the inclusion of pickup trucks in the determination of seat belt use rates reduced the State's ability to qualify for incentive grants reflect a misunderstanding of the mechanics of the allocation process. For the years at issue, Missouri's seat belt use rate (irrespective of adjustments under the interim final rule) has remained somewhat below the national average seat belt use rate. Therefore, unless the State experiences a substantial increase in seat belt use so as to exceed the national average seat belt use rate, Missouri must hope to qualify for an allocation under this program by achieving a seat belt use rate that exceeds its base seat belt use rate. This approach would not entitle Missouri to receive ''nearly $1,000,000'' in FY 2000, as the State's comments suggest. Rather, the allocation in each fiscal year would equal the Federal medical savings attributable to the amount by which it has exceeded its base seat belt use rate.

In FY 1999, Missouri received an allocation because the agency determined that the State had achieved a seat belt use rate in CY 1997 of 62.6 percent, which exceeded its agency-adjusted base seat belt use rate in CY 1996 of 58.3 percent. The allocation amounted to $986,100, which reflected the full value of the Federal medical savings attributable to that increase. As a result, 62.6 percent became Missouri's new base seat belt use rate, and Missouri would not be entitled to another allocation until its seat belt use rate exceeds 62.6 percent (and then only for an amount equal to the Federal medical savings attributable to the specific increase above that base rate). In FY 2000, Missouri did not receive an allocation, because its CY 1998 seat belt use rate was 60.4 percent, which did not exceed the new base seat belt use rate of 62.6 percent.

While the agency stands by the estimates that it developed under the interim final rule, it is worth noting that, even if the agency-estimated CY 1997 seat belt use rate for Missouri was overstated, Missouri did not suffer as a result of this calculation. For example, had Missouri's seat belt use rate in CY 1997 been estimated to be lower, and had Missouri reached 62.6 percent more gradually (after a period of two years),

rather than all at once (in a single year), according to the agency's estimates, the State would have received allocations during two fiscal years (*i.e.*, in FY 1999 and FY 2000) instead of one. However, the sum of those individual allocations essentially would have equaled the single allocation it actually received in FY 1999. (Any slight deviation that may have resulted would have been attributable to inflation adjustment factors and other minor differences in the year-to-year calculation of Federal medical savings.) In summary, contrary to Missouri's assertions, its standing under this grant program has not been harmed by the estimation process used under the interim final rule.

The agencies recognize that the implementation of seat belt survey requirements in conformance with the requirements of the Uniform Criteria was administratively difficult for some States. However, all States were subject to these same criteria and, contrary to Missouri's assertions, no exceptions or deviations were made.

Missouri's recommended approaches to ''level the playing field,'' that all States should arrive at their light truck data in the same way and that seat belt use surveys be implemented without deviation from the NHTSA methodology, relate to how seat belt use surveys are conducted. These issues are the subject of the companion rule, the Uniform Criteria. For a detailed discussion of issues related to conducting the surveys, Missouri is directed to the **Federal Register** notice implementing the final rule for the Uniform Criteria (65 FR 13679, March 14, 2000). Missouri can rest assured that the procedures contained in the Uniform Criteria stand as prerequisites for eligibility under this grant program, and that no deviations are permitted.

Missouri made two other recommendations (now moot due to the passage of time) that are not within the agencies' statutory authority. Specifically, Missouri recommended that pickup truck data not be considered for purposes of the FY 1999 grant and that the agencies ''simply disseminate funding to all states [and] fix the problems in the process design * * * in time to implement a valid process for FY 2000.'' As previously discussed, the inclusion of pickup trucks in the determination of seat belt use rates is a statutory requirement and the agencies are not free to disregard it. Similarly, the agencies are not free to disseminate funds to all States, without evaluation. The agencies must comply with the specific requirements defined by statute in making allocations. The agencies do not agree with Missouri that there are ''problems'' in the interim final rule that must be ''fixed.'' Rather, we believe that the process developed under the interim final rule, and continued in today's action, is a reasoned and fair approach to the collection, evaluation, and adjustment of data, and to the allocation of funds under this incentive grant program. Consequently, the agencies have made no changes in response to Missouri's comments.

Regulatory Analyses and Notices

Executive Order 13132 (Federalism): This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, and it has been determined that it does not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. Accordingly, a Federalism Assessment was not prepared.

Executive Order 12988 (Civil Justice Reform): This rule will not have any preemptive or retroactive effect. The enabling legislation does not establish a procedure for judicial review of final rules promulgated under its provisions. There is no requirement that individuals submit a petition for reconsideration or pursue other administrative proceedings before they may file suit in court.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures: This action has been determined to be ''significant'' under Executive Order 12866 and under the Department of Transportation Regulatory Policies and Procedures because it is likely to result in significant economic impacts. Accordingly, a Final Economic Assessment (FEA) was prepared, which describes the economic effects of this rulemaking action in detail. A copy of the FEA has been placed in the docket for public inspection.

Following is a summary of the cost and benefit information for this rule. The total annual cost of conducting surveys following the procedures of this rule and of a recently published companion rule (63 FR 46389) (if each State conducted one) is estimated to be $1.9 million. However, most States already conduct surveys similar to those that would be required in order to qualify for funds under section 157, after FY 1999. The FEA concludes that there will be a one-time redesign cost totaling $160,000 for those States that currently conduct annual surveys, but whose surveys require revision, and an annual cost totaling $192,750 for those States that currently do not conduct annual surveys.

NHTSA believes that incentives provided by section 157 could result in safety efforts that would increase seat belt use rates by an average of 1 to 4 percentage points. If such an increase is achieved, from 232 to 940 lives would be saved annually, from 5,700 to 23,000 nonfatal injuries would be prevented, and medical costs would decline by $64 million to $258 million. To raise seat belt use rates, States will have to initiate enforcement efforts and public education programs or enact legislation to upgrade current seat belt use laws to provide for primary enforcement. NHTSA estimates that the level of expenditure needed to raise seat belt use rates by 1 to 4 percentage points nationwide is approximately $200,000 per State, or $10.4 million (based on the fifty States, the District of Columbia, and Puerto Rico).

The FEA recognizes that a State may be eligible for an allocation of funds during each of fiscal years 2000 through 2003 if it conducts a survey of seat belt use during each of calendar years 1998 through 2001, and may be eligible for an allocation of funds during fiscal year 1999 without conducting a survey. Eligibility is dependent on whether the results of the survey meet certain statutory criteria. In FY 1999, 38 States, the District of Columbia, and Puerto Rico received a total of $52,648,000, and in FY 2000, 33 States, the District of Columbia, and Puerto Rico received a total of $54,610,700 in incentive grant funds under this program. Allocations available to the States for the remaining years of this program, provided they meet the statutory criteria, total $102,000,000 for fiscal year 2001 and $112,000,000 for each of fiscal years 2002 and 2003. During the course of this program, the exact amount of funds allocated to States that meet the statutory criteria will vary, depending on their seat belt use rate. It is unlikely that all available funds will be allocated under this rule, because not all States will meet the statutory criteria and seat belt use rates of complying States will vary.

Regulatory Flexibility Act: In compliance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the agencies have evaluated the effects of this action on small entities. States will be the recipients of any funds awarded under the section 157 program, and they are not small entities. We hereby certify that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act: The State seat belt use surveys that are required to be submitted by this rule are considered to be information collection requirements, as defined by the Office of Management and Budget (OMB) in 5

CFR part 1320. This information collection requirement has been submitted to and approved by OMB, pursuant to the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The requirement has been approved through February 2, 2002: OMB Control No. 2127–0597.

National Environmental Policy Act: The agencies have reviewed this action for the purpose of compliance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), and have determined that it will not have a significant effect on the human environment.

Unfunded Mandates Reform Act: The Unfunded Mandates Reform Act of 1995 (Public Law 104–4) requires agencies to prepare a written assessment of the costs, benefits and other effects of 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. This final rule does not meet the definition of a Federal mandate. It is a voluntary program, in which States can choose to participate at their option. The costs to States to participate in this program will not exceed the $100 million threshold. Moreover, States that choose to participate in this program will receive allocations of Federal funds for activities that are eligible under Title 23, United States Code.

List of Subjects in 23 CFR Part 1240

Grant programs—Transportation, Highway safety, Intergovernmental relations, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the interim final rule published in the **Federal Register** on October 29, 1998, 63 FR 57904, adding a new part 1240 to chapter II, subchapter B of the Code of Federal Regulations, is adopted as final.

Issued on: April 19, 2001.

Vincent F. Schimmoller,

Deputy Executive Director.

L. Robert Shelton,

Executive Director, National Highway Traffic Safety Administration.

[FR Doc. 01–10448 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–01–047]

RIN 2115–AA97

Safety Zone: Naval Force Protection, Bath Iron Works, Bath, ME

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone to close a portion of the Kennebec River to waterway traffic in a 400 foot radius around Bath Iron Works, Bath, Maine for the protection of Naval Forces, from 7 a.m. April 4, 2001 to 12 p.m. June 16, 2001. Entry into this safety zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This rule is effective from 7 a.m. April 4, 2001 to 12 p.m. June 16, 2001.

ADDRESSES: Comments should be mailed to: Commanding Officer, U.S. Coast Guard Marine Safety Office, 103 Commercial St., Portland Maine 04101–4726. The Response and Planning Department, Coast Guard Marine Safety Office maintains the public docket for this rule making. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Coast Guard Marine Safety Office between 8 a.m. and 4 p.m., Monday through Friday, except for Holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant E. J. Doucette, Chief of Response and Planning, Captain of the Port, Portland at (207) 780–3251.

SUPPLEMENTARY INFORMATION:

Regulatory History

As authorized by 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective in less than 30 days after **Federal Register** publication. Due to the complex planning and coordination involved, final details for the closure were not provided to the Coast Guard until April 2, 2001, making it impossible to publish a NPRM or a final rule 30 days in advance. Any delay encountered in this regulation's effective date would be contrary to public interest since immediate action is needed to safeguard the Naval vessels moored to the Bath Iron Works facility, the public and the surrounding area from sabotage or other subversive acts, accidents, or other causes of a similar nature.

Background and Purpose

The safety zone will occur from 7 a.m. April 4, 2001 to 12 p.m. June 16, 2001 at Bath Iron Works, Bath, Maine. This regulation establishes a safety zone in the waters of the Kennebec River. This safety zone is required to protect the Naval persons, facilities, and vessels from the hazards associated with terrorism. Entry into this zone will be prohibited unless authorized by the Captain of the Port.

Regulatory Evaluation

This temporary final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This safety zone involves only a 400-foot radius around Bath Iron Works. The effect of this regulation will not be significant for several reasons: The safety zone is limited in duration, the safety zone is limited in area, allowing mariners to transit in the river channel outside of the safety zone, and maritime advisories will be made in advance of and during the effective date of the safety zone.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. Small entities may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard expects the impact of this regulation to be minimal and certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that

this final rule will not have a significant economic impact on substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: fishing vessels and construction vessels transiting the Kennebec River from 7 a.m. April 4, 2001 to 12 p.m. June 16, 2001. s

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will only be in effect for approximately 73 days, is limited in duration and area, and will be advertised in advance.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offer to assist small entities in understanding the rule so that they may better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 113132 and have determined that this rule does not have sufficient federalism implications for Federalism under that order.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. A rule with tribal implications has a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that, under Figure 2–1, paragraph 34(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and an Environmental Analysis Checklist is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 165

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

Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

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

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

2. Add temporary section, 165.T01–047 to read as follows:

§ 165.T01–047 Naval Force Protection, Bath Iron Works, Bath, ME.

(a) Location. The following is a safety zone: all waters in a 400-foot radius around Bath Iron Works, Bath, ME.

(b) Effective date. 7 a.m. April 4, 2001 to 12 p.m. June 16, 2001.

(c) Regulations. (1) The general regulations contained in § 165.23 and the regulations specifically relating to safety zones in § 165.20 of this part apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Upon being hailed by designated personnel via siren, radio, flashing light, bull horn, or other means, the operator of the vessel and other persons inside the safety zone shall proceed as directed.

(3) Entry or movement within this zone is prohibited unless authorized by the Captain of the Port, Portland, ME.

Dated: April 4, 2001.

Roy A. Nash,

Commander, U.S. Coast Guard, Captain of the Port.

[FR Doc. 01–10420 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–114–2–7494; FRL–6969–4]

Approval and Promulgation of Air Quality State Implementation Plans (SIP); Texas: Control of Gasoline Volatility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Texas establishing a low-Reid Vapor Pressure (RVP) fuel requirement for gasoline distributed in 95 counties in the eastern and central parts of Texas. Texas developed this fuel requirement to reduce emissions of volatile organic compounds (VOCs) as part of the State's strategy to achieve the National Ambient Air Quality Standard (NAAQS) for ozone in the Houston-Galveston and Dallas-Fort Worth nonattainment areas. We are approving Texas' fuel requirement into the SIP because we found that the fuel requirement is in accordance with the requirements of the Clean Air Act (the Act) as amended in 1990 and is necessary for these

nonattainment areas to achieve the ozone NAAQS.

DATES: This final rule is effective on May 29, 2001.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Texas Natural Resource Conservation Commission, 12100 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra G. Rennie, Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7367.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means EPA.

What Action Is EPA Taking Today?

We are granting final approval of Texas' low RVP fuel requirement for gasoline distributed in 95 counties in the eastern and central parts of Texas. The State's low-RVP program will only apply in the attainment counties listed in this action and will not apply in the designated nonattainment counties in the Houston-Galveston (HGA), Dallas-Fort Worth (DFW), or Beaumont-Port Arthur (BPA) ozone nonattainment areas because these areas are already subject to Federal fuel controls that are at least as stringent.

What Are the Clean Air Act Requirements?

Section 172 of the Act provides the general requirements for nonattainment plans. Section 172(c)(6) and section 110 require SIPs to include enforceable emission limitations, and such other control measures, means or techniques as well as schedules and timetables for compliance, as may be necessary to provide for attainment by the applicable attainment date. Today's SIP revision involves approval of one of a collection of controls adopted by the State to achieve the ozone standard in the DFW and HGA nonattainment areas as required under section 172. EPA approval of this SIP revision is governed by section 110 of the Act.

In addition to these general requirements, section 211(c)(4)(C) provides that a state fuel control, otherwise preempted under section 211(c)(4)(A), may only be approved into a SIP if EPA finds the fuel control is ''necessary'' to achieve a NAAQS. Today's approval of the State's fuel control also meets the requirements of section 211(c)(4)(C) because we have found that the control is ''necessary'' to achieve the NAAQS in the DFW and HGA ozone nonattainment areas.

Why Is EPA Taking This Action?

We are taking this action because the State submitted an adequate demonstration to show the necessity for this fuel requirement to achieve the NAAQS in the DFW and HGA ozone nonattainment areas.

What Does the State's Low-RVP Regulation Include?

The State's low-RVP regulation requires that gasoline sold within the 95 attainment counties listed in the regulations have a maximum RVP of 7.8 psi. The regulations apply to gasoline sold at gasoline dispensing facilities between June 1 and October 1 of each year, and between May 1 and October 1 of each year for bulk plants, gasoline terminals and gasoline storage vessels.

The 95 central and eastern Texas counties affected by these rules are Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazos, Burleson, Caldwell, Calhoun, Camp, Cass, Cherokee, Colorado, Comal, Cooke, Coryell, De Witt, Delta, Ellis, Falls, Fannin, Fayette, Franklin, Freestone, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jackson, Jasper, Johnson, Karnes, Kaufman, Lamar, Lavaca, Lee, Leon, Limestone, Live Oak, Madison, Marion, Matagorda, McLennan, Milam, Morris, Nacogdoches, Navarro, Newton, Nueces, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Jacinto, San Patricio, San Augustine, Shelby, Smith, Somervell, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Washington, Wharton, Williamson, Wilson, Wise, and Wood Counties.

What Did the State Submit?

The State submitted SIP revisions for 30 Texas Administrative Code (TAC) 114 on August 16, 1999, and April 25, 2000, as well as technical supplements dated October 13, 1999, and February 11, 2000. The submittals contained data and analyses to support a finding under section 211(c)(4)(C) that the State's low-RVP requirement is necessary for the DFW and HGA nonattainment areas to achieve the ozone NAAQS. For further discussion of the submittal, see the proposed approval, 65 FR 69720 (November 20, 2000) and accompanying Technical Support Document.

What Comments Did EPA Receive in Response to the November 20, 2000, Proposed Rule?

EPA received comments on the Notice of Proposed Rulemaking (NPR) from the Texas Oil and Gas Association (TxOGA) and Southwest Research Institute. A summary of the comments received and EPA's response is presented below.

A. State Regulation of Fuels Outside Nonattainment Areas

Comment: TXOGA supports the use of cleaner burning fuel, but opposes the regional regulation of gasoline in areas outside of designated nonattainment areas because they do not believe that regulation of gasoline in attainment areas has been demonstrated to be necessary for NAAQS attainment in the HGA or DFW areas.

Response: We believe it is reasonable to justify fuel controls in attainment areas as ''necessary to achieve the NAAQS'' where, as here, it is demonstrated that emissions reductions associated with fuel use in the surrounding attainment areas benefit the nonattainment areas of concern and there are no reasonable or practicable non-fuel alternatives that would bring about timely attainment. Regional approaches to reducing pollution are acceptable to EPA because air pollution does not recognize political or geographic boundaries.

In our Technical Support Document (TSD) accompanying the proposed approval, we explained the way in which the low-RVP program will help the nonattainment areas achieve the NAAQS (more detailed discussions of how the regional fuel benefits the nonattainment areas are provided in the responses to comments below). Second, we reviewed the reasonableness and practicability of non-fuel control alternatives. Finally, we showed that with implementation of all reasonable and practicable control measures including the regional fuel control, the HGA and DFW nonattainment areas will be able to attain the ozone NAAQS but with no margin for error.

B. Transport of Emissions and Emissions From Commuting Vehicles

Comment: TXOGA points out that controls in areas downwind of the nonattainment areas do not benefit DFW or HGA. TXOGA also notes a recent modeling study showed Corpus Christi does not affect HGA and asserts that

other areas in North Texas claim similar lack of influence on the DFW area.

Response: The TSD presents specific modeling data identifying those counties from which NO_X and ozone are transported to the DFW and/or HGA nonattainment areas. TXOGA does not dispute these modeling results or provide reason not to rely on this data. The models show that at least 82 of the 95 counties subject to the regional low-RVP control have some meteorological connection with the DFW and HGA nonattainment areas such that it is reasonable to conclude that emissions reduction in these counties will benefit the DFW and HGA areas. TxOGA's specific examples do not undermine our overall conclusion that many areas transport ozone and/or VOCs and that reduction of emissions in these areas will benefit nonattainment areas.

Comment: TXOGA argues that the evaporative benefits from controlling RVP used in newer vehicles are small because new vehicle standards already result in evaporative emissions controls. In addition, TXOGA argues that the benefit attributed to vehicles fueling-up in the attainment areas and commuting into the nonattainment areas is small because the large geographic area has little commuting and people more often purchase gas in cities and go to surrounding areas than vice-versa.

Response: TXOGA's claims that the benefits associated with commuting vehicles are small, are unsupported, and do not undermine the overall conclusion that controls in these surrounding areas are reasonably related to attainment in the DFW and HGA areas. It should be noted, at the outset, that TXOGA does not question the modeled benefits of the low-RVP program. Its claims regarding the benefits associated with commuting vehicles therefore are taken only as a challenge to EPA's justification for approving of the fuel control in surrounding attainment areas.

The State provided data on commuting for counties surrounding DFW and HGA areas. This showed where potential impacts from commuting are most significant. For example, in the DFW area, 17 of the 22 attainment counties immediately surrounding the nonattainment counties have 10 percent or more of their county work trips being made into the nonattainment counties. These numbers support EPA's conclusion that controlling the fuel in these areas will benefit the DFW and HGA nonattainment areas.

TXOGA has provided no basis to support its assertion that commuting vehicles are more likely to refuel in the cities than in the areas in which the commuters live. It is equally as reasonable to expect that, given price and convenience factors, commuters are at least as likely to refuel in the surrounding attainment areas as they are in the nonattainment areas.

In addition, we note that even though the benefits of a low-RVP fuel are not as significant in newer vehicles, there is still a benefit from controlling RVP across the fleet as a whole. EPA's estimates of nationwide vehicle fleet age distribution indicate that more than half of the existing light duty vehicle fleet is eight years or older. Additionally, these estimates show that the light duty fleet includes a significant percentage of trucks (about 40%) which are currently subject to less stringent emission standards than passenger cars. Therefore, it is still reasonable to conclude that the low-RVP control will benefit the nonattainment areas, not only through transport of emissions but also through reduction in direct emissions.

C. Distribution

Comment: TXOGA argues that approval of the regional fuel program cannot be justified based on distribution issues because distribution within the geographic area has nothing to do with air quality. TXOGA supports as broad a fuel program as possible including a national program but argues that even with the regional plan there will be a patchwork because pipelines supply both sides of the program boundary.

Response: We looked at distribution to support the conclusion that the scope of the program is reasonable even though not all of the 95 counties covered by the rule contribute to air quality in DFW and HGA. The analysis shows that at least 82 of these 95 counties contribute emissions to the DFW and/or HGA nonattainment areas through either meteorologic transport or via commuting vehicles, or both. Fuel controls are therefore justified in these counties. We concluded that extending the low-RVP program to the remaining 13 counties was reasonable to simplify distribution and compliance. EPA has used similar considerations in approving other regional fuel controls. See 54 FR 26030 (June 21, 1989) (approving low-RVP program in New York); 55 FR 20601 (May 18, 1990) (approving low-RVP program in Maine). We believe that the broader program is more reasonable than limiting the scope of the program to only those areas demonstrated to impact DFW and HGA air quality, which would result in a county-by-county patchwork.

D. Necessity

Comment: TxOGA also challenges EPA's analysis of the availability of non-fuel alternatives. TxOGA argues that because the emission reduction benefit was not quantified in terms of actual VOC reductions, EPA cannot support the conclusion that the Regional Low-RVP fuel program is the most reasonable and practicable measure to reduce background ozone levels and curtail transport of ozone and precursors in the nonattainment areas. They argue that without quantifying the VOC reductions attributable to the use of low-RVP fuel in each county, it is not possible to determine the cost-effectiveness of the rule in each attainment county and impossible to determine if more reasonable and practicable measures are available.

Response: Texas considered over 300 measures within the nonattainment areas and submitted a long list of non-fuel measures that it considered for implementation outside the nonattainment areas. All reasonable and practicable measures have been adopted and the reasons for rejecting the others have been provided. TxOGA has not pointed to any particular alternative control measure that EPA or the State improperly rejected as unreasonable or impracticable. Instead, TXOGA argues generally that the analysis of alternatives was incomplete. We believe the analysis of alternatives was thorough and appropriate even without strict comparison of cost-effectiveness.

We disagree that a reasonable analysis of alternatives must be based on a county-by-county comparison of the cost-effectiveness of the fuel program and the cost-effectiveness of other controls. First, the county-by-county approach TXOGA suggests is itself unreasonable to the extent it implies that the State must mix and match regulations at the county level to ensure that the most cost-effective controls are used in each county. Such a regulatory approach could not realistically be implemented and has never been required.

Second, we disagree with TXOGA's claim that non-fuel alternatives can only be rejected based on a comparison to the cost-effectiveness of the fuel measure. EPA's 1997 Guidance (Guidance on Use of Opt-in to RFG and Low RVP Requirements in Ozone SIPs, August, 1997, U.S. Environmental Protection Agency, Office of Mobile Sources) describes the factors generally to be considered in evaluating the reasonableness and practicability of non-fuel alternatives under section 211(c)(4)(C). These factors include, but

are not limited to, the following: length of time to implement the measure; length of time to achieve ozone reduction benefits; degree of disruption entailed by implementation; other implementation concerns such as supply issues; costs to industry, consumers and/or the state; cost effectiveness; or reliance on commercially unavailable technology. Some factors may be appropriate for some areas but not for others. Cost-effectiveness is not the only factor to be considered in making the determination for reasonableness and practicability. Given the deadlines imposed by the Act and consequences for failure to attain, length of time to achieve ozone reduction benefits and supply issues were also critical factors for today's action.

Even though some point source control programs can be cost-effective, a regional fuel program can be implemented on a faster timetable and impacts a much larger geographic area. Those additional factors make the Regional Fuel program more reasonable and practicable than point and area source controls of similar cost and benefit.

We continue to believe there are no reasonable or practicable alternative control measures that would bring about timely attainment.

E. Methyl Tertiary Butyl Ether (MTBE)

Comment: TXOGA asks EPA to clarify whether the proposed SIP and section 211(c)(4)(C) waiver address the portion of the Texas RVP rule that restricts the use of MTBE to levels used in conventional gasoline prior to the implementation of this requirement.

Response: EPA did not make a determination under section 211(c)(4)(C) on the MTBE provision of the Texas rule because the State did not submit that portion of the rule for SIP approval. Therefore, we are not acting on the MTBE provisions.

F. Exemptions

Comment: Southwest Research Institute (SwRI) commented that the fuel rule would not allow them to conduct research during the summer ozone season because there were no exemptions provided for research and development operations to utilize test fuels that do not meet the 7.8 RVP requirement.

Response: EPA agrees with the commenter that the Texas rule contains no exemptions for research facilities. While we understand that this was an oversight, this is not cause for disapproval. It is our understanding that Texas has committed to revising 30 Texas Administrative Code (TAC) 114 at the earliest opportunity to provide an exemption for research and development operations from the 7.8 RVP requirement. We will review such a regulatory change to determine the impact upon the attainment demonstration when Texas submits the measure as a formal SIP revision.

EPA's Rulemaking Action

We are granting final approval pursuant to sections 110 and 211(c)(4)(C) because we find that the State has (1) identified the reduction in modeled peak values needed to achieve attainment of the ozone NAAQS; (2) identified all other reasonable and practical control measures; (3) shown that even with the implementation of all reasonable and practicable control measures, the State would need additional emissions reductions for these nonattainment areas to meet the ozone NAAQS (124 ppb) on a timely basis; and (4) demonstrated that the low-RVP requirement would contribute to those additional reductions.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective May 29, 2001.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of

this action must be filed in the United States Court of Appeals for the appropriate circuit by June 25, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 9, 2001.

Lynda F. Carroll,

Acting Regional Administrator, Region 6.

Part 52 of chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

PART 52—[AMENDED]

1. The authority for citation for part 52 continues to read as follows:

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

Subpart SS—Texas

2. In § 52.2270(c) the table is amended by revising the entry for ''Section 114.1'' and adding to the end of the section ''Chapter 114 (Reg 4)—Control of Air Pollution From Motor Vehicles'' a new heading with entries for ''Subchapter H—Low Emission Fuels'' to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
Chapter 114 (Reg 4)—Control of Air Pollution From Motor Vehicles				
Subchapter A—Definitions:				
Section 114.1	Definitions	08/16/99	4/26/01 [and Federal Register citation].	New definitions added.
*	*	*	*	*
Subchapter H—Low Emission Fuels; Division I: Gasoline Volatility:				
Section 114.301	Control Requirements for Reid Vapor Pressure	04/25/00	4/26/01 [and Federal Register citation].	Part (c) is not approved.
Section 114.304	Registration of Gasoline Producers and Importers.	04/25/00	4/26/01 [and Federal Register citation].	
Section 114.305	Approved Test Methods	04/25/00	4/26/01 [and Federal Register citation].	
Section 114.306	Recordkeeping, Reporting, and Certification Requirements.	04/25/00	4/26/01 [and Federal Register citation].	
Section 114.307	Exemptions	04/25/00	4/26/01 [and Federal Register citation].	
Section 114.309	Affected Counties	04/25/00	4/26/01 [and Federal Register citation].	
*	*	*	*	*

[FR Doc. 01–10251 Filed 4–25–01; 8:45 am]

BILLING CODE 6560–50–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 10 and 15

[USCG 1999–6224]

RIN 2115–AF23

Licensing and Manning for Officers of Towing Vessels

AGENCY: Coast Guard, DOT.

ACTION: Interim rule with request for comments.

SUMMARY: By this interim rule, the Coast Guard amends the interim rule of November 19, 1999, on licensing and manning for officers of towing vessels. This amendment is necessary to clarify confusion caused, and lessen the burdens imposed, by that rule. The Coast Guard intends this amendment to facilitate obtaining the appropriate licenses under the rule.

DATES: This interim rule is effective on May 21, 2001. Comments and related material must reach the Docket Management Facility on or before July 25, 2001. Except as amended by this rule, the interim rule published on November 19, 1999 (64 FR 63213), and delayed on October 7, 2000 (65 FR 64388), remains effective on its terms.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket [USCG–1999–6224], please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

The telephone number is 202–366–9329.

(3) By fax to the Docket Management Facility at 202–493–2251.

(4) Electronically through the Web Site for the Docket Management System at *http://dms.dot.gov.*

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call Lieutenant Commander Luke Harden, Office of Operating and Environmental Standards (G–MSO), Coast Guard, telephone 202–267–1838. If you have questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5149.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [USCG 1999–6224], indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this rule in view of them.

We seek your comments addressing this interim rule, specifically those concerning the operation of towing vessels on the Lower Mississippi River, below mile 304. We separated the Western Rivers and inland routes in the interim rule published on November 19, 1999, in response to public comments stating that the Western Rivers required a special skill set to operate on them safely. Therefore, we now classify the pilotage waters of the Lower Mississippi River as part of the Western Rivers. This part of the River continues to handle towing-vessel traffic from oceans, near-coastal, and Great Lakes and inland routes, as well as serving deep-draft vessels in the pilotage waters. Considering this, should towing vessel officers operating in the pilotage waters of the Lower Mississippi River be required to hold a Western Rivers Endorsement?

We also specifically seek your comments concerning the harbor-assist license. We became aware that license is similar in scope to the limited license proposed in the interim rule of November 19, 1999. Should we combine these licenses? Or is there sufficient rationale for us to maintain them as separate licenses?

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

On November 19, 1999, we published a first interim rule with request for comments (64 FR 63213). It established updates to the licensing and training of officers of towing vessels and the qualifications of those officers. We had chosen an interim rule to provide the towing industry a further opportunity for comment; to answer comments received on the Supplemental Notice of Proposed Rulemaking (SNPRM) (62 FR 55548 (October 27, 1997)); to address concerns received at public meetings; and to provide the public an opportunity to respond to changes reflected in the SNPRM. We published a second interim rule on October 27, 2000 (65 FR 64388), which delayed the implementation of the first interim rule until May 21, 2001. Delaying the rule gave us the time to clarify that rule through this third interim rule and issue guidelines implementing it.

The first interim rule is an essential part of a comprehensive initiative to improve navigational safety for towing vessels. You can glean its full background from the preambles to the notice of proposed rulemaking (NPRM) (61 FR 31332 (June 19, 1996)), the SNPRM, and the interim rule itself.

Discussion of Changes to the Interim Rule of November 19, 1999

This third interim rule contains a brief description of and reason for each of its amendments to the first interim rule:

(1) In 46 CFR 10.103, we revise the definition of *inland waters.* We clarify that the exclusion of Western Rivers from inland waters pertains only to towing vessels.

(2) In 46 CFR 10.205, we properly identify the towing-vessel licenses.

(3) In 46 CFR 10.209(c)(6), we describe the added information necessary to renew a license for towing vessels and remove the requirement to document ongoing training only within the Towing Officer's Assessment Record (TOAR). This increases the flexibility of this rule and allows mariners to maintain and present these records in alternative formats. It allows mariners who must document training under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, to maintain their records with those required by STCW. It also allows those companies that maintain their own training records under quality-management systems to provide these records for their employees.

(4) From 46 CFR 10.209, we remove paragraph (c)(7), on the return of the license after suspension for incompetence; and, in § 10.223, we restore it, under suspension and revocation of licenses. This is the most appropriate site for this cite since return is not a matter of renewal.

(5) We add 46 CFR 10.210, which will illustrate eligibility for a towing license based on a mariner's current license. It will show how a mariner's license, issued before the implementation of this rule, will be grandfathered under this rule.

(6) In 46 CFR 10.223, we add the paragraph removed from § 10.209(c)(7), establishing the process for return of a towing license following suspension or revocation for incompetence.

(7) In 46 CFR 10.304, we authorize a licensed officer as well as a qualified instructor to provide training to a candidate for a towing-vessel license. This will ease the burden on the industry and is consistent with current practices. We also revise that section to reflect that this process documents only proficiency, not competence.

(8) In 46 CFR 10.412 and 10.414, we clarify the progression of a towing-vessel license into other categories and

levels of license. This provides professional advancement for mariners working in the towing industry.

(9) In 46 CFR 10.463, we clarify that a towing-vessel license does not authorize service aboard vessels on foreign voyages or aboard those towing vessels greater than 200 gross register tons (GRT).

(10) Also in 46 CFR 10.463, we restrict the areas an Officer in Charge of Marine Inspection can designate as limited local areas to those on the Great Lakes, in inland waters, and on western rivers.

(11) In 46 CFR 10.464(a), we authorize service on subordinate routes, excepting western rivers, without an endorsement on the license. After it we insert Table 10.464–1, which eases the requirements for obtaining a license as master of towing vessels. We also remove the rivers route since it was not a route required of towing vessels.

(12) In 46 CFR 10.464(b), we streamline the requirements for obtaining a license as master of towing vessels (harbor assist), and we insert Table 10.464–2, reflecting the new requirements.

(13) From 46 CFR 10.464(d), we remove the limits on tonnage for mariners operating seagoing towing vessels. Our rules already impose a number of such limits for mariners operating towing vessels in general. Officers operating seagoing towing vessels must already comply with the Officers' Competency Certificates Convention, 1936, and with STCW if they are operating towing vessels greater than 200 GRT navigating seaward of the boundary line. To operate a towing vessel greater than 200 GRT or any towing vessel on an international route, an officer must hold a license authorizing service on an inspected self-propelled vessel of appropriate tonnage and the accompanying STCW form.

Also in 46 CFR 10.464(d), we allow an officer holding a license as mate of towing vessels to gain an endorsement on that license for master of towing vessels (limited). This provides the fleeting and harbor-towing industries an alternative method of obtaining masters for their operations. (Getting a license as mate of towing vessels otherwise requires the mariner to gain greater experience with a broader scope of training.)

(14) In 46 CFR 10.464(g), we authorize a master of inspected, self-propelled vessels, greater than 200 GRT, to serve as master of towing vessels while holding a completed TOAR.

(15) In 46 CFR 10.464(h), we add the authority allowing mariners already in the towing industry to obtain licenses using the licensing process existing before May 21, 2001. This phase-in period results in a gradual implementation of the requirements of this and the first interim rule, published on November 19, 1999. This addition assists those mariners who may be most affected by that interim rule.

(16) In 46 CFR 10.465 we revise paragraphs (a) and (e) and Table 10.465–1 to clarify the licensing requirements for mate (pilot) of towing vessels and the authority for subordinate routes. This makes these requirements consistent with those for master of towing vessels.

(17) Also in 46 CFR 10.465(e), we authorize a mate of inspected, self-propelled vessels, greater than 200 GRT, to serve as mate (pilot) of towing vessels while holding a completed TOAR. This change leaves these requirements consistent with those for master of towing vessels and answers the concerns about the increased workload on our resources for licensing.

(18) In 46 CFR 10.466, we revise the routes for apprentice mate. This ensures consistency among the licenses covered by this rule.

(19) In 46 CFR 15.610 and 15.910, we let officers with authority to operate towing vessels continue operating those vessels until they renew their licenses. The preamble of the first interim rule stated that officers would not have to obtain their new license until they renewed their current ones, but the rule itself set no such standard. This will reduce the burden on the industry and on our resources when this rule becomes effective.

(20) In 46 CFR 15.805 and 15.810, we clarify which officer licenses authorize service in the licensed positions on towing vessels.

(21) In 46 CFR 10.903(a)(18), we add apprentice mate (steersman) of towing vessels, limited, to the list of licenses that require examination for issuance. Its omission from the first interim rule was an oversight. In this section, we also delete paragraph (c)(7) since licenses for towing vessels will not authorize service on towing vessels 200 GRT or more.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, l979). A draft Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is available in the docket as indicated under **ADDRESSES**. A summary of the Evaluation follows:

Costs to Industry

There are around 5,400 documented towing vessels in the United States. This interim rule will ensure that all those officers currently operating such vessels maintain their authority after the new requirements for licensing and manning become effective on May 21, 2001. This rule accomplishes administrative changes (updates) that result in the gradual, continuous implementation of the rules on licensing and manning for officers on towing vessels.

Most revisions to the first interim rule, as reflected in this rule, either make editorial changes or update technical information to reflect comments to that rule. Certain revisions will reduce the costs to the towing industry incurred due to that rule. We estimated the annual costs—including costs for new entrants into the industry and costs associated with industry's increased paperwork burden—at $1,314,424. This rule will lessen annual costs by $3,780, bringing them down to $1,310,644. Their 10-year present value, from 2001 up to 2010, discounted at 7 percent to 2000, would total $9,205,414, and this represents $26,550 less than the total present value due to that rule, $9,231,964. The difference in the cost to the industry arises from the removal of the requirement of passing an examination when the mariners holding licenses as master or mate of self-propelled vessels of greater than 200 GRT seek endorsements for towing vessels (46 CFR 10.464 and 10.465).

The annual costs to the Federal Government, estimated in the first interim rule, consist in the time and resources for our reviewing documentation of ongoing training and drills such as TOARs of current mariners, as well as the service records, applications, and check-ride results of new ones. We estimated the total costs to the Government at $70,464 a year. The 10-year present value of costs to the Government, discounted at 7 percent to 2000, would total $494,910.

We estimate that this rule decreases the 10-year present value, discounted at 7 percent to 2000, of costs to industry and the Government to a total of $9,700,324. This represents $26,550 less than the total present value of $9,726,874 under the unchanged first interim rule.

Benefits to Industry

This rule clarifies and lessens the requirements for obtaining appropriate licenses imposed by the first interim rule. It also provides mariners with flexibility when seeking to obtain a license in the towing industry. This rule allows another path for mariners to obtain licenses in niche markets, such as the fleeting and harbor-towing industries, in less time. It also allows another method for reporting information required by that rule.

We estimated, in the first interim rule, that annual benefits from preventing deaths will range from $2,430,000 to $5,130,000, while annual benefits from preventing property damage will range from $1,158,987 to $2,546,694. The 10-year present value of total benefits should range from $25,207,543 to $53,917,886. Therefore, the 10-year benefit-cost ratio of this rule should range from 2.60 to 5.56 with the average being 4.08.

Finally, this benefit analysis considered only a portion of the 1500 cases where a lack of knowledge or proficiency was cited as a causal factor. We did not quantify any benefits from preventing injuries. Other areas where benefits exist, but were not quantified, were disruption of private automobile and commercial truck traffic when bridges are damaged, and environmental damage from spilled cargo.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we consider whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This interim rule places its primary economic burden on the mariners, not on their employers. However, towing companies would be required to maintain evidence that every vessel they operate is under the direction and control of a licensed mariner with appropriate experience, including 30 days of observation and training on the intended route. While this could be accomplished using copies of records that most companies already keep, it is impossible to determine exactly how many companies will have an increased burden. This analysis considered all of the approximately 1,252 companies operating towing vessels to be small entities that will experience an increased burden. At an estimated increased burden of 2 hours per year, the total small entity impact of this rule is expected to be $42,568 per year (1,252 companies × 2 hours per company per year × $17 per hour).

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule will have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES**. In your comment, explain why you think it qualifies and how and to what degree this rule will economically affect it.

Collection of Information

This interim rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). Indeed, it should reduce administrative difficulty for everyone affected by it.

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria in Executive Order 13132 and has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

It is well settled that States are precluded from regulation in categories that are reserved for regulation by the Coast Guard. It is also well settled, now, that all of the categories covered in 46 U.S.C. 3306, 3703(a), 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels) are within the field foreclosed from State regulation. (See the decision of the Supreme Court in the consolidated cases of *United States* v. *Locke* and *Intertanko* v. *Locke*, 120 S. Ct. 1135, 2000 U.S. LEXIS 1895 (March 6, 2000)). Since this rule involves the requirements that facilitate mates obtaining their appropriate licenses, it falls into the manning category, thereby precluding States from regulation. Because States may not promulgate rules within this category, preemption is not an issue under E.O. 13132.

Unfunded Mandates Reform Act

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

Taking of Private Property

This interim rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights (53 FR 8859 (March 15, 1988)).

Reform of Civil Justice

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

Consultation and Coordination With Indian Tribal Governments

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

Protection of Children

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

Environment

We considered the environmental impact of this interim rule and concluded that, under figure 2–1, paragraph (34)(a) of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. Under paragraph (34)(a), this exclusion is appropriate for rules that are ''editorial or procedural, such as those updating addresses or establishing application procedures.'' A Determination of Categorical Exclusion is available in the docket where indicated under **ADDRESSES**.

List of Subjects

46 CFR Part 10

Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 15

Reporting and recordkeeping requirements, Seamen, Vessels.

For the reasons discussed in the preamble, the Coast Guard amends the interim rule published on November 19, 1999 (64 FR 63213) and delayed on October 27, 2000 (65 FR 64388), and 46 CFR chapter I as follows:

PART 10—LICENSING OF MARITIME PERSONNEL

1. In § 10.103, revise the definition of *Inland waters* to read as follows:

§ 10.103 Definitions of terms used in this part.

* * * * *

Inland waters means the navigable waters of the United States shoreward of the Boundary Lines as described in 46 CFR part 7, excluding the Great Lakes and, for towing vessels, excluding the Western Rivers. For establishing credit for sea service, the waters of the Inside Passage between Puget Sound and Cape Spencer, Alaska, are inland waters.

* * * * *

2. In § 10.205, revise paragraph (g)(3) to read as follows:

§ 10.205 Requirements for original licenses, certificates of registry, and STCW certificates and endorsements.

* * * * *

(g) * * *

(3) All licenses for master or mate (pilot) of towing vessels, except apprentice mate (steersman) of such vessels, on oceans.

* * * * *

§ 10.209 [Amended]

3. In § 10.209 remove paragraph (c)(7) and revise paragraph (c)(6) to read as follows:

§ 10.209 Requirements for renewal of licenses, certificates of registry, and STCW certificates and endorsements.

* * * * *

(c) * * *

(6) An applicant for renewal of a license as master or mate (pilot) of towing vessels shall submit satisfactory evidence of either by—

(i) Completing a practical demonstration of maneuvering and handling a towing vessel before a designated examiner; or

(ii) Submitting documentary proof of ongoing participation in training and drills during the validity of the license being renewed.

* * * * *

4. Add § 10.210 to read as follows:

§ 10.210 Eligibility for towing license.

The figure that follows illustrates the conversion of a towing license issued before May 21, 2001. The conversion will take place at the first renewal or upgrade of the license after May 20, 2001.

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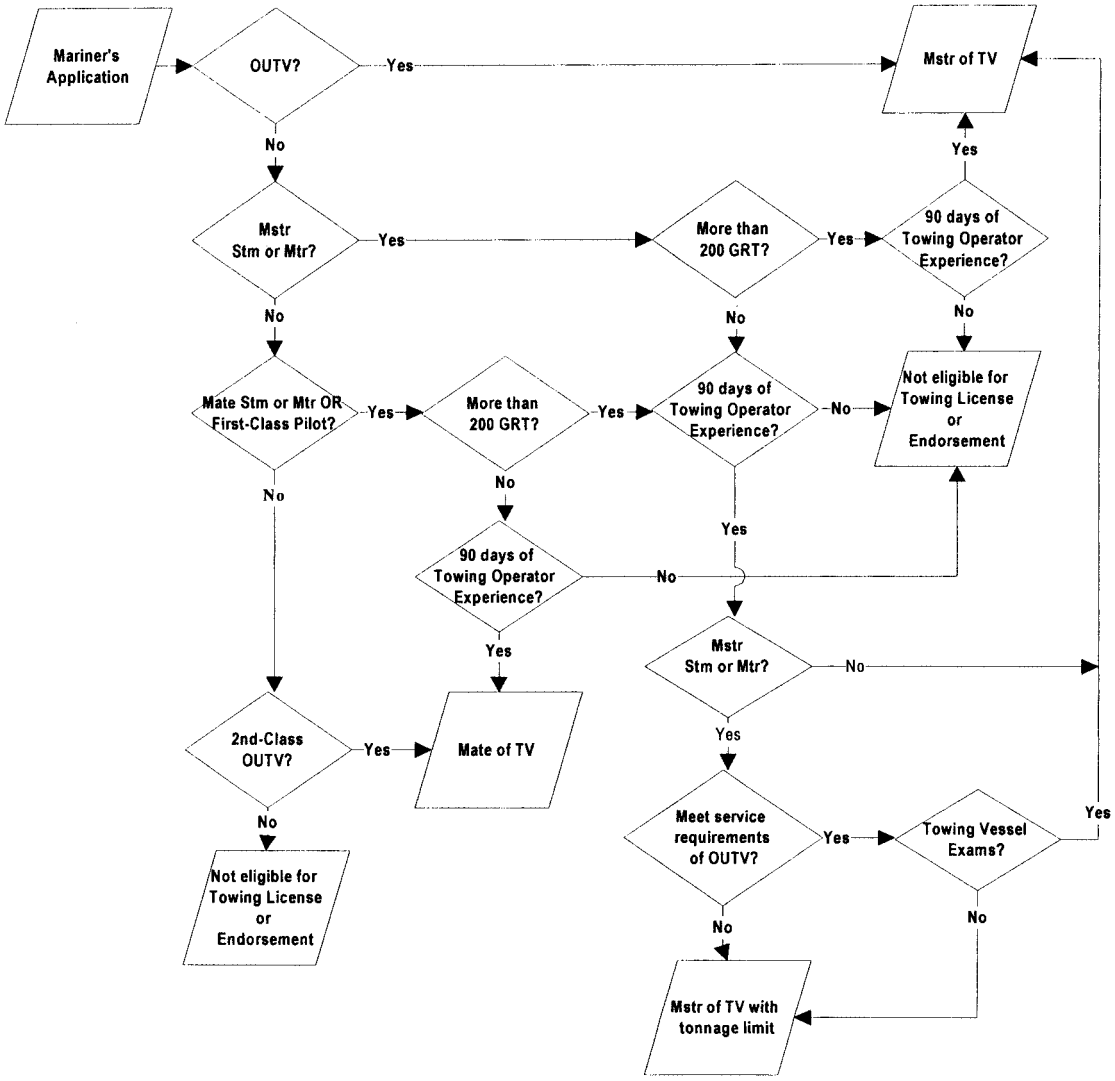

Figure 10.210 ELIGIBILITY FOR TOWING LICENSE

5. In § 10.223 add paragraph (d) to read as follows:

§ 10.223 Suspension and revocation of licenses.

* * * * *

(d) An applicant for renewal or return of a license as master or mate (pilot) of towing vessels whose most recent license was suspended or revoked by an administrative law judge for incompetence shall complete the practical demonstration under paragraph (c)(6)(i) of § 10.209.

§ 10.304 [Amended]

6. In § 10.304:

a. In paragraph (h)(5), following the words ''qualified instructor'', add the words ''or licensed officer (with authority to operate a towing vessel)'';

b. In paragraph (h)(6), remove the word ''competent'' and replace it with the word ''proficient''; and

c. In paragraph (h)(7), following the words ''qualified instructor'', add the words ''or licensed officer (with authority to operate a towing vessel)''.

§ 10.412 [Amended]

7. In § 10.412 in paragraph (a), following the word ''mate,'' in three places, add the words ''master or mate (pilot) of towing vessels,''.

§ 10.414 [Amended]

8. In § 10.414 in paragraph (a), following the word ''mate,'' in three places, add the words ''master or mate (pilot) of towing vessels,''.

9. In § 10.463:

a. Redesignate paragraphs (a), (b), and (c) as (b), (c), and (d), respectively;

b. Add a new paragraph (a) to read as set forth below; and

c. Revise redesignated paragraphs (c) and (d) to read as follows:

§ 10.463 General requirements for licenses for master, mate (pilot), and apprentice mate (steersman) of towing vessels.

(a) A license issued to an officer of towing vessels does not authorize service aboard such vessels on a foreign voyage nor aboard such vessels greater than 200 gross register tons on oceans or near-coastal waters.

* * * * *

(c) A license as master of towing vessels means a license to operate towing vessels not restricted to harbor assist and not restricted to local areas designated by OCMIs. This also applies to a license as mate (pilot) of towing vessels.

(d) For this section, *limited* means a license to operate a towing vessel of less than 200 gross register tons limited to a local area within the Great Lakes, inland waters, or Western Rivers designated by the OCMI.

10. In § 10.464, revise paragraphs (a), (b), (d), and (g), and add paragraph (h) to read as follows:

§ 10.464 Requirements for licenses as master of towing vessels.

(a) If you would like to obtain a license as master of towing vessels endorsed with a route listed in column 1 of Table 10.464–1, then you must complete the service indicated in columns 2 through 5. If you hold a license as master of towing vessels (harbor assist), then you must complete the service listed in columns 6 through 9. A license endorsed for a route listed in column 1 authorizes service on the subordinate routes listed in column 10, without further endorsement.

BILLING CODE 4910–15–U

TABLE 10.464-1--REQUIREMENTS FOR LICENSE AS MASTER OF TOWING VESSELS

1 ROUTE ENDORSED	2 TOTAL SERVICE[1]	3 TOS[2] ON T/V AS MATE (PILOT)	4 TOS[2] ON T/V AS MATE (PILOT) NOT AS HARBOR ASSIST	5 TOS[2] ON PARTICULAR ROUTE[4]	6 TOS[2] AS MATE (PILOT) WHILE HOLDING MASTER (HARBOR ASSIST)	7 TOS[2] ON PARTICULAR ROUTE	8 TOAR[5] OR APPROVED COURSE	9 PASSED APPROPRIATE ROUTE EXAMINATION[3]	10 SUB-ORDINATE ROUTE AUTHORIZED
(1) OCEANS (O)	48	18 of 48	12 of 18	3 of 18	12	3 of 12	YES	YES	NC, GL-I,
(2) NEAR-COASTAL (NC)	48	18 of 48	12 of 18	3 of 18	12	3 of 12	YES	YES	GL-I,
(3) GREAT LAKES INLAND (GL-I)	48	18 of 48	12 of 18	3 of 18	12	3 of 12	YES	YES	
(4) WESTERN RIVERS (WR)	48	18 of 48	12 of 18	3 of 18	12	3 of 12	YES	YES	

1 Service is in months.
2 TOS means time of service.
3 The OCMI determines the appropriate route examination for the desired endorsement.
4 If you hold a license as master of towing vessels, you may have a restricted endorsement--as mate (pilot) for a route superior to your current route, or routes, for a route on which you have no operating experience--placed on your license after passing an examination for that route. After completing 90 days of experience on that route, you may have the endorsement removed. This replaces the requirement listed in this column.
5 TOAR means Towing Officer's Assessment Record.

(b) If you would like to obtain a license as master of towing vessels (harbor assist), then you must complete the service indicated in columns 2 through 6 of Table 10.464–2. If you would like to upgrade your license as master of towing vessels (limited), then you must complete the service listed in columns 7 through 9.

TABLE 10.464-2--REQUIREMENTS FOR LICENSE AS MASTER OF TOWING VESSELS (HARBOR ASSIST)

1 ROUTE ENDORSED	2 TOTAL SERVICE[1]	3 TOS[2] ON T/V AS APPRENTICE MATE	4 TOS[2] ON T/V AS APPRENTICE MATE CONDUCTING HARBOR ASSIST	5 TOS[2] ON PARTICULAR ROUTE	6 TOAR[3] OR AN APPROVED COURSE	7 TOS[2] ON T/V CONDUCTING HARBOR ASSIST WHILE LICENSED AS MASTER (LIMITED)	8 TOS[2] ON PARTICULAR ROUTE	9 30 DAYS OF OBSERVATION AND TRAINING AND PASSED A LIMITED EXAMINATION AS NECESSARY
Master of Towing Vessels (Harbor Assist)	48	30 of 48	18 of 30	18 of 30	YES	12	3 of 12	YES

1 Service is in months.
2 TOS means time of service.
3 TOAR means Towing Officer's Assessment Record.

BILLING CODE 4910–15–C

* * * * *

(d) If you hold a license as mate (pilot) of towing vessels, you may have master of towing vessels (limited) added to your license for a limited local area within the scope of your current route.

* * * * *

(g) If you hold a license as a master of inspected, self-propelled vessels of greater than 200 gross register tons, you may operate towing vessels within any restrictions on your license if you—

(1) Have 30 days of training and observation on towing vessels for the route being assessed, except as noted in paragraph (e) of this section; and

(2) Either—

(i) Hold a completed Towing Officer's Assessment Record (TOAR) described in § 10.304(h) that shows evidence of assessment of practical demonstration of skills; or

(ii) Complete an approved training course. Your license does not need a towing endorsement if you hold a TOAR.

(h) If you began your service or training in the towing industry before May 21, 2001, you may receive a license as master of towing vessels if before May 21, 2004, you complete the examination required by 46 CFR 10.903(a)(18)(i) and meet either of the following two requirements:

(1) Three years of service, including—

(i) Two years on deck aboard a vessel 8 meters (26 feet) or more in length;

(ii) One year on deck aboard a towing vessel, with at least 6 months of training or duty in the wheelhouse of the towing vessel; and

(iii) Three months in each particular geographic area for which you are seeking authority; or

(2) Three years of service aboard towing vessels, including—

(i) One year on deck, with at least 6 months of training or duty in the wheelhouse of the towing vessel; and

(ii) Three months in each particular geographic area for which you are seeking authority.

Your license does not need a towing endorsement if you hold a TOAR or a course completion certificate.

§ 10.465 [Amended]

11. In § 10.465, remove paragraph (b), redesignate paragraphs (c), (d), (e), (f), and (g) as (b), (c), (d), (e), and (f), respectively, and revise paragraphs (a) and newly redesignated (e) to read as follows:

§ 10.465 Requirements for licenses as mate (pilot) of towing vessels.

(a) If you would like to obtain a license as mate (pilot) of towing vessels endorsed with a route listed in column 1 of Table 10.465–1, then you must complete the service in columns 2 through 5. If you hold a license as master of towing vessels (harbor assist or limited) and would like to upgrade it to mate (pilot) of towing vessels, then you must complete the service in columns 5 and 6. If you hold a license as mate (pilot) of towing vessels (limited) and would like to upgrade it to mate (pilot) of towing vessels, then you must complete the service in columns 2 through 5 and pass a limited examination. A license with a route endorsed in column 1 authorizes service on the subordinate routes listed in column 7, without further endorsement.

BILLING CODE 4910–15–U

TABLE 10.465-1--REQUIREMENTS FOR LICENSE AS MATE (PILOT) OF TOWING VESSELS

1 ROUTE ENDORSED	2 TOTAL SERVICE[1]	3 TOS[2] ON T/V AS APPRENTICE MATE (STEERSMAN)	4 TOS[2] ON PARTICULAR ROUTE	5 TOAR[3] OR AN APPROVED COURSE	6 30 DAYS OF OBSERVATION AND TRAINING WHILE HOLDING MASTER (HARBOR ASSIST OR LIMITED), COMPLETE A TOAR OR APPROVED COURSE, AND PASS A LIMITED EXAMINATION	7 SUBORDINATE ROUTE AUTHORIZED
(1) OCEANS (O)	30	12 of 30	3 of 12	YES	YES	NC, GL-I
(2) NEAR-COASTAL (NC)	30	12 of 30	3 of 12	YES	YES	GL-I,
(3) GREAT LAKES INLAND (GL-I)	30	12 of 30	3 of 12	YES	YES	
(5) WESTERN RIVERS (WR)	30	12 of 30	3 of 12	YES	NO (90 days' service required)	

1 Service is in months unless otherwise indicated.
2 TOS means time of service.
3 TOAR means Towing Officer's Assessment Record.

BILLING CODE 4910–15–C

* * * * *

(e) If you hold a license as a mate of inspected, self-propelled vessels of greater than 200 gross register tons or one as first-class pilot, then you may operate towing vessels within any restrictions on your license if you—

(1) Have 30 days of training and observation on towing vessels for the route being assessed, except as noted in paragraph (b) of this section; and

(2) Hold a completed Towing Officer's Assessment Record (TOAR) described in § 10.304(h) that shows evidence of assessment of practical demonstration of skills.

Your license does not need a towing endorsement if you hold a TOAR or a course completion certificate.

* * * * *

12. Amend § 10.466 by revising paragraph (a) to read as follows:

§ 10.466 Requirements for licenses as apprentice mate (steersman) of towing vessels.

(a) As Table 10.466–1 shows, if you would like to obtain a license as apprentice mate (steersman) of towing vessels listed in column 1, endorsed with a route listed in column 2, then you must complete the requirements indicated in columns 3 through 6.

BILLING CODE 4910–15–U

TABLE 10.466-1--REQUIREMENTS FOR LICENSE AS APPRENTICE MATE (STEERSMAN[4]) OF TOWING VESSELS

1 LICENSE TYPE	2 ROUTE ENDORSED	3 TOTAL SERVICE[1]	4 TOS[2] ON TV	5 TOS[2] ON PARTICULAR ROUTE	6 PASS EXAMINATION[3]
(1) APPRENTICE MATE (STEERSMAN)	OCEANS (O)	18	12 of 18	3 of 18	YES
	NEAR-COASTAL (NC)	18	12 of 18	3 of 18	YES
	GREAT LAKES-INLAND (GL-I)	18	12 of 18	3 of 18	YES
	WESTERN RIVERS (WR)	18	12 of 18	3 of 18	YES
(2) APPRENTICE MATE (STEERSMAN) (HARBOR ASSIST)	NOT APPLICABLE	18	12 of 18	3 of 18	YES
(3) APPRENTICE MATE (STEERSMAN) (LIMITED)[4]	NOT APPLICABLE	18	12 of 18	3 of 18	YES

1 Service is in months.
2 TOS is time of service.
3 The examination for apprentice mate is specified in subpart I of this part. The examination for apprentice mate (harbor assist and limited) is a limited examination.
4 For all inland routes, as well as Western Rivers, the license as steersman is equivalent to that of apprentice mate. All qualifications and equivalencies are the same.

BILLING CODE 4910–15–C

* * * * *

13. In § 10.903, in paragraph (a), add a new paragraph (a)(18)(iii) to read as set forth below; remove paragraph (c)(7); and redesignate paragraphs (c)(8), (c)(9), (c)(10), (c)(11), (c)(12), (c)(13), (c)(14), (c)(15), (c)(16), (c)(17), (c)(18), and (c)(19) as paragraphs (c)(7), (c)(8), (c)(9), (c)(10), (c)(11), (c)(12), (c)(13), (c)(14), (c)(15), (c)(16), (c)(17), and (c)(18) respectively.

§ 10.903 License requiring examination.

(a) * * *

(18) * * *

(iii) Apprentice mate (steersman) of towing vessels, limited;

* * * * *

PART 15—MANNING REQUIREMENTS

14. Revise § 15.610 to read as follows:

§ 15.610 Master and mate (pilot) of towing vessels.

(a) Except as provided in this paragraph, every towing vessel of at least 8 meters (at least 26 feet) in length, measured from end to end over the deck (excluding sheer), must be under the direction and control of a person licensed as master or mate (pilot) of towing vessels or as master or mate of vessels of greater than 200 gross register tons holding either an endorsement on his or her license for towing vessels or a completed Towing Officer's Assessment Record (TOAR) signed by a designated examiner indicating that the officer is proficient in the operation of towing vessels. This does not apply to any vessel engaged in assistance towing, or to any towing vessel of less than 200 gross register tons engaged in exploiting offshore minerals or oil if the vessel has sites or equipment so engaged as its place of departure or ultimate destination.

(b) An officer may continue to operate towing vessels within any restrictions of his or her license from May 21, 2001, until the first renewal or upgrade of that license, but not later than May 21, 2006. Every towing vessel covered by paragraph (a) of this section must carry at least the following personnel:

(1) An officer designated Master and holding a license as—

(i) Master of towing vessels;

(ii) Master of towing vessels (Harbor Assist) or (Limited) when operating solely within a limited local area;

(iii) Operator of uninspected towing vessels;

(iv) Master of inspected, self-propelled vessels within any restrictions on the license; or

(v) Mate or first-class pilot of inspected, self-propelled vessels with a license for service in vessels of greater than 200 gross register tons (Domestic service only).

(2) Another officer, if the vessel is operating more than 12 hours in any 24-hour period, holding a license—

(i) Listed in 46 CFR 15.610(b)(1);

(ii) As mate (pilot) of towing vessels;

(iii) As second-class OUTV; or

(iv) As mate of inspected, self-propelled vessels within any restrictions on the license.

(c) Paragraph (b) of this section applies until the officer's first renewal or upgrade of license after May 21, 2001.

15. Revise § 15.805(a)(5) to read as follows:

§ 15.805 Master.

(a) * * *

(5) Every towing vessel of at least 8 meters (at least 26 feet) or more in length must be under the command of a master of towing vessels, or a mariner licensed as master of inspected, self-propelled vessels greater than 200 gross register tons (GRT) holding either—

(i) A completed Towing Officer's Assessment Record (TOAR), bearing the signature of a Designated Examiner and stating that the Examiner found the candidate proficient; or

(ii) A license endorsed for towing vessels.

* * * * *

16. Revise § 15.810(d) to read as follows:

§ 15.810 Mates.

* * * * *

(d) Each person in charge of the navigation or maneuvering of a towing vessel of at least 8 meters (at least 26 feet) in length must hold a license authorizing service as either—

(1) Mate (pilot) of towing vessels; or

(2) Mate of inspected self-propelled vessels greater than 200 GRT within any other restrictions on the officer's license, holding either—

(i) A completed Towing Officer's Assessment Record (TOAR) bearing the signature from a Designated Examiner and stating that the Examiner found the candidate proficient; or

(ii) A license endorsed for towing vessels.

* * * * *

17. Revise § 15.910 to read as follows:

§ 15.910 Towing vessels.

(a) No person may serve as master or mate (pilot) of any towing vessel without meeting the requirements of 46 CFR 15.805(a)(5) or 15.810(d), respectively.

(b) Through May 21, 2006, the exception granted by 46 CFR 15.610(b) of this part applies to the manning of towing vessels.

Dated: March 29, 2001.

R.C. North,

Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 01–10284 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–15–U

Proposed Rules

Federal Register
Vol. 66, No. 81
Thursday, April 26, 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.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: This proposed rule relaxes certain provisions in NCUA's regulations for advertising and posting notice of nondiscrimination in real estate-related lending. Currently, the regulations provide that a federal credit union (FCU) must include notice of nondiscrimination through use of a particular logotype and specified language. The proposed rule will provide an FCU with more flexibility in how it gives notice when advertising. The current regulations also require the display inside the FCU of an NCUA-developed poster giving notice of nondiscrimination compliance. The proposed rule will allow an FCU to display either the NCUA poster or a similar poster prepared by the United States Department of Housing and Urban Development. The proposed rule also prohibits advertising with words, symbols, models, or other forms of communication that suggest a discriminatory preference or policy of exclusion in violation of the Fair Housing Act or the Equal Credit Opportunity Act.

DATES: Comments must be received on or before June 25, 2001.

ADDRESSES: Send comments to Becky Baker, Secretary to the NCUA Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428. You may also fax comments to (703) 837–2914, or e-mail comments to *regcomments@ncua.gov*. Please send comments by one method only.

FOR FURTHER INFORMATION CONTACT: Paul M. Peterson, Staff Attorney, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428 or telephone: (703) 518–6555.

SUPPLEMENTARY INFORMATION:

Background

The Fair Housing Act generally prohibits discrimination in connection with the sale or rental of residential dwellings. 42 U.S.C. 3601–3619. With regard to advertising, the Fair Housing Act provides that it is unlawful:

> To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

42 U.S.C. 3604(c). The Department of Housing and Urban Development (HUD) is charged with the administration and enforcement of the Fair Housing Act. 42 U.S.C. 3608, 3612. HUD has developed guidelines for compliance with the Fair Housing Act's requirement for nondiscrimination in advertising. On the issue of affirmative notice of nondiscrimination compliance, HUD states that:

> All advertising of residential real estate * * * financing should contain an equal housing logotype, statement, or slogan as a means of educating the homeseeking public that the property is available to all persons regardless of race, color, religion, sex, national origin, [handicap, or familial status]. The choice of logotype, statement, or slogan will depend on the type of media used (visual or auditory) and, in space advertising, on the size of the advertisement.

24 CFR 109.30(a) (1995). HUD removed this part 109 and the guidance it contained from the Code of Federal Regulations in 1996. 61 FR 14378, April 1, 1996. Nevertheless, HUD still considers the information in part 109, including the notice provision, to be current guidance.

The NCUA Board implements this notice provision for FCUs in § 701.31(d)(1). The current § 701.31(d)(1) requires use of one, particular logotype and legend in written and visual advertisements and one, particular phrase in oral advertisements. The Board has determined that the current § 701.31(d)(1) is less flexible than the Fair Housing Act and associated HUD guidance require. The Board proposes to replace the mandatory logotype and language with a general requirement that FCUs, when advertising real estate-related lending, indicate that they do not discriminate on any prohibited basis. The proposed rule also provides FCUs with various ''safe harbor'' methods to satisfy this notice requirement. The proposed safe harbor methods are not mandatory. FCUs would be free to use any reasonable method to satisfy the requirement.

Since 1972, HUD has also required that every entity subject to the Fair Housing Act display on its premises a poster containing specific nondiscrimination language. 24 CFR 110.15; 37 FR 3429, February 16, 1972. HUD permits Federal financial regulatory agencies to substitute a different poster. 24 CFR 110.25(b). In 1989, NCUA obtained HUD approval for the version NCUA currently requires FCUs to display. 12 CFR 701.31(d)(2), (3); 54 FR 21963, May 22, 1989. The proposed rule would permit FCUs to display either the NCUA version or the HUD version of the poster.

The proposed rule is similar to the Federal Deposit Insurance Corporation's nondiscrimination in advertising rule. 12 CFR 338.3. Consistent with the FDIC rule, the proposed rule will prohibit advertising with words, symbols, models, or other forms of communication that suggest a discriminatory preference or policy of exclusion in violation of the Fair Housing Act or the Equal Credit Opportunity Act. 12 CFR 338.3(b), 12 U.S.C. 1691–1691f.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires the NCUA to prepare an analysis to describe any significant economic effect any regulation may have on a substantial number of small credit unions, meaning those under one million dollars in assets. The NCUA Board has determined and certifies that the final rule will not have a significant economic impact on a substantial number of small credit unions. Accordingly, the NCUA Board has determined that a regulatory flexibility analysis is not required.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to

consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This proposed rule, if adopted, will apply only to federally-chartered credit unions. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this proposal does not constitute a policy that has federalism implications for purposes of the executive order.

Paperwork Reduction Act

NCUA has determined that the proposed rule does not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

Agency Regulatory Goal

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

List of Subjects in 12 CFR Part 701

Credit unions, Fair housing, Signs and symbols.

By the National Credit Union Administration Board on April 19, 2001.

Becky Baker,

Secretary of the Board.

For the reasons stated in the preamble, the National Credit Union Administration proposes to amend 12 CFR part 701 as set forth below:

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

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

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, and 1789. Section 701.6 is also authorized by 31 U.S.C. 3717. Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.*; 42 U.S.C. 1981 and 3601–3619. Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

2. In § 701.31, revise paragraph (d) introductory text, paragraphs (d)(1) and (d)(2) to read as follows:

§ 701.31 Nondiscrimination requirements.

* * * * *

(d) *Nondiscrimination in advertising.* No federal credit union may engage in any form of advertising of real estate-related loans that indicates the credit union discriminates on the basis of race, color, religion, national origin, sex, handicap, or familial status in violation of the Fair Housing Act. Advertisements must not contain any words, symbols, models or other forms of communication that suggest a discriminatory preference or policy of exclusion in violation of the Fair Housing Act or the Equal Credit Opportunity Act.

(1) *Advertising notice of nondiscrimination compliance.* Any federal credit union that advertises real estate-related loans must prominently indicate in such advertisement, in a manner appropriate to the advertising medium and format used, that the credit union makes such loans without regard to race, color, religion, national origin, sex, handicap, or familial status.

(i) With respect to written and visual advertisements, a credit union may satisfy the notice requirement by including in the advertisement a copy of the logotype, with the legend ''Equal Housing Lender,'' from the poster described in paragraph (d)(3) of this section or a copy of the logotype, with the legend ''Equal Housing Opportunity,'' from the poster described in § 110.25(a) of the United States Department of Housing and Urban Development's (HUD) regulations (24 CFR 110.25(a)).

(ii) With respect to oral advertisements, a credit union may satisfy the notice requirement by a spoken statement that the credit union is an ''Equal Housing Lender'' or an ''Equal Opportunity Lender.''

(iii) When an oral advertisement is used in conjunction with a written or visual advertisement, the use of either of the methods specified in paragraphs (d)(1)(i) or (ii) of this section will satisfy the notice requirement.

(iv) A credit union may use any other method reasonably calculated to satisfy the notice requirement.

(2) *Lobby notice of nondiscrimination.* Every federal credit union that engages in real estate-related lending must display a notice of nondiscrimination. The notice must be placed in the public lobby of the credit union and in the public area of each office where such loans are made and must be clearly visible to the general public. The notice must incorporate either a facsimile of the logotype and language appearing in paragraph (d)(3) of this section or the logotype and language appearing at 24 CFR 110.25(a). Posters containing the logotype and language appearing in paragraph (d)(3) of this section may be obtained from the regional offices of the National Credit Union Administration.

* * * * *

[FR Doc. 01–10306 Filed 4–25–01; 8:45 am]

BILLING CODE 7535–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–38–AD]

RIN 2120–AA64

Airworthiness Directives; Aerospatiale Model ATR72–101, –201, –102, –202, –211, and –212 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Aerospatiale Model ATR72–101, –201, –102, –202, –211, and –212 series airplanes. This proposal would require replacement of the clamp retaining the power supply cable loom of the green circuit hydraulic pump at frame 28 with a smaller clamp in a different orientation. This action is necessary to prevent the chafing of electrical wires, which could cause a short circuit and failure of the elevator control cable and the green system hydraulic pump, resulting in reduced controllability of the airplane and consequent injury to the crew and passengers. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by May 29, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–38–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00

p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–38–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:

Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1175; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–38–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–38–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

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 Aerospatiale Model ATR72–101, –201, –102, –202, –211, and –212 series airplanes. The DGAC advises that Model ATR72–202 series airplane, while taxiing out, experienced an elevator pitch disconnect; a loss of the green system hydraulic pump; and eruption of a small fire. Investigations revealed that the power supply cables of the green system hydraulic pump had chafed on the right-hand elevator control cable, between frames 28 and 28A. This chafing led to a short circuit, which caused the elevator control cable to snap and the hydraulic pump power supply circuit breaker to trip. The heat generated started a small fire, which extinguished itself.

It was determined that the chafing and subsequent electrical short circuit were caused by the installation of an oversized clamp (diameter 20 mm) on the power supply cables loom (diameter 16 mm) of the green system hydraulic pump. The larger clamp gave the cables freedom to move and did not secure wiring conduit 2P in the forward area, where the cables loom changes direction. This condition, if not corrected, could cause the chafing of electrical wires, and consequent short circuit, snapping of the elevator control cable, tripping of the hydraulic pump power supply circuit breaker, and possible fire, resulting in reduced controllability of the airplane and consequent injury to the crew and passengers.

Explanation of Relevant Service Information

Aerospatiale has issued Avions de Transport Regional Service Bulletin ATR72–92–1004, dated January 26, 2001, which describes procedures for a one-time inspection of harness route 2P and the pitch control cable for wire chafing, corrective action, if necessary, and replacement of the 20 mm clamp with a 16 mm clamp in a rotated position. 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 2001–056–055(B), dated February 7, 2001, 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 Proposed Rule

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

Cost Impact

The FAA estimates that 60 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed replacement, and that the average labor rate is $60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $3,600, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific

actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Aerospatiale: Docket 2001–NM–38–AD.

Applicability: Model ATR72–101, –201, –102, –202, –211, and –212 series airplanes, certificated in any category, except those on which Modification 3719 has been performed.

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 the chafing of electrical wires, which could cause a short circuit and failure of the elevator control cable and the green system hydraulic pump, resulting in reduced controllability of the airplane and consequent injury to the crew and passengers, accomplish the following:

Inspection and Corrective Action

(a) Within 25 days after the effective date of this AD: Perform a general visual inspection of harness route 2P and the pitch control cable for chafing, in accordance with Avions de Transport Regional Service Bulletin ATR72–92–1004, dated January 26, 2001.

(1) If no chafing is found, no further action is required by this paragraph.

(2) If any chafing of the harness route 2P or the pitch control cable is found during the inspection, prior to further flight, replace the applicable part with a new or serviceable part in accordance with Avions de Transport Regional Service Bulletin ATR72–92–1004, dated January 26, 2001.

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.''

(b) Within 25 days after the effective date of this AD: Remove the oversized clamp (20 mm), part number (P/N) NSA935807–20, at frame 28, which retains power supply cables loom 2P for the green circuit hydraulic pump, and install a 16mm clamp, P/N NSA935807–16, with new orientation, in accordance with Avions de Transport Regional Service Bulletin ATR72–92–1004, dated January 26, 2001.

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, 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 3: 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.

Note 4: The subject of this AD is addressed in French airworthiness directive 2001–056–055(B), dated February 7, 2001.

Issued in Renton, Washington, on April 19, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10346 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–04–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 Series Airplanes and Airbus Model A300 B4–600, B4–600R, and F4–600R (Collectively Called A300–600) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A310 series airplanes and Airbus Model A300 B4–600, B4–600R, and F4–600R (collectively called A300–600) series airplanes. This proposal would require revising the Airplane Flight Manual to prohibit the airplane from being moved during inertial reference unit alignment. This action is necessary to prevent a loss of positioning data and a display of incorrect attitude data to the flight crew, which could result in severe consequences to the airworthiness of the airplane if operated under flight conditions with no visual reference. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by May 29, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport

Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–04–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–04–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from 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.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1175; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–04–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–04–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for, notified the FAA that an unsafe condition may exist on Airbus Model A310 series airplanes and Airbus Model A300 B4–600, B4–600R, and F4–600R (collectively called A300–600) series airplanes with certain Honeywell Inertial Reference Units (IRU), also called Internial Reference Systems (IRS). The DGAC advises that operator reported the loss of positioning data and the display of incorrect attitude data shortly after take-off, because the aircraft had been moved on the ground before the end of the IRU alignment procedure. This condition, if not corrected, could result in severe consequences to the airworthiness of the airplane if operated under flight conditions with no visual reference.

Explanation of Relevant Service Information

Airbus has issued A310 Temporary Revision (TR) 4.03.00/22, and A300–600 TR 4.03.00/22, both dated September 18, 2000, to the Airplane Flight Manual (AFM), which prohibit the flight crew from moving the aircraft during IRU alignment. (In the Temporary Revision page, Inertial Reference Unit—IRU—is referred to as the Intertial Reference System—IRS.) Accomplishment of the actions specified in the TRs is intended to adequately address the identified unsafe condition. The DGAC classified these TRs as mandatory and issued French airworthiness directive 2000–480–325(B), dated November 29, 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 Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require revising the applicable FAA-approved AFMs to prohibit moving the airplane during IRU alignment.

Differences Between Proposed Rule and Foreign Airworthiness Directive

The proposed AD would differ from the parallel French airworthiness directive in that it would require accomplishment of the revision to the applicable AFMs within 10 days after the effective date of this AD. In developing an appropriate compliance time for this AD, the FAA considered not only the DGAC's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the revision (less than one hour). In light of all of these factors, the FAA finds a 10-day compliance time for completing the required actions to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

Cost Impact

The FAA estimates that 157 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed AFM revision, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $9,420, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 2001–NM–04–AD.

Applicability: Model A310 series airplanes and Model A300 B4–600, B4–600R, and F4–600R (collectively called A300–600) series airplanes; certificated in any category; with installed Inertial Reference Units (IRU) Honeywell 10 MCU part number (P/N) HG1050BD02 or HG1050BD05.

Compliance: Required as indicated, unless accomplished previously.

To prevent a loss of positioning data and a display of incorrect attitude data to the flight crew, accomplish the following:

Revision to Airplane Flight Manual (AFM)

(a) Within 10 days after the effective date of this AD, revise the Normal Procedures section of the FAA-approved AFM to include the following information. This may be accomplished by inserting either a copy of this AD or Temporary Revision (TR) 4.03.00/22 into the A310 AFM or the A300–600 AFM, as applicable, facing 4.03.00 page 1.

''COCKPIT PREPARATION

Do not move the aircraft during IRS alignment.

PRIOR TO TAKEOFF

Scan PFD/ND to check correct display of all primary attitude and heading information.''

(b) When the information in TR 4.03.00/22 has been incorporated into FAA-approved general revisions of the AFM, the general revisions may be incorporated in the AFM, and this TR or this AD may be removed from the AFM.

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

Note 1: 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.

Note 2: The subject of this AD is addressed in French airworthiness directive 2000–480–325(B), dated November 29, 2000.

Issued in Renton, Washington, on April 19, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10345 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–02–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that currently requires repetitive detailed visual inspections to find discrepancies of the installation of the midspar fuse pins of the inboard and outboard struts, and follow-on actions, if necessary. The existing AD also provides an optional terminating modification for the repetitive inspections. This action would mandate accomplishment of the previously optional terminating modification. The actions specified by the proposed AD are intended to find and fix discrepancies of the installation of the midspar fuse pins, which could result in loss of the secondary retention capability of the fuse pins, migration of the fuse pins, and consequent loss of the strut and engine from the airplane.

DATES: Comments must be received by June 11, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–02–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–02–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

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

Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tamara Anderson, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2771; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–02–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–02–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On February 26, 2001, the FAA issued AD 2001–05–05, amendment 39–12141 (66 FR 13424, March 6, 2001), applicable to certain Boeing Model 747 series airplanes, to require repetitive detailed visual inspections to find discrepancies of the installation of the midspar fuse pins of the inboard and outboard struts, and follow-on actions, if necessary. That action also provides for an optional terminating modification for the repetitive inspections. The requirements of that AD are intended to find and fix discrepancies of the installation of the midspar fuse pins, which could result in loss of the secondary retention capability of the fuse pins, migration of the fuse pins, and consequent loss of the strut and engine from the airplane.

Actions Since Issuance of Previous Rule

In the preamble to AD 2001–05–05, the FAA specified that the actions required by that AD were considered ''interim action'' and that we were considering requiring the optional terminating modification, which would constitute terminating action for the repetitive inspections required by that AD. The FAA has now determined that it is necessary to mandate the terminating modification, and this proposed AD follows from that determination.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 2001–05–05 to continue to require repetitive detailed visual inspections to find discrepancies of the installation of the midspar fuse pins of the inboard and outboard struts, and follow-on actions, if necessary. This proposed AD also would mandate the previously optional terminating modification, which would end the repetitive inspections. The actions would be required to be done per the service bulletin referenced in the existing AD.

Cost Impact

There are approximately 1,111 airplanes of the affected design in the worldwide fleet. The FAA estimates that 256 airplanes of U.S. registry would be affected by this proposed AD.

The inspections that are currently required by AD 2001–05–05 take approximately 4 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required inspections on U.S. operators is estimated to be $61,440, or $240 per airplane, per inspection cycle.

The terminating modification that is proposed in this AD action would take approximately 4 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost approximately $1,000 per airplane. Based on these figures, the cost impact of the modification proposed by this AD on U.S. operators is estimated to be $317,440, or $1,240 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation

Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–12141 (66 FR 13424, March 6, 2001), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 2001–NM–02–AD. Supersedes AD 2001–05–05, amendment 39–12141.

Applicability: Model 747 series airplanes, as listed in Boeing Service Bulletin 747–54A2206, Revision 1, dated February 22, 2001, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To find and fix discrepancies of the installation of the midspar fuse pins of the inboard and outboard strut, which could result in loss of the secondary retention capability of the fuse pins, migration of the fuse pins, and consequent loss of the strut and engine from the airplane; accomplish the following:

Restatement of the Requirements of AD 2001–05–05

Inspections/Follow-On Actions

(a) At the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable: Do a detailed visual inspection to find discrepancies (e.g., incorrect thread protrusion, which is less than two threads protruding from the nut between the nut and the secondary retention washer; incorrect gap between the fuse pin primary nut and secondary retention washer; cracked or broken torque stripe) of the installation of the midspar fuse pins of the inboard and outboard struts, per Figure 2 of Boeing Service Bulletin 747–54A2206, Revision 1, dated February 22, 2001.

(1) For airplanes modified per the production equivalent of one of the AD's listed in Table 1 of this AD: Do the inspection at the later of the times specified in paragraphs (a)(1)(i) and (a)(1)(ii) of this AD.

(i) Before the accumulation of 8,000 total flight hours, or within 24 months since manufacture of the airplane, whichever occurs first.

(ii) Within 90 days after March 21, 2001 (the effective date of AD 2001–05–05, amendment 39–12141).

(2) For airplanes modified per one of the AD's listed in Table 1 of this AD: Do the inspection at the later of the times specified in paragraphs (a)(2)(i) and (a)(2)(ii) of this AD. Table 1 follows:

TABLE 1

AD No.	Amendment No.
AD 95–10–16	39–9233
AD 95–13–05	39–9285
AD 95–13–06	39–9286
AD 95–13–07	39–9287
AD 99–10–10	39–11163

(i) Within 8,000 flight hours, or within 24 months since doing the modification, whichever occurs first.

(ii) Within 90 days after March 21, 2001.

Note 2: Where there are differences between the AD and the service bulletin, the AD prevails.

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.''

(A) If no discrepancy is found: Repeat the inspection at intervals not to exceed 8,000 flight hours or 24 months, whichever is first, until you do the terminating modification specified in paragraph (b) of this AD.

(B) If any discrepancy is found, and the primary nut has backed off and contacts the secondary retention washer: Before further flight, do the terminating modification specified in paragraph (b) of this AD.

(C) If any discrepancy is found, and the primary nut does not contact the secondary retention washer: Repeat the inspection at intervals not to exceed 90 days. Within 18 months after the initial finding, or March 21, 2001, whichever occurs later, do the terminating modification specified in paragraph (b) of this AD.

Note 4: Inspections done prior to the effective date of this AD per Boeing Alert Service Bulletin 747–54A2206, dated October 19, 2000, are acceptable for compliance with the inspections required by paragraph (a) of this AD.

New Requirements of This AD

Terminating Action

(b) Within 6 years after the effective date of this AD: Do the terminating modification (replacement of the primary nut of the midspar fuse pin with a new nut, installation of torque stripe, a detailed visual inspection of the fuse pin threads for damage, and replacement, if necessary) per Figure 3 of Boeing Service Bulletin 747–54A2206, Revision 1, dated February 22, 2001. Doing this modification ends the repetitive inspections required by this AD.

Note 5: Doing the terminating modification prior to the effective date of this AD per Boeing Alert Service Bulletin 747–54A2206, dated October 19, 2000, is acceptable for compliance with the terminating action required by paragraph (b) of this AD.

Alternative Methods of Compliance

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

Note 6: 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

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

Issued in Renton, Washington, on April 19, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10344 Filed 4–25–01 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–421–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A319, A320, and

A321 series airplanes. This proposal would require performing a general visual inspection of the outer handle flap mechanisms of the passenger doors for the presence of corrosion inhibitor and for correct operation; cleaning, if necessary; and greasing. This action is necessary to prevent blockage of the outer handle flap in an intermediate pushed-in position, which may prevent a passenger door from opening from the inside of the airplane, thereby delaying an emergency evacuation. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by May 29, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–421–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–421–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from 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.

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:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–421–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–421–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A319, A320, and A321 series airplanes. The DGAC advises that, on one Model A320 series airplane, one passenger door was found impossible to open from the inside of the airplane. From the outside of the airplane, the outer handle flap assembly was found in an intermediate pushed-in position, preventing the door from opening from the inside. No grease could be seen on the handle mechanism, indicating that the greasing operation had not been performed in production on that airplane, which was recently delivered. Greasing of the outer handle mechanism restored normal operation.

Further investigation, performed in production, showed abnormal presence of corrosion inhibitor on the outer handle mechanism on some airplanes, although no corrosion inhibitor was found on the outer handle of the above affected airplane. The presence of corrosion inhibitor on the outer handle mechanism, while not expected to cause the blockage, is considered to be an additional contributing factor.

The lack of proper greasing, if not corrected, could prevent a passenger door from opening from the inside of the airplane, thereby resulting in a delay in evacuation during emergency conditions.

The subject area on certain Model A319 and A321 series airplanes is almost identical to that on the affected Model A320 series airplanes. Therefore, those Model A319 and A321 series airplanes may be subject to the same unsafe condition revealed on the Model A320 series airplane.

Explanation of Relevant Service Information

Airbus has issued All Operators Telex (AOT) A320–52A1106, dated September 28, 2000, which describes procedures for performing a one-time general visual inspection of the outer handle flap mechanisms of the passenger doors for the presence of corrosion inhibitor and for correct operation; cleaning, if necessary; and greasing of the four main passenger doors. Accomplishment of the actions specified in the AOT is intended to adequately address the identified unsafe condition. The DGAC classified this AOT as mandatory and issued French airworthiness directive 2000–519–158(B), dated December 13, 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 Proposed Rule

Since an unsafe condition has been identified that is likely to exist or

develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the AOT described previously.

Differences Between Proposed Rule and Foreign AD

The proposed AD would differ from the parallel French airworthiness directive in that it would not specify performance of Maintenance Review Board (MRB) Task 52–10–00, Item 3, as an alternative means of compliance with this proposed AD. The FAA has determined that the applicable AOT provides more precise and detailed procedures for performing the actions required to address the identified unsafe condition.

Cost Impact

The FAA estimates that 63 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $3,780, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 2000–NM–421–AD.

Applicability: Model A319, A320, and A321 series airplanes, up to and including manufacturer's serial number (MSN) 1261, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent blockage of the outer door handle flap in an intermediate pushed-in position, which may prevent a passenger door from opening from the inside of the airplane, accomplish the following:

Inspection and Corrective Action

(a) Within 500 flight hours after the effective date of this AD, perform a one-time general visual inspection of the outer handle flap mechanisms of the passenger doors for the presence of corrosion inhibitor and for correct operation; remove any corrosion inhibitor, grease the doors, and check that the flap comes back correctly, flush with the door skin, when the handle is in the closed position; in accordance with Airbus All Operators Telex (AOT) A320–54A1106, dated September 28, 2000.

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.

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, 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 3: Information concerning the existence of other 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.

Note 4: The subject of this AD is addressed in French airworthiness directive 2000–519–158(B), dated December 13, 2000.

Issued in Renton, Washington, on April 19, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10343 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–369–AD]

RIN 2120–AA64

Airworthiness Directives; Lockheed Model L–1011 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to revise an existing airworthiness

directive (AD), applicable to all Lockheed Model L–1011–385 series airplanes, that currently requires modifications of the engine turbine cooling air panel at the flight engineer/second officer's console, pilot's caution and warning light panel on the main instrument panel, and monitoring system for the engine turbine air temperature. That AD was prompted by reports of an undetected fire breaching the high speed gearbox (HSGB) case on certain Rolls Royce engines installed on in-service airplanes due to lack of an internal fire detection system within the HSGB. The actions specified by that AD are intended to prevent undetected fires originating within the HSGB from breaching the HSGB case, which could result in engine damage and increased difficulty in extinguishing a fire. This action would remove certain airplanes from the applicability of the existing AD.

DATES: Comments must be received by June 11, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–369–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–369–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Lockheed Martin Aircraft & Logistics Center, 120 Orion Street, Greenville, South Carolina 29605. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Thomas Peters, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6063 fax (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–369–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–369–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On August 24, 2000, the FAA issued AD 2000–17–10, amendment 39–11884 (65 FR 53157, September 1, 2000), applicable to all Lockheed Model L–1011–385 series airplanes, to require modifications of the engine turbine cooling air panel at the flight engineer/second officer's console, pilot's caution and warning light panel on the main instrument panel, and monitoring system for the engine turbine air temperature. That action was prompted by reports of an undetected fire breaching the high speed gearbox (HSGB) case on certain Rolls Royce engines installed on in-service airplanes due to lack of an internal fire detection system within the HSGB. The requirements of that AD are intended to prevent undetected fires originating within the HSGB from breaching the HSGB case, which could result in engine damage and increased difficulty in extinguishing a fire.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the FAA notes that one of the Rolls Royce service bulletins that was referenced in a note in AD 2000–17–10 is effective only for Rolls Royce RB211–524 series engines and does not include procedures for Rolls Royce RB211–22B series engines. Therefore, there is insufficient guidance for operators of Lockheed Model L–1011–385 series airplanes on which Rolls Royce RB211–22B series engines are installed to accomplish the requirements specified in AD 2000–17–10.

In order to continue addressing the unsafe condition of Model L–1011–385 series airplanes equipped with Rolls Royce Model RB211–524 series engines, we are proposing this Notice of Proposed Rulemaking (NPRM) revision to reduce the applicability by changing it from ''all Model L–1011–385 series airplanes,'' to apply only to Model L–1011–385 series airplanes equipped with Rolls Royce Model RB211–524 series engines.

The manufacturer has advised the FAA that it is in the process of developing a Rolls Royce RB211–22B service bulletin similar to the bulletin specified for Rolls Royce Model RB211–524 series engines. We may consider further rulemaking for Model L–1011–385 series airplanes equipped with Rolls Royce Model RB211–22B series engines, when the new service bulletin is developed, issued, and approved by the FAA.

Additionally, the FAA has removed paragraph (b) of AD 2000–17–10 that specifies that, ''no person shall install on any airplane, an engine turbine cooling air panel assembly, part number 1559672, or a pilot's caution and warning light panel assembly on the main instrument panel, unless it has been modified in accordance with paragraphs (a)(1) and (a)(2) of this AD.'' We note that it is only necessary to require the installation of the updated caution and warning light panel assembly and to prohibit installation of

the engine turbine cooling air panel assembly, part number 1559672, after installation of the monitoring system for the engine turbine air temperature has been accomplished. Since the compliance time for installation of the engine turbine air temperature is not until 24 months after the effective date of the AD, it is unnecessary to specify the requirements of paragraph (b) of AD–2000–17–10.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would revise AD 2000–17–10 by reducing the applicability of that AD to specify only Model L–1011–385 series airplanes equipped with Rolls Royce Model RB211–524 series engines. As previously explained, we have not retained paragraph (b) of the existing AD in this proposed rule.

Cost Impact

There are approximately 54 Lockheed Model L–1011–385 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 29 Model L–1011–385 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per engine (3 engines per airplane) to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $6,320 per engine, or $18,960 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $591,600 or $20,400 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–11884 (65 FR 53157, September 1, 2000), and by adding a new airworthiness directive (AD), to read as follows:

Lockheed: Docket 2000–NM–369–AD. Revises AD 2000–17–10, Amendment 39–11884.

Applicability: Model L–1011–385 series airplanes equipped with Rolls Royce Model RB211–524 series engines, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent undetected fires originating within the high speed gearbox (HSGB) from breaching the HSGB case, which could result in engine damage and increased difficulty in extinguishing a fire, accomplish the following:

Restatement of Requirements of AD 2000–17–10

Modification

(a) Within 24 months after October 6, 2000 (the effective date of AD 2000–17–10, amendment 39–11884), accomplish the actions specified in paragraphs (a)(1), (a)(2), and (a)(3) of this AD, in accordance with Lockheed Service Bulletin 093–77–059, dated February 25, 1998; or Revision 1, dated February 2, 1999.

(1) Modify the engine turbine cooling air panel at the flight engineer/second officer's console.

(2) Modify the pilot's caution and warning light panel on the main instrument panel.

(3) Modify the monitoring system for the engine turbine air temperature.

Note 2: Lockheed Service Bulletin 093–77–059 refers to Rolls Royce Service Bulletins RB.211–72–C178, dated March 20, 1998; and RB.211–77–C144, dated August 7, 1998; as additional sources of service information for accomplishment of the modification of the monitoring system for the engine turbine air temperature.

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

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

Special Flight Permits

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

Issued in Renton, Washington, on April 19, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10342 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–203–AD]

RIN 2120–AA64

Airworthiness Directives; Aerospatiale Model ATR42–200, –300, –320, and –500 Series Airplanes; and Model ATR72 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Aerospatiale Model ATR42–200, –300, –320, and –500 series airplanes; and Model ATR72 series airplanes. This proposal would require replacement of the existing uplock boxes of the main and nose landing gears with modified uplock boxes. This action is necessary to prevent a mechanical failure of the uplock box mechanisms, which could result in failure of the associated landing gear to extend. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by May 29, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–203–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–203–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–203–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–203–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Aerospatiale Model ATR42–200, –300, –320, and –500 series airplanes; and Model ATR72 series airplanes. The DGAC advises that September 12, 1999, a Model ATR72 series airplane landed with the nose landing gear not extended. Investigations revealed that this event was due to a failure of the uplock box mechanism. Consequently, a design modification consisting of an improvement of the attachment of the stop in the locking lever has been defined by the manufacturer.

Failure of the uplock box mechanisms, if not corrected, could result in failure of the associated landing gear to extend. The subject area on certain Model ATR42–200, –300, –320, and –500 series airplanes is almost identical to that on the affected Model ATR72 series airplanes. Therefore, all Model ATR42–200, –300, –320, and –500 series airplanes may be subject to the same unsafe condition.

Explanation of Relevant Service Information

The manufacturer has issued Avions de Transport Regional Service Bulletins ATR42–32–0090 and ATR72–32–1038, both dated May 19, 2000, which describe procedures for removal and replacement of the three existing uplock boxes on the main and nose landing gears with modified uplock boxes. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directives 2000–189–078(B) and 2000–190–042(B), both dated May 3, 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 Proposed Rule

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

Cost Impact

The FAA estimates that 143 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed replacement, and that the average labor rate is $60 per work hour. Required parts will be supplied by the parts manufacturer at no cost to the operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $34,320, or $240 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Aerospatiale: Docket 2000–NM–203–AD.

Applicability: Model ATR42–200, –300, –320, and –500 series airplanes; and Model ATR72 series airplanes; certificated in any category; except those on which Aerospatiale Modification 05226 has been accomplished.

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 (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent a mechanical failure of the uplock box mechanisms, which could result in failure of the associated landing gear to extend, accomplish the following:

Removal and Replacement

(a) Within 24 months after the effective date of this AD, remove and replace the three existing uplock boxes of the main and nose landing gears with modified uplock boxes in accordance with the instructions given in Avions de Transport Regional Service Bulletins ATR42–32–0090 (for Model ATR42–200, –300, –320, and –500 series airplanes) and ATR72–32–1038 (for Model ATR72 series airplanes), both dated May 19, 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, 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 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.

Note 3: The subject of this AD is addressed in French airworthiness directives 2000–189–078(B) and 2000–190–042(B), both dated May 3, 2000.

Issued in Renton, Washington, on April 19, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10341 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 252 and 257

[Docket No. RM 2001–3 CARP]

Cable and Satellite Statutory Licenses

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Copyright Office of the Library of Congress is clarifying the requirements for the submission of claims for royalties under the cable statutory license, 17 U.S.C. 111, and the satellite statutory license, 17 U.S.C. 119.

DATES: Comments are due no later than May 21, 2001.

ADDRESSES: If sent by mail, an original and ten copies of comments should be addressed to: Office of the Copyright General Counsel, P.O. Box 70977, Southwest Station, Washington, DC 20024. If hand delivered, an original and ten copies should be brought to: Office of the Copyright General Counsel, James Madison Memorial Building, Room LM–403, First and Independence Avenues, SE., Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel or

William J. Roberts, Jr., Senior Attorney for Compulsory Licenses, Copyright Arbitration Royalty Panel, P.O. Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 252–3423.

SUPPLEMENTARY INFORMATION:

Background

At issue in this rulemaking proceeding are the filing requirements for claiming royalty fees under the cable statutory license, 17 U.S.C. 111, and the satellite statutory license, 17 U.S.C. 119. The cable statutory license permits cable systems to retransmit to their subscribers the signals of television and radio broadcast stations upon semi-annual submission of royalty payments to the Copyright Office. Similarly, the satellite statutory license permits satellite carriers to retransmit to their subscribers the signals of distant television stations upon semi-annual submission of royalty payments to the Copyright Office. The Copyright Office deposits the received cable and satellite royalty fees in interest-bearing accounts with the U.S. Treasury for later distribution to owners of the copyrighted broadcast programming retransmitted by both cable and satellite. It is the process for filing claims to these royalty fees that the Copyright Office is reexamining in this Notice of Proposed Rulemaking (''NPRM'').

Both section 111 and section 119 describe in general terms the process for filing claims to royalty fees. Section 111(d)(3) provides that cable royalty fees shall ''be distributed to those among the following copyright owners who claim that their works were the subject of secondary transmissions by cable systems during the relevant semiannual accounting period:

(A) Any such owner whose work was included in a secondary transmission made by a cable system of a nonnetwork television program in whole or in part beyond the local service area of the primary transmitter; and

(B) Any such owner whose work was included in a secondary transmission identified in a special statement of account deposited under clause (1)(A); and

(C) Any such owner whose work was included in nonnetwork programming consisting exclusively of aural signals carried by a cable system in whole or in part beyond the local service area of the primary transmitter of such programs.

17 U.S.C. 111(d)(3). Section 111(d)(4)(A) prescribes the annual process for filing claims to cable royalties:

During the month of July in each year, every person claiming to be entitled to statutory license fees for secondary transmissions shall file a claim with the Librarian of Congress, in accordance with requirements that the Librarian of Congress shall prescribe by regulation. Notwithstanding any provisions of the antitrust laws, for purposes of this clause any claimants may agree among themselves as to the proportionate division of statutory licensing fees among them, may lump their claims together and file them jointly or as a single claim, or may designate a common agent to receive payment on their behalf.

17 U.S.C. 111(d)(4)(A).

Though different in certain limited respects, the language regarding royalty claims appearing in the section 119 license is modeled after the section 111 language. Section 119(b)(3) prescribes that satellite license royalty fees shall ''be distributed to those copyright owners whose works were included in a secondary transmission for private home viewing made by a satellite carrier during the applicable 6-month accounting period and who file a claim with the Librarian of Congress under paragraph (4).'' Paragraph (4)(A) provides that:

During the month of July in each year, each person claiming to be entitled to statutory license fees for secondary transmissions for private home viewing shall file a claim with the Librarian of Congress, in accordance with requirements that the Librarian of Congress shall prescribe by regulation. For purposes of this paragraph, any claimants may agree among themselves as to the proportionate division of statutory license fees among them, may lump their claims together and file them jointly or as a single claim, or may designate a common agent to receive payment on their behalf.

17 U.S.C. 119(b)(4)(A).

These are the statutory provisions governing cable and satellite royalty claims. The Librarian of Congress has prescribed the filing requirements for the submission of cable and satellite royalty claims. Part 252 of 37 CFR establishes the filing requirements for cable claims, while part 257 establishes the filing requirements for satellite claims. Of relevance to this NPRM are the sections of those parts that deal with the content of the claims filed.

There are no forms for filing a cable or satellite royalty claim.[1] There are, however, formats for submitting cable and satellite claims. Section 252.3, 37 CFR, puts forward the required content of a cable claim:

(a) Claims filed by parties claiming to be entitled to cable compulsory license royalty fees shall include the following information:

(1) The full legal name of the person or entity claiming royalty fees.

(2) The telephone number, facsimile number, if any, and full address, including a specific number and street name or rural route, of the place of business of the person or entity.

(3) If the claim is a joint claim, a concise statement of the authorization for the filing of the joint claim, and the name of each claimant to the joint claim. For this purpose, a performing rights society shall not be required to obtain from its members or affiliates separate authorizations, apart from their standard membership affiliate agreements, or to list the name of each of its members or affiliates in the joint claim.

(4) For individual claims, a general statement of the nature of the claimant's copyrighted works and identification of at least one secondary transmission by a cable system of such works establishing a basis for the claim. For joint claims, a general statement of the nature of the joint claimants' copyrighted works and identification of at least one secondary transmission of one of the joint claimants' copyrighted works by a cable system establishing a basis for the joint claim.

(b) Claims shall bear the original signature of the claimant or of a duly authorized representative of the claimant.

37 CFR 252.3. The language of § 257.3, governing the content of satellite claims, is the same as § 252.3.

History of Claim Requirements

Submission and resolution of cable, and later satellite, claims originally vested solely in the Copyright Royalty Tribunal. It was the Tribunal that first imposed the filing requirements for both licenses and decided against issuing standardized forms. The Library of Congress inherited the Tribunal's regulation upon its dissolution in 1993. See 58 FR 67690 (December 22, 1993). As discussed below, the Librarian has made some changes to the content requirements for both cable and satellite claims.

From 1978 to the end of 1993, the Copyright Royalty Tribunal received and processed cable claims. Section 302.7(a) of the Tribunal's regulation prescribed the content requirements for those claims:

During the month of July of each year, every person claiming to be entitled to compulsory license fees for secondary transmissions during the preceding calendar year shall file a claim to such fees in the office of the Copyright Royalty Tribunal. No royalty fees shall be distributed to copyright owners for secondary transmissions during the specified period unless such owner has filed a claim to such fees during the following calendar month of July. For purposes of this clause claimants may file claims jointly or as a single claim. Such filing shall include such information as the Copyright Royalty Tribunal may require. A joint claim shall include a concise statement of the authorization for the filing of the joint claim. A performing rights society shall not

[1] The Copyright Royalty Tribunal eschewed issuing forms to complete a cable or satellite royalty claim. When the Tribunal was abolished in 1993, the Library of Congress subsumed the Tribunal's rules, and continued the practice of not printing or issuing forms.

be required to obtain from its members or affiliates separate authorizations, apart from their standard agreements, for purposes of this filing and fee distribution.

37 CFR 302.7(a) (1993). Subsection (b) of that regulation required the full name and address of the ''person or entity claiming compulsory license fees,'' along with identification of at least one secondary transmission of that person's or entity's program by a cable system.

The purpose of the Tribunal's regulations governing the filing of cable claims is evident: identify who the claimants are to the royalty pool and assure that they have asserted a prima facie claim for section 111 royalties. While the regulation states that ''every person claiming to be entitled to compulsory license fees'' may file a claim, the regulation further states that ''[n]o royalty fees shall be distributed to copyright owners for secondary transmissions during the specified period unless such owner has filed a claim to such fees during the following calendar month of July.'' 37 CFR 302.7(a) (1993).

The Tribunal's regulations for the filing of satellite claims were adopted soon after the passage of the Satellite Home Viewer Act of 1988, which enacted the section 119 license. Not surprisingly, the Tribunal copied the same language it used for the required content of cable claims. However, with respect to the submission of a joint claim, the Tribunal's regulation permitted the filing of a joint claim but did not require a concise statement of the authorization for the filing of the joint claim. 37 CFR 309.2 (1993).

When the Tribunal's responsibilities were assumed by the Library, the Library proposed changes to the regulations for filing cable and satellite claims.[2] Proposed new § 252.2 read:

During the month of July each year, any party claiming to be entitled to cable compulsory license royalty fees for secondary transmissions of one or more of its works during the preceding calendar year shall file a claim to such fees with the Copyright Office. No royalty fees shall be distributed to a party for secondary transmissions during the specified period unless such party has timely filed a claim to such fees. Claimants may file claims jointly or as a single claim.

59 FR 2550, 2564 (January 18, 1994). The Library did not state why it changed slightly the wording of the former Tribunal's regulation but did propose a new § 252.3 which incorporated some of the same principles. Section 252.3(a)(3) stated that ''[i]f the claim is a joint claim, a concise statement of the authorization for the filing of the joint claim [is required]. For this purpose a performing rights society shall not be required to obtain from its members or affiliates separate authorizations, apart from their standard agreements.'' 59 FR at 2565. The Library also proposed § 252.3(e) which stated that ''[a]ll claimants filing a joint claim shall make available to the Copyright Office, other claimants, and, where applicable, a Copyright Arbitration Royalty Panel, a list of all individual claimants covered by the joint claim.'' 59 FR at 2565.

One commentator to the NPRM, the Public Broadcasting Service (''PBS''), raised concerns about § 252.3(e), wondering whether, in the case of a joint claim, each claimant was required to identify at least one secondary transmission. The Library responded:

We acknowledge that § 252.3 as proposed in the NPRM muddies the waters for the filing of cable royalty claims, and of satellite royalty claims as well. We are troubled, however, by changing what had been a longstanding requirement at the Tribunal for obliging all claimants to identify at least one secondary transmission of their copyrighted works. While such requirement does undoubtably add to the time and expense burdens of joint claimants such as PBS, it is not without purpose. The law states plainly that cable compulsory license royalties are only to be distributed to ''copyright owners who claim that their works were the subject of secondary transmissions by cable systems during the relevant semiannual period.'' 17 U.S.C. 111(d)(3). To support such a claim, each claimant may reasonably be asked to identify at least one secondary transmission of his or her work, thus permitting the Copyright Office to screen the claims and dismiss any claimants who are clearly not eligible for royalty fees. The requirement will also help to reduce time spent by a CARP determining which claimants have a valid claim: if only one secondary transmission is identified for one of the joint claimants, then it could not readily be determined if the other claimants were even eligible for cable royalties.

In an effort to end this confusion we are deleting subsection (e) with its requirement that joint claimants submit a list identifying all the claimants. Instead, we are amending subsection (a)(4) to require that each claimant to a joint claim, other than a joint claim filed by a performing rights society on behalf of its members or affiliates, must identify at least one secondary transmission of his or her works.

59 FR 23964, 23979 (May 9, 1994).

A hail of protest followed the Library's change of the joint claim rule. Several copyright owner groups, including Program Suppliers, argued that a requirement that each joint claimant submit evidence of a secondary transmission was unnecessary and expensive and was not a practice observed by the CRT. Program Suppliers went further and argued that the Copyright Office should refrain from any examination or screening of claims as a regular practice, and leave such activities and eligibility issues to the claimants to raise through motions either to the Librarian or the CARPs. 59 FR 63025, 63027 (December 7, 1994).

On reconsideration, the Library dropped the requirement that each joint claimant identify a secondary transmission. The Library noted that ''[t]he amended rule, however, does require each joint claim to identify all claimants participating in the joint claim. Those who are not identified in the joint claim may not be added to it after the filing period.'' *Id.* at 63028.[3] The amended § 252.3(a)(3) of the rules, which is the current rule, reads in pertinent part: ''If the claim is a joint claim, a concise statement of the authorization for the filing of the joint claim, and the name of each claimant to the joint claim [is required].'' *Id.* at 63042. Once again, the same language was used for satellite claims. See 37 CFR 257.3.

The Need for Change

All in all, the process for filing cable and satellite claims has worked well through the years. However, a recent cable distribution proceeding has revealed certain infirmities that require attention. Specifically, we are reconsidering who may file a cable or satellite claim, and under what circumstances a joint claim may be filed.

Who may file a cable or satellite royalty claim? In most instances, the claims received by the Copyright Office for cable and satellite fees are single claims filed by a copyright owner who owns one or more of the exclusive rights to a program (or more than one program) that has been retransmitted by a cable system or satellite carrier and who is claiming statutory royalties for the retransmission of that program. Both the cable and the satellite licenses plainly state that it is the copyright owner, and only the copyright owner, whose work has been retransmitted by a cable system or satellite carrier who is eligible to receive a distribution of royalty fees. 17 U.S.C. 111(d)(3) & 119(b)(3). Consequently, there seems to be no question that it is acceptable for a copyright owner of a retransmitted work to submit the claim for cable or satellite fees.

[2] The Library used the same language for the satellite royalty claim regulations, 37 CFR 257.

[3] An exception to this requirement was made for performing rights societies, such as ASCAP and BMI. That exception, however, has no application in this rulemaking proceeding.

Is it permissible for someone other than the copyright owner of the work identified in the claim to submit the claim? The Copyright Royalty Tribunal's old rules could be read as permitting only copyright owners and performing rights societies to file royalty claims. *See* 37 CFR 302.7(a) (1993) (''No royalties shall be distributed to copyright owners * * * unless such owner has filed a claim to such fees during the following calendar month of July,'' but performing rights societies are not required to obtain separate authorizations from members or affiliates). The Library's rules, however, state that ''any party'' claiming to be entitled to cable or satellite royalty fees may file a claim. 37 CFR 252.2 & 257.2. ''Any party'' is quite broad and can include holders of one or more exclusive rights granted by copyright, as well as agents and representatives of copyright owners.

It has come to the attention of the Library, as part of a recent cable royalty distribution proceeding, that the current standard for allowing any party claiming the cable or satellite fees to file a claim can produce unintended and undesirable results. *See* Order in Docket No. 2000–2 CARP CD 93–97 (June 22, 2000). Specifically, this language could be interpreted by the public as allowing the filing of ''placeholder'' claims. A ''placeholder'' claim is a claim filed by a person who is not a copyright owner, but who files a cable or satellite claim in his or her own name, and then later asserts claims to royalties on behalf of copyright owners whose works were retransmitted by a cable system or satellite carrier. Placeholder claims are typically filed with the Copyright Office in the form of single claims, but in substance they are joint claims. Because the Copyright Office does not inquire as to the identity of the person or entity filing a cable or satellite claim (i.e. whether that person or entity is a copyright owner or another party), we cannot determine whether the claim is a properly filed single claim, or should be a joint claim identifying the appropriate represented copyright owners.

Placeholder claims run afoul of the distribution process for cable and satellite royalties. The law states that cable and satellite royalties may only be distributed to copyright owners whose works were retransmitted by either cable systems or satellite carriers. [4] Indeed, the purpose of filing claims is to permit identification of all copyright owners who are entitled to a distribution. [5] Placeholder claims make it impossible to identify the copyright owners entitled to distribution. Further, both section 111 and section 119 plainly state that claims for royalty fees must be filed in the month of July to be eligible for distribution. Placeholder claims can circumvent this requirement by allowing the filer to enter into representation agreements with copyright owners after the July deadline, and effectively secure a distribution for those owners who had not filed timely claims. The Office has stated previously that it will not allow joint claims to be amended to add new parties after the July deadline, because this would thwart the purpose of the July filing requirement. 59 FR 63025, 63028 (December 7, 1994). Placeholder claims produce this result, because the identity of the copyright owners represented by the party filing the placeholder claim will not be known until Notices of Intent to Participate in a CARP proceeding are filed. Presumably, the party filing the placeholder claim could then sign representation agreements with copyright owners who had not filed their own claims up until that date.

Proposed Rule and Comments

We wish to put an end to placeholder claims. To this end, we are proposing to amend parts 252 and 257 of the rules to clarify that any single claim filed with the Copyright Office (meaning a claim containing only one person's or entity's name and address) must be filed in the name of the copyright owner whose work was retransmitted by a cable system or a satellite carrier. The copyright owner submitting the single claim must provide the name, address and signature of the contact person for the claim, who can be the copyright owner, an employee of the copyright owner, an agent, or a duly authorized representative.

Any claim which is filed for cable or satellite royalties that purports to cover more than one copyright owner must be filed as a joint claim. The joint claim must identify all copyright owners who are participating in the joint claim. If a joint claim omits the name of a copyright owner, and the joint claim is not amended to include the name of the copyright owner prior to the expiration of the July filing deadline, that copyright owner will not be considered to have filed a timely claim.

We note that the practice of filing placeholder claims, in the context of joint claims, can also occur. The Copyright Office may receive, for example, a joint claim identifying three entities, only two of which are actually copyright owners of works retransmitted by cable or satellite. The third party is not a copyright holder, but instead represents current, and possibly future, copyright owners. The third party has filed a placeholder claim, which is inappropriate for the reasons described above. Consequently, the Library is proposing to amend its rules to prohibit the submission of placeholder claims for both single and joint claims.

All interested parties are requested to file comments with the Copyright Office in accordance with the information set forth in this document. Unless persuaded otherwise by the commenters, the Office intends to issue final rules in time for the submission of cable and satellite royalty claims in July of this year.

Statutory Authority

The Library of Congress initiates this rulemaking proceeding under its authority to establish regulations for the submission of cable statutory license claims and satellite statutory license claims. 17 U.S.C. 111(d)(4)(A) & 119(b)(4)(A).

List of Subjects

37 CFR Part 252

Copyright, Cable television, Claims.

37 CFR Part 257

Copyright, Satellite television, Claims.

In consideration of the foregoing, it is proposed that parts 252 and 257 of 37 CFR Chapter II be amended as follows:

PART 252—FILING OF CLAIMS TO CABLE ROYALTY FEES

1. The authority citation for part 252 continues to read as follows:

Authority: 17 U.S.C. 111(d)(4), 801, 803.

2. Section 252.3 is revised to read as follows:

§ 252.3 Content of claims.

(a) *Single claim.* A claim filed on behalf of a single copyright owner of a work or works secondarily transmitted by a cable system shall include the following information:

[4] Both section 111 and section 119 permit copyright owners to designate a common agent for payment of royalty fees. 17 U.S.C. 111(d)(4)(A) & 119(b)(4)(A). We do not interpret this language as authorizing the filing of placeholder claims. Rather, this language, ''[claimants] may designate a common agent to receive payment on their behalf,'' allows the Library to distribute royalties to someone other than the copyright owner, provided that the owner has previously informed the Copyright Office of the identify of the common agent.

[5] The one exception to this is allowing performing rights societies, who literally represent thousands of copyright owners, to file one claim on behalf of all their members and affiliates. As discussed above, the Copyright Royalty Tribunal created this exception, and the Copyright Office has adopted this practice.

(1) The full legal name and address of the copyright owner entitled to claim the royalty fees.

(2) A general statement of the nature of the copyright owner's work or works, and identification of at least one secondary transmission by a cable system of such work or works establishing a basis for the claim.

(3) The name, telephone number, facsimile number, if any, and full address, including a specific number and street name or rural route, of the person or entity filing the single claim.

(4) An original signature of the copyright owner or of a duly authorized representative of the copyright owner.

(b) *Joint claim.* A claim filed on behalf of more than one copyright owner whose works have been secondarily transmitted by a cable system shall include the following information:

(1) A list including the full legal name and address of each copyright owner to the joint claim entitled to claim royalty fees.

(2) A concise statement of the authorization for the person or entity filing the joint claim. For this purpose, a performing rights society shall not be required to obtain from its members or affiliates separate authorizations, apart from their standard membership affiliate agreements, or to list the name of each of its members or affiliates in the joint claim as required by paragraph (b)(1) of this section.

(3) A general statement of the nature of the copyright owners' works and identification of at least one secondary transmission of one of the copyright owners' work or works by a cable system establishing a basis for the joint claim and the identification of the copyright owner of each work so identified.

(4) The name, telephone number, facsimile number, if any, and full address, including a specific number and street name or rural route, of the person filing the joint claim.

(5) Original signatures of the copyright owners to the joint claim or of a duly authorized representative or representatives of the copyright owners.

(c) In the event that the legal name and/or address of the copyright owner entitled to royalties or the person or entity filing the claim changes after the filing of the claim, the Copyright Office shall be notified of the change. If the good faith efforts of the Copyright Office to contact the copyright owner or person or entity filing the claim are frustrated because of failure to notify the Office of a name and/or address change, the claim may be subject to dismissal.

PART 257—FILING OF CLAIMS TO SATELLITE CARRIER ROYALTY FEES

3. The authority citation for part 257 continues to read as follows:

Authority: 17 U.S.C. 119(b)(4).

2. Section 257.3 is revised to read as follows:

§ 257.3 Content of claims.

(a) *Single claim.* A claim filed on behalf of a single copyright owner of a work or works secondarily transmitted by a satellite carrier shall include the following information:

(1) The full legal name and address of the copyright owner entitled to claim the royalty fees.

(2) A general statement of the nature of the copyright owner's work or works, and identification of at least one secondary transmission by a satellite carrier of such work or works establishing a basis for the claim.

(3) The name, telephone number, facsimile number, if any, and full address, including a specific number and street name or rural route, of the person or entity filing the single claim.

(4) An original signature of the copyright owner or of a duly authorized representative of the copyright owner.

(b) *Joint claim.* A claim filed on behalf of more than one copyright owner whose works have been secondarily transmitted by a satellite carrier shall include the following information:

(1) A list including the full legal name and address of each copyright owner to the joint claim entitled to claim royalty fees.

(2) A concise statement of the authorization for the person or entity filing the joint claim. For this purpose, a performing rights society shall not be required to obtain from its members or affiliates separate authorizations, apart from their standard membership affiliate agreements, or to list the name of each of its members or affiliates in the joint claim as required by paragraph (b)(1) of this section.

(3) A general statement of the nature of the copyright owners' works, identification of at least one secondary transmission of one of the copyright owners' work or works by a satellite carrier establishing a basis for the joint claim, and the identification of the copyright owner of each work so identified.

(4) The name, telephone number, facsimile number, if any, and full address, including a specific number and street name or rural route, of the person filing the joint claim.

(5) Original signatures of the copyright owners to the joint claim or of a duly authorized representative or representatives of the copyright owners.

(c) In the event that the legal name and/or address of the copyright owner entitled to royalties or the person or entity filing the claim changes after the filing of the claim, the Copyright Office shall be notified of the change. If the good faith efforts of the Copyright Office to contact the copyright owner or person or entity filing the claim are frustrated because of failure to notify the Office of a name and/or address change, the claim may be subject to dismissal.

Dated: April 23, 2001.

David O. Carson,

General Counsel.

[FR Doc. 01–10424 Filed 4–25–01; 8:45 am]

BILLING CODE 1410–33–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH06

Endangered and Threatened Wildlife and Plants: Reopening of Public Comment Period and Notice of Availability of Draft Economic Analysis for Proposed Designation of Critical Habitat for the Kootenai River Population of White Sturgeon

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of public comment period and notice of availability of draft economic analysis.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of the draft economic analysis for the proposed designation of critical habitat for the Kootenai River white sturgeon (*Acipenser transmontanus*). We also provide notice that the public comment period for the proposal is reopened to allow all interested parties to submit written comments on the proposal and draft economic analysis. Comments previously submitted during the original comment period need not be resubmitted as they will be incorporated into the public record and will be fully considered in the final determination on the proposal.

DATES: The original comment period ended on February 20, 2001. The comment period is hereby reopened until May 29, 2001. We must receive comments from all interested parties by the closing date. Any comments that we receive after the closing date will not be

considered in the final decision on this proposal.

ADDRESSES: Copies of the economic analysis are available on the Internet at www.r1.fws.gov or by writing to or calling the Field Supervisor, Upper Columbia Fish and Wildlife Office, U.S. Fish and Wildlife Service, 11103 East Montgomery Drive, Spokane, Washington 99206; telephone 509–891–6839, facsimile 509–891–6748. Refer to the ''Public Comments Solicited'' section of this notice for instructions about submitting any written comments, information, and electronic mail (e-mail).

FOR FURTHER INFORMATION CONTACT: Bob Hallock, Upper Columbia Fish and Wildlife Office, at the above address; telephone 509–891–6839, facsimile 509–891–6748.

SUPPLEMENTARY INFORMATION:

Background

The Kootenai River population of the white sturgeon is one of 18 landlocked populations of white sturgeon known to occur in western North America. This population is restricted to approximately 270 river kilometers (km) (168 river miles (mi)) of the Kootenai River, which originates in Kootenay National Park in British Columbia, Canada. The river flows south into Montana, northwest into Idaho, then north through the Kootenai Valley into British Columbia, where it flows through Kootenay Lake and joins the Columbia River at Castlegar, British Columbia. The Kootenai River population of white sturgeon extends from Kootenai Falls, Montana, located 50 river km (31 river mi) below Libby Dam, Montana, downstream through Kootenay Lake to Corra Lynn Dam at the outflow from Kootenay Lake, British Columbia, Canada. A natural barrier, Bonnington Falls, downstream of Kootenay Lake, has isolated the Kootenai River white sturgeon since the last glacial advance roughly 10,000 years ago (Apperson and Anders 1991). Kootenai River white sturgeon occur in Idaho, Montana, and British Columbia. Approximately 45 percent of the species' range, based on river kilometers, is located within British Columbia. Apperson and Anders (1991) found that at least 36 percent of the sturgeon tracked during 1998 overwintered in Kootenay Lake, British, Columbia. They further believe that sturgeon do not commonly occur upstream of Bonners Ferry, Idaho.

The Kootenai River white sturgeon population is threatened by factors including hydropower operations, flood control operations, poor recruitment, loss of habitat, and possible contaminants (water quality impacts). For a more detailed discussion of the ecology of the Kootenai River population white sturgeon see the September 6, 1994, **Federal Register** notice (59 FR 45989) listing this population as endangered, and the September 30, 1999, Recovery Plan for the White Sturgeon (*Acipenser transmontanus*): Kootenai River Population (U.S. Fish and Wildlife Service, 1999). The final rule and the recovery plan incorporate the best available biological information on Kootenai River white sturgeon.

In the September 6, 1994, final rule listing the Kootenai River population of white sturgeon as endangered (59 FR 45989), we deferred designation of critical habitat as not then determinable. We believed there was insufficient biological information to accurately delineate that habitat essential to the species, and, in the absence of this delineation, the required analysis of impacts could not be completed accurately.

On December 21, 2000, we published in the **Federal Register** a proposal to designate critical habitat for this species (65 FR 80698). We are proposing an 18 river kilometer (11.2 miles) reach of the Kootenai River bed (below ordinary high water lines) near Bonners Ferry, Idaho, as critical habitat.

Section 4(b)(2) of the Act requires that the Secretary shall designate or revise critical habitat based upon the best available scientific and commercial data available and after taking into consideration the economic impact of specifying any particular area as critical habitat. We have prepared a draft economic analysis of the proposed critical habitat designation, and it is available at the Internet and mailing addresses listed above in the **ADDRESSES** section.

Public Comments Solicited

We have reopened the comment period at this time in order to accept the best and most current scientific and commercial data available regarding the proposed critical habitat and the draft economic analysis. We will accept comments during the reopened comment period. All previous comments and information submitted during the original comment period need not be resubmitted. If you wish to comment, you may submit your comments by any one of several methods:

1. You may submit written comments and information by mail to the Field Supervisor, Upper Columbia Fish and Wildlife Office, U.S. Fish and Wildlife Service, 11103 East Montgomery Drive, Spokane, Washington 99206. You may also submit written comments and information to us by facsimile at 509–891–6748.

2. You may send comments and information by electronic mail (e-mail) to: FW1SPOK-crithab-stur@r1.fws.gov.

Please submit e-mail comments as an ASCII file format and avoid the use of special characters and any form of encryption. Please also include ''Attn: RIN 1018–AH06'' and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Upper Columbia Fish and Wildlife Office at 509–891–6839.

3. You may hand-deliver written comments and information to our Upper Columbia Fish and Wildlife Office, 11103 East Montgomery Drive, Spokane, Washington.

Comments and materials received, as well as supporting documentation used in preparation of the proposed rule to designate critical habitat, will be available for public inspection, by appointment, during normal business hours at the above address.

Our practice is to make all 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 rulemaking record, which we will honor to the extent allowable by law. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

References Cited

A complete list of all references cited in this document is available upon request from the Upper Columbia Fish and Wildlife Office (see **ADDRESSES** section).

Author

The primary author of this document is Bob Hallock (see **ADDRESSES** section).

Authority: The authority of this document is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: March 14, 2001.

Rowan W. Gould,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 01–10379 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–55–U

Notices

Federal Register

Vol. 66, No. 81

Thursday, April 26, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

State of Wisconsin Department of Commerce Brownfields Initiative; Determination of Primary Purpose of Program Payments for Consideration as Excludable From Income Under Section 126 of the Internal Revenue Code of 1954

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of determination.

SUMMARY: The Secretary of Agriculture has determined that all State cost-share payments made to individuals as part of a Brownfields Grant are made primarily for the purpose of restoring the environment. This determination is made in accordance with section 126 of the Internal Revenue Code of 1954, as amended (2 U.S.C. 126). The determination permits recipients of these cost-share payments to exclude them from gross income to the extent allowed by the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Jason Scott, Development Consultant; Department of Commerce, Brownfields Grant Program, 201 West Washington Avenue, Madison, Wisconsin 53707–7970; or Mark W. Berkland, Director, Conservation Operations Division, USDA Natural Resources Conservation Service, Post Office Box 2890, Washington, DC 20013.

SUPPLEMENTARY INFORMATION: Section 126 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 126), provides that certain payments made to persons under State conservation programs may be excluded from the recipient's gross income for Federal income tax purposes, if the Secretary of Agriculture determines that payments are made ''primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife.'' The Secretary of Agriculture evaluates these conservation programs on the basis of criteria set forth in 7 CFR Part 14, and makes a ''primary purpose'' determination for the payments made under each program. Before there may be an exclusion, the Secretary of the Treasury must determine that payments made under these conservation programs do not substantially increase the annual income derived from the property benefited by the payments.

Procedural Matters

The authorizing legislation, regulations, and operating procedures regarding the Wisconsin Department of Commerce's Brownfields Grant Program have been examined using the criteria set forth in 7 CFR Part 14. The Secretary of Agriculture has concluded that the cost-share payments made for the implementation of best management practices under this program are made primarily for the purpose of restoring the environment.

A ''Record of Decision, Wisconsin Department of Commerce's Brownfields Grant Program, Primary Purpose Determination for Federal Tax Purposes'' has been prepared and is available upon request from Jason Scott; Program Director; Wisconsin Department of Commerce, Brownfields Grant Program, 5th floor, 201 West Washington Avenue, Post Office Box 7970, Madison, Wisconsin 53707–7970; or from Mark W. Berkland, Director, Conservation Operations Division, USDA Natural Resources Conservation Service; Post Office Box 2890, Washington, DC 20013.

Determination

As required by section 126(b) of the Internal Revenue Code of 1954, as amended, I have examined the authorizing legislation, regulations, and operating procedures regarding the Wisconsin Department of Commerce's Brownfields Grant Program. In accordance with the criteria set out in 7 CFR Part 14, I have determined that all cost-share payments for the implementation of projects under the Brownfields Grant Program are primarily for the purpose of restoring the environment. Subject to further determination by the Secretary of the Treasury, this determination permits payment recipients to exclude from gross income, for Federal income tax purposes, all or part of such cost-share payments made under said program.

Signed in Washington, DC on April 9, 2001.

Ann M. Veneman,

Secretary, United States Department of Agriculture.

[FR Doc. 01–10295 Filed 4–25–01; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Food Stamp Program Form FNS–521, Food Coupon Deposit Document

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Food and Nutrition Service is publishing for public comment a summary of a proposed information collection. The proposed collection is a reinstatement, with change, of a previously approved information collection of the Food Stamp Program for which approval expired on January 31, 2001. The Food Stamp Act of 1977, as amended, requires that all verified and encoded redemption certificates accepted by insured financial institutions from authorized retail food stores shall be forwarded with the corresponding coupon deposits to the Federal Reserve Bank along with the accompanying Food Coupon Deposit Document (Form FNS–521). Requirements in the Food Stamp Program Regulations are the basis for the information collected on Form FNS–521.

DATES: Comments on this notice must be received by June 25, 2001 to be assured of consideration.

ADDRESSES: Send comments and requests for copies of this information collection to Karen J. Walker, Chief, Redemption Management Branch, Benefit Redemption Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 404, Alexandria, VA 22302.

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 will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments will be summarized and included in the request for Office of Management and Budget approval of the information collection. All comments will become matter of public record.

FOR FURTHER INFORMATION CONTACT: Karen J. Walker, (703) 305–2418.

SUPPLEMENTARY INFORMATION:

Title: Food Coupon Deposit Document.

OMB Number: 0584–0314.

Expiration Date: January 31, 2001.

Type of Request: Reinstatement, with change, of a previously approved collection for which approval expired on January 31, 2001.

Abstract: The Food and Nutrition Service (FNS) of the U.S. Department of Agriculture is the Federal Agency responsible for the Food Stamp Program. The Food Stamp Act of 1977, as amended, (the Act) requires that FNS provide for the redemption, through financial institutions, of food coupons accepted by retail food stores from program participants. Section 278.5 of the Food Stamp Program regulations governs financial institution and Federal Reserve participation in the food coupon redemption process. Form FNS–521, Food Coupon Deposit Document (FCDD) is required to be used by all financial institutions when they deposit food coupons at Federal Reserve Banks. Without the FCDD, no vehicle would exist for financial institutions, Federal Reserve Banks, and the FNS to track deposits of food coupons.

Respondents: Financial institutions and Federal Reserve Banks.

Number of Respondents: 10,000.

Estimated Annual Number of Responses per Respondent: The number of responses is estimated to be 13.6 responses per financial institution or Federal Reserve Bank per year.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .0097222 hours per response.

Estimated Total Annual Burden: 1,327 hours.

Dated: April 18, 2001.

George A. Braley,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 01–10347 Filed 4–25–01; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Advisory Committee Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following committee meeting:

Name: Grain Inspection Advisory Committee.

Date: May 8, 2001.

Place: Hilton Kansas City Airport, 8801 NW 112th Street, Kansas City, MO 64153.

Time: 7:30 a.m.–5 p.m. on May 8, 2001.

Purpose: To provide advice to the Administrator of the Grain Inspection, Packers and Stockyards Administration (GIPSA) with respect to the implementation of the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.*).

The agenda includes a review and discussion of GIPSA's financial status, biotechnology, component end-use testing, information technology initiatives, the status of the official commodity program, and other related issues concerning the delivery of grain inspection and weighing services to American agriculture.

Public participation will be limited to written statements, unless permission is received from the Committee Chairman to address the Committee orally. Persons, other than members, who wish to address the Committee or submit written statements before or after the meeting, should contact the Administrator, GIPSA, U.S. Department of Agriculture, 1400 Independence Avenue, SW, STOP 3601, Washington, D.C. 20250–3601, telephone (202) 720–0219 or FAX (202) 205–9237.

The meeting will be open to the public. Persons with disabilities who require alternative means of communication of program information or related accommodations should contact Marianne Plaus, telephone (202) 690–3460 or FAX (202) 205–9237.

Dated: April 20, 2001.

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 01–10384 Filed 4–25–01; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: To give firms an opportunity to comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 03/16/01–04/17/01

Firm name	Address	Date petition accepted	Product
Hamakua Macadamia Nut Company & Affiliates.	P.O. Box 44715, Kawaihae, HI 96743	03/20/01	Macadamia nuts.
Athens Furniture Industries, Inc.	1241 Frye Street, Athens, TN 37371	03/20/01	Solid wood bedroom furniture.
Wiley Cork Company, Inc	14th & Church Street, Wilmington, DE 19899.	03/21/01	Cork products used in expansion joint filler and bulletin boards.
Moot Wood Turnings, Inc	98 Mill Street, Northfield Falls, VT 05664	03/21/01	Souvenir wood baseball bats, drumsticks, furniture components, etc.
Legends and Lore, Inc	1501 Pine Hts. Drive, Rapid City, SD 57701.	03/27/01	Children's hand puppets.
Stallion Boot Company, Inc	100 North Cotton Street, El Paso, TX 79901.	03/27/01	Leather boots, belts and accessories, i.e. wallets, purses and boot bags.
KRB Klearkast, Inc	301 Kings Mill Road, York, PA 17403	03/27/01	Acrylic business gifts and awards made from large rods, tubes and blocks.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 03/16/01–04/17/01—Continued

Firm name	Address	Date petition accepted	Product
Corlair Corporation	100 Ashley Park Drive, Piedmont, MO 63957.	03/27/01	Leather day planners and automotive portfolios.
Oak Mountain, Inc	602 Foster Avenue, Pyatt, AR 72672	03/27/01	Pine porch posts, bed posts and table bases.
Precision Custom Coatings, L.L.C	200 Maltese Drive, Totowa, NJ 07512	03/27/01	Non-woven and fusible knot inter-linings for the textile industry.
Meta-Lite, Inc	93 Entin Road, Clifton, NJ 07011	03/28/01	Metal fabricator for all types of metal work, i.e. toll booths for highways, gates, railings and token booth cabinets for subway systems.
S & L Plastics, Inc	2860 Bath Pike, Nazareth, PA 18064	03/28/01	Injection moldings and extrusion of plastics for various industries.
Schatz Bearing Corporation	10 Fairview Avenue, Poughkeepsie, NY 12602.	03/29/01	Ball bearings.
Morton Machine Works, Inc	300 Jackson Avenue, Columbus, GA 31901.	04/03/01	Pressure valves for various industries.
Dedoes Industries, Inc	1060 W. Maple Road, Walled Lake, MI 48390.	04/03/01	Paint mixing machines and lids.
Stoesser Industries	440 Leghorn Street, Mountain View, CA 94043.	04/03/01	Injection molds and molding of plastic parts.
Burton Medical Products Corporation	21100 Lassen Street, Chatsworth, CA 91311.	04/03/01	Mounted surgical operating room lighting apparatus, instruments, diagnostic magnifiers, lights and viewers.
Entertron Industries, Inc	3857 Orangeport Road, Gasport, NY 14067.	04/06/01	Microprocessor systems for electronic control of sequential operations in programmable logic controllers.
Delaware Diamond Knives, Inc	3825 Lancaster Pike, Wilmington, DE 19805.	04/06/01	Diamond knives for use in medical research and manufacturing operations.
Techtrol, Inc	1310 North Sewell, Pawnee, OK 74058	04/06/01	Printed circuit boards.
Montola Growers, Inc	Highway 2 East, Culbertson, MT 59218	04/06/01	Safflower oil.
Lambert Manufacturing Company dba The Lambert Company.	105 Elm Street, Chillicothe, MO 64601	04/09/01	Mens and boys cotton gloves, leather gloves and headgear.
Future Products, Inc	2100 Minnesota Avenue	04/10/01	Adult outerwear in a variety of woven blends.
Pyramid Mountain Lumber, Inc	379 Boyscout Road, Seeley Lake, MY 59868.	04/17/01	Douglas fir and larch lumber.
Forest Medical, L.L.C	6700 Old Collamer Road, E. Syracuse, NY 13057.	04/17/01	Digital ambulatory electrocardiographs.

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by Trade Adjustment Assistance, Room 7315, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: April 19, 2001.

Anthony J. Meyer,

Coordinator, Trade Adjustment and Technical Assistance.

[FR Doc. 01–10375 Filed 4–25–01; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–824]

Certain Corrosion-Resistant Carbon Steel Flat Products From Japan: Notice of Final Results of Changed Circumstances Review, and Revocation in Part of Antidumping Duty Order

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

ACTION: Notice of final results of changed circumstances review, and revocation in part of antidumping duty order.

SUMMARY: On March 13, 2001, the Department of Commerce (''the Department'') published a notice of initiation and preliminary results of a changed circumstances review with the intent to revoke, in part, the antidumping duty order on certain

corrosion-resistant carbon steel flat products from Japan. *See Certain Corrosion-Resistant Carbon Steel Flat Products From Japan: Notice of Initiation and Preliminary Results of Changed Circumstances Review of the Antidumping Order and Intent to Revoke Order in Part,* 66 FR 14542 (March 13, 2001) (''*Initiation and Preliminary Results*''). In our *Initiation and Preliminary Results,* we gave interested parties an opportunity to comment; however, we did not receive any comments. We are now revoking this order, in part, with respect to the particular carbon steel flat products described below, based on the fact that domestic parties have expressed no interest in the continuation of the order with respect to these particular carbon steel flat products.

EFFECTIVE DATE: April 26, 2001.

FOR FURTHER INFORMATION CONTACT: Catherine Bertrand or Rick Johnson, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3207, and (202) 482–3818, respectively.

The 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 as codified at 19 CFR Part 351 (2000).

SUPPLEMENTARY INFORMATION:

Background

On January 23, 2001, Dana Glacier Daido America, LLC (''Dana'') requested that the Department revoke in part the antidumping duty order on certain corrosion-resistant carbon steel flat products from Japan. Specifically, Dana requested that the Department revoke the order with respect to imports meeting the following specifications: carbon steel coil or strip, measuring 1.93 millimeters or 2.75 millimeters (0.076 inches or 0.108 inches) in thickness, 87.3 millimeters or 99 millimeters (3.437 inches or 3.900 inches) in width, with a low carbon steel back comprised of: carbon under 8%, manganese under 0.4%, phosphorous under 0.04%, and sulfur under 0.05%; clad with aluminum alloy comprised of: 0.7% copper, 12% tin, 1.7% lead, 0.3% antimony, 2.5% silicon, 1% maximum total other (including iron), and remainder aluminum. Dana also requested that the Department revoke the order with respect to imports meeting the following specifications: carbon steel coil or strip, clad with aluminum, measuring 1.75 millimeters (0.069 inches) in thickness, 89 millimeters or 94 millimeters (3.500 inches or 3.700 inches) in width, with a low carbon steel back comprised of: carbon under 8%, manganese under 0.4%, phosphorous under 0.04%, and sulfur under 0.05%; clad with aluminum alloy comprised of: 0.7% copper, 12% tin, 1.7% lead, 2.5% silicon, 0.3% antimony, 1% maximum total other (including iron), and remainder aluminum.

On December 30, 2000, domestic producers of the like product, Bethlehem Steel Corporation; Ispat Inland Steel; LTV Steel Company, Inc.; National Steel Corporation; and U.S. Steel Group, a unit of USX Corporation, informed the Department that they have no interest in the importation or sale of steel from Japan with these specialized characteristics. Subsequently, as noted above, we gave interested parties an opportunity to comment on the *Initiation and Preliminary Results.* We received no comments from interested parties.

Scope of Changed Circumstances Review

The merchandise covered by this changed circumstances review is certain corrosion-resistant carbon steel flat products from Japan. This changed circumstances administrative review covers all manufacturers/exporters of carbon steel flat products meeting the following specifications: (1) Carbon steel coil or strip, measuring 1.93 millimeters or 2.75 millimeters (0.076 inches or 0.108 inches) in thickness, 87.3 millimeters or 99 millimeters (3.437 inches or 3.900 inches) in width, with a low carbon steel back comprised of: carbon under 8%, manganese under 0.4%, phosphorous under 0.04%, and sulfur under 0.05%; clad with aluminum alloy comprised of: 0.7% copper, 12% tin, 1.7% lead, 0.3% antimony, 2.5% silicon, 1% maximum total other (including iron), and remainder aluminum; and (2) carbon steel coil or strip, clad with aluminum, measuring 1.75 millimeters (0.069 inches) in thickness, 89 millimeters or 94 millimeters (3.500 inches or 3.700 inches) in width, with a low carbon steel back comprised of: carbon under 8%, manganese under 0.4%, phosphorous under 0.04%, and sulfur under 0.05%; clad with aluminum alloy comprised of: 0.7% copper, 12% tin, 1.7% lead, 2.5% silicon, 0.3% antimony, 1% maximum total other (including iron), and remainder aluminum.

Final Results of Review; Partial Revocation of Antidumping Duty Order

The affirmative statement of no interest by petitioners concerning carbon steel flat products, as described herein, constitutes changed circumstances sufficient to warrant partial revocation of this order. Also, no party commented on the *Initiation and Preliminary Results.* Therefore, the Department is partially revoking the order on certain corrosion-resistant carbon steel flat products from Japan with regard to products which meet the specifications detailed above, in accordance with sections 751(b) and (d) and 782(h) of the Act and 19 CFR 351.216(d)(1). We will instruct the U.S. Customs Service (''Customs'') to liquidate without regard to antidumping duties, as applicable, and to refund any estimated antidumping duties collected for all unliquidated entries of certain corrosion-resistant carbon steel flat products meeting the specifications indicated above, and not subject to final results of an administrative review as of the date of publication in the **Federal Register** of the final results of this changed circumstances review in accordance with 19 CFR 351.222. We will also instruct Customs to pay interest on such refunds in accordance with section 778 of the Act.

This notice serves as a reminder to parties subject to administrative protective orders (''APOs'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This changed circumstances administrative review, partial revocation of the antidumping duty order and notice are in accordance with sections 751(b) and (d) and 782(h) of the Act and sections 351.216 and 351.222(g) of the Department's regulations.

Dated: April 19, 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade.

[FR Doc. 01–10438 Filed 4–25–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–818, A–428–828, A–421–808, A–412–820]

Low Enriched Uranium From France, Germany, The Netherlands, and the United Kingdom: Notice of Extension of Preliminary Antidumping Duty Determinations

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

ACTION: Notice of extension of preliminary antidumping duty determinations.

EFFECTIVE DATE: April 26, 2001.

FOR FURTHER INFORMATION CONTACT: James Terpstra or Gabriel Adler at (202) 482–3965 and (202) 482–3813, respectively; Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Statutory Time Limits

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department of Commerce (the Department) to issue the preliminary determination of an antidumping duty investigation within 140 days after the date of initiation. However, if the case is extraordinarily complicated and additional time is necessary to make the preliminary determination, and the parties concerned are cooperating in the investigation, section 733(c)(1)(B) of the Act allows the Department to extend the time limit for the preliminary determination until not later than 190 days after the date of initiation.

Background

On December 27, 2000, the Department initiated the above-referenced investigations. *See Notice of Initiation of Antidumping Duty Investigations: Low Enriched Uranium From France, Germany, the Netherlands, and the United Kingdom*, 66 FR 1080 (January 5, 2001). The preliminary determinations are currently due no later than May 16, 2001.

Extension of Preliminary Determinations

The Department determines that the parties concerned are cooperating, that these investigations are extraordinarily complicated, and that additional time is necessary to make the preliminary determinations. Therefore, we are postponing the deadline for issuing these determinations until July 5, 2001. *See* Decision Memorandum from Melissa Skinner to Holly A. Kuga, dated April 18, 2001, which is on file in the Central Records Unit, B–099 of the main Commerce Building. We intend to issue the final determinations no later than 75 days after the date of these preliminary determinations in accordance with section 735(a)(1) of the Act.

This extension is issued and published in accordance with section 733(c) of the Act and 19 CFR 351.205(b)(2). Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: April 19, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–10439 Filed 4–25–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042001C]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene public meetings.

DATES: The meetings will be held on May 14–17, 2001.

ADDRESSES: These meetings will be held at the Edgewater Beach Resort, 11211 Front Beach Road, Panama City Beach, Florida 32407; telephone: 334–235–4977.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION:

Meeting Dates, Times, and Agendas

May 14

12–5:30 p.m.—Convene the Reef Fish Management Committee to approve Draft Reef Fish Amendment 18 and a draft supplemental environmental impact statement for public hearings and to consider establishing a Reef Fish Quota Management Working Group to Develop an Individual Fishing Quota Profile.

May 15

8–8:30 a.m.—Convene the Red Drum Management Committee to hear recommendations from the Red Drum Stock Assessment Panel on stock assessment methodology.

8–9:30 a.m.—Convene the Law Enforcement Committee to discuss the Law Enforcement Advisory Panel's Cooperative Law Enforcement Operations Plan, and to discuss Federal support of regional law enforcement.

9:30–10 a.m.—Convene the Data Collection Committee to hear a presentation on the Gulf State Marine Fisheries Commission Fisheries Information Network program.

10 a.m.–12 noon—Convene the Administrative Policy Committee to discuss Senate Bill S.637 and to discuss policy issues for the Council's administrative handbook.

1–3:30 p.m.—Convene the Shrimp Management Committee to approve Draft Amendment 10/Environmental Assessment for public hearings and to consider an amendment to include rock shrimp in the Shrimp fishery management plan.

3:30–5:30 p.m.—Convene the Mackerel Management Committee to discuss overfishing and overfished definitions, optimum yield targets and thresholds for Gulf group king and Spanish mackerel and to consider a pelagic longline area closure for dolphin and wahoo.

May 16

8:30 a.m.—Convene Council.

8:45–9:30 a.m.—Receive a report on the preliminary results of a study of closed gag aggregation sites at Madison/Swanson and Steamboat Lumps Marine Reserves.

9:30 a.m.–12:30 p.m.—Receive a report of the Reef Fish Management Committee.

2–3 p.m.—Receive a report of the Mackerel Management Committee.

3–4 p.m.—Receive a report of the Shrimp Management Committee.

4–4:30 p.m.—Receive a report of the Administrative Policy Committee.

4:30–4:45 p.m.—Receive a report of the Red Drum Management Committee.

4:45–5 p.m.—Receive a report of the Data Collection Committee.

May 17

8:30–8:45 a.m.—Receive a report of the Law Enforcement Committee.

8:45–9 a.m.—Receive a report of the International Convention on

Conservation of Atlantic Tuna Advisory Committee Meeting.

9–9:30 a.m.—Receive a report of the NMFS Highly Migratory Species and Billfish Advisory Panel meetings.

9:30–9:45 a.m.—Receive a report of the Marine Protected Area Stakeholders Meeting.

9:45–10 a.m.—Receive a report of the Coastal States/NMFS Cooperative Fisheries Program Meeting.

10–10:15 a.m.—Receive Enforcement Reports.

10:15–10:30 a.m.—Receive the NMFS Regional Administrator's Report.

10:30–11 a.m.—Receive Director's Reports.

11 a.m.—Other Business.

Although non-emergency issues not contained in the agenda may come before the Council for discussion, these issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final actions to address such emergencies.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) at least 5 days prior to the meeting date. A copy of the Committee schedule and agenda can be obtained by calling 813–228–2815.

Dated: April 20, 2001.

Richard W. Surdi,

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

[FR Doc. 01–10440 Filed 4–25–01; 8:45 am]

BILLING CODE 3510–22–S

COMMODITY FUTURES TRADING COMMISSION

Request of the New York Mercantile Exchange (NYMEX) for Approval of Four Domestic Crude Oil Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of terms and conditions of commodity futures contracts.

SUMMARY: The New York Mercantile Exchange (NYMEX or Exchange) has requested that the Commission approve four domestic crude oil futures contracts, pursuant to the provisions of section 5c(c)(2)(A) of the Commodity Exchange Act as amended. These physical delivery futures contracts are based on Light Louisiana Sweet (LLS); West Texas Sour (WTS); West Texas Intermediate (WTI) at Midland, Texas; and Mars. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by the Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interest persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before May 29, 2001.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521 or by electronic mail to secretary@cftc.gov. Reference should be made to the NYMEX crude oil futures contracts.

FOR FURTHER INFORMATION CONTACT: Please contact John Forkkio of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC (202) 418–5281. Facsimile number: (202) 418–5527. Electronic mail: jforkkio@cftc.gov

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418–5100.

Other materials submitted by the NYMEX in support of the requests for approval may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (2000)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the NYMEX should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC on April 20, 2001.

Richard Shilts,

Acting Director.

[FR Doc. 01–10399 Filed 4–25–01; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title Form, and OMB Number: Registration for Scientific and Technical Information Services; DD Form 1540; OMB Number 0704–0264.

Type of Request: Extension.

Number of Respondents: 2,000.

Responses per Respondent: 1.

Annual Responses: 2,000.

Average Burden per Response: 25 minutes.

Annual Burden Hours: 833.

Needs and Uses: The Department of Defense Scientific and Technical Information Program (STIP) requires the exchange of scientific and technical information within and among Federal Government agencies and their contractors. The DD Form 1540 serves as a registration tool for Federal Government agencies and their contractors to access Defense Technical Information Center (DTIC) services. The contractors, subcontractors, and potential contractors are requires to obtain certification from designated approving officials. Federal Government agencies need certification from approving officials and security offices only when requesting access to classified data. All collected information is verified by DTIC's Marketing and Registration Division.

Affected Public: Business or Other For-Profit; Not-For-Profit Institutions; State, Local or Tribal Government.

Frequency: On Occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DoD Clearance Office: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: April 19, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaision Officer, Department of Defense.

[FR Doc. 01–10310 Filed 4–25–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Second Supplemental Record of Decision (ROD) for Reuse and Disposal at Lowry Air Force Base (AFB), CO

The Second Supplemental ROD for Lowry AFB changes four decisions made in the original Lowry AFB ROD signed on August 1, 1994. Three of the changes involve conveying Parcels F, FF, and S to the Lowry Redevelopment Authority to be included in their Economic Development Conveyance. The fourth change is to assign Parcel MM to the Department of Health and Human Services for their conveyance of the property to Third Way Center.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–10303 Filed 4–25–01; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Industry Day Briefings—Information on the New Global Positioning System (GPS) L2 and L5 Civil Signals

AGENCY: Department of the Air Force, DoD.

ACTION: Notice, announcement of opportunity to attend.

SUMMARY: This notice announces Global Positioning System (GPS) L2/L5 Civil Signal Industry Day on May 2, 2001. The L2 briefing will be from 9 a.m. to 12:00 p.m., at which the GPS Joint Program Office (JPO) will provide information on the new civil signal being planned for the GPS L2 frequency (1227.60 MHz). Additional GPS L5 Civil Signal briefings will be presented from 1:30 p.m. to 4:30 p.m. at which the GPS JPO will provide additional information on the new civil signal being planned for the GPS L5 (1176.45 MHz) frequency. Information presented at this Industry Day may be important to those involved in the development, production or support of satellite navigation products and services for the civil and military markets.

The morning L2 agenda includes: Overview of GPS Modernization Program; Benefits of a new L2 Civil Signal; Technical Description of the Planned Design; Laboratory Implementation of the New L2 Civil Signal; Question and Answer Session. The afternoon L5 agenda includes: Interface Control Working Group (ICWG) Process and Procedures Description; Benefits and Technical Description of the new L5 Civil Signal; Laboratory Implementation of the L5 Signal; Question and Answer Session.

Both sessions will be held in Building A–1, Conference Room 1062 of the Aerospace Corporation offices, 2350 El Segundo Blvd., El Segundo, CA 90245. The Industry Day conference is unclassified and formal visit requests are not necessary for U.S. citizens, although picture identification is required. For Foreign Nationals traveling on a VISA, please provide advance notification of your attendance, including the government or industry you represent to: Veronique Benjamins (SAIC), Phone (310) 363–6515, Fax (310) 363–1581. To expedite check-in security procedures, all attendees should provide email notification to: Veronique.Benjamins@LOSANGELES.AF.MIL. Please include the words, ''L2/L5 Civil Signal Industry Day Attendee'' in the subject line of your email. The A–1 conference room allows participation for about 200 attendees and seating will be on a first come basis. The Government will not pay for any costs associated with attending this briefing or for any information.

ADDRESSES: JPO Point of Contact: SMC/CZER, 2420 Vela Way, Suite 1467, El Segundo, CA 90245–4659, ATTN: First Lieutenant Reginald C. Victoria.

DATES: If you intend to participate in these meetings, please submit your notification not later than April 27, 2001.

FOR FURTHER INFORMATION CONTACT: Ms. Veronique Benjamins, (310) 363–6515, or Lieutenant Commander Richard Fontana, USCG, (310) 363–1703, GPS Deputy Program Manager, Department of Transportation.

SUPPLEMENTARY INFORMATION:

Background

The Global Positioning System employs a constellation of 24 satellites to provide continuously transmitted positioning/navigation signals for use with appropriately configured GPS user equipment. The GPS satellite vehicles transmit signals at the L2 and L5 (future) frequencies to allow GPS user equipment to perform its positioning and navigation functions. The civilian and military communities employ the Global Positioning System.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–10522 Filed 4–24–01; 3:25 pm]

BILLING CODE 5001–05–P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity (National Advisory Committee)

ACTION: Notice of meeting changes.

SUMMARY: This notice advises interested parties of changes concerning the upcoming public meeting of the National Advisory Committee and amends information provided in the original meeting notice published in the April 2, 2001 **Federal Register** (66 FR 17538).

FOR FURTHER INFORMATION CONTACT: Bonnie LeBold, Executive Director, National Advisory Committee on Institutional Quality and Integrity, U.S. Department of Education, Room 7007—MS 7592, 1990 K St. NW., Washington, DC 20006. Telephone: (202) 219–7009, fax: (202) 219–7008, or 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 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The changes to the agenda are as follows:

(1) The National Advisory Committee will not meet on Friday, May 25, 2001, as originally indicated in the April 2, 2001 **Federal Register** (66 FR 17538). The meeting of National Advisory Committee will take place on two days only, on Wednesday, May 23, from 9:30 a.m. until 6 p.m., and on Thursday, May

24, from 8:30 a.m. until approximately 4 p.m. The meeting will be held at the Ritz Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, Virginia 22202, phone: (703) 415–5000.

(2) The agency listed below, which was originally scheduled for review during the National Advisory Committee's May 2001 meeting, will be postponed for review until a future meeting.

• 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)

Any third-party written comments regarding this agency 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. Those comments will be considered by the National Advisory Committee when it reviews the agency's petition for initial recognition at a future meeting. Another opportunity to provide written comments on the agency prior to that meeting will be announced in a **Federal Register** notice requesting written comments.

Authority: 5 U.S.C. Appendix 2.

Dated: April 20, 2001.

Maureen A. McLaughlin,

Deputy Assistant Secretary for Policy, Planning, and Innovation, Office of Postsecondary Education.

[FR Doc. 01–10300 Filed 4–25–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Docket No. EA–209–A]

Application to Export Electric Energy; Cargill-Alliant, LLC

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Cargill-Alliant, LLC (C–A) has applied for renewal of its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before May 29, 2001.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski (program Office) 202–586–9506 or Michael Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: On June 24, 1999, the Office of Fossil Energy (FE) of the Department of Energy (DOE) issued Order No. EA–209 authorizing C–A to transmit electric energy from the United States to Canada as a power marketer using the international electric transmission facilities owned and operated by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities, International Transmission Company (formerly Detroit Edison), Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Inc., Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power and Light Co., Inc., Minnkota Power, New York Power Authority, Niagara Mohawk Power Corp., Northern States Power, and Vermont Electric Transmission Company. That two-year authorization will expire on June 24, 2001.

On April 17, 2001, C–A filed an application with FE for renewal of the export authority contained in Order No. EA–209 for a term of five years.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the C–A request to export to Canada should be clearly marked with Docket EA–209–A. Additional copies are to be filed directly with, Richard B. Davenport, Assistant Vice President, Cargill-Alliant, LLC, 12700 Whitewater Drive, Minnetonka, Minnesota 55343.

DOE notes that the circumstances described in this application are virtually identical to those for which export authority had previously been granted in FE Order No. EA–209. Consequently, DOE believes that it has adequately satisfied its responsibilities under the National Environmental Policy Act of 1969 through the documentation of a categorical exclusion in the FE Docket EA–209 proceeding. .

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select ''Electricity,'' from the Regulatory Info menu, and then ''Pending Proceedings'' from the options menus.

Issued in Washington, D.C., on April 20, 2001.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 01–10442 Filed 4–25–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–156–000]

Cove Point LNG Limited Partnership; Notice of Request Under Blanket Authorization

April 20, 2001.

Take notice that on April 17, 2001, Cove Point LNG Limited Partnership (Cove Point), Post Office Box 1396, Houston, Texas 77251–1396, filed a request with the Commission in Docket No. CP01–156–000, pursuant to Section 157.205, 157.208 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to construct and operate facilities in Fairfax County, Virginia to interconnect with Transcontinental Gas Pipe Line Corporation's (Transco) system, authorized in blanket certificate issued in Docket No. CP94–59–002, all as more fully set forth in the request on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Cove Point seeks authorization to interconnect with Transco's system in Fairfax County, Virginia to provide additional flexibility to its import and existing customers. Cove Point reports that the Transco interconnect would be as follows: (1) A 2.14-mile, 36-inch diameter lateral (the Lateral) to connect the Main Line and the Transco system, (2) a new bi-directional Pleasant Valley Meter Station (the Meter Station) to measure the movement of gas between the Cove Point and Transco systems, and (3) a 20-inch tap on the Main Line at the Pleasant Valley site. Cove Point continues that the facilities would be as follows: The Lateral would connect the

Main Line to the Transco system. The Lateral would originate at the existing Pleasant Valley site (Cove Point Mile Post 75.00) to its tie-in to Transco's Main Lines B (one 20-inch hot tap) and Main Line C (two 24-inch hot taps). The hot taps would be constructed by Transco pursuant to Transco's blanket certificate. The tie-in to the Transco system would be 2.14 miles upstream of the Pleasant Valley site at Cove Point Mile Post 73.00 and at Transco Mile Post 1586.20. The Lateral would run parallel to the Main Line for the entire 2.14 miles. The Main Line would be centered on an existing 50-foot wide easement. This easement abuts an existing Virginia Electric and Power Company (Virginia Power) power line right-of-way. There would be 20 feet between the Main Line and the Lateral, thus placing the Lateral five feet inside the existing maintained Cove Point easement and 15 feet between the Lateral and the existing power line.

Cove Point reports that the estimated cost of the Lateral would be $6,016,000. The maximum allowable operating pressure of the Lateral would be 800 psig. The Lateral would be owned, operated and maintained by Cove Point. The Meter Station would be located at the site of the existing, non-operational Pleasant Valley meter station. The Meter Station would be constructed within the fenced site of the existing meter station. The Meter Station would consist of three heaters, 10-inch and 24-inch ultrasonic meters, flow control and pressure regulation, a flow computer, a chromatograph and a filter/separator. The capacity of the interconnect would be 1,000 MDt/d. The flow computer and instruments associated with gas measurement would be installed in an 8-foot by 16-foot equipment building. The pressure regulation equipment would be installed in a 30-foot by 30-foot building. The meter piping would not be enclosed in a building; it would consist of 36-inch inlet and outlet piping to and from the Meter Station. There are two existing unused 20-inch taps on the Main Line at the Pleasant Valley site, and they would be used in connection with the new project. In addition, a new 20-inch tap would be installed at this location. Accordingly, Cove Point seeks authority to construct and operate such 20-inch tap. Since Cove Point owns the land at the Pleasant Valley site, the incidental costs would consist of implementation of a soil erosion and sedimentation control plan for the duration of the construction period, clearing, grading, adding select backfill, improving an existing parking area and driveway in the meter station yard, adding gravel and crushed stone around Cove Point's yard facilities and final cleanup. The existing fencing around the Pleasant Valley site would be taken down during construction. After construction, the fencing would be put back up on the same alignment. The estimated cost of the Meter Station would be $5,086,000.

Any questions regarding the application may be directed to Michael Cathey, Post Office Box 1396, Houston, Texas 77251–1396, or telephone (713) 215–2677.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the NGA (18 CFR 157.207) a protest to the request. If no protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA. Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10329 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT00–34–004]

Dauphin Island Gathering Partners; Notice of Proposed Changes in FERC Gas Tariff

April 20, 2001.

Take notice that on April 16, 2001, Dauphin Island Gathering Partners (DIGP) tendered for filing as part of its FERC Gas Tariff, original Volume No. 1, the tariff sheets listed below to become effective April 1, 2001. DIGP states that these tariff sheets reflect changes to shipper names and Maximum Daily Quantities (MDQ's).

Fifth Revised Sheet No. 9
Fourth Revised Sheet No. 10

DIGP states that a copy of this filing are being served on its customers and other interested parties.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10317 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1517–001]

Florida Power & Light Company; Notice of Filing

April 20, 2001.

Take notice that on April 10, 2001, Florida Power & Light Company (FPL) tendered for filing with the Federal Energy Regulatory Commission (Commission), amendments to its proposed service agreements with AXIA Energy LP for Non-Firm transmission service and Firm transmission service under FPL's Open Access Transmission Tariff.

FPL requests that the proposed service agreements become effective on March 16, 2001.

FPL states that this filing is in accordance with Section 35 of the Commission's regulations.

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 and protests should be filed on or before May 1, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. 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.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10330 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–246–000]

Natural Gas Pipeline Company of America; Notice of Technical Conference

April 20, 2001.

In the Commission's order issued on March 30, 2001,[1] the Commission directed that a technical conference be held to address issues raised by filing.

Take notice that the technical conference will be held on Tuesday, May 22, 2001, at 10 a.m., in a room to be designated, at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

All interested parties and Staff are permitted to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10323 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

[1] 94 FERC ¶ 61,389 (2001).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–373–001]

Northern Border Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

April 20, 2001.

Take notice that on April 17, 2001, Northern Border Pipeline Company (Northern Border) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective May 9, 2001:

Substitute Second Revised Sheet Number 270
Substitute First Revised Sheet Number 271

Northern Border proposes to correct the numeric designation of subsection 2.63 to subsection 26.3 and change the referenced subsection in 26.3(c) from 26.2(a)(iii) to 26.3(b).

Northern Border states that copies of this filing have been sent to all of Northern Border's contracted shippers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10315 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–377–000]

Northern Border Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

April 20, 2001.

Take notice that on April 17, 2001, Northern Border Pipeline Company (Northern Border) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on the filing, to become effective May 17, 2001.

Northern Border states that the purpose of this filing is to revise Northern Border's currently effective Rate Schedules to offer negotiated rates.

Copies of this filing have been sent to all of Northern Border's contracted shippers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with §§ 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considerd by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10324 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–378–000]

Northwest Alaskan Pipeline Company; Notice of Termination of Tariff

April 20, 2001.

Take notice that on April 7, 2001, Northwest Alaskan Pipeline Company (Northwest Alaskan) tendered for filing a Notice of Termination of its entire FERC Gas Tariff, Original Volume No. 2.

Northwest Alaskan states that it has entered into agreements with its only jurisdictional customer, Pan-Alberta Gas (U.S.) Inc. (PAGUS), to terminate their gas purchase agreements, subject to receipt of all necessary regulatory approvals. Northwest Alaskan requests that the Notice of Termination become effective on the day after the day on which the parties close their transaction.

Northwest Alaskan states that the parties anticipate closing the transaction on or before May 15, 2001, and that Northwest Alaskan will notify the Commission when the closing has occurred. In the event that the proposed effective date falls less than 30 days after the date of the instant filing, Northwest Alaskan requests wavier of 18 CFR 154.602 to permit the Notice of Termination to become effective as proposed.

Northwest Alaskan states that it is serving copies of the instant application on its affected customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(ii) and the instructions on the Commissions' web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10316 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP95–168–006]

Sea Robin Pipeline Company; Notice of Compliance Filing

April 20, 2001.

Take notice that on April 16, 2001, Sea Robin Pipeline Company (Sea Robin) tendered for filing the pro forma tariff sheets listed on Appendix A attached to the filing.

Sea Robin states that the purpose of this filing is to comply with Ordering Paragraph (C) of the Commission's June 30, 1999 Order in the above-referenced proceeding that Sea Robin ''file tariff sheets specifying separately stated gathering rates, not inconsistent with the terms and conditions of its Part 284 tariff provisions, for gathering services performed through facilities located upstream of the Vermillion 149 compressor station.'' Sea Robin Pipeline Co., 87 FERC ¶ 61,384, at 62,432 (1999), reh'g denied, 92 FERC ¶ 61,072 (2000), as modified by the Commission's December 15, 2000 Order on Compliance Filing 93 FERC ¶ 61,287, reh'g, 94 FERC ¶ 61,137 (2001). Sea Robin asserts that the filing is submitted within the time provided by the Commission in its January 17, 2001 letter order regarding time for compliance. This filing may be viewed at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Sea Robin states that copies of this filing are being served on the parties to the proceeding and appropriate state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with §§ 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10326 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–242–001]

Southern Natural Gas Company; Notice of Compliance Filing

April 20, 2001

Take notice that on April 16, 2001, Southern Natural Gas Company (Southern), tendered for filing as part of FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets, with an effective date of April 1, 2001:

First Revised Sheet No. 1
Eleventh Revised Sheet No. 2
Sixth Revised Sheet No. 3
Substitute Original Sheet No. 95D
Substitute Original Sheet No. 95E
Substitute Original Sheet No. 95G.01
Substitute Original Sheet No. 95H
Substitute Original Sheet No. 95I
Third Revised Sheet No. 144A

Southern states that the purpose of the filing is to comply with the Commission's March 30, 2001 Order in the above-captioned docket which authorized Southern to implement a park and loan (PAL) service on its system effective April 1, 2001.

Southern states that the tariff sheets include changes to its new Rate Schedule PAL as required by the order to clarify and respond to issues raised regarding the notice provisions, the index price for loan penalties, the ability of Southern to schedule overrun quantities for the service and clarification of Southern's remedies for unscheduled actions by Shippers, revision of the Table of Contents to its Tariff to reflect the PAL service, and language added to section 14.4 of the General Terms and Conditions to allow any penalty revenues received by

Southern net of costs under Rate Schedule PAL to be credited to Southern's Storage Cost Reconciliation Mechanism.

In addition, Southern states that it has included in the filing workpapers showing how the rates under Rate Schedule PAL were derived and a cost and revenue study showing estimated costs and revenues for the first twelve months of service commencing April 1, 2001.

Southern states that copies of the filing will be served upon its shippers an interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10314 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–651–000]

Southwestern Electric Power Company; Notice of Filing

April 20, 2001.

Take notice that on March 20, 2001, Southwestern Electric Power Company (SWEPCO) tendered for filing with the Federal Energy Regulatory Commission (Commission), an amendment to its formula rate contract between SWEPCO and Louisiana Generating, LLC (LaGen) and revised rate sheets to the formula rate contract between SWEPCO and the City of Bentonville, Arkansas (Bentonville)

SWEPCO is requesting that the Commission accept the LaGen Contract and the Bentonville Rate sheets for filing effective January 1, 2001.

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 and protests should be filed on or before May 1, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. 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.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10386 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–054]

Tennessee Gas Pipeline Company; Notice of Errata Filing

April 20, 2001.

Take notice that on April 17, 2001, Tennessee Gas Pipeline Company (Tennessee), tendered for filing an Errata Letter Filing in the above-referenced docket.

Tennessee states that the Errata Letter Filing contains a complete copy of a Gas Transportation Agreement between Tennessee and Virginia Power Energy Marketing, Inc. (VEPCO) pursuant to Tennessee's Rate Schedule FT–A (FT–A Service Agreement). Tennessee further states that the copy of the FT–A Service Agreement that was filed on April 11, 2001 in this docket inadvertently omitted certain pages of the agreement.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10318 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–053]

Tennessee Gas Pipeline Company; Notice of Errata Filing

April 20, 2001.

Take notice that on April 17, 2001, Tennessee Gas Pipeline Company (Tennessee), tendered for filing an Errata Letter Filing in the above-referenced docket.

Tennessee states that the Errata Letter Filing contains a complete copy of a Gas Transportation Agreement between Tennessee and Virginia Power Energy Marketing, Inc. (VEPCO) pursuant to Tennessee's Rate Schedule FT–A (FT–A Service Agreement). Tennessee further states that the copy of the FT–A Service Agreement that was filed on April 11, 2001 in this docket inadvertently omitted certain pages of the agreement.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10319 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatiory Commission

[Docket No. RP96–312–050]

Tennessee Gas Pipeline Company; Notice of Errata Filing

April 20, 2001.

Take notice that on April 17, 2001, Tennessee Gas Pipeline Company (Tennessee), tendered for fiing an Errata Letter Filing in the above-referenced docket.

Tennessee states that the Errata Letter Filing contains a complete copy of a Gas Transportation Agreement between Tennessee and Virginia Power Energy Marketing, Inc. (VEPCO) puruant to Tennessee's Rate Schedule FT–A (FT–A Service Agreement). Tennessee further states that the copy of the FT–A Service Agreement that was filed on April 11, 2001 in this docket unadvertently omitted certain pages of the agreement.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10320 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–051]

Tennessee Gas Pipeline Company; Notice of Errata Filing

April 20, 2001.

Take notice that on April 17, 2001, Tennessee Gas Pipeline Company (Tennessee), tendered for filing an Errata Letter filing in the above-referenced docket.

Tennessee states that the Errata Letter Filing contains a complete copy of a Gas Transportation Agreement between Tennessee and Virginia Power Energy Marketing, Inc. (VEPCO) pursuant to Tennessee's Rate Schedule FT–A (FT–A Service Agreement). Tennessee further states that the copy of the FT–A Service Agreement that was filed on April 11, 2001 in this docket inadvertently omitted certain pages of the agreement.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10321 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–052]

Tennessee Gas Pipeline Company; Notice of Errata Filing

April 20, 2001.

Take notice that on April 17, 2001, Tennessee Gas Pipeline Company (Tennessee), tendered for filing an Errata Letter Filing in the above-referenced docket.

Tennessee states that the Errata Letter Filing contains a complete copy of a Gas Transportation Agreement between Tennessee and Virginia Power Energy Marketing, Inc. (VEPCO) pursuant to Tennessee's Rate Schedule FT–A (FT–A Service Agreement). Tennessee further states that the copy of the FT–A Service Agreement that was filed on April 11, 2001 in this docket inadvertently omitted certain pages of the agreement.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10322 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–153–000]

Tuscarora Gas Transmission Company; Notice of Application

April 20, 2001.

Take notice that on April 12, 2001, Tuscarora Gas Transmission Company (Tuscarora), 1575 Delucchi Lane, Suite 225, Reno, Nevada 89520–3057, filed in Docket No. CP01–153–000 an abbreviated application pursuant to Section 7 of the Natural Gas Act (NGA), as amended, and the Commission's Rules and Regulations, for a certificate of public convenience and necessity authorizing Tuscarora to construct, install, own, operate and maintain facilities in order to provide up to 95,912 decatherms per day (Dth/d) of firm transportation service to four expansion shippers, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may be viewed at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Tuscarora states that, in January 2000 and September 2000, it held open seasons to determine the market need for additional capacity on its system. It is indicated that the open seasons established that 95,912 dt of new capacity will be required to meet the needs of existing and new shippers by the 2002–2003 winter heating seasons. To meet those requirements, Tuscarora states that it proposes to construct and operate a 14.2 mile pipeline (1,000 psig maximum allowable operating pressure) commencing at a new interconnect at Tuscarora's existing mainline at approximately milepost (MP) 226.5, and terminating at the Paiute Interconnect Meter Station, with an additional pipeline extension leading to the Washoe Energy Facility, a proposed merchant power generation facility to be constructed by Duke Energy North America, L.L.C. approximately 3.5 miles northwest of Wadsworth, Nevada, in Washoe County, Nevada.

In addition, Tuscarora states that it has also proposed to construct and operate: (1) One new mainline/isolation valve at MP 0 on the Wadsworth lateral (near MP 226.5 on the Tuscarora mainline) (Wadsworth Tap); (2) two new meter stations and associated valves located near: (i) MP 10.5 on the Wadsworth Lateral (Paiute Interconnect), and (ii) the terminus (MP 14.2) of the Wadsworth Lateral (Washoe Meter Station); (3) three new gas-fired compressor stations located in Modoc and Lassen Counties, California; and (4) appurtenant facilities that are reasonably necessary to construct, maintain and operate the 2002 Expansion Project as more fully described in the application.

Tuscarora states that the proposed facilities will be designed to transport additional firm transportation service for the account of the four Expansion Shippers,[1] which include two Local Distribution Companies (LDCs) and two electric generating facilities. Tuscarora indicates that the Expansion Shippers have executed binding agreements with Tuscarora for long-term firm transportation service rendered pursuant to Tuscarora's existing Rate Schedule FT rates in effect from time to time.[2]

Tuscarora states that it will commence installation of the facilities in or about April 2002 to meet the first of its expansion shippers' in-service dates of November 1, 2002. Tuscarora states that the urgent need for the 2002 Expansion Project is driven by the tremendous growth in gas demand in Northern Nevada and California. Tuscarora states that the two local distribution companies that are participating in this project are experiencing significant increases in their residential customer bases, resulting from extremely rapid growth in the communities they serve. Tuscarora also states that this project is further supported by two power generators that are constructing new electric generating facilities to meet the significant growth in electric power demand in the region.

Tuscarora states that the proposed facilities will cost approximately $57.8 million and that approximately 30 percent of the required capital for the expansion will be furnished by the Partners[3] as equity, and that 70 percent will be financed with debt, which will consist of bank debt during the construction period.

Any questions regarding this application should be directed to Terry Wolverton, Tuscarora Gas Transmission Company, 1575 Delucchi Lane, Suite 225, P.O. Box 30057, Reno, Nevada 89520–3057, call (775) 834–4292, or fax (775) 834–3886.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings should on or before May 11, 2001, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every party in the proceeding.

Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene, however, in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to the project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved with the protest.

Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties, or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project.

[1] Sierra Pacific Power Company; Southwest Gas Corporation; Duke Energy North America, L.L.C. (DENA); and, Morgan Stanley Capital Group Inc.

[2] The volumes per day (Dth/d) for Sierra Pacific Power Company is 11,412 (reflects a total contracted capacity of 17,073 Dth/d and includes three increments of capacity) with an in-service date of 11/1/02; for Southwest Gas Corporation is 24,500 with an in-service date of 11/1/02; for Duke Energy North America, L.L.C. is 40,000 with an in-service date of 2/1/03; and for Morgan Stanley Capital Group Inc. is 20,000 with an in-service date of 12/1/02.

[3] Partners refers to Tuscarora Gas Pipeline Company, TC Tuscarora Intermediate Limited Partnership, and TCPL Tuscarora Limited.

This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from the proposal, it is important either to file comments or to intervene as early in the process as possible.

Also, 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.*

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final order approving or denying a certificate will be issued.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10327 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–3591–006, et al.]

New York Independent System Operator, Inc., et al.; Electric Rate and Corporate Regulation Filings

April 19, 2001.

Take notice that the following filings have been made with the Commission:

1. New York Independent System Operator, Inc.

[Docket Nos. ER00–3591–006, ER00–1969–007]

Take notice that on April 13, 2001, the New York Independent System Operator, Inc. (NYISO) tendered for filing revisions to its Market Administration and Control Area Services Tariff (Services Tariff) in order to implement locational reserve pricing, pursuant to the Commission's order issued on March 29, 2001 in the above-captioned dockets. The NYISO has requested an effective date of May 1, 2001 for the filing.

The NYISO has served a copy of this filing upon parties on the official service lists maintained by the Commission for the above-captioned dockets.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Consolidated Edison Company of New York, Inc.

[Docket No. ER01–160–003]

Take notice that on April 16, 2001, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing a conformed rate schedule in the above-listed docket.

Con Edison states that a copy of this filing has been served upon O&R.

Comment date: May 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Consolidated Edison Company of New York, Inc.

[Docket No. ER01–161–003]

Take notice that on April 16, 2001, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing a conformed rate schedule in the above-listed docket.

Con Edison states that a copy of this filing has been served by mail upon Central Hudson

Comment date: May 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Magnolia Energy LP

[Docket No. ER01–1335–001]

Take notice that on April 16, 2001, Magnolia Energy LP tendered for filing its FERC Electric Tariff, Original Volume No. 1 in compliance with the Commission's April 5, 2001, Order in the above-referenced docket.

Comment date: May 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Idaho Power Company

[Docket No. ER01–1802–000]

Take notice that on April 13, 2001, Idaho Power Company (IPC) tendered for filing a supplemental filing of their April 3, 2001 filing to conform with the Commission's Order No. 614, a Service Agreement under Idaho Power Company FERC Electric Tariff No. 6, Market Rate Power Sales Tariff, between Idaho Power Company and Public Utility District No. 1 of Cowlitz County, Washington.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Southwest Power Pool, Inc.

[Docket No. ER01–1803–000]

Take notice that on April 13, 2001, Southwest Power Pool, Inc. (SPP) tendered for filing executed service agreements for Firm Point-to-Point Transmission Service, Non-Firm Point-to-Point Transmission Service, and Loss Compensation Service with Ameren Energy, Inc. and Ameren Energy Marketing Company. SPP seeks an effective date of April 2, 2001 for these agreements.

Copies of this filing have been served on the Transmission Customers.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Warren Power, LLC

[Docket No. ER01–1804–000]

Take notice that on April 13, 2001, Warren Power, LLC tendered for filing an application for authorization to sell power at market-based rates. Copies of this filing have been served on the Arkansas Public Service Commission, Mississippi Public Service Commission, Louisiana Public Service Commission, Texas Public Utility Commission, and the Council of the City of New Orleans.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Southern Company Services, Inc.

[Docket No. ER01–1805–000]

Take notice that on April 16, 2001, Southern Company Services, Inc., acting on behalf of Alabama Power Company (APC), tendered for filing Amendment No. 1 to the interconnection agreement between Tenaska Alabama II Partners, L.P. (Tenaska) and APC. The amendment concerns transmission facility upgrades for a generator that Tenaska will interconnect to APC's electric system. An effective date of March 26, 2001 has been requested.

Comment date: May 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. UtiliCorp United Inc.

[Docket No. ER01–1806–000]

Take notice that on April 16, 2001, UtiliCorp United Inc. (UtiliCorp), tendered for filing pursuant to Section 205 of the Federal Power Act, 16 U.S.C. § 824d, and Part 35 of the Commission's regulations, 18 C.F.R. § 35, a revised rate schedule providing for Purchases of Electricity from Non-QF Small Independent Power Producers.

Comment date: May 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Carolina Power & Light Company

[Docket No. ER01–1807–000]

Take notice that on April 16, 2001, Carolina Power & Light Company (CP&L), tendered for filing a modification to the joint Open Access Transmission Tariff of Carolina Power & Light Company (CP&L) and Florida Power Corporation, FERC Electric Tariff Original Volume No. 1, that modifies the charges for Energy Imbalance Service for loads located in the in the CP&L Zone. CP&L requests that the Commission waive its notice of filing requirements and permit the modifications to take effect on June 1, 2001.

Comment date: May 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Idaho Power Company

[Docket No. ER01–1808–000]

Take notice that on April 16, 2001, Idaho Power Company tendered for filing a Service Agreement for Firm and Non-Firm Point-to-Point Transmission Service between Idaho Power Company and Nevada Power under its open access transmission tariff in the above-captioned proceeding.

Comment date: May 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Idaho Power Company

[Docket No. ER01–1809–000]

Take notice that on April 16, 2001, Idaho Power Company tendered for filing a Service Agreement for Firm and Non-Firm Point-to-Point Transmission Service between Idaho Power Company and Portland General Electric under its open access transmission tariff in the above-captioned proceeding.

Comment date: May 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Pierce Power LLC

[Docket No. EG01–190–000]

Take notice that on April 12, 2001, Pierce Power LLC (Pierce Power), a limited liability company organized under the laws of the state of Delaware, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Pierce Power states that it will be engaged directly and exclusively in the business of owning or operating a 150 MW electric generating facility and related assets in Tacoma, Washington. Pierce Power will sell its capacity exclusively at wholesale. A copy of the filing was served upon the Securities and Exchange Commission and the Washington Utilities and Transportation Commission.

Comment date: May 10, 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.

14. Panda Montgomery Power, L.P.

[Docket No. EG01–191–000]

Take notice that on April 13, 2001, Panda Montgomery Power, L.P. (Panda), with its principal offices at 4100 Spring Valley Road, Suite 1001, Dallas, Texas 75244, filed with the Federal Energy Regulatory Commission, an application for determination of exempt wholesale generator status pursuant to Section 32 of the Public Utility Holding Company Act of 1935, as amended, and Part 365 of the Commission's regulations.

Panda is a Delaware limited partnership, which will construct, own and operate a nominal 1100 MW natural gas-fired generating facility within the region governed by the Mid-American Interconnected Network, Inc. (MAIN) and sell electricity at wholesale.

Comment date: May 10, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that address the adequacy or accuracy of the application.

15. The Detroit Edison Company

[Docket No. ES01–30–000]

Take notice that on April 16, 2001, The Detroit Edison Company (Detroit Edison) submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue short-term debt securities and promissory notes bearing final maturities of no more than 2 years in an amount not to exceed $1 billion, from time to time, on or before May 31, 2003.

Detroit Edison also requests a waiver of the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Comment date: May 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. The Detroit Edison Company

[Docket Nos. EL01–51–002 and ER01–1649–002]

Take notice that on April 16, 2001, The Detroit Edison Company (Detroit Edison) tendered for filing with the Federal Energy Regulatory Commission (Commission) a revised Distribution Interconnection Agreement between Detroit Edison and Dearborn Industrial Generation, L.L.C. Detroit Edison requests the Commission to disclaim jurisdiction over the Distribution Interconnection Agreement.

In the event the Commission determines the Distribution Interconnection Agreement to be subject to its jurisdiction, Detroit Edison requests that the Commission accept it for filing effective as of March 14, 2001.

Comment date: May 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/ online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10311 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–154–000]

Maritimes & Northeast Pipeline, L.L.C.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Compressor Station Expansion Project and Request for Comments on Environmental Issues

April 20, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will

discuss the environmental impacts of the Compressor Station Expansion Project involving construction and operation of facilities by Maritimes & Northeast Pipeline, L.L.C. (Maritimes) in Sagadahoc and Washington Counties, Maine.[1] Maritimes proposes to install one new 8,311 horsepower (hp) compressor at its existing Baileyville Compressor Station and convert from backup to full time operation an 8,311 hp compressor at its Richmond Compressor Station. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice Maritimes provided to landowners. This fact sheet addresses a number of typically asked questions, including how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website (www.ferc.fed.us).

Summary of the Proposed Project

Maritimes wants to increase its system flexibility and reliability. Maritimes states that the expansion would also accommodate increased production from the fields in Nova Scotia, Canada. Maritimes seeks authority to:

- Convert an 8,311 hp compressor from backup to full time operation at the Richmond Compressor Station; and
- Install an 8,311 hp compressor at the existing Baileyville Compressor Station.

The location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Since the compressor is already in place there would be no construction at the Richmond Compressor Station. The new compressor at the Baileyville Compressor Station would be installed in the existing compressor building. Ground disturbance would be limited to the existing station yard.

[1] Maritimes' application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the ''RIMS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to page 5 of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[3] to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Land use
- Water resources, fisheries, and wetlands
- Vegetation and wildlife
- Endangered and threatened species
- Cultural resources
- Air quality and noise
- Public safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

[3] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

Currently Identified Environmental Issues

We have already identified two issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Maritimes. This preliminary list of issues may be changed based on your comments and our analysis. The two issues are:

- Effects of the increased compression on noise and air quality.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas 2.
- Reference Docket No. CP01–154–000.
- Mail your comments so that they will be received in Washington, DC on or before May 21, 2001.

Comments, protests and interventions may also be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm* under the link to the User's Guide. Before you can file comments you will need to create an account which can be created by clicking on ''Login to File'' and then ''New User Account.''

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor''. Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all

other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).[4] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the text of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10328 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

April 20, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11891–000.

c. *Date filed:* February 20, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Oneida Narrows Project.

f. *Location:* On the Bear River, in Cache County, Utah. Would utilize land administered by the Bureau of Reclamation.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date 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, recommendations, interventions, and protests, may be electronically filed 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.*

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener 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. *Description of Project:* The proposed project would consist of (1) an existing 540-foot-long, 116-foot-high earth fill dam; (2) an existing reservoir having a surface area of 420 acres with a storage capacity of 18,880 acre-feet and a normal water surface elevation of 4,861 feet msl; (3) a proposed 650-foot-long, 4-foot-diameter steel penstock; (4) a proposed powerhouse containing two generating units having a total installed capacity of 943 kW; (5) a proposed 0.5-mile-long, 15 kV transmission line; and (6) appurtenant facilities.

The project would have an annual generation of 8.2 GWh that would be sold to a local utility.

l. 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 *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.

m. *Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. *Preliminary Permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. *Notice of intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules and Practice and Procedure, 18 CFR 385.210, .211, .214.

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[4] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

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.

r. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. *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 any 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10312 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions to Intervene, Protests, and Comments

April 20, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11890–000.

c. *Dated filed:* February 20, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Oneida Narrows Project.

f. *Location:* On the Bear River, in Franklin County, Idaho. Would utilize land administered by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, Id 83442, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date 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, recommendations, interventions, and protests, may be electronically filed 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.*

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener 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. *Description of Project:* The proposed project would consist of (1) a proposed 715-foot-long, 221-foot-high earth fill dam; (2) a proposed reservoir having a surface area of 660 acres with a storage capacity of 103,000 acre-feet and a normal water surface elevation of 4,861 feet msl; (3) a proposed 900-foot-long, 7.5-foot-diameter steel penstock; (4) a proposed powerhouse containing two generating units having a total installed capacity of 8.2 MW; (5) a proposed 0.25-mile-long, 15 kV transmission line; and (6) appurtenant facilities.

The project would have an annual generation of 112 GWh that would be sold to a local utility.

1. 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 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.

m. *Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. *Preliminary Permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. *Notice of intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. *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.

r. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. *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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10313 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

April 20, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11893–000.

c. *Date filed:* February 20, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Bear Lake Project.

f. *Location:* On the Bear Lake, in Rich County, Utah. Would utilize no Federal Land or facilities.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date 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, recommendations, interventions, and protests, may be electronically filed 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.*

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener 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. *Description of Project:* The proposed pumped storage project would consist of: (1) A proposed 820-foot-long, 164-foot-high concrete Arch upper dam; (2) a proposed upper reservoir having a surface area of 64 acres with a storage capacity of 1,210 acre-feet and a normal water surface elevation of 6,717 feet msl; (3) lower reservoir is Bear Lake (a natural lake) having a surface area of 175 acres with a storage capacity of 6,469,490 acre-feet with a normal water surface elevation of 5923 feet msl (3) a two proposed 4,100-foot-long, 7.5-foot-diameter steel pipes; (4) a proposed powerhouse containing two generating units having a total installed capacity of 60 MW; (5) a proposed 12-mile-long, 25 kV transmission line; and (6) appurtenant facilities

The project would have an annual generation of 175 GWh that would be sold to a local utility.

l. 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 *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.

m. *Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. *Preliminary Permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. *Notice of intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be

served on the applicant(s) named in this public notice.

p. *Proposed Scope of Studies under Permit*—A preliminary permit, is issued, does hot authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. *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 385.210m, .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.

r. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. *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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10331 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions to Intervene, Protests, and Comments

April 20, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11889–000.

c. *Date filed:* February 20, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Porcupine Dam Project.

f. *Location:* On the Bear River, in Cache County, Utah. Would utilize no Federal Land or facilities.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, Id 83442, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date 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, recommendations, interventions, and protests, may be electronically filed via and 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.*

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener 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. *Description of Project:* The proposed project would consist of: (1) An existing 540-foot-long, 165-foot-high each fill dam; (2) a proposed reservoir having a surface area of 190 acres with a storage capacity of 12,800 acre-feet and a normal water surface elevation of 5,365 feet msl; (3) a proposed 795-foot-long, 24-inch-diameter steel penstock; (4) a proposed powerhouse containing two generating units having a total installed capacity of 2 MW; (5) a proposed 12-mile-ling, 25 kV transmission line; and (6) appurtenant facilities

The project would have an annual generation of 7 GWh that would be sold to a local utility.

1. 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 *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.

m. *Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. *Preliminary Permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit

application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. *Comments, Protests, and Motions or 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.

r. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. *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 comment 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10332 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communications; Public Notice

April 20, 2001.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. The documents may be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance.).

Exempt

1. P0-1–49–000; 04–20–01; Greg Deer.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10325 Filed 4–25–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6969–8]

Compliance Assurance Monitoring Program Information Collection Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), we, the EPA, are planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB):

- 40 CFR part 64 Compliance Assurance Monitoring Program, EPA ICR Number 1663.03, OMB Control Number 2060–0376, expiration date September 30, 2001.

Before submitting the ICR to OMB for review and approval, we are soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before June 25, 2001.

ADDRESSES: Comments. You may submit comments on this rulemaking in writing (original and two copies, if possible) to Docket No. A–91–52 to the following address: Air and Radiation Docket and Information Center (6102), US Environmental Protection Agency, 401 M Street, SW., Room 1500, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: John C. Bosch, Jr., Environmental Protection Agency, Office of Air Quality Planning and Standards, at (919) 541–5583, or e-mail: *bosch.john@epa.gov* and refer to EPA ICR Number 1663.03. To obtain a copy of the draft ICR electronically, go to <http://www.epa.gov/ttn/emc> on the internet.

SUPPLEMENTARY INFORMATION:

Who is affected by this action? You are affected by this action if you are an owner or operator of a 'major' source, as defined by any title of the Clean Air Act, and are required to apply for and obtain an operating permit under title V of the Clean Air Act as amended by the Clean Air Act Amendments of 1990 (the Act).

Title: 40 CFR part 64 Compliance Assurance Monitoring (CAM) Program, OMB Control Number 2060–0376, EPA ICR Number 1663.02 expiring September 30, 2001.

Abstract: The Act contains several provisions directing us to require owners or operators to conduct monitoring and to certify that they are complying with applicable requirements. These provisions are set forth in both title V (operating permits provisions) and section 114 of title I (enforcement provisions) of the Act. Title V directs us to implement monitoring certification requirements through the operating permits program. Section 504(b) of the Act allows us to prescribe by rule, methods and procedures for determining compliance and states that continuous emission monitoring systems need not be required if other methods or procedures provide sufficiently reliable and timely information for determining compliance. Under section 504(c), each operating permit must ''set forth inspection, entry, monitoring, compliance, certification, and reporting requirements to assure compliance with the permit terms and conditions.'' Section 114(a)(3) requires us to promulgate rules on enhanced monitoring and compliance certifications. Section 114(a)(1) of the Act provides additional authority concerning monitoring, reporting, and recordkeeping requirements. That section provides the Administrator with the authority to require any owner or operator of a source to install and operate monitoring systems and to record the resulting monitoring data. Regulations to implement these authorities were promulgated at 62 FR 54900 (October 22, 1997).

In accordance with section 503(e) of the Act, monitoring information to be submitted by source owners and operators as part of their monitoring reports and compliance certifications shall be available to the public, except as entitled to protection from disclosure as allowed in section 114(c) of the Act.

An agency may not conduct or sponsor, and a person is not required to respond to, a request for collection of information subject to the Paperwork Reduction Act unless the request displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, including the control number for the CAM program, are listed in 40 CFR part 9 and 48 CFR chapter 15.

We are soliciting comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the Agency functions, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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.

Burden Statement: The expected impact of the 40 CFR Part 64 Compliance Assurance Monitoring program for the 3 years from October 1, 2001 until September 30, 2004 is the same as that derived for the original 1997 ICR. The CAM Rule will incur an average annual burden of approximately 49 thousand hours, at an average annual cost of approximately $2.7 million in 2001 dollars. This includes an annualized capital and O&M cost of $123 thousand that will be incurred by major sources.

The CAM burden for sources means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide monitoring information to or for a Federal agency. This includes the time needed to review instructions; compile CAM plans; and develop, acquire, and install monitoring systems for the purposes of collecting, validating, verifying, and reporting compliance assurance monitoring data. Annualized capital and O&M costs for monitoring programs are also included in the cost burden calculations. The CAM program potentially affects 24,650 large pollutant-specific units plus 110,560 other pollutant-specific units nationwide. The annual burden for sources total about 8,300 hours for large pollutant-specific units and approximately 37,000 hours for other pollutant-specific units.

The annual CAM burden to permitting authorities is about 3,300 hours for large pollutant-specific units and 9,000 hours for other pollutant-specific units. There is no Federal burden or cost incurred by this rule.

During the period of this ICR, permitting authorities will be revising CAM plans for sources whose permits have already been issued, renewing CAM plans for sources whose 5-year permit term will expire, and reviewing semi-annual compliance monitoring reports for all permitted sources. Sources will primarily be interacting with the permitting authority on preparing their semi-annual CAM reports, carrying out their compliance assurance monitoring, preparing CAM reports, and reporting CAM data as necessary to the permitting authority.

Dated: March 29, 2001.

W. Fred Dimmick,

Acting Director, Emissions, Monitoring and Analysis Division.

[FR Doc. 01–10432 Filed 4–25–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6968–9]

Agency Information Collection Activities: Proposed Collection; Comment Request; Superfund Site Evaluation and Hazard Ranking System

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB):

- Superfund Site Evaluation and Hazard Ranking System; ICR #1488.05; OMB Control Number: 2050–0095; Expiration Date: September 30, 2001.

Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before June 25, 2001.

ADDRESSES: U.S. Environmental Protection Agency (M/S 5204–G), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Those interested in obtaining a copy of the ICR without charge, including electronic access, may contact: Randy Hippen, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., (M/S 5204–G), Washington, DC 20460, Tel: (703)

603–8829, or by E-mail *Hippen.Randy@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Randy Hippen, Tel: (703) 603–8829; Fax: (703) 603–9104; E-mail: *Hippen.Randy@epa.gov.*

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those state agencies, Indian Tribes, and U.S. Territories performing Superfund site evaluation activities.

Title: Superfund Site Evaluation and Hazard Ranking System; EPA ICR No. 1488.05; OMB Control No. 2050–0095; Expiring 9/30/01.

Abstract: Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, 1980 and 1986) amends the National Oil and Hazardous Substances Contingency Plan (NCP) to include criteria prioritizing releases throughout the U.S. before undertaking remedial action at uncontrolled hazardous waste sites. The Hazard Ranking System (HRS) is a model that is used to evaluate the relative threats to human health and the environment posed by actual or potential releases of hazardous substances, pollutants, and contaminants. The HRS criteria take into account the population at risk, the hazard potential of the substances, as well as the potential for contamination of drinking water supplies, direct human contact, destruction of sensitive ecosystems, damage to natural resources affecting the human food chain, contamination of surface water used for recreation or potable water consumption, and contamination of ambient air.

Under this ICR, the States will apply the HRS by identifying and classifying those releases that warrant further investigation. The HRS score is crucial since it is the primary mechanism used to determine whether a site is eligible to be included on the National Priorities List (NPL). Only sites on the NPL are eligible for Superfund-financed remedial actions.

HRS scores are derived from the sources described in this information collection, including field reconnaissance, taking samples at the site, and reviewing available reports and documents. States record the collected information on HRS documentation worksheets and include this in the supporting reference package. States then send the package to the EPA region for a completeness and accuracy review, and the Region then sends it to EPA Headquarters for a final quality assurance review. If the site scores above the NPL designated cutoff value, and if it meets the other criteria for listing, it is then eligible to be proposed on the NPL.

Burden Statement: Depending on the number and type of activities performed, burden for the collection of site assessment information is estimated to range from 10 to 1,900 hours per site. The number of hours required to assess a particular site depends on how far a site progresses through the site assessment process. Sites where only a pre-CERCLIS screening action is performed will typically require approximately 10 hours, while sites that progress to NPL listing based on an integrated assessment approach may require up to 1,900 hours. The burden estimates include reporting activities and minimal record keeping activities. The States are reimbursed 100 percent of their costs, except for record maintenance. The ICR does not impose burden for HRS activities on local governments or private businesses.

Respondents: State agencies performing Superfund site evaluation activities.

Estimated Number of Respondents: 60 (States, U.S. Territories, and Indian Tribes).

Estimated Total Annual Burden on Respondents: 247,680.

Frequency of Collection: One time; section 116(b) requires an HRS evaluation within four years of the site's entry into the EPA CERCLIS database.

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 OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) 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;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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.

Burden Statement: EPA estimates 60 States, Indian Tribes, and U.S. Territories will likely respond, each averaging 24 actions per year. EPA further estimates the average hours per action will require 172 hours (based on historic data for the type of site assessment activities to be conducted). Thus, the burden for all respondents is estimated at 247,680 hours and approximately $18,075,686 each year. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or 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 purposes 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.

Dated: April 12, 2001.

Larry G. Reed,

Acting Director, Office of Emergency and Remedial Response.

[FR Doc. 01–10433 Filed 4–25–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6969–1]

Clean Air Act Federal Operating Permit Program; Notice of Final Permit Actions for Federal Operating Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of approval of final Clean Air Act Title V Federal operating permits.

SUMMARY: Notice is hereby given that the Environmental Protection Agency, Region VIII issued Clean Air Act Title V federal operating permits to applicants located on the following reservations:

Southern Ute Indian Reservation

BP Amoco, Inc.

(1) Four Queens Central Facility Gas Compressor Station, #V–SU–0008–00.00;

(2) Salvador I/II Central Facility Gas Compressor Station, #V–SU–0009–00.00; Issue date March 27, 2000.

Coyote Gas Treating, LLC

Coyote Gulch Gas Treating Plant, #V–SU–0012–00.00; Issue date March 27, 2000.

Red Cedar Gathering Company

(1) Arkansas Loop Gas Plant, #V–SU–0010–00.00; Issue date March 27, 2000.
(2) Sidewinder Compressor Station, #V–SU–0015–00.00; Issue date January 8, 2001.
(3) Capote Compressor Station, #V–SU–0016–00.00; Issue date October 20, 2000.
(4) Diamondback Compressor Station, #V–SU–0018–00.00; Issue date January 8, 2001.
(5) Bondad Compressor Station, #V–SU–0011–00.00; Issue date March 7, 2001.

Vastar Resources, Inc.

(1) Treating Site #1 Compressor Station, #V–SU–0001–00.00;
(2) Treating Site #2 Compressor Station, #V–SU–0002–00.00;
(3) Treating Site #4 Compressor Station, #V–SU–0003–00.00;
(4) Treating Site #5 Compressor Station, #V–SU–0004–00.00;
(5) Treating Site #6 Compressor Station, #V–SU–0005–00.00;
(6) Treating Site #7 Compressor Station, #V–SU–0006–00.00;
(7) Treating Site #9 Compressor Station, #V–SU–0007–00.00; Issue date March 27, 2000.
(8) Treating Site #6B Compressor Station, #V–SU–0024–00.00;
(9) Treating Site #7B Compressor Station, #V–SU–0025–00.00;
(10) Treating Site #8 Compressor Station, #V–SU–0026–00.00; Issue date September 18, 2000.

Public Service Company

Tiffany Compressor Station, #V–SU–0023–00.00; Issue date November 22, 2000.

Fort Peck Indian Reservation

Northern Border Pipeline Company

Compressor Station #2, #V–FP–0001–00.00; Issue date July 31, 2000.

Uintah & Ouray Indian Reservation

Questar Pipeline Company

Fidlar Compressor Station, #V–OU–0002–00.00; Issue date October 20, 2000.

Colorado Interstate Gas Company

Natural Buttes Compressor Station, #V–OU–0003–00.00; Issue date February 7, 2001.

ADDRESSES: Copies of the final permits, statements of basis, and all other supporting information are on file at the: U.S. Environmental Protection Agency, Region VIII, Air and Radiation Program, 999 18th Street—Suite 300, Denver, Colorado 80202. All documents will be available for review at the U.S. EPA Region VIII office Monday through Friday from 8:00 a.m to 4:30 p.m. (excluding federal holidays).

FOR FURTHER INFORMATION CONTACT: Monica Morales, Air Technical Assistance Unit, EPA Region VIII, telephone (303) 312–6936, e-mail *morales.monica@epa.gov.*

SUPPLEMENTARY INFORMATION: The Title V permit program does not impose new substantive requirements on an air pollution source but does require that sources subject to the federal operating permit program obtain a renewable operating permit that clarifies which air quality requirements apply to the source and provides methods for assessing the source's compliance with those requirements.

Because the issuance of a Federal Operating Permit has been delegated to the Regional Administrator, judicial review of a final operating permit under section 307(b)(1) of the Clean Air Act may be sought only by the filing of a petition for review in the United States Court of Appeals for the appropriate regional circuit within 60 days from the date on which this notice is published in the **Federal Register**. A petition for review must be filed by June 25, 2001.

Dated: April 13, 2001.

Carol Rushin,

Acting Regional Administrator, Region VIII.

[FR Doc. 01–10431 Filed 4–25–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30509A; FRL–6778–3]

Pesticide Product; Corn Rootworm Registration Application; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In the **Federal Register** of March 19, 2001 (66 FR 15435) (FRL–6771–5), EPA announced receipt of an application from Monsanto Company to register a pesticide product containing a new active ingredient not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act. On page 15436, second column, first full paragraph, last sentence, the Commonwealth of Puerto Rico was inadvertently omitted from the proposed planting locations. The sentence is corrected to read ''Plantings are proposed for the states of California, Hawaii, Illinois, Iowa, Indiana, Kansas, Michigan, Nebraska, South Dakota, Texas, Wisconsin, and the Commonwealth of Puerto Rico.'' This notice announces the correct proposed planting sites.

FOR FURTHER INFORMATION CONTACT: By mail: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: (703) 308–8715; e-mail: mendelsohn.mike@epa.gov.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: April 5, 2001.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 01–10437 Filed 4–25–01 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6968–8]

New York State Prohibition on Marine Discharges of Vessel Sewage; Receipt of Petition and Tentative Determination

Notice is hereby given that a petition was received from the State of New York on November 3, 2000 requesting a determination by the Regional Administrator, Environmental Protection Agency (EPA), pursuant to section 312(f) of Public Law 92–500, as amended by Public Law 95–217 and Public Law 100–4 (the Clean Water Act), that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of the Port Jefferson Harbor Complex, County of Suffolk, State of New York. The Harbor complex consists of several waterbodies, including Port Jefferson Harbor, Setauket Harbor, Little Bay, the Narrows and Conscience Bay. The boundary line for the proposed No Discharge Area shall extend from the easternmost point at Old Field Beach northerly to the westernmost point at White Beach.

This petition was made by the New York State Department of Environmental Conservation (NYSDEC) in cooperation with the Town of Brookhaven. Upon receipt of an affirmative determination in response to

this petition, NYSDEC would completely prohibit the discharge of sewage, whether treated or not, from any vessel in the Port Jefferson Harbor Complex in accordance with section 312(f)(3) of the Clean Water Act and 40 CFR 140.4(a).

The Port Jefferson Harbor Complex is located on the north shore of Long Island with approximately 64 miles of tidal shoreline contiguous to Long Island Sound. Port Jefferson's marine waters are comprised of approximately 2,000 acres of harbors, bays and tidal wetlands. The Harbor complex is a major producer of hard clams, soft clams and oysters in New York State. The Harbor complex is used extensively by recreational boaters. Seasonal and transient mooring areas, as well as private and public marinas and boat ramps, are located in the area.

Information submitted by the State of New York and the Town of Brookhaven indicate that there are two existing pumpout facilities and two pumpout boats available to service vessels which use the Port Jefferson Harbor Complex. The Town of Brookhaven operates a fixed pumpout station at the Port Jefferson Marina. The pumpout is available 24 hours a day beginning May 1 through October 31 and is self-service. No fee is charged for the use of the pumpout. Water Depth is 10-feet at mean low water making it accessible to all recreational boats. The Town of Brookhaven operates a mobile pumpout vessel which is dedicated to the Harbor complex from mid-May through mid-September. The hours of operations are Saturdays from 10 am to 5 pm, Sundays from 8 am to 5 pm and holidays from 8 am to 5 pm. The pumpout vessel is also available for pumpouts on Fridays and Mondays by appointment. No fee is charged for the service. The Town has a second pumpout vessel that during periods of heavy demand also services Port Jefferson Harbor. Danfords Marina located on East Broadway, Port Jefferson, operates a pumpout. The pumpout is available during normal business hours from May through October. A $10.00 fee is charged for the use of the pumpout. Water depth is 6 feet at mean low water.

Vessel waste generated from the pumpout facilities located at the Town of Brookhaven's Port Jefferson Marina and their pumpout vessel, and at the Danfords Marina is hauled by privately operated waste haulers. All hauled waste from the pumpout facilities is discharged into and treated at the Suffolk County sewage treatment plant at Bergen Point located in Babylon.

There are five pumpouts located in harbors adjacent to the Port Jefferson Harbor Complex. Two pumpouts are located in Stony Brook Harbor. One pumpout is located in the Nisseqouque River while two more are located in Mt. Sinai Harbor.

According to the State's petition, the maximum daily vessel population for the waters of Port Jefferson Harbor Complex is approximately 900 vessels which are docked or moored. An inventory was developed including the number of recreational, commercial and estimated transient vessels that occupy the harbor bay complex. The ratio of boats to pumpout facilities has been based on the total number of vessels which could be expected. With two shore-side pumpout facilities and one pumpout vessel available to boaters, the ratio of docked or moored boats (including transients) is approximately 300 vessels per pumpout. Standard guidelines refer to acceptable ratios failing in the range of 300 to 600 vessels per pumpout. If the EPA calculation is employed (as listed in the guidance manual entitled, ''Protecting Coastal Waters from Vessel and Marina Discharges: A Guide for State and Local Officials—April 1994), it estimates that two pumpouts are needed to provide adequate facilities.

Several commercial vessel operators are active in and around the harbor. These include the Bridgeport/Port Jefferson Ferry, Miller Marine, Barker Marine, Buchanan Marine, Ltd., Martha Jefferson Paddlewheel Cruises, Port Jefferson Ace and Prowler Recreational/Charter Fishing, and Osprey Recreational/Charter Fishing. These businesses were contacted by the Town of Brookhaven and asked to provide information regarding their methods for treating their vessel sewage. Most of the operators contacted use holding tanks to retain their sewage. The operators that currently use flow-through systems have made commitments to retrofit and comply with the No Discharge Area when finalized.

The EPA hereby makes a tentative affirmative determination that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Port Jefferson Harbor Complex in the County of Suffolk, New York. A final determination on this matter will be made following the 30-day period for public comment and will result in a New York State prohibition of any sewage discharges from vessels in Port Jefferson Harbor Complex.

Comments and views regarding this petition and EPA's tentative determination may be filed on or before May 29, 2001. Comments or requests for information or copies of the applicant's petition should be addressed to Walter E. Andrews, U.S. Environmental Protection Agency, Region II, Water Programs Branch, 290 Broadway, 24th Floor, New York, New York, 10007–1866. Telephone: (212) 637–3880.

Dated: April 6, 2001.

Kathleen C. Callahan,

Acting Regional Administrator, Region II.

[FR Doc. 01–10434 Filed 4–25–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6968–3]

Public Water System Supervision Program Revision for the State of South Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of South Carolina is revising its approved Public Water System Supervision Program. South Carolina has adopted drinking water regulations establishing administrative penalty authority and defining a public water system. EPA has determined that the administrative penalty authority revisions meet all minimum federal requirements, and that the public water system definition revisions are no less stringent than the corresponding federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions.

All interested parties may request a public hearing. A request for a public hearing must be submitted by May 29, 2001 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by May 29, 2001, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on May 29, 2001. Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing. (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing. (3) The signature of the individual making the request; or, if the

request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

- South Carolina Department of Health and Environmental Control, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201.
- Environmental Protection Agency, Region 4, Drinking Water Section, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Janine Morris, EPA Region 4, Drinking Water Section at the Atlanta address given above (telephone 404–562–9480).

Authority: (Section 1401 and Section 1413 of the Safe Drinking Water Act, as amended (1996), and 40 CFR Part 142).

Dated: March 28, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, EPA Region 4.

[FR Doc. 01–10430 Filed 4–25–01; 8:45 am]

BILLING CODE 6560–50–P

OFFICE OF NATIONAL DRUG CONTROL POLICY

Meeting of the Advisory Commission on Drug Free Communities

AGENCY: Office of National Drug Control Policy.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Drug-Free Communities Act, a meeting of the Advisory Commission on Drug Free Communities will be held on May 15–16, 2001 at the Office of National Drug Control Policy in the 5th Floor Conference Room, 750 17th Street NW., 7th Floor, Washington, DC. The meeting will commence at 1:00 p.m. on Tuesday, May 15, 2001 and adjourn for the evening at 5:30 p.m. The meeting will resume at 8:30 a.m. on Wednesday, May 16, 2001 conclude at 12:00 noon. The agenda will include: remarks by ONDCP Acting Director, Edward H. Jurith, a report by the Office of Juvenile Justice and Delinquency Prevention regarding the Drug Free Communities grant selection process; and discussion of reauthorization of the Drug Free Communities Act. There will be an opportunity for public comment from 11:00 a.m. until 11:30 on Wednesday, May 16, 2001.

FOR FURTHER INFORMATION CONTACT: Linda V. Priebe, (202) 395–6622.

Dated: April 19, 2001.

Linda V. Priebe,

Assistant General Counsel.

[FR Doc. 01–10423 Filed 4–25–01; 8:45 am]

BILLING CODE 3180–02–U

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

DATE AND TIME: Tuesday, May 1, 2001 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures of matters affecting a particular employee.

DATE AND TIME: Thursday, May 3, 2001 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor)

STATUS: This meeting will be opened to the public.

ITEMS TO BE DISCUSSED: Correction and Approval of Minutes.

Advisory Opinion 2001–06: Maryland Green Party by Erik Michelsen, Treasurer.

Revised Notice of Proposed Rulemaking on Independent Expenditure Reporting.

New Rules on General Public Political Communications Coordinated with Candidates and Party Committees, and Independent Expenditures: Announcement of Effective Date.

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 01–10494 Filed 4–24–01; 11:22 am]

BILLING CODE 6715–01–M

FEDERAL HOUSING FINANCE BOARD

[No. 2001–N–9]

Submission for OMB Review; 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 has submitted the information collection entitled ''Monthly Survey of Rates and Terms on Conventional, 1-Family, Nonfarm Loans,'' commonly known as the Monthly Interest Rate Survey or MIRS, to the Office of Management and Budget (OMB) for review and approval of a three-year extension of the OMB control number, which is due to expire on April 30, 2001.

DATES: Interested persons may submit comments on or before May 29, 2001.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Housing Finance Board, Washington, DC 20503. Address requests for copies of the information collection and supporting documentation 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: Timothy D. Forsberg, Financial Analyst, Market Research and Systems Analysis Division, Office of Policy, Research and Analysis, 202/408–2968, forsbergt@fhfb.gov, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

A. Need For and Use of Information Collection

The Finance Board's predecessor, the former Federal Home Loan Bank Board (FHLBB), first provided data concerning a survey of mortgage interest rates in 1963. No statutory or regulatory provision explicitly required the FHLBB to conduct the MIRS although references to the MIRS did appear in several federal and state statutes. Responsibility for conducting the MIRS was transferred to the Finance Board upon dissolution of the FHLBB in 1989. *See* Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), Pub. L. 101–73, tit. IV, sec. 402(e)(3)–4), 103 Stat. 183, *codified at* 12 U.S.C. 1437 note, and tit. VII, sec. 731(f)(1) and (f)(2)(B), 103 Stat. 433 (Aug. 9, 1989). In 1993, the Finance Board promulgated a final rule describing the method by which it conducts the MIRS. *See* 58 FR 19195 (Apr. 13, 1993), *codified at* 12 CFR 906.3. Since its inception, the MIRS has provided the only consistent source of information on mortgage interest rates

and terms and house prices for areas smaller than the entire country.

Statutory references to the MIRS include the following:

• Pursuant to their respective organic statutes, Fannie Mae and Freddie Mac use the MIRS results as the basis for the annual adjustments to the maximum dollar limits for their purchase of conventional mortgages. *See* 12 U.S.C. 1454(a)(2) and 1717(b)(2). The Fannie Mae and Freddie Mac limits were first tied to the MIRS by the Housing and Community Development Act of 1980. *See* Pub. L. 96–399, tit. III, sec. 313(a)–(b), 94 Stat. 1644–1645 (Oct. 8, 1980). At that time, the nearly identical statutes required Fannie Mae and Freddie Mac to base the dollar limit adjustments on ''the national average one-family house price in the monthly survey of all major lenders conducted by the [FHLBB].'' *See* 12 U.S.C. 1454(a)(2) and 1717(b)(2) (1989). When Congress abolished the FHLBB in 1989, it replaced the reference to the FHLBB in the Fannie Mae and Freddie Mac statutes with a reference to the Finance Board. *See* FIRREA, tit. VII, sec. 731(f)(1) and (f)(2)(B), 103 Stat. 433.

• Also in 1989, Congress required the Chairperson of the Finance Board to take necessary actions to ensure that indices used to calculate the interest rate on adjustable rate mortgages (ARMs) remain available. *See* FIRREA, tit. IV, sec. 402(e)(3)–(4), 103 Stat. 183, *codified at* 12 U.S.C. 1437 note. At least one ARM index, known as the National Average Contract Mortgage Rate for the Purchase of Previously Occupied Homes by Combined Lenders, is derived from the MIRS data. The statute permits the Finance Board to substitute a substantially similar ARM index after notice and comment only if the new ARM index is based upon data substantially similar to that of the original ARM index and substitution of the new ARM index will result in an interest rate substantially similar to the rate in effect at the time the new ARM index replaces the existing ARM index. *See* 12 U.S.C. 1437 note.

• Congress indirectly connected the high cost area limits for mortgages insured by the Federal Housing Administration (FHA) of the Department of Housing and Urban Development to the MIRS in 1994 when it statutorily linked these FHA insurance limits to the purchase price limitations for Fannie Mae. *See* Pub. L. 103–327, 108 Stat. 2314 (Sept. 28, 1994), *codified at* 12 U.S.C. 1709(b)(2)(A)(ii).

• The Internal Revenue Service uses the MIRS data in establishing ''safe-harbor'' limitations for mortgages purchased with the proceeds of mortgage revenue bond issues. *See* 26 CFR 6a.103A–2(f)(5).

• Statutes in several states and U.S. territories, including California, Michigan, Minnesota, New Jersey, Wisconsin and the Virgin Islands, refer to, or rely upon, the MIRS. *See*, *e.g.*, Cal. Rev. & Tax Code 439.2 (value of owner-occupied single family dwellings for tax purposes); Cal. Civ. Code 1916.7 and 1916.8 (mortgage rates); Mich. Comp. Laws 445.1621(d) (mortgage index rates); Minn. Stat. 92.06 (payments for state land sales); N.J. Rev. Stat. 31:1–1 (interest rates); Wis. Stat. 138.056 (variable loan rates); V.I. Code Ann. tit. 11, sec. 951 (legal rate of interest).

The Finance Board uses the information collection to produce the MIRS and for general statistical purposes and program evaluation. Economic policy makers use the MIRS data to determine trends in the mortgage markets, including interest rates, down payments, terms to maturity, terms on ARMs and initial fees and charges on mortgage loans. Other federal banking agencies use the MIRS results for research purposes. Information concerning the MIRS is published regularly on the Finance Board's website (http://fhfb.gov/mirs) and in press releases, in the popular trade press, and in publications of other federal agencies.

The likely respondents include a sample of 307 savings associations, mortgage companies, commercial banks and savings banks. The information collection requires each respondent to complete FHFB Form 10–91 on a monthly basis.

The OMB number for the information collection is 3069–0001. The OMB clearance for the information collection expires on April 30, 2001.

B. Burden Estimate

The Finance Board estimates the total annual average number of respondents at 307, with 12 responses per respondent. The estimate for the average hours per response is 1.0 hour. The estimate for the total annual hour burden is 3,684 hours (307 respondents × 12 responses/respondent × approximately 1.0 hour).

C. Comment Request

In accordance with the requirements of 5 CFR 1320.8(d), the Finance Board published a request for public comments regarding this information collection in the **Federal Register** on January 10, 2001. *See* 66 FR 1989 (Jan. 10, 2001). The 60-day comment period closed on March 12, 2001. The Finance Board received one public comment encouraging collection of the data in order to continue publication of the index. Written comments are requested on: (1) Whether the collection of information is necessary for the proper performance of Finance Board functions, including whether the information has practical utility; (2) the accuracy of the Finance Board's estimates of the burdens 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. Comments may be submitted to OMB in writing at the address listed above.

By the Federal Housing Finance Board.

Dated: April 19, 2001.

James L. Bothwell,

Managing Director.

[FR Doc. 01–10406 Filed 4–25–01; 8:45 am]

BILLING CODE 6725–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011138–001

Title: Greater Bali Hai Service

Parties:

Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha
China Navigation Company Limited
Kyowa Shipping Co., Ltd.

Synopsis: The proposed agreement modification adds Kyowa Shipping as a party to the joint service and updates the agreement language to eliminate unnecessary or obsolete language.

Agreement No.: 011527–006

Title: Independent Carriers Alliance

Parties:

CMA–CGM, S.A.
Hanjin Shipping Co., Ltd.
Montemar Maritima S.A.
Senator Lines GmbH
Zim Israel Navigation Company Ltd.

Synopsis: The proposed modification (1) deletes DiGregorio Navagacao Ltda. as a party; (2) adds CMA–CGM as a party; (3) deletes reference to DSR in

Senator Lines' name; (4) revises Montemar Maritima S.A.'s name by deleting its d/b/a reference; (5) restates the vessel allocation and space contribution of each of the parties; (6) revises withdrawal notice provisions; (7) deletes reference to Agreement No. 011569 between DiGregorio and Amazon Line; and (8) deletes certain restrictions on the charter of space, rationalization of sailing or other cooperative arrangements with outside parties but retains the right of first refusal for other agreement parties with respect to the chartering of any excess space by any member.

Agreement No.: 011760

Title: Discovery Cruise Line/Seaboard Space Charter and Sailing Agreement

Parties: Discovery Sun Partnership, d/b/a Discovery Cruise Line

Seaboard Marine, Ltd.

Synopsis: The proposed agreement authorizes the parties to share vessel space in the trade between U.S. Atlantic ports, including Puerto Rico, and ports in the Bahamas.

Agreement No.: 011761

Title: CMA CGM/Norasia Transpacific Loop 3 Slot Charter Agreement

Parties:

CMA CGM, S.A.

Norasia Container Lines Limited

Synopsis: The proposed agreement establishes a vessel-sharing agreement between the parties in the trade between the West Coast of the United States and ports in the Far East in the Japan/Singapore/South East Asia range.

By Order of the Federal Maritime Commission.

Dated: April 20, 2001.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–10287 Filed 4–25–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicant

Notice is hereby given that the following applicant has filed with the Federal Maritime Commission an application for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicant:

Alpico International Inc., 13281 Eastern Avenue, #2, Palmetto, FL 34221

Officers: Ildes R. Alpizar, President (Qualifying Individual), Edward Alpizar, Vice President

Dated: April 20, 2001.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–10289 Filed 4–25–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding dates shown below:

License Number: 16629N.

Name: Cargomania International, Inc.

Address: 161–15 Rockaway Blvd., Suite 102, Jamaica, NY 11434.

Date Revoked: March 15, 2001.

Reason: Failed to maintain a valid bond.

License Number: 13141N.

Name: North Star Airlines, Inc. d/b/a North Star Ocean Services.

Address: Cargo Bldg., 68 JFK International Airport, Jamaica, NY 11430.

Date Revoked: March 17, 2001.

Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,

Director, Bureau of Consumer Complaints and Licensing.

[FR Doc. 01–10288 Filed 4–25–01; 8:45 am]

BILLING CODE 6730–01–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 applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 21, 2001.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. First BanCorp, San Juan, Puerto Rico; to acquire 8.7 percent of the voting shares of Southern Security Bank Corporation, Hollywood, Florida, and thereby indirectly acquire voting shares of Southern Security Bank, Hollywood, Florida.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Quinlan Bancshares, Inc., Quinlan, Texas; to acquire 100 percent of the voting shares of Lone Oak Financial Corporation, Lone Oak, Texas, and thereby indirectly acquire Lone Oak State Bank, Lone Oak, Texas.

Board of Governors of the Federal Reserve System, April 20, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–10297 Filed 4–25–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

[File No. 012 3015]

Stoker, Inc.; Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

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

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Michael Ostheimer, FTC/S–4002, 600 Pennsylvania Ave., NW., Washington, DC 20580. (202) 326–2699.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for April 19, 2001) on the World Wide Web, at *http://www.ftc.gov/os/2001/04/index.htm.* A paper copy can be obtained from the FTC Public Reference Room, Room H-130, 600 Pennsylvania Avenue, NW, Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a consent order from Stoker, Inc. (''Stoker'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves respondent's manufacturing, packaging, importing, and advertising of smokeless tobacco products. These activities are subject to the Comprehensive Smokeless Tobacco Health Education Act of 1986, 15 U.S.C. 4401, *et seq.* (''Smokeless Tobacco Act''), and the regulations promulgated pursuant thereto, 16 CFR 307, *et seq.* (''regulations''). The Smokeless Tobacco Act and the regulations require that smokeless tobacco product packages and advertisements bear specified health warnings. The FTC complaint alleges that Stoker failed to comply with those requirements in several respects.

First, the complaint alleges that certain of Stoker's smokeless tobacco products did not bear the health warning statements in conspicuous and legible type, in violation of the Smokeless Tobacco Act and the regulations. According to the FTC complaint, these products include sixteen ounce packages of smokeless tobacco that had the health warning statements printed in 5 point type.

The complaint also alleges that certain of Stoker's smokeless tobacco products violated the Act and the regulations because they did not bear the health warning statements in a conspicuous and prominent place on the package, in violation of the Smokeless Tobacco Act and the regulations. The complaint contends that one such product is distributed in a package that functions as a retail dispenser of individual packages. The health warning is on the top rear of the dispenser, but when the dispenser is opened and displayed as intended, the health warning is not visible to the public from the dispenser's normal viewing position.

Furthermore, the complaint alleges that certain of Stoker's smokeless tobacco advertising did not bear the health warning statements in conspicuous and legible type and within the correct size circle and arrow format. According to the complaint, one such advertisement had a display area measuring 20¼ square inches and had the health warning statement printed in 4½ point type and appearing within a one-half inch diameter circle.

Finally, the complaint alleges that since 1987, Stoker has manufactured, packaged, or imported smokeless tobacco products without submitting a plan to the FTC specifying the method it would use to rotate, display, and distribute the health warning statements on its packages and advertisements, in violation of the Act and the regulations.

Violations of the Smokeless Tobacco Act and the regulations also constitute violations of section 5 of the FTC Act.

The proposed consent order is designed to prevent Stoker from engaging in similar acts and practices in the future. Part I of the proposed order prohibits respondent from violating any provision of the Smokeless Tobacco Act or the regulations.

Parts II through V of the order require Stoker to keep copies of relevant packaging and advertisements, to provide copies of the order to certain of its personnel, to notify the Commission of changes in corporate structure, and to file compliance reports with the Commission. Part VI provides that the order will terminate after twenty (20) years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–10349 Filed 4–25–01; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 002 3003]

Voice Media Incorporated, et al.; Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the

complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before May 17, 2001.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: C. Steven Baker, Federal Trade Commission, Midwest Regional Office, 55 E. Monroe St., Suite 1860, Chicago IL 60603–5701, (312) 960–5634.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for April 17, 2001), on the World Wide Web, at *http://www.ftc.gov/os/2001/04/index.htm.* A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania. Ave., NW, Washington, DC 20580. Two paper copies of each comment should be filed and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a consent order from Voice Media Incorporated and its two officers and owners, Ron Levi and Paul Lesser (the ''respondents'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The respondents own and operate several adult entertainment web sites. They sell paid memberships to their sites, and promote them by periodically offering ''free'' trial memberships. This matters concerns allegedly false and deceptive representations about those trial memberships. The Commission's proposed compliant alleges that the respondents falsely claimed that they would not charge membership fees to consumers who canceled their trial memberships within seven days of providing credit card information and agreeing to participate in the free trial membership offers. In fact, in numerous instances, the respondents charged monthly membership fees to consumers who canceled within seven days of agreeing to participate in the trial membership offers.

The complaint also alleges that the respondents failed to disclose clearly and conspicuously: (a) That they immediately charge consumners' credit or debit cards for one month's membership fee effective as of the date that the consumers first provide credit or debit card information and agree to participate in the free trial membership offers; and (b) that they treat consumers' submissions of credit or debit card information as authorization to bill consumers' credit or debit accounts.

Part I of the proposed order prohibits the respondents from making any false or misleading representation of material fact, or omission of material information in connection with the advertising, promotion, offering for sale, or sale of any goods or services via the Iternet, including, but not limited to, false or misleading representations: (a) That they will not charge consumers for goods or services during any free-trial period, (b) that their goods or services are ''free,'' ''without risk,'' ''without charge,'' or words or similar import denoting or implying the absence of any obligation on the part of the recipient of such offer to pay for the goods or services; and (c) that a request for a consumer's credit or debit card number is for age verification only.

Part II of the proposed order prohibits the respondents from requesting any payment information, other than for purposes of age verification, from any consumer before ensuring that the consumer has received notice of each of the following material terms and conditions: (a) The applicable membership cost and the length of any free or trial membership; (b) the way in which a consumer may cancel, including any limitation on the time period during which a consumer must cancel in order to avoid charges; (c) a telephone number, facsimile number, and e-mail address where consumers can contact the Proposed Respondents; and (d) access to the complete terms and conditions of the respondents' offer.

Part III of the proposed order prohibits the respondents from: (a) Billing any consumer who has not agreed to purchase goods or services; and (b) billing any consumer after the expiration of any free or trial offer without having first clearly and conspicuously posted notice of the expiration of the offer or provided access to that information by means of a clear and conspicuous hyperlink on their log-in page.

Part IV of the proposed order prohibits the respondents from : (a) Unilaterally changing any terms or conditions of their offer in a way that would increase the consumer's financial obligations; or (b) materially altering the cancellation or refund procedures or terms, without first providing a consumer with fifteen (15) days notice and an opportunity to cancel. The notice must be made clearly and conspicuously.

Parts VI through IX of the proposed order are reporting and compliance provisions. Part X is a provision ''sun setting'' the order after twenty years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–10348 Filed 4–25–01; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

Interagency Committee for Medical Records (ICMR) Revision of SF 533, Medical Record—Prenatal and Pregnancy

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The General Services Administration/ICMR revised the SF

533, Medical Record—Prenatal and Pregnancy to comply with the Antepartum College of Obstetrics and Gynecology standards. You can obtain the updated form through the Federal Supply Service using National Stock Number 7540–00–634–4276 (Revision 12/1999).

You can also obtain a sample copy from the internet. Address: *http://www.gsa.gov/forms/forms.htm*

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Williams, General Services Administration, (202) 501–0581.

DATES: Effective April 26, 2001.

Dated: April 11, 2001.

Barbara M. Williams,

Deputy Standard and Optional Forms Management Officer, General Services Administration.

[FR Doc. 01–10350 Filed 4–25–01; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of Interest Rate on Overdue Debts

Section 30.13 of the Department of Health and Human Services' claims collection regulations (45 CFR part 30) provides that the Secretary shall charge an annual rate of interest as fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date that HHS becomes entitled to recovery. The rate generally cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the ''Schedule of Certified Interest Rates with Range of Maturities.'' This rate may be revised quarterly by the Secretary of the Treasury and shall be published quarterly by the Department of Health and Human Services in the **Federal Register**.

The Secretary of the Treasury has certified a rate of 13¾% for the quarter ended March 31, 2001. This interest rate will remain in effect until such time as the Secretary of the Treasury notifies HHS of any change.

Dated: April 20, 2001.

George Strader,

Deputy Assistant Secretary, Finance.

[FR Doc. 01–10395 Filed 4–25–01; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACYF–PA–HS–2001–05B]

Fiscal Year 2001 Discretionary Announcement of the Availability of Funds and Request for Applications for Nationwide Expansion Competition of Early Head Start; Correction

AGENCY: Administration on Children, Youth and Families, ACF, DHHS.

ACTION: Correction.

SUMMARY: This document contains a correction to the Notice that was published in the **Federal Register** on March 7, 2001.

On page 13760, in the State of New York, delete the County of ''Seneca'', and in the Service Area Column delete ''Entire County''. All of the County is open to competition to establish Early Head Start programs.

The due date will be extended for applications *from this county only.* Applications from Seneca County are due by 5 p.m. EDT on May 29, 2001. The application should be submitted to: Early Head Start Nationwide Expansion Competition, ACYF Operations Center, 1815 North Fort Myer Drive, Suite 300, Arlington, Virginia 22209.

All other applications are still due by 5 p.m. EDT on May 7, 2001.

On page 13755, in the State of Maine, in the County column, delete ''Southern Oxford'' and replace it with ''Oxford'' and in the Service Area Column, delete ''South Paris, Buckfield, Summer, Hartford'' and replace it with ''Entire County''.

On page 13766, in the State of Washington, in the County Column, after ''Spokane'' add the County of ''Walla Walla'', and in the Service Area Column, add ''The city of Walla Walla, Farm Labor Homes Community and College Place''.

FOR FURTHER INFORMATION CONTACT: The ACYF Operations Center at 1–800–351–2293 or send an email to *ehs@lcgnet.com*. You can also contact Sherri Ash, Early Head Start, Head Start Bureau at (202) 205–8562.

Dated: April 20, 2001.

Gail E. Collins,

Acting Deputy Commissioner, Administration on Children, Youth and Families.

[FR Doc. 01–10396 Filed 4–25–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions and Delegations of Authority

Notice is hereby given that I delegate to the Director, Office of Refugee Resettlement, with authority to redelegate, the following authority vested in the Assistant Secretary for Children and Families by the Secretary under section 421(b)(3) of the Immigration and Nationality Act (INA), 8 U.S.C. 1522(b)(3).

(a) Authority Delegated.

Authority, under section 412(b)(3) of the Immigration and Nationality Act (INA), to make arrangements for the temporary care of refugees in the United States in emergency circumstances, including the establishment of processing centers, if necessary, without regard to such provisions of law (other than the Renegotiation Act of 1951 and § 414(b) of the INA) regulating the making, performance, amendment, or modification of contracts and the expenditure of funds of the United States Government.

(b) Effect on Existing Delegations.

None.

(c) This delegation is limited to providing for the temporary care, including medical screening, of approximately 1,150 Burmese and Chinese asylum applicants on Guam awaiting adjudication of their asylum claims by the Immigration and Naturalization Service (INS).

(d) This delegation shall be exercised under the Department's existing delegation of authority and policy on regulations. This delegation of authority is effective upon date of signature. In addition, I hereby, affirm and ratify any actions taken by the Director or any other officials of the Office of Refugee Resettlement that, in effect, involved the exercise of these authorities prior to the effective date of this delegation.

(e) Any redelegation shall be in writing and prompt notification must be provided to all affected managers, supervisors and other personnel.

Dated: April 19, 2001.

Diann Dawson,

Acting Principal Deputy Assistant Secretary.

[FR Doc. 01–10445 Filed 4–25–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–197]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Revision of a currently approved collection.

Title of Information Collection: Maximizing the Effective Use of Telemedicine: A Study of the Effects, Cost Effectiveness and Utilization Patterns of Consultations via Telemedicine.

Form No.: HCFA–R–197 (OMB# 0938–0705).

Use: This study deals with several issues of importance to HCFA regarding the recent proliferation of Telemedicine programs. The primary goal of this study is to develop policy recommendations for Medicare concerning utilization review and payment methods for Telemedicine services. The major objective is to evaluate the use of interactive video Telemedicine consultation. Recommendations will be based on analysis of the use of Telemedicine for such medical consultation.

Frequency: Other: periodically.

Affected Public: Individuals or households, Business or other for-profit, and Not-for-profit institutions.

Number of Respondents: 1,823.

Total Annual Responses: 92,803.

Total Annual Hours: 415.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, HCFA–R–197, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 20, 2001.

Julie Boughn,

Director, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–10422 Filed 4–25–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–1561]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection.

Title of Information Collection: Health Insurance Benefit Agreement and Supporting Regulations in 42 CFR part 489.

Form No.: HCFA–1561 (OMB# 0938–NEW).

Use: Applicants to the Medicare program are required to agree to provide services in accordance with Federal requirements. The HCFA–1561 is essential for HCFA to ensure that applicants are in compliance with the requirements. Applicants will be required to sign the completed form and provide operational information to HCFA to assure that they continue to meet the requirements after approval.

Frequency: Other: as needed.

Affected Public: Business or other for-profit, not-for-profit institutions, and State, Local or Tribal Government.

Number of Respondents: 3,000.

Total Annual Responses: 3,000.

Total Annual Hours: 150.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's web site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch; Attention: Allison Eydt; New Executive Office Building, Room 10235; Washington, DC 20503.

Dated: April 4, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–10421 Filed 4–25–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–3056–NC]

Medicare Program; Evaluation Criteria and Standards for Peer Review Organization 6th Round Contract

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

ACTION: Notice with Comment Period.

SUMMARY: This notice describes how HCFA intends to evaluate the Peer

Review Organizations (PROs) under their 6th round contracts, for efficiency and effectiveness in accordance with the Social Security Act. In accordance with the provisions of the Government Performance and Results Act of 1993, Tasks 1 and 4 of the 6th round contracts with the Peer Review Organizations are performance based.

DATES: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on June 25, 2001.

ADDRESSES: Mail written comments (1 original and 3 copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–3056–NC, P.O. Box 8013, Baltimore, MD 21244.

If you prefer, you may deliver your written comments (1 original and 3 copies) to one of the following addresses: Room 443–G, Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201–0001, or Room C5–16–03, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA–3056–NC. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 443–G of the Department's offices at 200 Independence Avenue, SW., Washington, DC 20201–0001, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Telephone (202) 690–7890).

FOR FURTHER INFORMATION CONTACT: Susan Smith, (410) 786–6748.

SUPPLEMENTARY INFORMATION:

I. Background

The Peer Review Improvement Act of 1982 (Title I, Subtitle C of Public Law 97–248) amended Part B of Title XI of the Social Security Act (the Act) to establish the Peer Review Organization (PRO) program. The PRO program was established to redirect, simplify and enhance the cost-effectiveness and efficiency of the medical peer review process. Sections 1152, 1153(b) and 1153(c) of the Act define the types of organizations eligible to become PROs and establish certain limitations and priorities regarding PRO contracting. In 42 CFR 462.102 and 462.104, (Medicare and Medicaid Programs; Programs of All-Inclusive Care for the Elderly, 64 FR 66234 (November 24, 1999) (To be recodified at CFR Part 475) subpart C, of our regulations, we describe the types of organizations eligible to become PROs and the capabilities they must demonstrate.

The Secretary enters into contracts with PROs to perform three broad functions:

- Improve quality of care for beneficiaries by ensuring that beneficiary care meets professionally recognized standards of health care.
- Protect the integrity of the Medicare Trust Fund by ensuring that Medicare only pays for services and items that are reasonable and medically necessary and that are provided in the most economical setting.
- Protect beneficiaries by expeditiously addressing individual cases such as beneficiary quality of care complaints, contested hospital issued notices of noncoverage (HINNs), alleged Emergency Medical Treatment and Labor Act (EMTALA) violations (patient dumping), and other statutory responsibilities.

Section 1154 of the Act requires that PROs review those services furnished by physicians; other health care practitioners; and institutional and non-institutional providers of health care services, including health maintenance organizations and competitive medical plans; as specified in their contracts with the Secretary.

Section 1153(h)(2) of the Act requires the Secretary to publish in the **Federal Register** the general criteria and standards that will be used to evaluate the efficient and effective performance of contract obligations by PROs and to provide the opportunity for public comment. The following criteria apply to PROs operating under the 6th Round contracts. The PRO 6th Round contracts were awarded for 3 years with starting dates staggered into three approximately equal groups starting August 1, 1999, November 1, 1999 and February 1, 2000.

II. Measuring PRO Performance

Under the 6th Round contract, PROs are responsible for completing Tasks in the following 5 areas:

Task 1—National Quality Improvement Projects.
Task 2—Local Quality Improvement Projects.
Task 3—Quality Improvement Projects in Conjunction with Medicare+Choice Plans.
Task 4—Payment Error Prevention.
Task 5—Other Mandatory Activities.

The PRO must meet the performance standards for each of these 5 Tasks to be eligible for a noncompetitive renewal for the 7th Round contract cycle, except that a PRO with no M+C organization in its state will not be evaluated on Task 3. However, meeting the minimum performance standards does not guarantee a noncompetitive renewal of its contract. (If, for example, an organization within a particular State meeting the definition of a PRO expresses an interest in competing for a contract currently held by a PRO from outside that State, pursuant to § 1153(i) we will compete the contract despite acceptable performance by the current PRO.) We will make a final decision on renewal/nonrenewal by the end of the 30th month of the 6th Round contract. We will issue a ''Notice of Intent to Non-renew the PRO Contract'' letter to all PROs that do not meet the minimum performance standards no later than the end of the 33rd month of the contract. The PRO will be considered to have met minimum performance standards if the PRO has demonstrated acceptable performance in each Task area as specified in section III, (Standards for Minimum Performance) of this notice.

If the initial quantitative and/or qualitative assessments suggest that the PRO has not met or exceeded the criteria for one or more of the five Tasks, its performance of that Task(s) will be referred to a HCFA-wide panel for a second, more in-depth assessment of its contract performance. The panel will be made up of representatives from each of the 4 PRO Regional Offices and the Central Office. The panel will have the right to create its own procedures, but must apply them consistently to all PROs it reviews. At a minimum, the panel will use the criteria listed below for all Tasks:

- The degree of collaboration the PRO exhibited with other PROs, both by sharing the lessons and tools it developed and by adopting practices and tools developed by other PROs.
- Whether the PRO was a new contractor for the 6th round contract.
- Whether specific identifiable circumstances uniquely interfered with the PRO's improvement efforts.
- Any other issues which the panel may deem relevant.

Additionally, for Tasks 1 and 4, the panel will consider the degree of difference between the measured improvement of the PRO and that of the top 75 percent of the PROs in the same contract renewal cycle.

III. Standards for Minimum Performance General Criteria

In general, Task 1 and portions of Tasks 3 and 4 will be evaluated quantitatively. Success will be measured by assessing changes in statewide baselines over a period of time. Task 2 and the remaining portions of Tasks 3 and 4 will be qualitatively

evaluated. Success will be measured both on the improvement achieved and on the contribution made to the health care quality improvement process. Task 5 will be evaluated based on evidence reported by the PRO that demonstrates that it has met the requirements contained in Parts 4, 5, 7, 9 and 12 of the PRO Manual for the mandatory activities. A principal evaluation element for all Tasks will be the timeliness and completeness of all required reports.

Task-Specific Standards

1. Task 1 National Quality Improvement Projects

We provided the PRO a state-specific baseline combined topic average (CTA) near the start of the 6th round contract. We calculated the CTA by including all the quality indicators for the six national topics. We will provide the PRO a second state-specific CTA based on re-measurement data, in time for an end-of-contract evaluation.

The baseline and remeasurement CTAs are calculated in 2 steps. First, for national topics with multiple Quality Indicators (QIs), each QI has been given a specific weight for calculating performance on that topic. Using these weights, an average, termed a Topic Weighted Average, is created for each topic. Then a Combined Topic Average (CTA) is calculated. The CTA is then calculated by using the average of the 6 National Topic Weighted Averages. The success of the PRO's efforts under this task will be evaluated on the basis of the observed improvement in the second CTA compared to the baseline CTA.

The PRO's relative improvement on the CTA will be compared to the relative improvement demonstrated by the other PROs that share the same contract renewal cycle. For the purposes of this evaluation, relative improvement is defined as the amount of observed improvement compared to a possible 100% improvement.

If the PRO has demonstrated some measured improvement on the CTA and its relative improvement exceeds at least 25 percent of the other PROs in the same contract renewal cycle, it shall be judged to have performed successfully on Task 1.

If the PRO fails to demonstrate any measured improvement on the CTA or its relative improvement is less than at least 75 percent of the other PROs in the same contract renewal cycle, our evaluation panel will review its work under Task 1.

2. Task 2 Local Quality Improvement Projects

We will evaluate the success of the PRO's work under Task 2 in two ways. In most instances, we will assess whether the PRO has achieved measurable improvement on the quality indicators, particularly when the projects have employed project tools and indicators that have previously been well-developed. In the event that a project fails to achieve measurable improvement, we will use as a second standard of success the amount of knowledge that has been gained through the experience of the project. We directly acknowledge that projects using new tools and indicators may not always achieve measurable improvement. We will consider these projects successful only if the PRO bases the project(s) on plausible hypotheses, uses scientifically valid project and evaluation methods, and clearly documents all essential elements of the project. The PRO must document these lessons learned in a professional manner comparable to the standards used by peer-reviewed journals.

3. Task 3 Quality Improvement Projects in Conjunction With Medicare+Choice Plans

The PRO shall report on all projects in which it collaborates with one or more M+C plans under Task 3 using the SDPS reporting system. The PRO's success under Task 3 will be evaluated in one of two ways. For HCFA-directed projects that all plans implement using a standardized set of indicators, such as diabetes, we will evaluate the PRO in a manner comparable to the evaluation criteria in Task 1.

For all other projects in which the PRO collaborates with the plan(s) or provides technical assistance to the plan(s), we will evaluate the success of the PRO in a manner comparable to the evaluation criteria in Task 2.

We may also solicit feedback from the plans on their satisfaction with the PRO's technical assistance, and may also consider this information as part of its evaluation of the PRO's success under Task 3.

4. Task 4 Payment Error Prevention

We provided the PRO a statewide baseline payment error rate and will provide a second statewide payment error rate in time for an end-of-contract performance evaluation. For the purposes of this contract, we will define the inpatient PPS payment error rate as the number of dollars found to be paid in error out of the total of all dollars paid for inpatient PPS services. The number of dollars paid in error is defined as the absolute (unsigned) difference between what was actually paid and what should have been paid as a result of review.

The PRO's relative improvement on the state-wide payment error rate will be compared to the relative improvement demonstrated by the other PROs that share the same contract renewal cycle. For the purposes of this evaluation, relative improvement is defined as the amount of observed improvement, compared to the amount of possible improvement, that is, zero payment errors.

The success of the PRO's efforts under Task 4 will be evaluated, in part, based on the observed improvement in the second statewide payment error rate compared to the baseline payment error rate.

The PRO's efforts under Task 4 will be determined to be successful if it—

1. Performs the required first year projects within the agreed time frames;

2. Establishes contact and coordination with local, State and Federal agencies, contractors, hospitals, medical staffs and their professional and trade associations, and pertinent law enforcement agencies (Evaluation of this requirement will be based upon reports from the agencies identified by the Project Officer.); and

3. Demonstrates some measured improvement on the statewide payment error rate, and its relative improvement exceeds at least 25 percent of the other PROs in the same contract renewal cycle.

If the PRO does not meet requirements 1 and 2 or if it fails to demonstrate any measured improvement on the statewide payment error rate or its relative improvement is less than at least 75 percent of the other PROs in the same contract renewal cycle, our evaluation panel will review its work under Task 4.

5. Task 5 Other Mandatory Activities

The Project Officer will continuously review the work of the PRO under Task 5, based primarily on periodic reports that the PRO shall submit through the SDPS reporting system. The PRO's work will be judged to have been successful for each of the categories of review and other mandated activities only if it conducts the work in accordance with the requirements set forth in Parts 4, 5, 7, 9 and 12 of the PRO Manual.

In accordance with the provisions of Executive Order 12866, this notice with comment period was not reviewed by the Office of Management and Budget.

Authority: Section 1153 of the Social Security Act (42 U.S.C. 1320c–2)

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program; No. 93.773, Medicare-Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 27, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 01–10397 Filed 4–25–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel General Clinical Research Centers.

Date: June 20–21, 2001.

Time: June 20, 2001, 5:00 p.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn, Philadelphia Center City, 1100 Arch Street, Philadelphia, PA 19107.

Contact Person: D.G. Patel, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, 6705 Rockledge Drive, Room 6018, Bethesda, MD 20892–7965, (301) 435–0824, dgpatel@ncrr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: April 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10362 Filed 4–25–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Sleep Disorders Research Advisory Board.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Sleep Disorders Research Advisory Board.

Date: June 26, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To discuss sleep research and education priorities and programs.

Place: National Institutes of Health, Natcher Building 45, Conference Room D, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Carl E. Hunt, MD, Director, National Center on Sleep Disorders Research, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 10138, Bethesda, MD 20892, 301/435–0199, huntc@nhlbi.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Disease Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: April 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10365 Filed 4–25–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: May 8, 2001.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Tracy A. Shahan, PhD, Scientific Review Administrator, NIH/NIAMS, Bethesda, MD 20892, (301) 594–4952.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: April 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10351 Filed 4–25–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: May 8, 2001.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, Chevy Chase Pavilion, 4300 Military Rd., Wisconsin at Western Ave., Washington, DC 20015.

Contact Person: Richard J. Bartlett, PhD., Scientific Review Administrator, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Natcher Bldg./Bldg. 45, Room 5As37B, (301) 594–4952.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: April 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10352 Filed 4–25–01; 8:45 am]

BILLING CODE 4140–01–M]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: May 7, 2001.

Time: 1:00 p.m. to 3:00 p.m..

Agenda: To review and evaluate cooperative agreement applications.

Place: Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Tracy A. Shahan, PhD, Scientific Review Administrator, NIH/NIAMS, Bethesda, MD 20892, (301) 594–4952.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: April 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10353 Filed 4–25–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.

Date: May 21, 2001.

Time: 9 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Robert C. Goldman, PhD, Scientific Review Administrator, Scientific Review Program, Divisions of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301 496–2550, rg159w@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10354 Filed 4–25–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Review of Conference Grants (R13s).

Date: May 25, 2001.

Time: 10:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS-East Campus, Building 4401, Conference Room 122, 79 Alexander Drive, Research Triangle Park, NC 27709, (Telephone Conference Call).

Contact Person: Zoe E. Huang, MD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institutes of Environmental Health Sciences, P.O. Box 12233, MD/EC–30, Research Triangle Park, NC 27709, 919/541–4964.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Review of Conference Grants (R13s).

Date: May 31, 2001.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS-East Campus, Building 4401, Conference Room 122, 79 Alexander Drive, Research Triangle Park, NC 27709, (Telephone Conference Call).

Contact Person: Zoe E. Huang, MD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institutes of Environmental Health Sciences, P.O. Box 12233, MD/EC–30, Research Triangle Park, NC 27709, 919/541–4964.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS

Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: April 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10355 Filed 4–25–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of meetings of the National Diabetes and Digestive and Kidney Diseases Advisory Council.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Diabetes and Digestive Kidney Diseases Advisory Council.

Date: May 30–31, 2001.

Open: May 30, 2001, 8:30 a.m. to 12:00 p.m.

Agenda: Present the Director's Report and other scientific presentations.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Closed: May 30, 2001, 2:30 p.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Closed: May 31, 2001, 9:45 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Open: May 31, 2001, 10:15 a.m. to 12:00 p.m.

Agenda: To present the Director's Report and other scientific presentations.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Contact Person: Robert D. Hammond, PhD, Director for Extramural Activities, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, 6707 Democracy Blvd, Room 631, MSC 5452, Bethesda, MD 20892–5452, 301–594–8834, hammondr@extra.niddk.nih.gov.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council Digestive Diseases and Nutrition Subcommittee.

Date: May 30–31, 2001.

Open: May 30, 2001, 1:30 p.m. to 2:30 p.m.

Agenda: Review of the Division's scientific and planning activities.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 7, Bethesda, MD 20892.

Closed: May 30, 2001, 2:30 p.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 7, Bethesda, MD 20892.

Closed: May 31, 2001, 8 a.m. to 9:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 7, Bethesda, MD 20892.

Contact Person: Robert D. Hammond, PhD, Director for Extramural Activities, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, 6707 Democracy Blvd. Room 631, MSC 5452, Bethesda, MD 20892–5452, 301–594–8834, hammondr@extra.niddk.nih.gov.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council, Diabetes, Endocrine and Metabolic Diseases Subcommittee.

Date: May 30–31, 2001.

Open: May 30, 2001, 1:30 p.m. to 2:30 p.m.

Agenda: Review of the Division's scientific and planning activities.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Closed: May 30, 2001, 2:30 p.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Closed: May 31, 2001, 8:00 a.m. to 9:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Contact Person: Robert D. Hammond, PhD, Director for Extramural Activities, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, 6707 Democracy Blvd. Room 631, MSC 5452, Bethesda, MD 20892–5452, 301–594–8834, hammondr@extra.niddk.nih.gov.

Name of Committee: National Diabetes and Digestive and Kidney Diseases Advisory Council, Kidney, Urologic and Hematologic Diseases Subcommittee.

Date: May 30–31, 2001.

Open: May 30, 2001, 1:30 p.m. to 2:30 p.m.

Agenda: Review of the Division's scientific and planning activities.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 9A52, Bethesda, MD 20892.

Closed: May 30, 2001, 2:30 p.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 9A52, Bethesda, MD 20892.

Closed: May 31, 2001, 8:00 a.m. to 9:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 9A52, Bethesda, MD 20892.

Contact Person: Robert D. Hammond, PhD, Director for Extramural Activities, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, 6707 Democracy Blvd. Room 631, MSC 5452, Bethesda, MD 20892–5452, 301–594–8834, hammondr@extra.niddk.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Disease, Urology and Hematology Research, National institutes of Health, HHS)

Dated: April 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10356 Filed 4–25–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Development Special Emphasis Panel, Cell Autonomy and Pediatric Neurodegenerative Diseases.

Date: May 1, 2001.

Time: 9 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: 6100 Executive Blvd., Room 5E01, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Norman Chang, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 496–1485.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: April 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10357 Filed 4–25–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Allergy, Immunology, and Transplantation Research Committee.

Date: June 11, 2001.

Open: 8:30 a.m. to 9 a.m.

Agenda: Report from Institute staff.

Place: The Latham Hotel, 3000 M Street, NW., Washington, DC 2007.

Closed: 9 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: The Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Ken Wasserman, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD, 301 496–2550, kw159p@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10358 Filed 4–25–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552(b)(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: May 21, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person Tracy A. Shanan, Phd, Scientific Review Administrator, NIH/NIAMS, Bethesda, MD 20892, (301) 594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: April 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10359 Filed 4–25–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: May 16–17, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20853.

Contact Person: Aftab A. Ansari, PhD, Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5As25N, Bethesda, MD 20892, 301–594–4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: April 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10360 Filed 4–25–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Mental Health Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Mental Health Council.

Date: May 31–June 1, 2001.

Open: May 31, 2001, 1:00 p.m. to recess.

Agenda: Presentation of NIMH Director's report and discussion of NIMH program and policy issues.

Place: National Institutes of Health, 9000 Rockville Pike, Conference Room 6, Building 31C, Bethesda, MD 20892.

Closed: June 1, 2001, 8:00 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892.

Contact Person: Jane A. Steinberg, PhD, Director, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6154, MSC 9609, Bethesda, MD 20892–9609, 301–443–5047.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: April 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10361 Filed 4–25–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: April 25, 2001.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: 6000 Executive Blvd., Rm 409, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Sean O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: April 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10363 Filed 4–25–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: April 26, 2001.

Time: 8:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 2007.

Contact Person: Tommy L. Broadwater, PhD, Chief, Grants Review Branch, NIAMS, NIH, 45 Center Drive, Rm. 5AS25U, Bethesda, MD 20892, 301–594–4952.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: April 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10364 Filed 4–25–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel, Dopaminergic and Basal Ganglia Plasticity in Aging.
Date: April 25–26, 2001.
Time: 7 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Double Tree Hotel Pasadena, 191 N. Los Robles Pasadena, CA 91101.
Contact Person: Louise L. Hsu, Ph.D, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel, Early Events in Alzheimer Pathogenesis.
Date: May 8–9, 2001.
Time: 7 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel, Markham & Broadway, Little Rock, AR 72201.
Contact Person: Louise L. Hsu, Ph.D, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: April 20, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10366 Filed 4–25–01; 8:45am]

BILLING CODE 4140–01–M.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Community Mental Health Services Block Grant Application Guidance and Instructions, FY 2002–2004—(OMB No. 0930–0168, Revision)—Sections 1911 through 1920 of the Public Health Service Act (42 U.S.C. 300x–1 through 300x–9) provide for annual allotments to assist States to establish or expand an organized, community-based system of care for adults with serious mental illness and children with serious emotional disturbances. Under the provisions of the law, States may receive allotments only after an application is submitted and approved by the Secretary of the Department of Health and Human Services.

For the federal fiscal year 2002–2004 Community Mental Health Services Block Grant application cycles, SAMHSA will provide States with revised application guidance and instructions. These changes affect several areas of the application and add a new section to accommodate reporting of uniform data on the public mental health system. Revisions to the previously approved application include: (1) A table for listing mental health planning council membership in order to determine whether the membership and threshold requirements of the law (42 U.S.C. 300x–4) are being met; (2) several minor changes in the format, including moving the report required under 42 U.S.C. 300x–52 to the Implementation Report; and, (3) addition of a new section requesting States to report uniform data on their public mental health systems with a focus on community mental health services, along with a State-level reporting system capacities checklist in order to ascertain States' ability to report uniform data. This new section has been developed through a collaborative partnership and consultation with a data working group consisting of representatives from the National Association of State Mental Health Program Directors, State level data experts and consumer representatives.

In response to comments received on the draft for the FY 2002 application, a number of changes have been made to the application. Several tables have been deleted and most other tables have been revised. SAMHSA has also increased its burden estimate for the new section on uniform data.

States continue to have the option to submit an application with a one-year plan, a two-year plan, or a three-year plan. Annual response burden on States depends on whether they submit a one-, two-, or three-year plan. The following table summarizes the annual burden for the revised application.

Part of application	Number of respondents	Responses per respondent	Burden per response (hrs.)	Total burden
Plan (Sections I–III):				
One-year plan	33	1	180	5,940
Two-year plan	12	1	150	1,800
Three-year plan	14	1	110	1,540
Implementation Report (Section IV)	59	1	80	4,720
Data Tables & Checklist (Section V)	59	1	40	2,360
Total	59			16,360

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Stuart Shapiro, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 10, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–10376 Filed 4–25–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection To Be Submitted to the Office of Management and Budget (OMB) for Approval Under the Paperwork Reduction Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to request renewal of information collection authority.

SUMMARY: We will submit the collection of information listed below to OMB for approval under the provisions of the Paperwork Reduction Act of 1995. You may obtain copies of specific information collection requirements and explanatory material by contacting our Information Collection Clearance Officer at the address or phone number listed below.

DATES: You must submit comments on or before June 25, 2001.

ADDRESSES: Send your comments on the requirement to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, Room 222 ARLSQ, 1849 C Street, NW., Washington, DC 20204.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information, and related forms, contact Rebecca A. Mullin at (703) 358–2287 or electronically to *rmullin@fws.gov*.

SUPPLEMENTARY INFORMATION: We propose to submit the following information collection clearance requirements to the OMB for review and approval under the Paperwork Reduction Act of 1995 (Pub. L. 104–13). We currently have OMB approval #1018–0102, which expires 12/31/01.

Your comments are invited on: (1) Whether this collection of information is necessary for us to properly perform our functions, including whether this information will have practical utility; (2) the accuracy of our estimates of burden, including the validity of the methodology and assumptions we use; (3) ways to enhance the quality, utility, and clarity of the information we are proposing to collect; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless the agency displays a currently valid OMB control number.

The National Wildlife Refuge System Improvement Act of 1997 that amends the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668 dd-ee) requires that we authorize economic privileges on any national wildlife refuge by permit only when the activity will be compatible and appropriate with the purposes for which the refuge was established. We will provide the permit applications as requested by interested citizens. We will use information provided on the required written forms and-or verbal applications to ensure that the applicant is eligible for the permit. We make provision in our general refuge regulations for public entry for specialized purposes, including economic activities such as the operation of guiding and other visitor services on refuges by concessionaire or cooperators under appropriate contractors or legal agreements or special use permits (50 CFR 25.41 and §§ 25.61, 30.11, 31.13, and 31.16). These regulations provide the authorities and procedures for allowing permits on refuges outside of Alaska.

We use this permit to authorize such items as farming operations (haying and grazing, and beneficial management tools that we use to provide the best habitat possible on some refuges), recreational visitor service operations (outfitters/guides), commercial filming, and other commercial and noncommercial activities. Likely respondents will be individual citizens, certain corporations, Federal, State, local, or Tribal governments. We will issue permits for a specific period as determined by the type and location of the use or visitor service provided.

Title: National Wildlife Refuge System Special Use Permit for all Refuges Outside Alaska.

Approval Number: 1018–0102

Service Form Number: 3–1383

Frequency of Collection: On occasion.

Description of Respondents: Individuals and households; Business and other for-profit organizations; Non-profit institutions; Farms; and State, local or Tribal governments.

Total Annual Burden Hours: We have 519 national wildlife refuges outside the State of Alaska. We anticipate that each refuge will authorize approximately 20 permits each year. This is a total of 10,380 permits. We estimate that it takes an hour to complete the application requirements to supply the necessary information. Therefore the annual burden estimate in hours is 10,380.

Dated: April 19, 2001.

Rebecca A. Mullin,

Information Collection Officer, Fish and Wildlife Service.

[FR Doc. 01–10411 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Applicant: National Marine Fisheries Service/South West Region/Pacific Island Area Office, Honolulu, HI, PRT–022729.

The applicant requests a re-issuance of their permit to introduce from the high seas samples and/or whole carcasses of Olive Ridley Sea Turtle, *Lepidochelys olivacea*, Green Sea Turtle, *Chelonia mydas*, Hawkswbill Sea Turtle, *Eretmochelys imbricata*, Loggerhead Sea Turtle, *Caretta caretta* and Leatherback Sea Turtle, *Dermochelys coriacea* for scientific research purposes. This notification covers activities to be conducted by the applicant for a five year period.

Applicant: Florida Marine Research Institute/Florida Fish and Wildlife Conservation Commission, St. Petersburg, FL, PRT–758093.

The applicant requests a re-issuance of their permit to import tissue, blood, salvaged parts and stomach contents from, Green Sea Turtle, *Chelonia mydas*, Hawkswbill Sea Turtle, *Eretmochelys imbricata*, Loggerhead Sea Turtle, *Caretta caretta* as part of an on going research project to enhance the survival of the species through scientific research. This notification covers activities to be conducted by the applicant for a five year period.

Applicant: Woodland Park Zoological Gardens, Seattle, WA, PRT–040332.

The applicant requests a permit to import one female jaguar (*Panthera onca*) from the Bolivian Community Project, Trinidad, Bolivia for the purpose of enhancement of the survival of the species through captive propagation and conservation education.

Applicant: Amon L. Baucom, Charlotte, NC, PRT–041084.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Monte J. Brough, Wellsville, UT, PRT–041040.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: University of Montana, Missoula, MT, PRT–041298.

The applicant request a permit to re-export biological samples from argali (*Ovis ammon*) to Dr. Gordon Luikart, CNRS, Grenoble , France, for the purpose of scientific research on the systematics of wild sheep. Samples were originally salvaged from animals found dead in the wild in China and imported under permit # U.S. 830751.

Applicant: Joe M. Thompson, Bonsall, CA, PRT–041360.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Hawthorn Corporation, Grayslake, IL, PRT–039541.

The applicant requests a permit to export and re-import captive-born tigers (*Panthera tigris*) and progeny of the animals currently held by the applicant and any animals acquired in the United States by the applicant to/from worldwide locations to enhance the survival of the species through conservation education. This notification covers activities conducted by the applicant over a three year period.

Marine Mammals

The public is invited to comment on the following application(s) for a permit to conduct certain activities with marine mammals. The application(s) was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

Written data, comments, or requests for copies of these complete applications or requests for a public hearing on these applications should be sent to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281. These requests must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Applicant: United States Fish and Wildlife Service/Marine Mammal Management, Anchorage, AK PRT–041309.

Permit Type: Take for scientific research.

Name and Number of Animals: Northern sea otter, (*Enhydra lutris lutis*), Variable.

Summary of Activity To Be Authorized: The applicant requests a permit to conduct aerial and/or skiff surveys of Northern sea otters wherever they occur in the State of Alaska, that may result in Level B harassment, for the purpose of scientific research and population studies.

Source of Marine Mammals: Free ranging.

Period of Activity: 5 years.

Applicant: The Baltimore Zoo, Baltimore, MD, PRT–040039.

Permit Type: Import for public display.

Name and Number of Animals: Polar Bear (*Ursus maritimus*), 0.1.

Summary of Activity To Be Authorized: The applicant requests a permit to import a captive held adult polar bear for the purpose of public display and conservation education.

Source of Marine Mammals: One captive held adult animal currently housed at the Jardin de Quebec Zoologique, Quebec, Canada.

Concurrent with the publication of this notice in the **Federal Register**, the Division of Management Authority is forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Applicant: Michael A. Carpinito, Kent, WA, PRT–041421.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population taken during March 2001, in Canada for personal use.

Applicant: William D. Bray, Marble Falls, TX, PRT–041037.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Southern Beaufort Sea polar bear population taken during March 2001, in Canada for personal use.

Applicant: Danny Deshotels, Lettsworth, LA, PRT–041046.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Landcaster Sound polar bear population taken during March 2001, in Canada for personal use.

Applicant: John M. Saba, JR., Sarasota, FL, PRT–041359.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Northern Beaufort Sea polar bear population taken during March 2001, in Canada for personal use.

The U.S. Fish and Wildlife has information collection approval from OMB through February 28, 2001. OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); Fax: (703/358–2281).

Dated: March 13, 2001.

Anna Barry,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 01–10336 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for Endangered Species Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application for endangered species permit.

SUMMARY: The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

If you wish to comment, you may submit comments by any one of the several methods. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to ''victoria_davis@fws.gov''. Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATES: Written data or comments on these applications must be received, at the address given below, by May 29, 2001.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Victoria Davis, Permit Biologist). Telephone: 404/679–4176; Facsimile: 404/679–7081.

FOR FURTHER INFORMATION CONTACT: Victoria Davis, Telephone: 404/679–4176; Facsimile: 404/679–7081.

SUPPLEMENTARY INFORMATION:

Applicant: Homosassa Springs Wildlife State Park, Tom Linley, Park Manager, Homosassa, Florida TE040783–0

The applicant requests authorization to take (Hold in Captivity) twelve Key deer. *Odocoileus virginianus clavium,* for the purposes of maintaining a captive population to provide a safety net for the wild population if a natural disaster, *i.e.,* catastrophic hurricane, were to occur, and to provide educational opportunities for the general public. *Odocoileus virginianus clavium* will be transferred from the National Key Deer Refuge, Big Pine Key, Monroe County, Florida to the Homosassa Springs Wildlife State Park, Homossa, Citrus County, Florida.

Applicant: U.S. Forest Service-Savannah River, Donald W. Imm, Acting Assistant Manager Wildlife, Fisheries, and Botany, New Ellenton, South Carolina, TE040792–0.

The applicant requests authorization to take (harass during capturing, banding, releasing, monitoring, and habitat management) the Red-cockaded woodpecker, *Picoides borealis,* for the purposes of managing the populations on the Department of Energy Savannah River Site. The proposed activities will take place in Aiken, Barnwell, and Allendale Counties, South Carolina.

Dated: April 12, 2001.

Sam D. Hamilton,

Regional Director.

[FR Doc. 01–10377 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Draft Recovery Plan for the Howell's Spectacular Thelypody (Thelypodium howellii ssp. spectabilis) for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability for public review of a draft recovery plan for the Howell's spectacular thelypody (*Thelypodium howellii* ssp. *spectabilis*). This threatened plant, a member of the mustard family, occurs on fewer than 12 small sites located within 100 acres of private lands near North Powder and Haines in eastern Oregon (Baker and Union Counties).

DATES: Comments on the draft recovery plan received by June 25, 2001, will be considered by the Service.

ADDRESSES: Copies of the draft recovery plan are available for inspection, by appointment, during normal business hours at the following location: Snake River Basin Office, U.S. Fish and Wildlife Service, 1387 S. Vinnell Way, Suite 368, Boise, Idaho 83709 (phone: 208/378–5243). Requests for copies of the draft recovery plan and written comments and materials regarding this plan should be addressed to Robert Ruesink, Field Supervisor, at the above address.

FOR FURTHER INFORMATION CONTACT: Edna Vizgirdas, Fish and Wildlife Biologist, at the above address.

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, we are working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for downlisting or delisting listed species, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act requires that public notice and an opportunity for public review and comment be provided during recovery plan development. We will consider all information presented during the public comment period prior to approval of each new or revised recovery plan. Substantive technical comments will result in changes to the plans. Substantive comments regarding recovery plan implementation may not necessarily result in changes to the recovery plans, but will be forwarded to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions.

The Howell's spectacular thelypody was listed as a threatened species on June 25, 1999. This taxon is endemic to the Baker-Powder River Valley in

eastern Oregon. It is currently found in five populations in Baker and Union Counties, Oregon. It formerly also occurred in the Willow Creek Valley in Malheur County. The species grows in alkaline meadows in valley bottoms, usually in and around shrubs such as greasewood or rabbitbrush. The plants are threatened by habitat modification such as grazing during spring and early summer, trampling, urban development, and competition from non-native plants.

The objective of this plan is to provide a framework for the recovery of the Howell's spectacular thelypody so that protection by the Endangered Species Act is no longer necessary. Recovery is contingent upon protecting and managing the thelypody's habitat to maintain and enhance viable populations of the thelypody.

The Howell's spectacular thelypody will be considered for delisting when: (1) At least five stable or increasing thelypody populations are distributed throughout its extant or historic range and populations must be naturally reproducing with stable or increasing trends for 10 years; (2) all five populations are located on permanently protected sites; (3) management plans have been developed and implemented for each site that specifically provide for the protection of thelypody and its habitat; and (4) a post-delisting monitoring plan is in place that will monitor the status of thelypody for at least 5 years at each site.

Public Comments Solicited

We solicit written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of this plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533 (f).

Dated: February 6, 2001.

Rowan W. Gould,

Acting Regional Director, Region 1, Fish and Wildlife Service.

[FR Doc. 01–10378 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permit for Marine Mammals

On February 8, 2001, a notice was published in the **Federal Register**, Vol. 66, No. 27, Page 9592, that an application had been filed with the Fish and Wildlife Service by Joseph Mirro for a permit (PRT–037832) to import one polar bear (*Ursus maritimus*) trophy taken from the Western Hudson Bay population, Canada for personal use.

Notice is hereby given that on April 2, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone (703) 358–2104 or Fax (703) 358–2281.

Dated: March 13, 2001.

Anna Barry,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 01–10335 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF THE INTERIOR

Geological Survey

Request for Public Comments on Proposed Information Collection Submitted to OMB for Review Under the Paperwork Reduction Act

A request for the information collection described below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)). Copies of the proposed collection may be obtained by contacting the Bureau's clearance officer at the phone number listed below. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days; therefore, public comments should be submitted to OMB within 30 days in order to assure their maximum consideration. Public comments on the proposal should be made directly to the Desk Officer for the Interior Department, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to the Bureau Clearance Officer, U.S. Geological Survey, 807 National Center, Reston, VA 20192.

As required by OMB regulations at 5 CFR 1320.8(d)(1), the U.S. Geological Survey solicits specific public comments as to:

1. Whether the collection of information is necessary for the proper performance of the functions on the bureaus, including whether the information will have practical utility;

2. The accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used:

3. The quality, utility, and clarity of the information to be collected; and

4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Title: Understanding Visitor Uses, Motives, and Benefits at Sherburne National Wildlife Refuge.

OMB Approval No: New collection.

SUMMARY: Respondents supply information through a mailed survey and onsite interviews on (1) their motivations for visiting Sherburne National Wildlife Refuge; (2) desired experiences and benefits they receive from the Refuge; (3) attitudes and perceptions; and (4) actions and objectives they prefer for Refuge. Information will be used to improve management and operation of Refuge.

Estimated Completion time: 25 minutes.

Estimated Annual Number of Respondents: 1000.

Frequency: Once.

Estimated Annual Burden hours: 416 hours.

Affected Public: Visitors to Sherburne National Wildlife Refuge in the State of Minnesota.

FOR FURTHER INFORMATION CONTACT: To obtain copies of the survey, contact the Bureau clearance officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, Virginia, 20192, telephone (703) 648–7313.

Dated: April 10, 2001.

Dennis B. Fenn,

Associate Director for Biology.

[FR Doc. 01–10292 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–Y–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Request for Public Comments on Proposed Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information described below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the

proposed collection of information and related forms may be obtained by contacting the Bureau's clearance officer at the phone number listed below. OMB has up to 60 days to approve or disapprove the information collection, but may respond after 30 days; therefore public comments should be submitted to OMB within 30 days in order to assure their maximum consideration. Comments and suggestions on the requirement should be made directly to the Desk Officer for the Interior Department, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to the Bureau Clearance officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, Virginia, 20192.

Specific public comments are requested as to:

1. Whether the collection of information is necessary for the proper performance of the functions on the bureaus, including whether the information will have practical utility;

2. The accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used:

3. The quality, utility, and clarity of the information to be collected; and

4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Title: Conservation Reserve Program (CRP) Contractee Perceptions on Environmental Benefits and Management.

OMB Approval No.: New collection.

Abstract: The Conservation Research Program (CRP) is the nations' largest environmental program with enrollment currently over 30 million acres. Continuing refinement of conservation and management provisions by the U.S. Department of Agriculture (USDA) continue to give greater importance to wildlife habitat. Program participants who desire to renew contracts often are required to improve the quality or composition of vegetation on land enrolled in the program. An evaluation of contractee perceptions about the validity of these requirements will assist USDA in refinement of CRP management and conservation policies in the 2002 Farm Bill. Description of contractee opinions about personal, local, and regional effects of the program will be useful for documentation of environmental and social effects of the program.

Bureau Form No.: None.

Frequency: one time.

Description of Respondents: Individual or households.

Estimated Completion Time: 11.5 minutes per respondent (approximate).

Number of Respondents: 1400.

Burden hours: 268 hours. (The burden estimates are based on 11.5 minutes to complete each questionnaire and a 70% return rate.)

Bureau of Clearance Officer: John Cordyack (703) 648–7313.

Dated: April 10, 2001.

Dennis B. Fenn,

Associate Director for Biology.

[FR Doc. 01–10293 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

Request for Public Comments on Proposed Information Collection Submitted to OMB for Review Under the Paperwork Reduction Act

A request for the information collection described below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)). Copies of the proposed collection may be obtained by contacting the Bureau's clearance officer at the phone number listed below. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days; therefore, public comments should be submitted to OMB within 30 days in order to assure their maximum consideration. Public comments on the proposal should be made directly to the Desk Officer for the Interior Department, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to the Bureau Clearance Officer, U.S. Geological Survey, 807 National Center, Reston, VA 20192.

As required by OMB regulations at 5 CFR 1320.8(d)(1), the U.S. Geological Survey solicits specific public comments as to:

1. Whether the collection of information is necessary for the proper performance of the functions on the bureaus, including whether the information will have practical utility;

2. The accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used:

3. The quality, utility, and clarity of the information to be collected; and

4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Title: Assessment of the Use and Benefits of Waterfowl Production Areas in Minnesota.

OMB Approval No.: New collection.

Summary: Respondents supply information through a mailed survey on (1) preferences for recreational and educational activities and experiences associated with Waterfowl Production Areas, (2) the non-economic benefits they receive from visiting Waterfowl Production Areas; (3) attitudes and support toward federal management and acquisition of Waterfowl Production Areas. Information will be used to improve management and operation of Waterfowl Production Areas and programs.

Estimated Completion Time: 25 minutes.

Estimated Annual Number of Respondents: 700.

Frequency: Once.

Estimated Annual Burden Hours: 292 hours.

Affected Public: Visitors to Waterfowl Production Areas in the state of Minnesota.

FOR FURTHER INFORMATION CONTACT: To obtain copies of the survey, contact the Bureau clearance officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, VA 20192, telephone (703) 648–7313.

Dated: April 10, 2001.

Dennis B. Fenn,

Associate Director for Biology.

[FR Doc. 01–10294 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–020–01–5410–11–A187; AZA–31581]

Notice of Receipt of Conveyance of Mineral Interest Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of minerals segregation.

SUMMARY: The private lands described in this notice aggregating approximately 950 acres, are segregated and made unavailable for filings under the general mining laws and the mineral leasing laws to determine their suitability for conveyance of the reserved mineral interest pursuant to section 209 of the Federal Land Policy and Management Act of October 21, 1976.

The mineral interest will be conveyed in whole or in part upon favorable mineral examination.

The purpose is to allow consolidation of surface and subsurface of minerals ownership where there are no known mineral values or in those instances where the reservation interferes with or precludes appropriate nonmineral development and such development is a more beneficial use of the land than the mineral development.

FOR FURTHER INFORMATION CONTACT: Vivian Titus, Land Law Examiner, Arizona State Office, 222 N. Central Ave., Phoenix, Arizona 85004, (602) 417–9598. Serial Number AZA–31581.

Gila and Salt River Base and Meridian, Maricopa County, Arizona

T. 8 N., R. 2 W.,
Sec. 20, NE¼, N½SE¼, N½SW¼SE¼, N½S½SW¼SE¼, SE¼SE¼;
Sec. 21, All.

Minerals Reservation—All Minerals

Upon publication of this Notice of Segregation in the **Federal Register** as provided in 43 CFR 2720.1–1(b), the mineral interests owned by the United States in the private lands covered by the application shall be segregated to the extent that they will not be subject to appropriation under the mining and mineral leasing laws. The segregative effect of the application shall terminate upon: issuance of a patent or deed of such mineral interest; upon final rejection of the application; or two years from the date of publication of this notice, whichever occurs first.

Dated: March 28, 2001.

Denise P. Meridith,

State Director.

[FR Doc. 01–10309 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

National Park Service

Submission of Study Package to Office of Management and Budget; Review Opportunity for Public Comment

AGENCY: Department of the Interior, National Park Service; Glacier National Park.

ACTION: Notice and request for comments.

ABSTRACT: In 2001, The National Park Service (NPS) is proposing to conduct a telephone survey of potential visitors to Glacier National Park, For purposes of this study, potential visitors are those that have expressed interest in visiting Glacier National Park by making contact with a state-funded tourism development office but subsequently did not visit. Survey results will help describe and quantify potential socio-economic impacts of Going-to-the-Sun Road rehabilitation alternatives by providing information regarding behavior of potential visitors if travel on Going-to-the-Sun Road is hampered.

The estimated number of responses is 700. At an average of one or ten minutes per interview, the expected burden is 64 hours.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 and 5 CFR part 1320, Reporting and Record Keeping Requirements, the NPS invites public comment on this proposed information collection request (ICR). Comments are invited 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 NPS goal in conducting this survey is to collect information that aids in assessing the potential socio-economic impacts of rehabilitation alternatives for Going-to-the-Sun Road. Direct responses from potential visitors will provide quality information upon which to develop reliable analyses.

There were no public comments received as a result of publishing in the **Federal Register** a 60-day notice of intention to request clearance of information collection for this survey.

DATES: Public comments will be accepted on or before May 29, 2001.

SEND COMMENTS TO: Office of Information and Regulatory Affairs of OMB, Attention Desk Officer for the Interior Department, Office of Management and Budget, Washington, DC 20503.

The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments within thirty days from the date listed at the top of this page in the **Federal Register**.

FOR FURTHER INFORMATION OR A COPY OF THE STUDY PACKAGES SUBMITTED FOR OMB REVIEW, CONTACT: Fred Babb Voice: 406–888–7976; Email: fred_babb@nps.gov

SUPPLEMENTARY INFORMATION:

Title: Survey of Potential Visitors to Glacier National Park.

Bureau Form Number: None.

OMB Number: 1024–new.

Expiration Date: September 30, 2001 (requested).

Type of request: Request for new clearance.

Title: Description of need: The National Park Service needs information to assess the potential socio-economic impacts of rehabilitation alternatives for Going-to-the-Sun Road.

Automated Data Collection: At the present time, there is no automated way to gather this information, since it includes asking potential visitors abut their travel plans and preferences if restrictions are imposed on Going-to-the Sun Road during rehabilitation.

Description of respondents: Respondents are potential visitors to Glacier National Park. These are individuals that made an inquiry to Travel Montana regarding Glacier National Park in the last 12 months prior to the inception of the study but did not visit Glacier National Park. Travel Montana is a state-sponsored tourism development organization.

Estimated average number of respondents: 700.

Estimated average number of responses: Each respondent will respond only one time, so the number of responses will be the same as the number of respondents, 700.

Estimated averaged burden hour per response: 1 minute or 10 minutes.

Frequency of Response: 1 time per respondent.

Estimated annual reporting burden: 64.2 hours.

Dated: April 5, 2001.

Betsy Chittenden,

Information Collection Clearance Officer, WASO Administrative Program Center, National Park Service.

[FR Doc. 01–10401 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Submission of Study Package to Office of Management and Budget; Review Opportunity for Public Comment

AGENCY: Department of the Interior, National Park Service; Glacier National Park.

ACTION: Notice and request for comments.

ABSTRACT: Later in 2001, the National Park Service (NPS) is proposing to conduct a mail-out/mail-back survey of businesses in the Glacier National Park area, which comprises three counties in Montana (Lake, Glacier and Flathead) plus some communities in southwest

Alberta, Canada. Survey results will provide information from business managers about (a) the business' reliance on tourism by season; (b) perceived business impact during rehabilitation of Going-to-the-Sun Road; (c) recommended mitigation strategies, and; (d) the size and ownership of the business. The information will be used to develop the forthcoming socioeconomic impact analysis and mitigation strategies to minimize any potential negative impact during road rehabilitation.

The estimated number of responses is 5,340. At an average of 15 minutes to complete the self-administered survey, the expected burden is 1,335 hours.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 and 5 CFR part 1320, Reporting and Record Keeping Requirements, the NPS invites public comment on this proposed information collection request (ICR). Comments are invited 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 NPS goal in conducting this survey is to collect information that aids in assessing the potential socio-economic impacts of rehabilitation alternatives for Going-to-the-Sun Road. Direct responses from local businesses will provide quality information upon which to develop reliable analyses.

There were no public comments received as a result of publishing in the **Federal Register** a 60-day notice of intention to request clearance of information collection for this survey.

DATES: Public comments will be accepted on or before May 29, 2001.

SEND COMMENTS TO: Office of Information and Regulatory Affairs of OMB, Attention Desk Officer for the Interior Department, Office of Management and Budget, Washington, DC 20503.

The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments within thirty days from the date listed at the top of this page in the **Federal Register**.

FOR FURTHER INFORMATION OR A COPY OF THE STUDY PACKAGES SUBMITTED FOR OMB REVIEW, CONTACT: Fred Babb Voice: 406–888–7976; Email: fred_babb@nps.gov.

SUPPLEMENTARY INFORMATION:

Title: Survey of Businesses in the Glacier National Park Area.

Bureau Form Number: None.

OMB Number: 1024–new.

Expiration Date: September 30, 2001 (requested).

Type of Request: Request for new clearance.

Description of need: The National Park Service needs information to assess the potential socio-economic impacts of rehabilitation alternatives for Going-to-the-Sun Road.

Automated Data Collection: At the present time, there is no automated way to gather this information, since it includes asking local business managers their judgment about reliance on tourism, perceived business impacts during rehabilitation of Going-to-the-Sun Road, and recommended mitigation strategies.

Description of respondents: Respondents are businesses located in the Glacier National Park area, which includes Flathead, Glacier and Lake Counties in Montana and the communities of Waterton, Cardson, Fort McCloud, and Pincher Creek in Alberta, Canada.

Estimated average number of respondents: 5,340.

Estimated average number of responses: Each respondent will respond only one time, so the number of responses will be the same as the number of respondents, 5,340.

Estimated average burden hour per response: 15 minutes.

Frequency of Response: 1 time per respondent.

Estimated annual reporting burden: 1,335 hours.

Dated: April 2, 2001.

Betsy Chittenden,

Information Collection Clearance Officer, WASO Administrative Program Center, National Park Service.

[FR Doc. 01–10402 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Submission of Study Package to Office of Management and Budget: Opportunity for Public Comment

AGENCY: Department of the Interior, National Park Service, Acadia National Park.

ACTION: Notice and request for comments.

ABSTRACT: The National Park Service (NPS) in conjunction with the U.S. Navy and the University of Vermont, is proposing in 2001 to conduct a survey of military and civilian employees of the U.S. Navy base located in the Schoodic Peninsula section of Acadia National Park. In the survey, employees will be asked about their recreational use of Acadia National Park and their feelings about how Navy base property should be used if and when it is transferred to the National Park Service.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 and 5 CFR part 1320, Reporting and Record Keeping Requirements, the NPS invites public comment on the proposed information request (ICR). Comments are invited 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 NPS goal in conducting this survey is to determine the amount and type of recreational use of Acadia National Park by U.S. Navy Base employees, and how these employees feel about potential future uses of Navy Base property if and when this property is transferred to the National Park Service.

There were no public comments received as a result of publishing in the **Federal Register** a 60-day notice of intention to request clearance of information collection for this survey.

DATES: Public comments will be accepted on or before May 29, 2001.

SEND COMMENTS TO: Office of Information and Regulatory Affairs of OMB, Attention Desk Officer for the Interior Department, Office of Management and Budget, Washington, DC 20503.

The OMB has up to 60 days to approve or disapprove the information collection, but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments within 30 days from the date listed at the top of this page of the **Federal Register**.

FOR FURTHER INFORMATION OR A COPY OF THE STUDY PACKAGE SUBMITTED FOR OMB REVIEW, CONTACT: Robert E. Manning: Voice: (802) 656–3096, e-mail: *rmanning@nature.snr.uvm.edu*.

SUPPLEMENTARY INFORMATION:

Title: Survey of Employees at the U.S. Navy Base at Schoodic, Maine.

Bureau Form Number: None.

OMB Number: 1024–new.

Expiration Date: September 30, 2001 (requested).

Type of Request: Request for new clearance.

Description of Need: The National Park Service needs information to plan for the potential transfer of property at the U.S. Navy Base at Schoodic, Maine to the National Park Service.

Automated Data Collection: At the present time, there is not an automated way to gather this information because it includes asking respondents about their use of Acadia National Park and their feelings about how Navy Base property should be used.

Description of Respondents: Military and civilian employees of the U.S. Navy Base at Schoodic, Maine.

Estimated Average Number of Respondents: 200.

Estimated Average Number of Responses: Each respondent will respond only one time, so the number of responses will be the same as the number of respondents.

Estimated Average Burden Hour per Response: 10 minutes.

Frequency of Response: One time per respondent.

Estimated Annual Reporting Burden: 33.3 hours.

Dated: April 5, 2001.

Betsy Chittenden,

Information Collection Clearance Officer, WASO Administrative Program Center, National Park Service.

[FR Doc. 01–10403 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Issue a Temporary of Concession Contract For Food and Beverage, Lodging and Merchandise Services at Oregon Caves National Monument

SUMMARY: Pursuant to the National Park Service Concessions Management Improvement Act of 1998, notice is hereby given that the National Park Service intends to issue a temporary concession contract authorizing continued operation of food and beverage, overnight lodging and merchandise services to the public within Oregon Caves National Monument. The temporary concession contract will be for a term of not more than one year. This short-term concession contract is necessary to avoid interruption of visitor services while the National Park Service finalizes the development of the Prospectus to be issued for a long-term concession contract. This short-term contract will be for a one seasonal operating period ending November 30, 2001. This notice is in pursuant to 36 CFR Part 51, Section 51.24(a).

SUPPLEMENTARY INFORMATION: The concession contract at Oregon Caves National Monument expired on December 31, 2001. The operation is seasonal and operates primarily from mid-May through mid-September and provides visitors with lodging, food and beverage and merchandises services. Oregon Caves National Monument is near completion of a Prospectus for the solicitation of a long-term concession contract that meets the requirements of the park's General Management Plan regarding commercial services offered to the public. The short-term concession contract will allow for this action to take place without a long-term delay in service to the public.

Information about this place can be sought from: National Park Service, Chief, Concession Program Management Office, Pacific West Region, Attn: Mr. Tony Sisto, 600 Harrison Street, Suite 600, San Francisco, California 94107–1372, or call (415) 427–1366.

Dated: January 22, 2001.

John J. Reynolds,

Regional Director, Pacific West Region.

[FR Doc. 01–10404 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan, Environmental Impact Statement, Appomattox Court House National Historical Park, Virginia

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of intent to prepare an Environmental Impact Statement for the General Management Plan, Appomattox Court House National Historical Park.

SUMMARY: Under the provisions of the National Environmental Policy Act of 1969, as amended, the National Park Service is preparing an environmental impact statement for the General Management Plan for Appomattox Court House National Historical Park and is initiating the scoping process for this document. This notice is in accordance with 40 CFR 1501.7 and 40 CFR 1508.22, of the regulations of the President's Council on Environmental Quality for the National Environmental Policy Act of 1969, Public Law 91–190.

Background

The purpose of the GMP/EIS will be to state the management philosophy for the park and to provide alternatives for addressing major issues facing the area. The alternatives will be based on the mission and goals of the NPS and those of the park and will identify the programs, actions and support facilities needed to manage and preserve cultural and natural resources and to provide for safe, accessible and appropriate use of those resources by visitors.

Participation throughout the planning process will be encouraged and facilitated by various means, such as public meetings and newsletters. The NPS will conduct public scoping meetings to explain the planning process and to solicit opinions about issues to address in the GMP/EIS. The time and location of these meetings will be announced in the local and regional media and through mailed notices. This notice will also serve as an additional scoping method. Those wishing to comment or express concerns on the management issues and future management direction of Appomattox Court House National Historical Park are invited to participate in the scoping process by responding to this notice with written or e-mail comments.

Contact Information: Requests to be added to the mailing list for the project, questions and comments should be sent in writing to the Superintendent, Appomattox Court House National Historical Park, P.O. Box 218, Route 24, Appomattox, VA 24522 or via the Internet at *apco_gmp@nps.gov* or be made by telephone at (804) 352–8987.

Dated: April 6, 2001.

Leonard C. Emerson,

Acting, Regional Director, Northeast Region.

[FR Doc. 01–10291 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan, Environmental Impact Statement Supplement, Organ Pipe Cactus National Monument, Arizona

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of Intent to prepare a supplement to the environmental impact statement for the general management plan, Organ Pipe Cactus National Monument.

SUMMARY: Under the provisions of the National Environmental Policy Act, the National Park Service is preparing a supplement to the environmental impact statement (EIS) for the final general management plan (GMP) for Organ Pipe Cactus National Monument. The supplement will be approved by the Director, Intermountain Region.

Organ Pipe Cactus National Monument was established as a unit of the National Park System in 1937 to preserve almost 132,275 hectares of the Sonoran Desert for the public interest. It is located in southwestern Arizona and shares its southern border with Mexico. The Organ Pipe Cactus National Monument Final General Management Plan/Development Concept Plans/ Environmental Impact Statement was approved in 1997. On February 12, 2001, The United States District Court for the District of Columbia (Civil Action No. 99–927) found that the EIS did not fully comply with the National Environmental Policy Act (NEPA) of 1969 because the cumulative impacts of all agency activities were not fully analyzed.

The major issue to be addressed in the EIS Supplement is the Sonoran Pronghorn. The pronghorn, one of five subspecies of pronghorn, has evolved in a unique desert environment and has distinct adaptations to this environment that distinguish it from other subspecies. In 1967, the US Fish and Wildlife Service (USFWS) designated the Sonoran Pronghorn as endangered. The most recent estimates indicate that approximately 120 to 250 pronghorn exist today. The only habitat in which Sonoran pronghorn currently remain in the United States is federally-owned land in Southwest Arizona. The court order declared that the USFWS issued Biological Opinions that failed to address the impacts of the National Park Service and other surrounding federal agencies current and planning activities on the pronghorn in an ''environmental baseline''. The court order also declares that the National Park Service issued an environmental impact statement that failed to address the cumulative impacts of their activities on the pronghorn, when added to other past, present, and reasonable foreseeable future actions, regardless of what agency undertakes those actions.

Pursuant to the court order, the National Park Service, through a supplement to the GMP/EIS, will address all cumulative impacts of actions on the Sonoran Pronghorn that were not fully considered at the time of its GMP, regardless of what agency undertakes those actions. The National Park Service is not proposing to add, change, or delete any alternatives or impacts of alternatives that were presented in either the Draft General Management Plan/Development Concept Plans/Environmental Impact Statement or the Supplement to the Draft General Management Plan/ Development Concept Plans/ Environmental Impact Statement. Alternatives addressed will be (1) Existing Conditions/No Action and Alternative (2) New Proposed Action Alternative. The National Park Service will begin the process to the supplement to the GMP/EIS in mid-March, 2001.

Comments

With this Notice of Intent, scoping comments will be accepted for 30 days from the date of this notice. If you wish to comment on this notice, you may submit your comments by any one of several methods. You may mail comments to Laurie Domler, Intermountain Region, Denver Support Office, 12795 Alameda Parkway, P.O. Box 25287, Denver, CO 80225–0287. You may also submit comments via electronic mail to Laurie_Domler@nps.gov. Please include your name and return address in any message. Our practice is to make comments, including the names and 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 honor to the extent allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Superintendent, Bill Wellman, Organ Pipe Cactus National Monument, Route 1, Box 100, Ajo, AZ 85321; Tel: (520); FAX: (520) e-mail: Bill_Wellman@nps.gov.

Dated: April 2, 2001.

Jack Neckels,

Director, Intermountain Region.

[FR Doc. 01–10405 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Cape Cod National Seashore Advisory Commission; Two Hundred Thirty Fourth Meeting; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App 1, section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, June 8, 2001.

The Commission was reestablished pursuant to Public Law 87–126 as amended by Public Law 105–280. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The Commission members will meet at 1 p.m. at Headquarters, Marconi Station, Wellfleet, Massachusetts for the regular business meeting to discuss the following:

1. Adoption of Agenda
2. Approval of minutes of previous meeting (April 6, 2001)
3. Reports of Officers
4. Reports of Subcommittees
   —Dune Shacks
   —Nickerson Fellowship
5. Superintendent's Report
   —Highlands Center (Radome Report)
   —Summer Shuttle Update
   —PWC Issue
   —Zoning Standards
   —40th Anniversary
   —News from Washington
6. Old Business
   —Advisory Commission Handbook
7. New Business
8. Date and agenda for next meeting
9. Public comments and
10. Adjournment

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members.

Interested persons may make oral/ written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning the meeting may be obtained from the Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667.

Dated: April 16, 2001.

Maria Burks,

Superintendent.

[FR Doc. 01–10400 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–76–M

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 April 14, 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 May 11, 2001.

Carol D. Shull,

Keeper of the National Register of Historic Places.

ARKANSAS

Madison County

Williams House and Associated Farmstead, AR 1, St. Paul, 01000508

Marion County

Oak Grove Cemetery, 7th St., Des Arc, 01000507

CALIFORNIA

San Luis Obispo County

Carrizo Plain Rock Art Discontiguous District, Address Restricted, California Valley, 01000509

LOUISIANA

Caddo Parish

Mason House, 103 Ardmore, Shreveport, 01000512

Webster Parish

Fitzgerald House, 304 McDonald, Minden, 01000510

NORTH CAROLINA

Caldwell County

Poe, Edgar Allan, House, 506 Main St. NW, Lenoir, 01000514

Cleveland County

Central School Historic District, Roughly N. Battleground Ave., N. Piedmont Ave., E. King St., E. Ridge Ave., and N. Gaston St., Kings Mountain, 01000513

Robeson County

Rowland Depot, W. Main St. and W. Railroad St., Rowland, 01000511

TEXAS

Jasper County

Aldridge Sawmill, (Early Twentieth Century Logging Industry Historic Resources on the National Forests and Grasslands in Texas MPS), S side of Angelina National Forest, Zavalla, 01000515

Webb County

Laredo US Post Office, Court House and Custom House, 1300 Matamoros, Laredo, 01000516

UTAH

Uintah County

Carter Road, Ashley National Forest, Ashley National Forest, 01000517

A request for removal has been made for the following resources:

Beaver County

Beaver High School, (Beaver MRA), 150 N. Main St., Beaver, 82004077

Salt Lake County

Jordan High School, 9351 S. State St., Sandy, 84002203

Technical High School, 241 N. 300 West, Salt Lake City, 80003934

Summit County

Silver King Ore Loading Station, Park Ave., Park City, 78002698

Utah County

Bullock, Benjamin Kimball, Farmhouse, 1705 S. State, Provo, 85003042

Lehi Fifth Ward Meetinghouse, 121 N. 100 East, approx., Lehi, 92001688

Weber County

Burch-Taylor Mill, 4287 Riverdale Rd., Ogden, 82004186

[FR Doc. 01–10290 Filed 4–25–01; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–703 and 705 (Review)]

Furfuryl Alcohol From China and Thailand

Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping duty orders on furfuryl alcohol from China and Thailand would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on May 1, 2000 (65 FR 25363) and determined on August 3, 2000, that it would conduct full reviews (65 FR 50003, August 16, 2000). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on November 6, 2000 (65 FR 66559). The hearing was held in Washington, DC, on March 1, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these reviews to the Secretary of Commerce on April 20, 2001. The views of the Commission are contained in USITC Publication 3412 (April 2001), entitled Furfuryl Alcohol From China and Thailand: Investigations Nos. 731–TA–703 and 705 (Review).

By order of the Commission.

Issued: April 20, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–10298 Filed 4–25–01; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–923 (Preliminary)]

Oleoresin Paprika From India

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from India of oleoresin paprika, provided for in subheading 3301.90.10 [2] of the Harmonized Tariff Schedule of the

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Other applicable subheadings identified in Commerce's scope include 1301.90.90, 1302.19.90, 3203.00.80, 3205.00.05, and 3301.90.50.

United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On March 6, 2001, a petition was filed with the Commission and the Department of Commerce by Rezolex, Ltd. Co., Las Cruces, NM, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of oleoresin paprika from India. Accordingly, effective March 6, 2001, the Commission instituted antidumping duty investigation No. 731–TA–923 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 14, 2001 (66 FR 14934). The conference was held in Washington, DC, on March 26, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on April 20, 2001. The views of the Commission are contained in USITC Publication 3415 (April 2001), entitled Oleoresin Paprika from India: Investigation No. 731–TA–923 (Preliminary).

Issued: April 20, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–10299 Filed 4–25–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–01–016]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: May 3, 2001 at 11 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436 Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–702 (Review) (Ferrovanadium and Nitrided Vanadium from Russia)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on May 15, 2001.)
5. Inv. No. 731–TA–888–890 (Final) (Stainless Steel Angle from Japan, Korea, and Spain)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on May 11, 2001.)
6. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission:

Issued: April 24, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–10509 Filed 4–24–01; 12:59 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Hazardous Conditions Complaints

AGENCY: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the **ADDRESSEE** section of this notice.

DATES: Submit comments on or before June 25, 2001.

ADDRESSES: Send comments to Brenda C. Teaster, Acting Chief, Records Management Division, 4015 Wilson Boulevard, Room 709A, 4015, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to bteaster@msha.gov, along with an original printed copy. Ms. Teaster can be reached at (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

FOR FURTHER INFORMATION CONTACT: Brenda C. Teaster, Acting Chief, Records Management Division, U.S. Department of Labor, Mine Safety and Health Administration, Room 709A, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Ms. Teaster can be reached at Bteaster@msha.gov (Internet E-mail), (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Under section 103(g) of the Mine Safety and Health Act of 1977 (Pub. L. 91–173, as amended by Pub. L. 95–164) (the Act)), a representative of miners, or any individual miner acting voluntarily as a repesentative of miners, may submit a written notification of alleged violation of the Act or a mandatory standard or of an imminent danger. Such notification requies MSHA to make an immediate inspection. A copy of the notice must be provided to the operator.

Title 30, CFR, part 43, implements section 103(g) of the Act. It provides the procedures for submitting notification of the alleged violation and the actions which MSHA must take after receiving the notice. Although the regulation contains a review procedure (required by section 103(g)(2) of the Act) whereby a miner or a representative of miners may in writing request a review if no citation or order is written as a result of the original notice, the option is so rarely used that it was not considered in the burden estimates.

II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Hazardous Conditions Complaints addressed by 30 CFR 43.4 and 43.7. MSHA is particularly interested in comments which:

- 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;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and

• 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 submissions of responses.

A copy of the proposed information collection request may be viewed on the Internet by accessing the MSHA Home Page (*http://www.msha.gov*) and selecting ''Statutory and Regulatory Information'' then ''Paperwork Reduction Act Submissions (*http://www.msha.gov/regspwork.htm*)'', or by contacting the employee listed above in the **FOR FURTHER INFORMATION CONTACT** section of this notice for a hard copy.

III. Current Actions

MSHA is required to conduct inspections of hazardous conditions whenever and however complaints are made by miners or miners' representatives to the Agency. This is a mandatory Agency response dictated by the provisions of section 103(g) of the Act and implemented through the provisions of part 43 CFR Title 30. MSHA has minimized the paper work burden by providing alternative toll free telephone extensions and internet e-mail procedures so that hazardous complaints may be made verbally and anonymously. These complaints are reduced to written form by MSHA for presentation to the operator or independent contractor. MSHA's effectiveness in enforcing the safety and health standards and ability to provide timely response to hazardous conditions requires immediate and confidential investigation of safety complaints. Such response is essential to retaining the confidence of the miners and to encouraging compliance with the health and safety standards between inspection events.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Hazardous Conditions Complaints.

OMB Number: 1219–0014.

Record keeping: None.

Affected Public: Businesses or other for profit.

Cite/Reference/Form/etc.: 30 CFR 43.4 and 43.7.

Total Respondents: 651.

Frequency: On occasion.

Total Responses: 651.

Average Time per Response: 12 minutes.

Estimated Total Burden Hours: 130 hours.

Estimated Total Burden Cost: $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: April 19, 2001.

Brenda C. Teaster,

Acting Chief, Records Management Division.

[FR Doc. 01–10417 Filed 4–25–01; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Mine Ventilation System Plan

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: Submit comments on or before June 25, 2001.

FOR FURTHER INFORMATION CONTACT: Brenda C. Teaster, Acting Chief, Records Management Division, U.S. Department of Labor, Mine Safety and Health Administration, Room 709A, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Mrs. Teaster can be reached at bteaster@msha.gov (Internet E-mail), (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Underground mines present harsh and hostile working environments. The ventilation system is the most vital life support system in underground mining and a properly operating ventilation system is essential for maintaining a safe and healthful working environment. Lack of adequate ventilation in underground mines has resulted in fatalities from asphyxiation and explosions.

II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Mine Ventilation System Plan. MSHA is particularly interested in comments which:

• 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;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• 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 submissions of responses.

III. Current Action

A well planned mine ventilation system is necessary to assure a fresh air supply to miners at all working places, to control the amounts of harmful airborne contaminants in the mine atmosphere, and to dilute possible accumulation of explosive gases.

The standard requires that mine operators prepare a written plan of the mine's ventilation system and to update the plan annually. The purposes are to insure that each operator routinely plans, reviews, and updates the plan; to insure the availability of accurate and correct information; and to provide MSHA with the opportunity to alert the mine operator to potential hazards.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Mine Ventilation System Plan.

OMB Number: 1219–0016.

Affected Public: Business or other for-profit.

Frequency: Annually.

Cite/Reference/Form/etc/: 30 CFR 57.8520.

Total Respondents: 284.

Total Responses: 284.

Average Time per Response: 24 hours.

Estimated Total Burden Hours: 6,816 hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: April 19, 2001.

Brenda C. Teaster,

Acting Director, Records Management Division.

[FR Doc. 01–10418 Filed 4–25–01; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Record of Individual Exposure to Radon Daughters

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: Submit comments on or before June 25, 2001.

ADDRESSES: Send comments to Brenda C. Teaster, Acting Chief, Records Management Division, 4015 Wilson Boulevard, Room 709A, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to bteaster@msha.gov, along with an original printed copy. Ms. Teaster can be reached at (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

FOR FURTHER INFORMATION CONTACT: Brenda C. Teaster, Acting Chief, Records Management Division, U.S. Department of Labor, Mine Safety and Health Administration, Room 709A, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Ms. Teaster can be reached at bteaster@msha.gov, (Internet E-mail), (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

MSHA's primary goal is the protection of America's most precious resource, the miner. To achieve this goal, this agency has to keep information regarding the hazards faced and the progress made within the industry to develop and maintain a safe and healthy work environment. Records concerning the health and welfare of miners are especially important, given that the nature of the exposure could result in medical complications later in the miner's life. To this end, the record keeping of Radon Daughters is essential information. Each year the industry records and reports the exposure levels that its workforce has faced during the past 12 months. This information is archived and stored for retrieval by the exposed party, or legal representative, should a medical release be deemed necessary. This reporting of the exposure numbers also serves to inform MSHA of the industry expansion or decrease as well as health threats incurred.

During the past calendar year MSHA has received a decreased number of industry responses. These responses indicated that a decreasing number of miners are being employed and exposed within this industry grouping. Concurrently, the United States economy is calling for production rates that are lower than those in recent years. The decrease in production has resulted in a smaller number of employees being exposed to Radon Daughters. Regardless of the number of miners exposed, MSHA needs to keep the recording requirements for Radon Daughters to ensure that the records regarding the miners' level of exposure today is available to them tomorrow and throughout their lifetimes.

II. Desired Focus

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Record of Individual Exposure to Radon Daughters. MSHA is particularly interested in comments which:

- 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;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- 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 submissions of responses. A copy of the proposed information collection request may be viewed on the Internet by accessing the MSHA Home Page *(http://www.msha.gov)* and selecting ''Statutory and Regulatory Information'' then ''Paperwork Reduction Act submission *(http://www.msha.gov/regspwork.htm)*'', or by contacting the employee listed above in the **FOR FURTHER INFORMATION CONTACT** section of this notice for a hard copy.

III. Current Actions

This information collection needs to be extended to provide miners protection from radon daughter exposure.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Record of Individual Exposure to Radon Daughters.

OMB Number: 1219–0003.

Agency Number: MSHA 4000–9.

Recordkeeping: 2 years.

Affected Public: Business or other for-profit.

Cite/reference	Total respondents	Frequency (weeks)	Total responses	Average time per response (hours)	Burden
Sampling	2	50	100	5.00	500
Recording Results	2	50	100	1.50	150
Calculating Reporting	2	50	100	1.25	125

Cite/reference	Total respondents	Frequency (weeks)	Total responses	Average time per response (hours)	Burden
Clerical	2	50	100	0.25	25
Totals			100		800

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintaining): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: April 20, 2001.

Brenda C. Teaster,

Acting Chief, Records Management Division.

[FR Doc. 01–10419 Filed 4–25–01; 8:45 am]

BILLING CODE 4510–43–M

NATIONAL CREDIT UNION ADMINISTRATION

Central Liquidity Facility

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final Interpretive Ruling and Policy Statement (IRPS) 01–2, ''Central Liquidity Facility Advance Policy.''

SUMMARY: This policy statement clarifies the role of the Central Liquidity Facility (CLF) and the circumstances when the CLF will approve a Regular or Agent Member's request for a CLF advance.

DATES: The IRPS is effective May 29, 2001.

ADDRESSES: National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428.

FOR FURTHER INFORMATION CONTACT: J. Owen Cole, Jr., Vice President, CLF, at the above address, or telephone: (703) 518–6360 or Frank S. Kressman, Staff Attorney, at the above address, or telephone: (703) 518–6540.

SUPPLEMENTARY INFORMATION:

A. Background

The CLF operates in accordance with Title III of the Federal Credit Union Act (Act) and Part 725 of NCUA's regulations, which implements Title III. 12 U.S.C. 1795–1795k; 12 CFR part 725. It was created in 1979 to improve the general financial stability of the credit union industry by helping to meet the liquidity needs of individual credit unions. This improved stability encourages savings, supports consumer and mortgage lending, and helps provide basic financial resources to all segments of the economy. In continuing to fulfill this mission, the CLF previously published proposed IRPS 00–2 to clarify its function and limitations in an ever-changing financial services environment. 65 FR 63892, October 25, 2000; 65 FR 65884, November 2, 2000. NCUA has received public comments on the proposal and has incorporated some of those comments into the IRPS. NCUA has renumbered IRPS 00–2 as 01–2 and adopts the below revised IRPS as final. IRPS 01–2 supersedes IRPS 80–4.

B. Summary of Comments

NCUA received thirteen comment letters regarding the proposed IRPS. Six from credit union trade associations, four from corporate credit unions, one from a natural person federal credit union, one from a banking trade association, and one from an association of state credit union supervisors. All of the commenters generally supported the proposed IRPS, except for the banking trade association. Some commenters offered suggested revisions.

Seven commenters noted that the proposed IRPS states that a CLF loan officer may require a borrowing credit union to prepare a liquidity restoration plan to detail the action and time required to restore the credit union's net funds position to the point where it is no longer dependent on CLF advances. These commenters suggested that the IRPS would be more useful if NCUA provided examples of circumstances under which a loan officer might require a plan. The loan officer's decision to require a plan is greatly dependent on the unique circumstances of the borrowing credit union. Factors that may contribute to this decision include: (1) The credit union consistently provides incomplete, vague, or untimely information needed to approve or monitor an advance; (2) the loan officer develops concerns about the borrowing credit union's financial condition and ability to repay; (3) the credit union appears to have used an advance for inappropriate purposes; and (4) the credit union appears to be unreasonably dependent on advances without making progress towards implementing programs to manage its liquidity risk. These factors are only a few of many that a loan officer may consider before requiring a liquidity restoration plan. This clarification has been incorporated into the final IRPS.

Four commenters noted that the proposed IRPS lists examples of appropriate circumstances for seeking CLF advances. These commenters suggested that NCUA should more clearly indicate that there may also be other appropriate circumstances for seeking CLF advances in addition to those listed. NCUA acknowledges that the list is meant to be illustrative, not exhaustive. NCUA has incorporated this clarification into the final IRPS.

The association of state credit union supervisors suggested that NCUA should adopt a policy not to advance funds to a state chartered, federally insured credit union without first consulting with the credit union's state supervisory authority (SSA). NCUA does not believe this is an appropriate action for it to take, but recognizes that an SSA may wish to require its regulated credit unions to notify it before making application to CLF.

The banking trade association suggested that NCUA withdraw the IRPS and re-issue it as a regulation so that it would have the force of law. We note that the IRPS was issued in compliance with the Administrative Procedure Act (APA) and has the same force of law as a regulation. 5 U.S.C. 551. The banking trade association also stated that CLF should not provide financial assistance to financially troubled credit unions. We agree. CLF is intended only as a liquidity provider and that is how it functions. Finally, the banking trade association stated that CLF is prohibited from making advances the intent of which is to expand credit union portfolios and therefore can not make advances to address an unexpected surge of credit demands. We agree that CLF is prohibited from making advances the intent of which is to expand credit union portfolios, but believe that an unexpected surge of credit demands is a legitimate liquidity need for the CLF to meet.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact agency rulemaking may have on a substantial number of small credit unions. For purposes of this analysis, credit unions under $1 million in assets are considered small credit unions.

This final IRPS clarifies the role of the CLF and the circumstances when the CLF will approve advances. This final IRPS imposes no additional financial, regulatory, or other burden whatsoever on credit unions transacting business with the CLF. The NCUA has determined and certifies that this final IRPS will not have a significant economic impact on a substantial number of small credit unions. Accordingly, the NCUA has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

NCUA has determined that this final IRPS does not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their regulatory actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This final IRPS applies to all credit unions doing business with the CLF, but does not have substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. NCUA has determined that this final IRPS does not constitute a policy that has federalism implications for purposes of the executive order.

Assessment of Federal Regulations and Policies on Families

NCUA has determined that this final IRPS will not affect family well-being within the meaning of Section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the APA. 5 U.S.C. 551. The Office of Management and Budget has determined that this final IRPS is not a major rule for purposes of the Small Business Regulatory Enforcement Fairness Act of 1996.

By the National Credit Union Administration Board, on April 19, 2001.

Becky Baker,

Secretary of the Board.

For the reasons stated above, IRPS 01–2 is revised to read as follows:

Authority: 12 U.S.C. 1795–1795f.

2. IRPS 01–2 is revised to read as follows:

Interpretive Ruling And Policy Statement No. 01–2

Central Liquidity Facility Advance Policy

Purpose

Congress established the Central Liquidity Facility (CLF) in 1979 and authorized the NCUA Board, acting as the CLF Board, to prescribe the manner in which the general business of the CLF is to be conducted. The CLF was created to improve the general financial stability of the credit union industry by meeting the liquidity needs of individual credit unions. This improved stability encourages savings, supports consumer and mortgage lending, and helps provide basic financial resources to all segments of the economy. This policy statement is intended to clarify the role of the CLF and the circumstances under which the CLF will approve a Regular or Agent Member's request for a CLF advance.

Liquidity Needs

The liquidity needs of natural person credit unions for which CLF advances are appropriate are limited to:

A. Short-term adjustment credit available to assist in meeting temporary requirements for funds or to cushion more persistent outflows of funds pending an orderly readjustment of credit union assets and liabilities;

B. Seasonal credit available for longer periods to assist in meeting seasonal needs for funds arising from a combination of expected patterns of movement in share and deposit accounts and loans; and

C. Protracted adjustment credit available in the event of unusual or emergency circumstances of a longer-term nature resulting from national, regional or local difficulties.

Short-term adjustment credit advances generally are available for maturity periods of up to 90 days. Seasonal credit advances are available for periods of up to 270 days. Seasonal credit is generally restricted to institutions that can demonstrate a pattern of recurring need. Seasonal credit advance requests must be supported by an analysis that includes at least two years of detailed seasonal flow of funds data. Protracted adjustment credit advances that are available for periods in excess of 270 days are only made when exceptional circumstances are adversely affecting an individual institution. CLF loan officers exercise considerable discretion in extending protracted adjustment credit and may consult with NCUA supervisory authorities to address any concerns over the credit union's ability to restore liquidity and remain viable. As is the case with short-term adjustment credit and seasonal credit, CLF may decline a credit union's request for protracted adjustment credit for creditworthiness reasons. It may also refer the credit union to the appropriate NCUA Regional Director for possible NCUSIF special assistance under section 208 of the Act. 12 U.S.C. 1788.

Role of the CLF

Historically, CLF advances have been intended only to help maintain financial stability for credit unions that were experiencing liquidity difficulties or expected to experience liquidity difficulties in the immediate future. In most instances, CLF makes advances when the borrower's primary sources of liquidity are inadequate, impracticable or otherwise unavailable at the time of need. CLF is prohibited by statute from making an advance the intent of which is to expand credit union portfolios. 12 U.S.C. 1795e(a)(1).

NCUA acknowledges the need for the CLF to operate in a flexible manner. While NCUA recognizes that CLF is not to be considered the ''lender of last resort,'' NCUA also understands that CLF is not to be used as a conventional funding facility or standard market alternative for borrowing credit unions. Rather, NCUA's long-standing position is that the CLF was established to be used sparingly as a stabilizing agent in times when liquidity needs threaten to disrupt credit unions' ability to provide basic financial resources to their members. Accordingly, NCUA's long-held policy that the CLF is a backup liquidity provider remains unchanged.

Although CLF advances are available when appropriate, NCUA emphasizes the importance of liquidity planning and contingency funding. NCUA expects credit unions to have in place adequate programs and procedures to manage their liquidity risk. Each credit union's liquidity management program should be appropriate for the overall level of risk incurred, considering its asset size, complexity, capital adequacy, and products or services offered. Inadequate liquidity can cause disruptions in member services and diminish public confidence. It can also increase a credit union's vulnerability to other market and operational risks. The failure to understand and manage liquidity risk adequately could easily place a credit union in an unsafe and unsound financial position.

As part of normal contingency planning, credit unions are expected to develop

funding plans that include credit lines that are accessible on a timely basis. This may be accomplished with a corporate credit union or other source. The appropriateness of granting a CLF advance depends on the circumstances of the credit union at the time of the liquidity need. Appropriate circumstances for seeking CLF advances may include, but are not limited to, borrowing:

- To meet an unexpected loss in shares or nonmember funds;
- To address an unexpected surge of credit demands within the credit union's membership; and
- To meet liquidity needs due to forces beyond the immediate control of the credit union such as an internal operating problem or a natural disaster.

Among other circumstances, borrowing from CLF is not appropriate:

- To take advantage of a differential between the rate of a CLF advance and the rate of alternative sources of funds known as spread arbitrage;
- To substitute CLF credit for normal, short-term, interest-sensitive shares such as certificates or money market shares; or
- To support a planned increase in loans or investment holdings or new loan product offerings.

CLF will monitor, as necessary, the frequency and duration of a credit union's CLF borrowings to make certain that the credit union is taking appropriate measures to diminish reliance on CLF advances and verify that a more serious liquidity problem does not exist. Borrowers are expected to initiate appropriate actions to restore adequate liquidity within a reasonable period of time. Facility loan officers, at their discretion, may require a borrowing credit union to prepare a liquidity restoration plan to detail the action and time required to restore its net funds position to the point where it is no longer dependent on CLF advances. A loan officer's decision to require a plan is greatly dependent on the unique circumstances of the borrowing credit union. Factors that may contribute to this decision include: (1) The credit union consistently provides incomplete, vague, or untimely information needed to approve or monitor an advance; (2) the loan officer develops concerns about the borrowing credit union's financial condition and ability to repay; (3) the credit union appears to have used an advance for inappropriate purposes; and (4) the credit union appears to be unreasonably dependent on advances without making progress towards implementing programs to manage its liquidity risk. These factors are only a few of many that a loan officer may consider before requiring a liquidity restoration plan.

[FR Doc. 01–10308 Filed 4–25–01; 8:45 am]

BILLING CODE 7535–01–U

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–255, 72–005, License No. DPR–20]

Consumers Energy Company (Palisades Plant); Order Approving Transfer of Operating Authority and Conforming Amendment

I

Consumers Energy Company (CEC or the licensee) is the holder of Facility Operating License No. DPR–20, which authorizes operation of the Palisades Plant (Palisades or the facility). The facility is located in Van Buren County, Michigan. The license authorizes CEC to possess, use, and operate Palisades.

II

By application dated November 21, 2000, the Commission was informed that CEC entered into an Operating Services Agreement with Nuclear Management Company, LLC (NMC). Under the proposed transaction, NMC will be designated as the licensee authorized to use and operate Palisades in accordance with the terms and conditions of the license. The transaction involves no change in plant ownership. The licensee requested approval of the proposed transfer of operating authority under the Palisades Facility Operating License to NMC. The application also requested a conforming amendment to reflect the transfer. The proposed amendment would add NMC to the license and reflect that NMC is exclusively authorized to use and operate Palisades. As a result of the transfer of the license with respect to operating authority thereunder and the conforming license amendment, NMC will also become and act as the general licensee for the Independent Spent Fuel Storage Installation (ISFSI) at Palisades pursuant to 10 CFR 72.210.

According to the application for approval filed by CEC, NMC would become the licensee authorized to use and operate Palisades following approval of the proposed license transfer. NMC will assume exclusive responsibility for the operation and maintenance of Palisades. Ownership of Palisades will not be affected by the proposed transfer of operating authority. CEC will retain its current ownership interest. NMC will not own any portion of Palisades. Likewise, CEC's entitlement to capacity and energy from Palisades will not be affected by the transfer of operating authority. No physical changes to the Palisades facility were proposed in the application.

Approval of the transfer of operating authority under the Facility Operating License and conforming license amendment was requested by CEC pursuant to 10 CFR 50.80 and 10 CFR 50.90. Notice of the application for approval and an opportunity for a hearing was published in the **Federal Register** on December 19, 2000 (65 FR 79431). No hearing requests or written comments were received.

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. After reviewing the information in the application by CEC and other information before the Commission, and relying upon the representations and agreements contained in the application, the NRC staff has determined that NMC is qualified to hold the operating authority under the license, and that the transfer of the operating authority under the license to NMC is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission, subject to the conditions set forth below. The NRC staff has further found that the application for the proposed license amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations set forth in 10 CFR Chapter I; the facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission; there is reasonable assurance that the activities authorized by the proposed license amendment can be conducted without endangering the health and safety of the public and that such activities will be conducted in compliance with the Commission's regulations; the issuance of the proposed license amendment will not be inimical to the common defense and security or the health and safety of the public; and the issuance of the proposed amendment will be in accordance with 10 CFR part 51 of the Commission's regulations and all applicable requirements have been satisfied. The foregoing findings are supported by a safety evaluation dated April 19, 2001.

III

Accordingly, pursuant to sections 161b, 161i, and 184 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2201(b), 2201(i), and 2234, and 10 CFR 50.80, *it is hereby ordered* that the transfer of operating authority under the license, as described herein, to NMC

is approved, subject to the following conditions:

(1) After receipt of all required regulatory approvals of the transfer of operating authority to NMC, CEC and NMC shall inform the Director of the Office of Nuclear Reactor Regulation in writing of such receipt within 5 business days, and of the date of the closing of the transfer no later than 7 business days prior to the date of closing. If the transfer is not completed by April 19, 2002, this Order shall become null and void, provided, however, upon written application and for good cause shown, such date may in writing be extended.

(2) NMC shall, prior to completion of the transfer of operating authority for Palisades, provide the Director of the Office of Nuclear Reactor Regulation satisfactory documentary evidence that NMC has obtained the appropriate amount of insurance required of licensees under 10 CFR part 140 of the Commission's regulations.

It is further ordered that, consistent with 10 CFR 2.1315(b), a license amendment that makes changes, as indicated in Enclosure 2 to the cover letter forwarding this Order, to conform the license to reflect the subject transfer of operating authority is approved. The amendment shall be issued and made effective at the time the proposed transfer is completed.

This Order is effective upon issuance.

For further details with respect to this action, see the application dated November 21, 2000, which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov*).

Dated at Rockville, Maryland, this 19th day of April 2001.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 01–10413 Filed 4–25–01; 8:45 am]

BILLING CODE 7590–01–U

NUCLEAR REGULATORY COMMISSION

Public Meeting on NRC's Inspection Program in Offshore Federal Waters in the Gulf of Mexico

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public meeting in Lafayette, Louisiana.

SUMMARY: The U.S. Nuclear Regulatory Commission will hold a public meeting on the NRC's inspection and enforcement program for licensed activities conducted in offshore Federal waters in the Gulf of Mexico. The meeting is intended to discuss current issues facing industrial radiography and well logging licensees as they implement the NRC requirements in offshore Federal waters.

Time/Date: The public meeting will be held on Thursday, May 10, 2001, from 9:00 a.m. to 12:30 p.m. (Central Daylight Savings Time).

Place: Hilton Hotel Lafayette, Ballroom, 4th Floor, 1521 West Pinhook Road, Lafayette, Louisiana 70503.

FOR FURTHER INFORMATION CONTACT: Richard A. Leonardi, Jr., Health Physicist, NRC Region IV Office, Division of Nuclear Materials Safety, Nuclear Materials Inspection Branch, Arlington, Texas 76011, or by telephone: (817) 860–8187, or email: *ral@nrc.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Nuclear Regulatory Commission will hold a public meeting on the NRC's inspection and enforcement program for licensed activities conducted in offshore Federal waters in the Gulf of Mexico. The meeting is intended to discuss current issues facing industrial radiography and well logging licensees as they implement the requirements of 10 CFR parts 34, 39, and 150 in offshore Federal waters. The meeting is designed to inform, listen to, and learn from the meeting's attendees, including an exchange of information regarding the operational implications and unique conditions associated with the use of radiographic exposure devices on platforms and laybarges. The meeting will be facilitated by Francis X. Cameron, Special Counsel for Public Liaison, of the NRC Office of General Counsel.

To accomplish this goal, the NRC staff will make brief presentations on NRC's inspection and enforcement program, the Letter of Agreement between NRC and the Minerals Management Service (MMS) of the Department of the Interior, and the lessons learned during the initial implementation of NRC's inspection activities in the Gulf of Mexico. Presentations will be followed by a facilitated question and answer session to provide a forum for discussion of current issues and challenges facing NRC and Agreement State licensees performing licensed activities on oil/gas platforms and marine laybarges operating in the Gulf of Mexico. Attendees are expected to include individuals representing the industrial radiography and well logging industry, Federal and State regulatory organizations, platform and laybarge owners and operators, and interested members of the public. The meeting notice, meeting agenda, Letter of Agreement with MMS, and **Federal Register** notice of termination of the 274i Agreement with Louisiana can be obtained from the NRC website (*http://www.nrc.gov/NRC/PUBLIC/meet.html#RIV*), or by contacting Richard A. Leonardi, Jr. at (817) 860–8187 or email at *ral@nrc.gov*. Copies of these documents will also be available at the meeting.

Dated at Arlington, Texas this 18th day of April, 2001.

For the Nuclear Regulatory Commission.

Mark R. Shaffer,

Chief, Nuclear Materials Safety Branch, Division of Nuclear Materials Safety.

[FR Doc. 01–10415 Filed 4–25–01; 8:45 am]

BILLING CODE 7590–01–U

NUCLEAR REGULATORY COMMISSION

Meeting Concerning the Revision of the Oversight Program for Nuclear Fuel Cycle Facilities

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of public meeting.

SUMMARY: NRC will hold a public meeting at the NRC Headquarters location at 11555 Rockville Pike, in Rockville, MD to provide the public, those regulated by the NRC, and other stakeholders with information about, and an opportunity to provide views on, how NRC plans to revise its oversight program for nuclear fuel cycle facilities. This meeting follows a February 8, 2001 public meeting regarding the work plan for the oversight revision project.

Similar to the revision of the oversight program for commercial nuclear power reactor plants, NRC initiated an effort to improve its oversight program for nuclear fuel cycle facilities. This effort is described in SECY–99–188, ''Evaluation and Proposed Revision of the Nuclear Fuel Cycle Facility Safety Inspection Program,'' and in SECY–00–0222, ''Status of Nuclear Fuel Cycle Facility Oversight Program Revision.'' SECY–99–188 and SECY–00–0222 are available in the Public Document Room and on the NRC Web Page at *http://www.nrc.gov/NRC/COMMISSION/SECYS/index.html.* Additional project information can be found on the NRC

technical conference website at *http://techconf.llnl.gov/cgi-bin/topics.*

Purpose of Meeting: To obtain stakeholder views on how to improve the NRC oversight program for ensuring that fuel cycle licensees and certificate holders maintain protection of worker and public health and safety, protection of the environment, and safeguards for special nuclear material and classified matter in the interest of national security. The oversight program applies to commercial nuclear fuel cycle facilities regulated under 10 CFR parts 40, 70, and 76. The facilities currently include gaseous diffusion plants, highly enriched uranium fuel fabrication facilities, low-enriched uranium fuel fabrication facilities, and a uranium hexafluoride (UF_6) production facility. These facilities possess large quantities of materials that are potentially hazardous (i.e., radioactive, toxic, and/or flammable) to the workers, public, and environment. Also, some of the facilities possess information and material important to national security. In revising the oversight program, the goal is to have an oversight program that: (1) Provides earlier and more objective indications of facility performance in the areas of safety and national security, (2) increases stakeholder confidence in the NRC, and (3) increases regulatory effectiveness, efficiency, and realism. To achieve this goal, the NRC desires the revised oversight program to be more risk-informed and performance-based.

The May 8, 2001 public meeting will focus on the development of a general policy on how the effectiveness of licensee corrective actions will be factored into performance assessments and the NRC's response to licensee performance.

DATES: Members of the public, industry, and other stakeholders are invited to attend and participate in the meeting, which is scheduled for 9 to 10:15 a.m. on Tuesday, May 8, 2001. The meeting will be held in the One White Flint North building in conference room O–4B6.

ADDRESSES: NRC Headquarters, 11555 Rockville Pike, in Rockville, MD. Visitor parking around NRC Headquarters is limited; however, the public meeting site may be reached by taking the Washington DC area metro to White Flint. NRC Headquarters is located across the street from the White Flint metro station.

FOR FURTHER INFORMATION, CONTACT: Patrick Castleman, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–8118, e-mail *pic@nrc.gov.*

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 20 day of April, 2001.

Patrick Castleman,

Project Manager, Inspection Section, Safety and Safeguards Support Branch, Division of Fuel Cycle Safety and Safeguards.

[FR Doc. 01–10414 Filed 4–25–01; 8:45 am]

BILLING CODE 7590–01–U

PEACE CORPS

Proposed Information Collection Requests

AGENCY: Peace Corps.

ACTION: Notice of public use form review request to the Office of Management and Budget (OMB Control Number 0420–0529).

SUMMARY: Pursuant to the Paperwork Reduction Act of 1981 (44 USC, Chapter 35), the Peace Corps has submitted to the Office of Management and Budget a request for approval of information collections OMB Control Number 0420–0529, the Peace Corps Day Brochure Registration Form. The purpose of this notice is to allow for public comments on whether the proposed collection of information is necessary for the proper performance of the functions of the Peace Corps, including whether their information will have practical use; the accuracy of the agency's estimate of the burden of the proposed collections information, including the validity of the methodology and assumptions used; ways to enhance the quality, utility and the clarity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology. A copy of the information collection may be obtained from Lisa Ward, Office of Domestic Programs, Peace Corps, 1111 20th Street, NW., Room 2134, Washington, DC 20526. Ms. Ward may be contracted by telephone at 202–692–1422 or 800–424–8580 ext 1422. Comments on the form should also be addressed to the attention of Ms. Ward within sixty days of the publication date in the **Federal Register**.

Information Collection Abstract

Title: Peace Corps Day Brochure Registration Form.

Need for and Use of This Information: This collection of information is necessary because the Peace Corps' Office of Domestic Programs builds awareness of the continuing benefits that former Volunteers bring back to the United States after their service through its Coverdell World Wise Schools program, the Fellows/USA graduate fellowship program, Returned Volunteers Services, and through Peace Corps Day. For more than 10 years, programs and publications have aimed to harness the cross-cultural experiences of returned Peace Corps Volunteers (RPCVs) to foster better global understanding among Americans, and particularly students, throughout the United States. The information is used by the Office of Domestic Programs to send presentation and educational materials to RPCVs, which enhances the quality of the presentations. Information is also used by Public Affairs Specialists to promote Peace Corps Day regionally, broadly raising awareness for the Peace Corps and augmenting recruiting efforts.

Respondents: Returned Peace Corps Volunteers.

Respondent's Obligation to Reply: Voluntary.

Burden on the Public:

a. *Annual reporting burden:* 6,500 hours.

b. *Annual record keeping burden:* 0 hours.

c. *Estimated average burden per response:* 3 minutes.

d. *Frequency of response:* one time.

e. *Estimated number of likely respondents:* 130,000.

f. *Estimated cost to respondents:* $1.02.

Responses will be returned by postage-paid business reply card, fax, email, and downloaded from the Peace Corps web site. (*www.peacecorps.gov*)

This notice is issued in Washington, DC on April 20, 2001.

Doug Warnecke,

Acting, Chief Information Office and Associate Director for Management.

[FR Doc. 01–10410 Filed 4–23–01; 4:18 pm]

BILLING CODE 6051–01–M

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request; Copies Available From: Securities and Exchange Commission, Office of Filings and Information Service, Washington, DC 20549.

Extension:

Rule 301 and Forms ATS and ATS–R, SEC File No. 270–451, OMB Control No. 3235–0509

Rule 302, SEC File No. 270–453, OMB Control No. 3235–0510

Rule 303, SEC File No. 270–450, OMB Control No. 3235–0505

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 collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

Regulation ATS provides a regulatory structure that directly addresses issues related to alternative trading systems' role in the marketplace. Regulation ATS allows alternative trading systems to choose between two regulatory structures. Alternative trading systems have the choice between registering as broker-dealers and complying with Regulation ATS or registering as national securities exchanges. Regulation ATS provides the regulatory framework for those alternative trading systems that choose to be regulated as broker-dealers.

Rule 301 of Regulation ATS contains certain notice and reporting requirements, as well as additional obligations that only apply to alternative trading systems with significant volume. Rule 301 describes the conditions with which an alternative trading system must comply to be registered as a broker-dealer. Rule 301 requires all alternative trading systems that wish to comply with Regulation ATS to file an initial operation report on Form ATS. The initial operation report requires information regarding operation of the system including the method of operation, access criteria and the types of securities traded. Alternative trading systems are also required to supply updates on Form ATS to the Commission, describing material changes to the system, and quarterly transaction reports on Form ATS–R. Alternative trading systems are also required to file cessation of operations reports on Form ATS.

Alternative trading systems with significant volume are required to comply with requirements for fair access and systems capacity, integrity and security. Under Rule 301, such alternative trading systems are required to establish standards for granting access to trading on its system. In addition, upon a decision to deny or limit an investor's access to the system, an alternative trading system is required to provide notice to the investor of the denial or limitation and their right to an appeal to the Commission. Regulation ATS requires alternative trading systems to preserve any records made in the process of complying with the systems' capacity, integrity and security requirements. In addition, such alternative trading systems are required to notify Commission staff of material systems outages and significant systems changes.

The Commission uses the information provided pursuant to Rule 301 to comprehensively monitor the growth and development of alternative trading systems to confirm that investors effecting trades through the systems are adequately protected, and that the systems do not impede the maintenance of fair and orderly securities markets or otherwise operate in a manner that is inconsistent with the federal securities laws. In particular, the information collected and reported to the Commission by alternative trading systems enables the Commission to evaluate the operation of alternative trading systems with regard to national market system goals, and monitor the competitive effects of these systems to ascertain whether the regulatory framework remains appropriate to the operation of such systems. Without the information provided on Forms ATS and ATS–R, the Commission would not have readily available information on a regular basis in a format that will allow it to determine whether such systems have adequate safeguards.

Respondents consist of alternative trading systems that choose to register as broker-dealers and comply with the requirements of Regulation ATS. The Commission estimates that there are currently approximately 69 respondents.

An estimated 69 respondents will file an average total of 493 responses per year, which corresponds to an estimated annual response burden of 1,988.5 hours. At an average cost per burden hour of approximately $77.07, the resultant total related cost of compliance for these respondents is $153,263.14 per year (1988.5 burden hours multiplied by $77.07/hour).

Rule 302 of Regulation ATS describes the recordkeeping requirements for alternative trading systems that are not national securities exchanges. Under Rule 302, alternative trading systems are required to make a record of subscribers to the alternative trading system, daily summaries of trading in the alternative trading system and records of order information in the alternative trading system.

The information required to be collected under Rule 302 should increase the abilities of the Commission, state securities regulatory authorities, and the self-regulatory organizations (SROs) to ensure that alternative trading systems are in compliance with Regulation ATS as well as other rules and regulations of the Commission and the SROs. If the information is not collected or collected less frequently, the Commission would be severely limited in its ability to comply with its statutory obligations, provide for the protection of investors and promote the maintenance of fair and orderly markets.

Respondents consist of alternative trading system that choose to register as broker-dealers and comply with the requirements of Regulation ATS. The Commission estimates that there are currently approximately 69 respondents.

Sixty-nine respondents will spend approximately 2,484 hours per year to comply with the recordkeeping requirements of Rule 302. At an average cost per burden hour of $86.54, the resultant total related cost of compliance for these respondents is $214,965.36 per year (2,484 burden hours multiplied by $86.54/hour).

Rule 303 of Regulation ATS describes the record preservation requirements for alternative trading systems that are not national securities exchanges.

For alternative trading systems that register as broker-dealers, comply with Regulations ATS and meet certain volume thresholds, such alternative trading systems would be required to preserve all records made pursuant to Rule 302, which includes information relating to subscribers, trading summaries and order information. Such alternative trading systems would also be required to preserve records of any notices communicated to subscribers, a copy of the systems' standards for granting access and any documents generated in the course of complying with the systems' capacity, integrity and security requirements under Regulation ATS. Rule 303 also describes how such records be kept and how long they must be preserved.

The information contained in the records required to be preserved by Rule 303 will be used by examiner and other representatives of the Commission, state securities regulatory authorities, and the SROs to ensure that alternative trading systems are in compliance with Regulation ATS as well as other rules and regulations of the Commission and the SROs. Without the data required by Rule 303, the Commission would be severely limited in its ability to comply with its statutory obligations, provide for the protection of investors and promote the maintenance of fair and orderly markets.

Respondents consist of alternative trading systems that choose to register

as broker-dealers and comply with the requirements of Regulation ATS. The Commission estimates that there are currently approximately 69 respondents.

Sixty-nine respondents will spend approximately 276 hours per year (69 respondents at 4 burden hours/respondent) to comply with the record preservation requirements of Rule 303. At an average cost per burden hour of $86.54, the resultant cost of compliance for these respondents is $23,885.04 per year (276 burden hours multiplied by $86.54/hour).

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 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: April 17, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–10388 Filed 4–25–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request; Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Form SE, OMB Control No. 3235–0327, SEC File No.270–289

Form ID, OMB Control No. 3235–0328, SEC File No.270–291

Form ET, OMB Control No. 3235–0329, SEC File No.270–290

Form TH, OMB Control No. 3235–0425, SEC File No.270–377

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'') has submitted to the Office of Management and Budget requests for extension of the previously approved collections of information discussed below.

Form SE is used by registrants to file paper copies of exhibits that would be difficult or impossible to submit electronically. The information contained in Form SE is used by the Commission to identify paper copies of exhibits. Form SE is a public document and is filed on occasion. Form SE is filed by individuals, companies or other for-profit organizations that are required to file electronically. It is estimated that 110 registrants file Form SE at an estimated .10 hours per response for a total annual burden of 11 hours.

Form ID is used by companies to apply for identification numbers and passwords used in conjunction with the EDGAR electronic filing system. The information provided on Form ID is essential to the security of the EDGAR system. Form ID is not a public document because it is used solely for the purpose of registering filers on the EDGAR system. Form ID must be file every time a registrant or other person obtains or changes an identification number. The form is filed by individuals, companies or other for-profit organizations that are required to filed electronically. It is estimated that 7,000 registrants file Form ID at an estimated .15 hours per response for a total annual burden of 1,050 hours.

Form ET is used by companies to facilitate the transfer of information submitted to the Commission on magnetic tapes to the EDGAR system. Form ET provides technical information about the magnetic tape cartridge contents and identifies a contract person who can answer any questions about the tape cartridge. Form ET is a public document and is filed on occasion. It is filed by individuals, companies or other for-profit organization that are required to file electronically. It must be filed every time a filing is submitted to the Commission on magnetic tape to identify such filings. It is estimated that 120 registrants file Form ET at an estimated .25 hours per response for a total annual burden of 30 hours.

Form TH is used by registrants to notify the Commission that an electronic filer is relying on the temporary hardship exemption for the filing of a document in paper format that would otherwise be required to file electronically as prescribed by Rule 201(a) of Regulations S–T. Form TH is a public document and is filed on occasion. Form TH must be filed every time an electronic filer experiences unanticipated technical difficulties preventing the timely preparation and submission of a required filing. It is estimated that Form TH is filed by 15 registrants at an estimated .33 hours per response for a total annual burden of 5 hours.

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.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: April 19, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–10389 Filed 4–25–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44201; Form Type 34–36 MR; File No. 79–9]

Order Granting Application for a Conditional Exemption by the National Association of Securities Dealers, Inc. Relating to the Acquisition and Operation of a Software Development Company by the Nasdaq Stock Market, Inc.

April 18, 2001.

I. Introduction

On March 3, 2000, the National Association of Securities Dealers, Inc. (''NASD'') and The Nasdaq Stock Market, Inc. (''Nasdaq'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Rule 0–12 [1] under the Securities Exchange Act of 1934 (''Exchange Act''), an application for a conditional exemption under section 36(a)(1) of the Exchange Act [2] relating to the Nasdaq's acquisition and operation of a software development company. In addition, the NASD requested that, if the commission determined to solicit comment on the

[1] 17 CFR 240.0–12.

[2] 15 U.S.C. 78mm(a)(1).

application for a permanent exemption, the Commission grant a temporary conditional exemption for a period of one year.

The notice of application was published in the **Federal Register** on May 1, 2000 (''Public Notice''),[3] along with an order temporarily granting the application for a conditional exemption. In this notice, the Commission stated that it would make a final determination concerning the request for a permanent exemption after reviewing the comments submitted in response to the notice and prior to the expiration of the temporary exemption.[4] No comments were received on the application. This order approves the NASD's application for a conditional exemption under section 36(a)(1) of the Exchange Act [5] relating to Nasdaq's acquisition and operation of a software development company.

The relevant text of the NASD's application is set forth in section II below,[6] followed by the Commission's order granting the NASD's request for an exemption in section III.

II. NASD's Application for Exemption

On behalf of the NASD an Nasdaq, pursuant to section 36 of the Exchange Act and Rule 0–12 thereunder, we are writing to apply for an exemption from section 19(b) of the Exchange Act, to (1) permit Nasdaq to acquire [7] and operate a software development company, Financial Systemware, Inc. (''FSI''), to market certain financial services software, ''OTC Tools'' and related software (''Software''), and to expand the products and services offered by FSI to include service bureau and back-office functions for NASD broker-dealers, without filling proposed rule changes pursuant to Rule 19b–4 under the Exchange Act before making or implementing any modifications to the Software, or with respect to each new software product or service offered by FSI (provided those new software products and services are offered in a manner that is not inconsistent with the representations contained in this letter), and (2) permit FSI to determine prices for such software products and services based on competitive market factors without filing proposed rule changes pursuant to Rule 19b–4 under the Exchange Act.

Subject to receiving the exemptive relief requested herein, Nasdaq plans to acquire the assets of FSI, whose primary line of business is the development and distribution of a financial services software product called ''OTC Tools.'' OTC Tools is designed for and marketed to NASD broker-dealers that use Nasdaq Workstation II terminals. OTC Tools is a Microsoft Windows-based software product that enhances and simplifies a user's interactions with, and use of, the Nasdaq Workstation II terminal, but does not change or alter the current features of Nasdaq, SelectNet or SOES (*i.e.,* the facilities of the NASD). The NASD and Nasdaq proposed that Nasdaq will operate FSI as a stand-alone business, capitalized separately and not subsidized by NASD members or other revenues of the NASD or Nasdaq.

OTC Tools offers a variety of features to assist NASD broker-dealers in efficiently managing their quotes, monitoring and executing incoming orders, continually checking for closed, locked or crossed markets, and monitoring the depth of the market. These functions to be performed by OTC Tools are not central to the core functionality of Nasdaq's marketplace. Rather the functions involved are supplemental to, and independent of, the primary functions of Nasdaq.

Currently, the Software, which is being commercially marketed to NASD broker-dealers, offers a variety of features to assist them in efficiently managing their quotes, monitoring and executing incoming orders, continually checking for closed, locked, or crossed markets, and monitoring the depth of the market. There is a high level of effective competition in providing these types of software products and services to market participants. For example, Automatic Securities Clearance, through its BRASS service, provides order-management services and software to a large number of NASD member firms that are in many respects similar to the Software. Other firms, such as Eagle Trading, ADP, TCAM and Royal Blue, offer order handling packages that compete with those offered by FSI. Similarly, many NASD member firms have developed internal order management and order-routing software that provides independent functions comparable to those provided by the Software.

Technology applications for broker-dealers and market makers develop and change very rapidly, and FSI needs to be able to move quickly to modify existing products and develop new software products. If FSI were required to follow the procedures for rule filings and approvals each time the Software is modified or enhanced, the delays and administrative difficulties associated with the rule filing process would put FSI at a significant competitive disadvantage relative to other software developers that are not affiliated with an SRO. Moreover, the NASD and Nasdaq would not be able to provide NASD broker-dealers with the type of timely and effective software development that users desire and have indicated they need. Thus, in this competitive software market, the delays and administrative difficulties associated with the rule filing process would, in the NASD's view, put FSI at such a competitive disadvantage so as to render the acquisition of FSI or the rights to the software impracticable.

As described in Exchange Act Rule 0–12, in connection with a request for exemption from any provision of the Exchange Act, the applicant is required to state any conditions or limitations it believes would be appropriate for the protection of investors. As a general matter, the NASD and Nasdaq believe the request submitted herein is appropriate because it deals with nonessential services of the NASD and provides the benefit of optional technological innovation designed to improve the productivity of NASD member firms. The following limitations on the exemptive relief requested are, in the view of the NASD and Nasdaq, not objectionable to further this objective and to ensure that the operation of FSI is generally consistent with the requirements of the Exchange Act applicable to SROs.

Continued Presence of Competition

As indicated above, at the time of this application, there is a high level of effective competition in providing software to market makers. Automatic Securities Clearance, through its BRASS service, for example, provides order-management services and software that are in many respects similar to the Software to a large number of NASD member firms. Other firms, such as Eagle Trading, ADP, TCAM and Royal Blue, offer order handling packages that compete with those offered by FSI. Similarly, many NASD member firms have developed internal order management and order-routing software

[3] *See* Securities Exchange Act Release No. 42713 (April 24, 2000), 65 FR 25401.

[4] *Id.* at 25401. Nasdaq has submitted a letter reiterating the NASD's and Nasdaq's commitment to continue to comply with the terms and conditions of the conditional exemption and to continue to operate Nasdaq Tools, Inc. (formerly known as Financial Systemware, Inc.) in a manner that does not provide the company with an unfair competitive advantage. *See* letter from S. William Broka, Senior Vice President, Nasdaq, to Jonathan G. Katz, Secretary, Commission, dated February 5, 2001.

[5] 15 U.S.C. 78mm(a)(1).

[6] The full text of the NASD's exemption application was published in the Public Notice and is incorporated herein by reference.

[7] The NASD filed its application on March 3, 2000. Subsequently, Nasdaq completed its acquisition of the assets of the software development company.

that provides independent functions comparable to those provided by the Software. Moreover, the software industry in general, and the financial software industry in particular have low barriers to entry, so that, as the markets evolve and technology is increasingly brought to bear on securities trading, new entrants can, in our view, emerge. NASD and Nasdaq understand that the Commission may reconsider at a later date its decision to grant the exemptive relief requested herein in the event that effective competition for these software products and services no longer exists.

Independent Functionality of Nasdaq and Other NASD-Sponsored Services

NASD and Nasdaq believe that providing the Software to NASD member firms does not, and will not, affect the basic functionality of the Nasdaq system. In acquiring FSI and providing the software to NASD member firms, the core functions of Nasdaq (currently provided through the Nasdaq Workstation II terminal system) will not be changed. Nasdaq and other NASD-sponsored systems (such as the Automated Confirmation Transaction Service) operate and will continue to operate independently of the Software. Use of the Software is not, and will not in the future, be necessary to access Nasdaq or any other NASD market-related facility, and NASD members that do not use the Software will be able to enter and change quotes, route orders, effective transactions and perform all market functions in Nasdaq. The NASD and Nasdaq believe that requiring full Nasdaq core functionality without use of the Software is an appropriate condition to the grant of the exemptive relief requested.

Full Public Access to Nasdaq Through the Application Programming Interface (''API'')[9] Will Continue

As the Commission is aware, the Nasdaq system is an open architecture system and Nasdaq has provided an API that enables firms to have access to the Nasdaq system through their own software or computer system. The NASD and Nasdaq are fully committed to maintaining the API to provide for fair and equitable access to the system and to encourage the development of software by NASD member firms and competing software vendors. Thus, we believe that conditioning the exemptive relief on continued free and open access to Nasdaq through the API is appropriate in light of the commitment of the NASD and Nasdaq to maximum competition in offering services to NASD members.

Fair Access to Information on Nasdaq Developments

As a fourth condition consistent with the statutory objective and our stated objective of maintaining a competitive software market, the NASD and Nasdaq agree not to provide FSI an information advantage concerning Nasdaq core facilities, particularly changes and improvements to the system, that is not available to the industry generally or to vendors of financial software for market makers and order entry firms, and will prevent FSI from having any advance knowledge of proposed changes or modifications to core Nasdaq facilities. This is appropriate to avoid giving FSI any informational advantage in the development and enhancement of software products for the Nasdaq market.

In this regard, FSI will not share employees with the NASD, Nasdaq or any other NASD affiliate, and will be housed in office space separate from that of the NASD or Nasdaq. In addition, FSI will be notified of any changes or improvements to the Nasdaq system in the same manner that other competing vendors are notified of such changes or improvements. For example, in addition to mailings and Web site disclosure of changes to Nasdaq or to Nasdaq technical specifications, Nasdaq currently meets at least quarterly with all vendors to discuss proposed modifications to the System and changes that are in the pipeline (subject to Commission approval, where needed). FSI will be traded, for purposes of these mailings, disclosures and meetings, the same as any third party vendor and will not receive any information regarding planned or actual changed to Nasdaq in advance of other vendors Conversely, FSI will not disclose any system or design specifications, or any other information to any employees with the NASD, Nasdaq or any other NASD affiliate that would give FSI an unfair advantage over its competitors.

For the reasons set forth above, the NASD hereby requests that the Commission grant an exemption from Section 19(b), and the rules and regulations thereunder, to (1) permit the Nasdaq to operate FSI and offer software to market makers (and other NASD member firms) without filing proposed rule changes with respect to making or implementing any modifications to the Software, or with respect to each new software product or service offered by FSI (provided those new software products and services are offered in a manner that is not inconsistent with the representations contained in this letter), and (2) permit FSI to determine prices for such software products and services based on competitive market factors without filing proposed rule changes.

III. Order Granting Conditional Exemption

The Commission has determined to grant the NASD's application for a conditional exemption. The Commission finds that the conditional exemption from the provisions of section 19(b) is necessary and appropriate in the public interest and is consistent with the protection of investors. In particular, the exemption could help promote efficiency and competition in the market to provide enhanced software services to broker-dealers who interact with the NASD's facilities, while upholding the regulatory objectives of the Exchange Act.

As discussed further below, the NASD, as a registered self-regulatory organization, operates a number of facilities used by broker-dealers that effect transactions in securities in the over-the-counter, particularly securities that are qualified for inclusion in Nasdaq. These facilities, which include the automated quotations network that is the heart of Nasdaq, order delivery and execution systems, and a transaction reporting system, are made available broker-dealer subscribes primarily through the Nasdaq Workstation II (''NWII'') service. The NASD has adopted an open architecture system that provides an API between the NWII system and a subscriber's computer system. The API allows broker-dealers to employ specialized software that supplements the NWII service and enhances their interaction with the NASD's facilities, thereby facilitating their trading and other proprietary activities. Currently, a number of companies independent of the NASD offer this type of software product for sale to broker-dealers. Nasdaq has acquired one of these companies—FSI.

[9] API provides an electronic interface between a subscriber's computer system and the Nasdaq Workstation II system. Through the use of the API, a subscriber may build its own workstation presentation software to integrate the Nasdaq Workstation II service into the subscriber's existing presentation facilities. The API allows a subscriber to emulate the Nasdaq Workstation II presentation software with equivalent functionality, capacity utilization and through-part capability, in addition to providing enhanced capability to develop customized internal presentations for use in support of a subscriber's activities. API also allows a subscriber to operate a quote-update facility to assist solely in complying with the Commission's Order Handling Rules. Generally, a subscriber establishes an API ''linkage,'' such as a Nasdaq Workstation II substitute or quote update facility, which in turn connects to a service delivery platform via an API server.

Certain of the functions offered through FSI's products, when considered together with the other services offered by the NASD and its affiliates,[10] could cause such products to be considered part of the NASD's facilities. Consequently, changes to the products or the fees charged for the products could trigger the proposed rule change requirements of section 19(b),[11] which include filings with the Commission, public notice and comment on those filings, and Commission review and approval of the proposed rule change. These requirements could significantly hamper the ability of FSI to compete effectively in a rapidly changing technology market to provide specialized software to broker-dealers. The requested conditional exemption would allow FSI to modify its products, offer new products, and set fees for its products without going through the proposed rule change procedures of section 19(b).[12]

In granting the Commission broad exemptive authority in section 36,[13] Congress intended to incorporate flexibility into the Exchange Act regulatory scheme to reflect a rapidly changing marketplace. Congress particularly intended for the Commission to use this flexibility to promote efficiency and competition.[14] The Commission believes that the NASD's requested conditional exemption will help achieve these goals, while upholding the regulatory objectives of the Exchange Act. In particular, the exemption could facilitate vigorous competition in the market to provide enhanced software services to broker-dealers by allowing FSI to compete on a more equal footing with companies that are not subject to the regulatory requirements applicable to an SRO. The exemption is subject to four principal conditions to help assure that FSI will not obtain an unfair competitive advantage because of its ownership by Nasdaq.

The Commission believes that granting a conditional exemption is warranted because (1) the products of FSI are not required for broker-dealers to access the NASD's fundamentally important or core services, including quotation collection and dissemination, order routing and execution, and transaction reporting, and (2) the opportunity for fair competition will be preserved in the market to provide enhanced software services to broker-dealers who use the NASD's facilities. Under these circumstances, the Commission believes that competitive forces, rather than the regulatory protections provided by the proposed rule change process, can be relied on to uphold the objectives of the Exchange Act in an efficient manner. Fair and vigorous competition, by creating incentives for companies to provide superior software products at fair prices, can serve the interests of broker-dealers, and ultimately those of their investor customers.

A. The NASD's Facilities and Its Open Architecture System

The NASD currently operates a number of facilities for broker-dealers that effect transactions in securities traded in the OTC markets. These facilities include (1) an automated quotations system, (2) the SelectNet order delivery system,[15] (3) the Small order Execution System (''SOES''), and (4) the Automated confirmation Transaction Service (''ACT'').

Currently, Nasdaq is a telecommunications network for the centralized collection and dissemination of quotations from market makers and electronic communications, networks (''ECNs''). This service allows broker-dealers to enter, retrieve, monitor, and adjust quotations throughout the trading day. The NASD's SelectNet facility offers broker-dealers the ability to automate the negotiation and execution of trades and eliminates the need for verbal contact between trading desks. It allows Nasdaq subscribers to direct orders for the purchase and sale of Nasdaq stocks to specified market makers or ECNs, or to broadcast orders for Nasdaq stocks to all market makers and ECNs. SelectNet also identifies incoming and outgoing orders and allows traders to see subsequent messages and negotiation results. The NASD's SOES facility automatically executes small agency orders routed to market makers, reports completed trades for public dissemination, and sends information with respect to those trades to clearing corporations for comparison and settlement. Finally, the NASD's ACT facility is an automated service that speeds the post-execution steps of price and volume reporting and the comparison and clearing of securities transactions.

Access to the NASD's facilities is made available primarily through the NASD's NWII service. In addition, the NASD has adopted an open architecture system that provides full public access to its facilities through the API. The API provides an electronic interface between a subscriber's computer system and the NWII system. Through the use of the API, a subscriber may employ its own workstation presentation software to integrate the NWII services into its presentation capabilities. The API thereby allows a subscriber to develop customized internal presentations for use in support of the subscriber's activities. In sum, core NASD services are provided through the NWII system, while subscribers also are able to develop or purchase customized software that enhances the NWII services and responds to their individual needs.

Many broker-dealers have taken advantage of the API and employ software to enhance the NASD services provided through the NWII system. Some broker-dealers have developed such software internally. In addition, a number of companies independent of the NASD have developed this type of software and offered it for sale to broker-dealers. For example, the promotional materials of one company states that its product ''provides full integrated and enhanced Nasdaq Workstation II features,'' including automated management of quotations, automated ACT reporting, and automated SelectNet order entry and order acceptance. Other competing companies make similar assertions concerning the ability of their products to enhance the interaction of broker-dealers with the NASD's facilities, as well as to facilitate a wide array of other broker-dealer proprietary activities.

The Nasdaq has acquired one of these companies—FSI. FSI is a software development company that offers a product called OTC Tools. OTC Tools includes a variety of features to assist NASD members in conducting their proprietary activities, including efficiently managing their quotes, monitoring and executing incoming orders, continually checking for closed, locked, or crossed markets, and monitoring the depth of the market.[16]

[10] The companies that currently offer the enhanced software products for broker-dealers are not owned by an SRO. When considered alone, their activities do not fall within the definition of a facility of an SRO, and they therefore are not subject to the proposed rule change requirements of Section 19(b).

[11] 15 U.S.C. 78s(b).

[12] 15 U.S.C. 78s(b).

[13] 15 U.S.C. 78mm.

[14] *See* discussion at Section III.C., commission's Exemptive Authority under Section 36, *infra.*

[15] The Commission approved a proposed rule change by the NASD to establish a revised order delivery and execution system—the Nasdaq National Market Execution System. Securities Exchange Act Release No. 42344 (Jan. 18, 2000), 65 FR 3987.

[16] For example, the current version of OTC Tools enables a user (1) to maintain a pre-configured maximum market spread in specific securities when making spread in specific securities when making adjustments in a quotation at one side of the market; (2) to capture and execute incoming

To enable FSI to modify its products, offer new products, and set fees for its products as freely and quickly as its competitors that are not owned by an SRO, the NASD has requested a conditional exemption from the proposed rule change provisions of section 19(b).

B. Proposed Rule Change Provisions of Section 19(b)

Section 19(b) [17] requires that every SRO file with the Commission copies of any proposed rule or any proposed change in, addition to, or deletion from the rules of such SRO, accompanied by a concise general statement of the basis and purpose of such proposed rule change. The Commission is required to publish notice of the filing of a proposed rule change and to give interested persons an opportunity to submit written data, views, and arguments. Section 19(b) [18] provides that the Commission shall approve an SRO's proposed rule change if it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the SRO.

The term ''rules of a self-regulatory organization'' is defined in section 3(a)(28) of the Exchange Act [19] to include the rules of an association of broker-dealers that is a registered securities association, and the term ''rules of an association'' is defined in section 3(a)(27) [20] to include such of the stated policies, practices, and interpretations of the association as the Commission determines by rule to be necessary or appropriate in the public interest or for the protection of investors. In Exchange Act Rule 19b–4,[21] the Commission has defined ''stated policy, practice, or interpretation'' to include any material aspect of the operation of the facilities of a self-regulatory organization. The term ''facility'' when used with respect to an exchange [22] is defined very broadly in section 3(a)(2) [23] to include, among other things, any tangible or intangible property of the exchange and any right to the use of such property or any service thereof for the purpose of effecting or reporting a transaction on an exchange (including any system of communication to or from the exchange).

Certain aspects of the software products that enhance a broker-dealer's interaction with the NASD's facilities, when considered together with the other services offered by the NASD and its affiliates, fall with the Exchange Act definition of a facility and therefore require the filing of a proposed rule change for material changes in the software and the fees charged for the software. The NASD has requested a conditional exemption for this requirement under Section 36 of the Exchange Act.[24]

C. Commission's Exemptive Authority Under Section 36

Section 36(a)(1) of the Exchange Act [25] grants the Commission broad authority to exempt any person from any provision of the Act to the extent that such exemption is necessary or appropriate in the public interest and is consistent with the protection of investors. In enacting section 36, Congress indicated that it expected that ''the Commission will use this authority to promote efficiency, competition and capital formation.'' [26] It particularly intended to give the Commission sufficient flexibility to respond to changing market and competitive conditions:

> The Committee recognizes that the rapidly changing marketplace dictates that effective regulation requires a certain amount of flexibility. Accordingly, the bill grants the SEC general exemptive authority under both the Securities Act and the Securities Exchange Act. This exemptive authority will allow the Commission the flexibility to explore and adopt new approaches to registration and disclosure. It will also enable the Commission to address issues relating to the securities markets more generally. For example, the SEC could deal with the regulatory concerns raised by the recent proliferation of electronic trading systems, which do not fit neatly into the existing regulatory framework.[27]

At the same time that it added section 36 to the Exchange Act, Congress enacted Section 3(f),[28] which charges the Commission, when it is engaged in rulemaking itself or reviewing an SRO rule and is required to consider whether an action is necessary or appropriate in the public interest, also to consider whether the action will promote efficiency, competition, and capital formation.

Section 36 [29] and section 3(f) [30] reaffirm a fundamental and long-established principle of the Exchange Act—investor interests are best served by a regulatory structure that facilitates fair and vigorous competition among market participants. Congress emphasized this principle, for example, when it amended the Exchange Act in 1975:

> In 1936, this Committee pointed out that a major responsibility of the SEC in the administration of the securities laws is to 'create a fair field of competition.' This responsibility continues today. * * * The objective would be to enhance competition and to allow economic forces, interacting within a fair regulatory field, to arrive at appropriate variations in practices and services. It would obviously be contrary to this purpose to compel elimination of differences between types of markets or types of firms that might be competition-enhancing.[31]

In recent years, the Commission has exercised its section 36 [32] exemptive authority to enhance competition as a means to meet the objectives of the Exchange Act. For example, it exempted alternative trading systems from many of the requirements that otherwise would apply to an ''exchange,'' including registration and the filing of proposed rule changes, when such requirements were not necessary or appropriate to further the Exchange Act's objectives. In adopting this exemption, the Commission stated that it ''believes that it regulation of markets should both accommodate traditional market structures and provide sufficient flexibility to ensure that new markets promote fairness, efficiency, and transparency.'' [33]

In addition, the Commission has used its exemptive authority to revise the proposed rule change requirements of section 19(b) to meet the changing needs of the SROs in a competitive international marketplace. For example, the Commission amended Rule 19b–4 [34] in 1998 to streamline the requirements for introduction of new derivative securities products.[35] At the same time,

SelectNet orders in several different fashions by combining multiple keystroke or mouse functions; (3) to send, with a single point-and-click feature, multiple SelectNet preferenced orders to preset market makers or ECNs; and (4) to monitor SelectNet broadcast orders for electronic execution based on the user's pre-configured order selection file.

[17] 15 U.S.C. 78s

[18] 15 U.S.C. 78s(b).

[19] 15 U.S.C. 78c(a)(28).

[20] 15 U.S.C. 78c(a)(27).

[21] 17 CFR 240.19b–4.

[22] The Commissions has found that Nasdaq falls within the definition of ''exchange'' under Section 3(a)(1) of the Act. Securities Exchange Act Release No. 40760 (Dec. 8, 1998), 63 FR 70844 (''ATS Release'') at nn. 58–61 and accompany text.

[23] 15 U.S.C. 78c(a)(2).

[24] 15 U.S.C. 78mm.

[25] 15 U.S.C. 78mm(a)(1).

[26] H.R. Rep. No. 104–622, 104th Cong., 2d Sess. 38 (1996).

[27] S. Rep. No. 104–293, 104th Cong., 2d Sess. 15 (1996).

[28] 15 U.S.C. 78c(f).

[29] 15 U.S.C. 78mm.

[30] 15 U.S.C. 78c(f).

[31] S. Rep. No. 94–75, 94th Cong., 1st Sess. 8 (1975).

[32] 15 U.S.C. 78mm.

[33] ATS Release, note 21 above, section I.

[34] 17 CFR 240.19b–4.

[35] Securities Exchange Act Release No. 40761 (Dec. 8, 1998), 63 FR 70952.

the Commission adopted Rule 19b–5 [36] to help reduce impediments to competitive innovation by SROs by exempting them from the requirement to file proposed rule changes for pilot trading systems for a two-year period. In adopting this exemption, the Commission noted that ''excessive regulation of traditional exchanges, alternative trading systems, or other markets hinders these exchanges' ability to compete and survive in the global arena'' and found that the exemption from section 19(b) for pilot trading programs ''responds to the SROs' need for a more balanced competitive playing field.'' [37]

D. Conditional Exemption for FSI

The NASD has requested a conditional exemption that would allow FSI to modify its products, offer new products, and set fees for its products without filing proposed rule changes under section 19(b). The exemption would be subject to four principal conditions: (1) The continued presence of effective competition in the market to provide software products that enhance a broker-dealer's interaction with the NASD's facilities; (2) the independent functionality of the NASD's facilities; (3) continued full pubic access to the NASD's facilities through the API; and (4) fair access to information concerning the NASD's facilities and systems.

The Commission believes that the requested conditional exemption will help promote efficiency and competition, while upholding the regulatory objectives of the Exchange Act. Nasdaq's ownership of a software company whose products facilitate a broker-dealer's interaction with the NASD's facilities could promote efficiency and competition. Specifically, permitting FSI, with the assistance of Nasdaq's knowledge of the securities market, to compete on equal footing with other software providers, could result in the development of products with features that more closely respond to the needs of a wide variety of broker-dealers, both large and small. Such products may result in increased efficiency of operations for these broker-dealers. Thus, this exemption may enable FSI to offer software products—enhanced by Nasdaq's insight and experience in the market—that could act as spur to competition and thereby help generate better software products for broker-dealers.

Given the pace of change in software technology and market conditions, the Commission believes that the procedural requirements of section 19(b) [38] could significantly hamper the ability of FSI to compete effectively with companies that are not subject to the same regulatory requirements. A software company needs to act rapidly and nimbly in developing and pricing its products. If FSI were required to comply with the proposed rule change requirements, it necessarily would be subject to greater expense, delay, and uncertainty in offering products and setting prices than its competitors. Although the requirements of section 19(b) [39] serve vital regulatory functions, particularly with respect to the fundamentally important or core services of an SRO, the Commission does not believe that they are necessary to further the public interest in the context of the limited services to be provided by FSI.

In reviewing a proposed rule change under Section 19(b), the Commission focuses on the particular section of the Exchange Act that sets forth substantive requirements for the SRO's rules. For a national securities association such as the NASD, section 15A [40] of the Exchange Act requires, among other things, that its rules (1) provide for the equitable allocation of reasonable dues, fees, and other charges among members using any facility or system which the association operates or controls (subparagraph (b)(5)); (2) be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, or broker-dealers (subparagraph (b)(7)); and (3) not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act (subparagraph (b)(9)).

The four principal conditions of the requested exemption will help assure that these regulatory objectives are upheld without requiring Commission review and approval of FSI's products and fees.[41] First, the products of FSI will not be necessary for broker-dealers to access the NASD's fundamentally important or core services, including quotation collection and dissemination, order routing and execution, and trade reporting.[42] The NASD and Nasdaq have agreed to maintain an independent functionality for the NASD's market-related facilities—that is, neither FSI's products nor enhanced software products of any kind will be necessary for a broker-dealer to obtain access to the NASD's fundamentally important or core services. The basic software products necessary to obtain such access (currently provided through the NWII service) will be provided separately from FSI.

In addition, for broker-dealers who wish to employ software products that enhance their interaction with the NASD's facilities, the exemption is conditioned on the continued existence of effective competition in the market to provide such type of products. This condition will work to assure that broker-dealers have a variety of viable software products from which to choose. To maintain an opportunity for fair competition, the NASD and Nasdaq have agreed to continue to provide open architecture systems that enable full public access to the NASD's facilities through the API. The NASD and Nasdaq also have agreed not to provide an unfair information advantages to FSI. FSI will not be given information concerning the NASD's facilities that is not available to the industry generally or to other companies competing to provide enhanced software products to broker-dealers. In particular, the NASD and Nasdaq will prevent FSI from having any advance private knowledge of proposed changes or modifications to the NASD's facilities. To help meet this condition, FSI will not share employees with the NASD or any NASD affiliate and will be housed in office space separate from that of the NASD or Nasdaq.

Given these conditions, the Commission does not believe that the regulatory protections offered by Commission review and approval of proposed rule changes are necessary or appropriate to further the Exchange Act's regulatory objectives. Access to the NASD's fundamentally important and core services will be independently maintained by the NASD and fully subject to the Exchange Act's regulatory

[36] 17 CFR 240.19b–5.

[37] ATS Release, note 21 above, section VI.A.

[38] 15 U.S.C. 78s(b).

[39] 15 U.S.C. 78s(b).

[40] 15 USC 78*o*–3

[41] The Commission reserves the right to modify, by order, the terms and scope of the exemption from the proposed rule change requirements if it determines such modification is appropriate for the protection of investors or in the public interest.

[42] This approach is consistent with the Commission's decision in an administrative proceeding that included a denial of access claim under Section 19(d) of the Exchange Act. *In the Matter of the Application of Morgan Stanley & Co.,* Admin. Proc. File No. 3–9289 (Dec. 17, 1997) (''In those cases in which we have found a denial of access, an SRO had denied or limited the applicant's ability to utilize one of the fundamentally important services offered by the SRO. The services at issue were not merely important to the applicant but were central to the function of the SRO.'').

scheme, including the proposed rule change requirements of Section 19(b).[43] Fair competition will be maintained in the market to provide enhanced software products to broker-dealers. Under these circumstances, the Commission believes at this point that competitive forces can be relied upon to produce software products at fair prices that meet the needs of broker-dealers. In sum, the Commission believes that FSI will neither be unnecessarily hampered in its competition to provide software services to broker-dealers nor given an unfair competitive advantage because of its ownership by Nasdaq.

IV. Conclusion

It Is Therefore Ordered, pursuant to section 36(a)(1) of the Exchange Act,[44] that the NASD's application for a conditional exemption (Form Type 34–36 MR; File No. 79–9) is approved.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–10394 Filed 4–25–01; 8:45 am]

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[43] 15 U.S.C. 78s(b).

[44] 15 U.S.C. 78mm(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44209; File No. 265–22]

Advisory Committee on Market Information

AGENCY: Securities and Exchange Commission.

ACTION: Notice of meeting of the Securities and Exchange Commission Advisory Committee on Market Information.

SUMMARY: The fifth meeting of the Securities and Exchange Commission Advisory Committee on Market Information (''Committee'') will be held on May 14, 2001, in the William O. Douglas Room, at the Commission's main offices, 450 Fifth Street, NW., Washington, DC, beginning at 9 a.m. The meeting will be open to the public, and the public is invited to submit written comments to the Committee.

ADDRESSES: Written comments should be submitted in triplicate and should refer to File No. 265–22. Comments should be submitted to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

FOR FURTHER INFORMATION CONTACT: Anitra Cassas, Special Counsel, Division of Market Regulation, at 202–942–0089; Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–1001.

SUPPLEMENTARY INFORMATION: In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 10a, and the regulations thereunder, the Designated Federal Official of the Committee, David S. Shillman, has ordered publication of this notice that the Committee will conduct a meeting on May 14, 2001, in the William O. Douglas Room at the Commission's main offices, 450 Fifth Street, NW., Washington, DC beginning at 9 a.m. The meeting will be open to the public. This will be the fifth meeting of the Committee. The purpose of this meeting will be to discuss alternative models for the provision of market data, and other issues relating to the public availability of market information in the equities and options markets.

Dated: April 20, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–10387 Filed 4–25–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44197; File No. SR–CBOE–00–49]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc., Order Approving Proposed Rule Change Relating to RAES Eligibility Requirements for SPX Options

April 18, 2001.

I. Introduction

On September 20, 2000, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'' filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposal to amend CBOE Rule 24.16, which governs the eligibility of Market-Makers to participate on the Exchange's Retail Automatic Execution System (''RAES'') in options on the Standard & Poor's 500 Index (''SPX'').

The proposed rule change was published for comment in the **Federal Register** on December 14, 2000.[3] No comments were received on the proposal. This order approves the proposed rule change.

The text of the proposed rule change is set forth below. Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

Rule 24.16

(a) Individual Members. Any individual Exchange member who has registered as a Market-Maker, who has signed the RAES Participation Agreement applicable to individuals, and who has completed the RAES instructional program is eligible to log onto RAES in SPX, so long as the requirements set forth in paragraph (iv) below are met:

* * * * *

(iv) RAES participation in SPX is limited to SPX Market-Makers. To qualify, a Market-Maker must: (A) be approved under Exchange rules as a Market-Maker with a letter of guarantee, *and* (b) maintain his principal business on the CBOE as a Market-Maker.[, (C) execute at least fifty percent of his Market-Maker contracts for the preceding calendar month in SPX and (D) execute at least seventy-five percent of his Market-Maker trades for the preceding calendar month in SPX in person. In making these calculations, RAES trades will not be considered.]

* * * * *

(d) Member Organizations with Multiple Nominees

(i) A member organization with multiple Market-Maker/nominees on the floor may arrange to have the RAES trades of all its nominees assigned to a single Market-Maker account, provided that the firm's participating nominees have first executed the RAES Participation Agreement applicable to firms and the manager of the multiple nominee account has satisfactorily completed the RAES instructional program. Thereafter, each of the participating nominees will be able to trade through RAES only in the manner described below, and not as a member of a joint account or as an individual. Each eligible nominee must meet the SPX Market-Maker [obligations] *requirements* set forth in paragraph [(c)(i)(A)–(D)]*(a)(iv) above. Members of a multiple nominee RAES account may only participate in that one account and may not participate directly or indirectly in any other RAES account, nor may a member organization participate directly or indirectly in SPX on RAES in more than one account.*

* * * * *

(e) Authority to Disapprove

(i) No person or entity may participate directly or indirectly in RAES, or share in the profits, directly or indirectly, with more than RAES group.[. which may not exceed the maximum number of RAES participants set by the appropriate MPC from time to time. In no event may the appropriate MPC set a maximum number higher than 33⅓% of the average number of RAES participants for the prior quarter. The appropriate MPC will give groups one month's notice if a reduction in group size becomes necessary due to application of this size limit. The appropriate MPC reserves the authority to establish lower limits on the size of groups eligible to use RAES. Size limits may be imposed by the appropriate MPC at any time.]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 43677 (December 5, 2000), 65 FR 78230.

(ii) The appropriate MPC [also] may disallow any group from participating in RAES where it appears to the Committee that such group:

(A) has ''purchased'' RAES rights from members of the group;

(B) does not afford each group participant a reasonable participation in profits and losses (As a guideline: no RAES participant may receive a flat fee, and a minimum participation level of any group member would be ¼ of a number that would represent an equal distribution to all group members, with responsibility for losses equivalent to share of profits);

(C) is managed by a person who is not a member of the group; or

(D) is managed by a person who has a financial interest in another group.

* * * * *

II. Description of the Proposal

Currently, Rule 24.16(a)(iv) sets forth four eligibility requirements that must be met by a Market-Maker before he or she can participate on RAES in SPX options. The CBOE proposal would eliminate two of the current four Market-Maker eligibility requirements. One of these requirements is that the Market-Maker must execute at least fifty percent of his or her Market-Maker contracts for the preceding calendar month in SPX. Another requirement is that the Market-Maker must execute in person at least seventy-five percent of his or her Market-Maker trades for the preceding calendar month in SPX. No comparable RAES eligibility requirements are imposed upon Market-Makers trading in non-index option classes. The Exchange proposes to eliminate the in-person and volume quotas from the eligibility requirements of Rule 24.16 so that the RAES eligibility requirements of SPX Market-Makers are the same as those for Market-Makers trading in non-index options.[4]

The Exchange represents that recently, Market-Maker participation on RAES in index options has been low compared to historical levels. The Exchange believes that this is a problem that has been aggravated by the fact that the in-person and volume requirements in essence require the Exchange to have new Market-Makers desiring to participate on RAES wait for at least 30 days before logging onto RAES. The proposed rule change would permit a new Market-Maker to log onto RAES if the Market-Maker: (1) has signed the RAES Participation Agreement and completed the RAES instructional program;[5] (2) has been approved under Exchange rules as a Market-Maker with a letter of guarantee;[6] and (3) is maintaining his or her principal business on the CBOE as a Market-Maker.[7]

The Exchange also proposes to eliminate the cap, set forth in Rule 24.16(e)(i), on the number of Market-Makers that may participate in a RAES group.[8] Rule 24.16(e)(i) provides that a RAES group may not exceed the lesser of: (1) 33⅓ percent; or (2) a smaller maximum number set by the appropriate Market Performance Committee. According to the CBOE, a recent decline in RAES participation in index options has, by operation of such Exchange rules as Rule 24.16(e)(i), resulted in reductions, as compared to historical levels, in the size of RAES groups. The reductions have taken place because, among other reasons, CBOE Rule 24.16(e)(i) currently ties maximum RAES group size to the level of RAES participation.[9]

III. Discussion

The CBOE proposal would amend Rule 24.16 to eliminate what the CBOE represents are several disincentives to Market-Maker participation in SPX trades. The Commission finds that removal of in-person volume quotas and elimination of the cap on the number of Market-Maker that may participate in SPX trades are appropriate measures to reduce disincentives. In addition, the Commission recognizes the importance of encouraging Market-Maker participation to ensure adequate liquidity, particularly where participation levels are low.

For these reasons the Commission finds that the proposed rule change is consistent with the Act[10] and the rules and regulations promulgated thereunder applicable to a national securities exchange. Specifically, the Commission finds that the proposal is consistent with section 6(b)(5) of the Act,[11] which requires that the rules of an Exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and practices, and, in general, to protect investors and the public interest.

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[12] that the proposal (SR–CBOE–00–49) be and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–10392 Filed 4–25–01; 8:45 am]

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[4] The remaining two eligibility provisions for Market-Makers desiring to trade in SPX options would continue to require Market-Makers to be approved under Exchange rules and to maintain their principal places of business on the CBOE as Market-Makers. CBOE Rule 24.16(a)(iv)(A); CBOE Rule 24.16(a)(iv)(B).

[5] CBOE Rule 24.16(a).

[6] CBOE Rule 24.16(a)(iv)(A).

[7] CBOE Rule 24.16(a)(iv)(B).

[8] A RAES group is a group of market-makers who participate on RAES via either an Exchange-approved joint account or a member organization account with multiple market-maker nominees. E-mail from Jamie Galvin, Attorney, Legal Division, CBOE to Steven Johnston, Special Counsel, Division of Market Regulation (''Division''), Commission, dated April 10, 2001.

[9] Conversation between Jamie Galvin, Attorney, Legal Division, CBOE, and Steven Johnston, Special Counsel, Division, Commission, February 28, 2001 (clarifying operation of current CBOE Rule 24.16(e))

[10] In approving this rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[11] 15 U.S.C. 78f(b)(5).

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44206; File No. SR–GSCC–00–05]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Order Approving a Proposed Rule Change Relating to Enhancements to the GCF Repo Service and Clarifying Certain Risk Management Practices of the Service

April 20, 2001.

On June 5, 2000, the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') and on July 13, 2000, amended a proposed rule change (File No. SR–GSCC–00–05) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the **Federal Register** on December 4, 2000.[2] No comments letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

GSCC introduced its GCF Repo Service in November 1998.[3] The GCF

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 43626 (November 27, 2000), 65 FR 75750.

[3] In 1998, the Commission approved a rule change that allowed GSCC to implement the GCF Repo Service on an intrabank basis. Securities Exchange Act Release No. 40623 (October 30, 1998), 63 FR 59831 (November 5, 1998) [File No. SR–GSCC–98–02]. In 1999, the Commission approved a rule change that allowed GSCC to implement the interbank phase of the GCF Repo Service. That enhancement has enabled participating dealers to engage in GCF Repo trading with participating

Repo Service allows GSCC's non-inter-dealer broker netting members to trade general collateral repos involving U.S. Government securities throughout the day without requiring trade for trade settlement on a delivery versus payment basis.

GSCC has been activating the generic CUSIP numbers representing the securities that are eligible for GCF Repo processing in stages. U.S. Treasury securities with a maturity of ten years or less and U.S. Treasury securities with a maturity of thirty years or less were the first products to be made eligible for GCF Reprocessing. At the beginning of this year, GSCC also began accepting non-mortgage-backed agency securities for GCF Repo processing and more recently began accepting mortgage-backed agency securities (''MBS'') for GCF Repo processing.[4]

Having gained the experience of operating the GCF Repo Service for more than two years, GSCC is now enhancing the service in certain ways in order to make it more responsive to its members' needs and to clarify certain risk management practices, each in a manner consistent with market practice.

(i) Authority To Deliver Comparable or U.S. Treasury Securities

The first enhancement by GSCC applies to the collateral allocation obligations of securities lenders[5] in GCF Repo transactions. Securities lenders will now be permitted to satisfy their collateral allocation requirements[6] in connection with their GCF Repo activity with, in addition to ''comparable securities''[7] and cash, U.S. Treasury securities (*i.e.*, bills, notes, or bonds). Market participants consider comparable securities to be acceptable substitutes because securities that fall within the same generic CUSIP number tend to have the same level of liquidity. U.S. Treasury securities are also acceptable substitutes securities because of their high level of liquidity.

The second enhancement by GSCC applies where the securities borrower due to reasons beyond its control and despite its exercising best efforts is not able to return in a timely manner the securities that were delivered on the day before by the securities lender. In such a situation, the securities borrower will now have the right to return (1) comparable securities, (2) U.S. Treasury bills, notes, or bonds, or (3) cash. The securities borrower will be responsible make the securities lender whole (through GSCC) for any actual damages directly suffered by the securities lender as a result of its not receiving back the same securities that it originally loaned.

(ii) Insolvency Situation Involving Mortgage-Backed Securities

The third enhancement by GSCC clarifies its risk management procedures associated with the CGF Repo Service to reflect the nature of MBS and MBS market practice. In the event of a securities borrower's insolvency, it may be impractical or even impossible for GSCC to obtain the identical types of MBS that were originally lent. Moreover, MBS market practice in such a situation is that securities lenders in repurchase transactions would not expect to receive the same MBS back.

GSCC's Rule 22, section 4 is being amended to give GSCC the authority in an insolvency situation, where MBS were the underlying collateral, to delivery back to a securities lender comparable securities or U.S. Treasury bills, notes, or bonds. Alternatively, the rule will permit GSCC to give a securities lender the right to close out the transaction by buying comparable securities or U.S. Treasury bills, notes, or bonds in return for a cash payment by GSCC equal to the value of the securities it bought. However, if GSCC determines that the price paid by the securities lender is unreasonably high, GSCC will be entitled to pay the securities lender a reasonable price as determined by an independent third party pricing source for the comparable securities or U.S. Treasury bills, notes, or bonds.

II. Discussion

Section 17A(b)(3)(F)[8] of the Act requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. The Commission believes that the proposed rule change is consistent with these obligations because it should further enable GSCC to help facilitate the prompt and accurate clearance and settlement of GCF repos involving U.S. Government securities and to remove impediments to and help perfect the mechanism of the national clearance and settlement system for securities transactions.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–GSCC–00–05) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–10391 Filed 4–25–01; 8:45 am]

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dealers that use a different clearing bank. Securities Exchange Act Release No. 41303 (April 16, 1999), 64 FR 20346 (April 26, 1999) [File No. SR–GSCC–99–01].

[4] On March 20, 2000, GSCC activated the generic CUSIP number representing Federal Home Loan Mortgage Corporation and Federal National Mortgage Association fixed-rate MBS.

[5] As provided in GSCC's Rule 46, the use of borrowing and lending terminology in this proposed rule change filing and in GSCC's rules and agreements shall not be deemed to affect the intent of members as to their characterization of their transactions in agreements entered into by the members with each other or with third parties with respect to such transactions.

[6] ''Collateral Allocation Obligation'' is defined in GSCC's Rules as ''the obligation of a Netting Member to allocate securities or cash for the benefit of the Corporation to secure such Member's GCF Net Funds Borrower Position.''

[7] In its Rules, GSCC has defined the term ''Comparable Securities'' to mean ''a security or securities that are represented by a particular Generic CUSIP Number, any other security or securities that are represented by the same Generic CUSIP Number.''

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44207; File No. SR–Phlx–2001–11]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to the Automatic Display of Customer Limit Orders

April 20, 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 February 2, 2001, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend Commentary .01 to Exchange Rule 1080 to make modifications to the Exchange's Auto-Quote system that would automatically display booked limit orders for those options traded by specialists that use Auto-Quote.[3] The text of the proposed rule change is set forth below. New text is in italics.

Philadelphia Stock Exchange Automated Options Market (AUTOM) and Automatic Execution System (AUTO–X)

Rule 1080. (a)–(j) No change.

Commentary:

.01 Automatic Quotation (Auto-Quote) is the Exchange's electronic options pricing system, which enables specialists to automatically monitor and instantly updated quotations.

Auto-Quote will automatically display booked limit orders for those options traded by specialists that use the Exchange's Auto-Quote feature.

For Phlx specialist firms using proprietary systems (called ''Specialized Quote Feeds'' or ''SQFs''), rather than the Exchange's Auto-Quote feature, the Exchange, upon the request of SQF users, will provide SQF users with real-time order and trade information in a manner that would enable SQF users wishing to modify their own systems to display limit orders automatically.

* * * * *

II. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx 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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to enable Exchange specialists using Auto-Quote to display limit orders as soon as practicable, and under normal market conditions, no later than 30 seconds after receipt.[4] The proposed system change would function as an automated ''fail-safe'' feature to assist specialists in their compliance with the immediate limit order display requirement.[5]

The proposed system change would enable Auto-Quote to automatically display limit orders placed on the specialist's book that improve the displayed quote.[6] If the specialist is unable to display a limit order immediately, the proposed system change would enable Auto-Quote to automatically display a customer limit order within 30 seconds of receipt. In addition, the proposed system change would allow specialists, on an issue-by-issue basis, to configure the system to display limit orders within a shorter time period.

For Phlx specialist firms using proprietary systems (called ''Specialized Quote Feeds'' or ''SQFs''), rather than the Exchange's Auto-Quote feature, additional systems changes would enable Exchange staff, upon the request of SQF users, to provide SQF users with real-time order receipt and trade information in a manner that would enable SQF users to modify their own systems to display limit orders automatically should they choose to do so. This information could be integrated into the SQF user's system to enable them to build a system that would function similarly to the proposed automatic display feature of Auto-Quote.

The Exchange currently anticipates deploying the modifications to Auto-Quote in the second quarter of 2001. After the deployment of the Auto-Quote modifications, the Exchange will commence assisting SQF users (upon request) in receiving required information to upgrade their systems.[7]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act[8] in general, and furthers the objectives of section 6(b)(5)[9] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, by enabling specialists to discharge their obligation to display customer limit orders.

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 Exchange did not solicit or receive written comments on the proposed rule change.

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 may 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 the Phlx consents, the Commission will:

(A) By order approve such proposed rule change, or

(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, NW., Washington, DC 20549–0609. Copies of

[3] Auto-Quote is the Exchange's electronic options pricing system, which enables specialists to automatically monitor and instantly update quotations, based on incremental changes in the price of the security underlying the option.

[4] Currently, Option Floor Procedure Advice (''OFPA'') A–1, Responsibility of Displaying Best bids and Offers, requires a specialist to use due diligence to ensure that the best available bid and offer is displayed for those option series in which he is assigned. The Exchange has filed proposed rule changes to OFPA A–1 and Exchange Rule 1020, Registration and Functions of Options Specialists, that provide that a specialist shall immediately display customer limit orders, *i.e.,* as soon as practicable, and under normal market conditions, no later than 30 seconds after receipt. The proposed rule change has been published for public comment and has not yet been approved by the Commission. *See* Securities Exchange Act Release No. 43126 (August 7, 2000), 65 FR 49621 (August 14, 2000) (SR–Phlx–00–34).

[5] The Exchange acknowledges that the proposed rule changes to Rule 1020 and OFPA A–1 would require specialists to display customer limit orders immediately. The system change is not intended to relieve specialists from the immediate display requirement. Rather, the system change is intended to ensure that customer limit orders would be displayed within the 30-second time limit set forth in the proposed rules. The Exchange's Market Surveillance Department will enforce the *immediate* display requirement, regardless of the 30-second ''window.''

[6] Phone call between Rick Rudolph, Counsel, Phlx, and Sonia Patton, Staff Attorney, Division of Market Regulation, Commission (April 5, 2001).

[7] The Exchange will notify all Phlx options specialists via circular when it is ready to begin testing and deploying the new Auto-Quote feature.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

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 the File No. SR–Phlx–2001–11 and should be submitted by May 17, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–10390 Filed 4–25–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44198; File No. SR–PHLX–2001–47]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Adopt an Annual Fee of $200 for Members and Participants Retention and Renewal of the Print Loose Leaf Subscription to the Phlx Guide, Containing the Charter, By-Laws and Rules of the Exchange

April 18, 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 April 9, 2001, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Phlx. 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 adopt an annual fee of $200 for members and participants retention and renewal of the print loose leaf subscription to the Phlx Guide, containing the Charter, By-Laws and Rules of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx 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, C below, of the most significant aspects of such statements periods.

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 adopt a fee of $200 for retention and annual renewal of a print subscription to the Phlx Guide.[3] The Exchange has had a policy to provide a subscription at no charge for each member requesting one for their member organization. The Exchange is in the process of offering the membership free internet access to the Phlx Guide by establishing a linkage to click upon the Exchange's website. The Exchange will continue to offer those members and participants that want to continue to receive the print loose-leaf subscription to the Phlx Guide for the charge of $200, a discount from the costs to the Exchange for this service. The expenditures to support the availability to provide free internet access to the Exchange's By-Laws and Rules while maintaining a minimum number of print loose leaf subscription to the Phlx Guide requires this modest annual fee charge of $200 for those retaining a print subscription to Phlx Guide. The Exchange will continue to provide a Phlx Guide print subscription without charge to new members and member organizations for the balance of the year of initial admission to the Exchange.

This charge is intended to partially defray the costs associated with servicing and maintenance of the print subscription for the loose leaf subscription to the Phlx Guide.

The Exchange has determined that its fee for retention and subscription maintenance services is appropriate and only reflects partial costs recovery. The charge of $200 per print subscription is a discounted price available through the Exchange to members and participants. This partial cost recovery will assist the Exchange in offering the investing public an opportunity to access the Phlx Guide at no cost via internet access linkage at the Phlx web site, Phlx.com.[4]

For these reasons, the Exchange believes that its proposal to amend its schedule of dues, fees and charges to include a fee of $200 to retain a print subscription to the Phlx Guide is consistent with section 6(b) of the Act,[5] in general, and furthers the objectives of section 6(b)(4),[6] in particular, in that it provides for the 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 Exchange 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

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has been designated as a fee change pursuant to section 19(b)(3)(A) of the Act,[7] and Rule 19b–4(f)(2) thereunder.[8] Accordingly, the proposal will take effect upon filing with the Commission. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such 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

[10] 17 CFR 200.30–(9)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A conforming change to the description of the proposed rule change with the text of the proposal was made pursuant to a telephone conservation between Murray L. Ross, Vice President and Secretary, Phlx, and Marc McKayle, Special Counsel, Division of Market Regulation, Commission on April 18, 2001.

[4] This fee is not eligible for the monthly credit of up to $1000.00. *See* Securities Exchange Act Release No. 43567 (November 15, 2000), 65 FR 71187 (November 29, 2000) (SR-Phlx-00–100).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(2).

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 such filing will also be available for inspection and copying at the principal office of the Phlx. All submission should refer to File No. SR-Phlx-2001–47 and should be submitted by May 17, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–10393 Filed 4–25–01; 8:45 am]

BILLING CODE 8010–01–M

[9] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice No. 3608]

Secretary of State's Advisory Committee on Private International Law: Study Group on Franchising Disclosure: Meeting Notice

There will be a public meeting of a study group of the Secretary of State's Advisory Committee on Private International Law on Thursday, May 10, 2001, to consider the draft Model Franchising Disclosure Law, as prepared by an international working group convened under the authority of the International Institute for the Unification of Private Law (UNIDROIT). The meeting will be held from 9:30 a.m. to 12:30 p.m. in room 100 of the International Law Institute, 1615 New Hampshire Avenue, NW., Washington DC 20009. The meeting will be in coordination with the American Bar Association and the International Bar Association.

The purpose of the Study Group meeting is to assist the Department of State in determining the U.S. negotiating position for the first session of a Committee of Governmental Experts convened for the preparation of a draft Model Franchise Disclosure Law to be held in Rome from June 25–29, 2001.

The text prepared by the international working group convened under UNIDROIT authority will constitute the basic working document of the Committee of Governmental Experts. A copy of the preliminary draft model law, and a draft explanatory report, is available on UNIDROIT's website. These documents may be found at *http://www.unidroit.org.* Persons interested in the work of the study group or in attending the May 10 meeting may also request copies from Ms. Rosie Gonzales by fax at 202–776-8482, by telephone at 202–776–8420 (you may leave your request, name, telephone number, email, or mailing address on the answering machine), or by email at <gonzaler@ms.state.gov>. Email is the quickest and most efficient way to transmit the documents.

The study group meeting is open to the public up to the capacity of the meeting room. Persons wishing to attend should contact Ms. Gonzales by telephone, fax, or email, providing their name, affiliation, telephone and fax numbers, and email address. Any person who is unable to attend, but wishes to have his or her views considered, may send comments to Mary Helen Carlson, Attorney-Adviser, Office of the Assistant Legal Adviser for Private International Law (L/PIL), at the above fax number or email address, or may address them to Ms. Carlson at Room 357, South Building, 2430 E Street, NW., Washington, DC 20037–2851.

Mary Helen Carlson,

Attorney-Adviser, Office of the Assistant Legal Adviser for Private International Law, Department of State.

[FR Doc. 01–10520 Filed 4–24–01; 3:25 pm]

BILLING CODE 4710–08–P

TENNESSEE VALLEY AUTHORITY

Meeting of the Regional Resource Stewardship Council

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of meeting.

SUMMARY: The Regional Resource Stewardship Council (Regional Council) will hold a meeting to consider various matters. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2, (FACA).

The meeting agenda includes the following/briefings:

1. Continuation of aquatic plant management policy recommendation discussion.

2. Continuation of integrated management of the Tennessee River system recommendation discussion.

3. Recommendation from the public lands subcommittee on a public lands management policy.

4. Public comments.

5. Presentation on federal financing bank refinancing legislation and a deregulation overview.

6. Planning for future meetings.

It is the Regional Council's practice to provide an opportunity for members of the public to make oral public comments at its meetings. Public comment session is scheduled from 1–2 p.m. EDT. Members of the public who wish to make oral public comments may do so during the Public comments portion of the agenda. Up to one hour will be allotted for the Public comments with participation available on a first-come, first-served basis. Speakers addressing the Council are requested to limit their remarks to no more than 5 minutes. Persons wishing to speak register at the door and are then called on by the Council Chair during the public comment period. Hand-out materials should be limited to one printed page. Written comments are also invited and may be mailed to the Regional Resource Stewardship Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT 11A, Knoxville, Tennessee 37902.

DATES: The meeting will be held on Friday, May 18, 2001, from 8 a.m. to 4 p.m. EDT.

ADDRESSES: The meeting will be held in Knoxville, Tennessee, at the Tennessee Valley Authority headquarters located at 400 West Summit Hill Drive, Knoxville, Tennessee 37902, and will be open to the public. Anyone needing special access or accommodations should let the contact below know at least a week in advance.

FOR FURTHER INFORMATION CONTACT: Sandra L. Hill, 400 West Summit Hill Drive, WT 11A, Knoxville, Tennessee 37902, (865) 632–2333.

Dated: April 18, 2001.

Kathryn J. Jackson,

Executive Vice President, River System Operations & Environment, Tennessee Valley Authority.

[FR Doc. 01–10380 Filed 4–25–01; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (formerly Subpart Q) during the Week Ending April 13, 2001

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period, DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2001–9382.

Date Filed: April 9, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 30, 2001.

Description: Application of Polar Air Cargo, Inc., pursuant to 49 U.S.C. 41102, 14 CFR Part 201, 14 CFR, Part 302, and Subpart B, requesting renewal of its certificate of public convenience and necessity authorizing Polar to engage in foreign air transportation of property and mail between a point or points in the United States and a point or points in Thailand.

Docket Number: OST–2001–9406.

Date Filed: April 12, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 30, 2001.

Description: Application of Wande Scheck Airlines, pursuant to 49 U.S.C. 41102 and Subpart B, requesting a certificate of public convenience and necessity, authorizing it to engage in foreign scheduled air transportation of persons, property and mail.

Docket Number: OST–1999–6345.

Date Filed: April 13, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 4, 2001.

Description: Application of United Parcel Service Co., pursuant to 49 U.S.C. 41102 and Part 302, Subpart B, requesting renewal of its certificate to engage in the foreign air transportation of property and mail between the coterminal points Houston, Texas, and Miami, Florida, and the coterminal points Lima and Iquitos, Peru.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–10416 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–62–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Request Renewal From the Office of Management and Budget (OMB) of Eleven Current Public Collections of Information

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

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the FAA invites public comment on eleven current public information collections which will be submitted to OMB for renewal.

DATES: Comments must be submitted on or before June 25, 2001.

ADDRESSES: Comments may be mailed or delivered to FAA, at the following address: Ms. Judy Street, Room 612, Federal Aviation Administration, Standards and Information Division, APF–100, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Street, at the above address or on (202) 267–9895.

SUPPLEMENTARY INFORMATION: The FAA solicits comments on any of the current collections of information in order to elevate the necessity of the collection, the accuracy of the agency's estimate of burden, the quality, utility, and clarity of the information to be collected, and possible ways to minimize the burden of collection. Also note, that 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 OMB control number.

Following are short synopses of the eleven information collection activities which will be submitted to OMB for requests for renewal:

1. 2120–0018, Certification Procedures for Products and Parts—FAR 21

14 CFR part 21 prescribes certification procedures for aircraft, aircraft engines, propellers, products and parts. Information collected is used to determine compliance and applicant eligibility. The respondents are aircraft part's designers, manufacturers, and aircraft owners. The current annual estimated burden is 44,000 hours.

2. 2120–0020, Maintenance, Preventive Maintenance, Rebuilding, and Alteration

The information collection associated with 14 CFR part 43 is necessary to ensure that maintenance, rebuilding, or alteration of aircraft, aircraft components, etc., is performed by qualified individuals and at proper intervals. Further, maintenance records are essential to ensure that an aircraft is properly maintained and is mechanically safe for flight.

The respondents are certified mechanics, repair stations, and air carriers authorized to perform maintenance. Pilots are also authorized to perform and record preventive maintenance; however, the authorization applies only to those pilots who own or lease their aircraft for private operation. The current annual estimated reporting and recordkeeping burden associated with this requirement is 1.4 million hours.

3. 2120–0040, Aviation Maintenance Technician Schools—FAR 147

14 CFR part 147 prescribes requirements for certification and operation of aviation mechanic schools. The information is necessary to ensure that aviation maintenance technician schools meet the minimum requirements for procedures and curriculum set forth by the FAA. In addition, it is necessary for the FAA to develop minimum standards for properly qualified persons who would enter the aviation industry. The current estimated annual burden for reporting and recordkeeping is 75,000 hours.

4. 2120–0057, Safety Improvement Report Accident Prevention Counselor Activity Reports

Safety Improvements Reports are used by airmen to notify the FAA of hazards to flight operations. Accident Prevention Counselor Activity Reports are used by counselors to advise the FAA of Accident Prevention Program Accomplishments. The affected public are pilots, airport operators, charter and commuter aircraft operators engaging in air transportation. The current estimated annual burden for this reporting activity is 1,800 hours.

5. 2120–00067, Air Taxi and Commercial Operator Activity Survey

The information collected through this survey is restricted to all air taxi/commercial operators who are subject to the passenger transportation tax. Response to the survey is voluntary. Data collected is to serve as an input to the FAA revenue enplanement data-base which is used in allocating Airport

Improvement Program (AIP) funds to airports. The current estimated annual burden for this information collection is 300 hours.

6. 2120–0508, Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes

This is a labeling requirement to put the date of manufacture and compliance statues on the identification plate and is intended to minimize the effort required to determine whether a turbojet engine may legally be installed and operate on an aircraft in the United States as required by 14 CFR part 45. The current estimated annual burden associated with this submission is 100 hours.

7. 2120–0539, Implementation to the Equal Access to Justice Act (EAJA)

The EAJA provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to administrative proceedings before government agencies and who prevail over the government. The information collected will be used to determine whether an applicant is eligible to receive an award under the EAJA. The current annual estimated burden associated with this collection is 200 hours.

8. 2120–0569, Airport Grants Program

The FAA collects information from airport sponsors and planning agencies in order to administer the Airports Grants Program. Data is used to determine eligibility, ensure proper use of Federal funds, and ensure project accomplishments. The current estimated annual burden is 68,000 hours.

9. 2120–0631, Terrain Awareness and Warning System (TAWS)

This rule mandates a Terrain Awareness and Warning System (TAWS) for all turbine-powered airplanes of 6 or more passenger seating. The TAWS is a passive, electronic, safety device located in the avionics bay of the airplane. TAWS alerts pilots when there is terrain in the airplane's flight path. There is no hour burden associated with this passive information collection activity, only the monetary burden of installing the equipment.

10. 2120–0632, Office of Dispute Resolution Procedures for Protests and Contract Disputes—14 CFR Part 17

These are procedural requirements for the conduct of protests and contract disputes before the Office of Dispute Resolution for Acquisition. These procedures are designed to reduce the paperwork requirement ordinarily associated with such actions in other forums. The emphasis in the procedures is the resolution of a case as soon as is practicable, but also to provide for resolution through adjudication should the resolution require such. The current burden associated with this collection is 3,400 hours.

11. 2120–0634, Federal Aviation Administration, Eastern Region Airports Division Customer Survey

This survey will identify overall customer satisfaction with the conduct of business by the FAA Eastern Region Airports Division. The collected information will assess what is important to the customers, how well the FAA is doing business, and identify areas where changes in procedures and processes may be desirable. The information will be used to gauge the degree of satisfaction and relevancy of the FAA's business processes. The current estimated annual burden is 250 hours.

Issued in Washington, DC on April 20, 2001.

Steve Hopkins,

Manager, Standards and Information Division, APF–100.

[FR Doc. 01–10447 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 01–07–C–00–CRW To Impose and Use and Impose the Revenue From a Passenger Facility Charge (PFC) at Yeager Airport, Charleston, WV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: This correction revises information from the previously published notice.

In notice document 01–7661 beginning on page 16972 in the issue Wednesday, March 28, 2001, under Supplementary Information, the brief description of proposed project(s) should include ''Relocate taxiway A''.

DATES: Comments must be received on or before May 29, 2001.

FOR FURTHER INFORMATION CONTACT: Kenneth Kroll, AIP/PFC Team Leader, Programming and Planning Branch, FAA Eastern Region Airports Division, 1 Aviation Plaza, Jamaica, New York, 718–553–3357.

Issued by AEA–610, Airports Division, Jamaica, N.Y. on April 18, 2001.

Tom Felix,

Manager, Planning and Programming Branch, Airports Division, Eastern Region.

[FR Doc. 01–10446 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Merced County, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Revised notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed expressway project in Merced County, California. A notice for this project was originally issued January 25, 2000. Since that time a refined traffic analysis resulted in modifying the project description. This notice is intended to advertise the changes in the project.

FOR FURTHER INFORMATION CONTACT: Mr. C. Glenn Clinton, Team Leader, Program Delivery Team—North, Federal Highway Administration, California Division, 980 9th Street, Suite 400, Sacramento, CA 95814–2724, Telephone: (916) 498–5020.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans) and the Merced County Department of Public Works, will prepare an Environmental Impact Statement (EIS) on a proposal to construct a regional arterial, known as Campus Parkway, in Merced County. The proposed project would involve the construction of a new limited access expressway, between the State Route 99/Mission Avenue Interchange to the south and Yosemite Avenue to the north. The project would be approximately 7.25 kilometers (4.5 miles) in length. The revised project, from Route 99 to Yosemite Avenue, represents the limits necessary to meet projected demand occurring within the twenty-year design horizon (year 2025). North of Yosemite Avenue, transportation demand is not projected to reach a level necessitating further improvements until well beyond 2025. However, a future connection with Bellevue Road represents a logical connection with the existing roadway network that is a reasonably foreseeable action that could occur post 2025. To address cumulative impacts, the EIS

will also identify and analyze potential transportation corridors between Yosemite Avenue and Bellevue Road. No construction or right-of-way acquisition north of Yosemite Avenue is proposed to be included as part of this project.

The purpose (focused end result) of the Campus Parkway project is a transportation corridor that supplies sufficient capacity and connectivity to serve the northern and eastern portions of the City of Merced through the year 2025. Alternatives under consideration include: (1) Taking no action; and, (2) constructing a limited access expressway with the appropriate number of lanes to serve the anticipated demand for the design horizon (2025) within the right-of-way necessary to support the number of lanes required for the ultimate build-out of the Merced area. Three alternatives alignments have been identified that will be analyzed in the EIS.

Other proposed projects and actions that are likely to have an impact on the Campus Parkway project will be evaluated, including the potential cumulative impacts of the proposed UC Merced and adjacent University Community.

Public information meetings and a public hearing will be held for this project. A letter advising these meetings and hearing will be sent to appropriate Federal, State, and Local agencies as well as to private organizations and individuals who have expressed an interest in this project. The draft EIS will be available for public and agency review and comment prior to the public hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues relate to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above. Comments received that responded to the January 25, 2000 notice will still be addressed, as well as any additional responses received as a result of this notice.

(Catalog of Federal Domestic Assistance program Number 20.205, Highway research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: April 12, 2001.

Glenn Clinton,

Team Leader, Program Delivery Team—North Sacramento, California.

[FR Doc. 01–10305 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Somerset County, Pennsylvania

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Somerset County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: David W. Cough, P.E., Director of Operations, Federal Highway Administration, Pennsylvania Division Office, 228 Walnut Street, Harrisburg, PA 17101–1720, (717) 221–3411 or David L. Sherman, P.E., Project Manager, Pennsylvania Department of Transportation, District 9–0, 1620 North Juniata Street, Hollidaysburg, Pennsylvania, 16648, (814) 696–7172.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Pennsylvania Department of Transportation (PennDOT), will prepare an Environmental Impact Statement (EIS) to identify and evaluate alternatives for the transportation improvement of a 15.2 mile section of U.S. 219 between the northern terminus of the Meyersdale Bypass (upgraded U.S. 219) and the existing four-lane section of U.S. 219 near the Borough of Somerset, Pennsylvania. A partial realignment of the last mile of the existing four-lane section of U.S. 219 near Somerset may also be considered. Included in the overall project will be the identification of a range of alternatives that meet the project need and supporting environmental documentation and analysis to recommend a preferred alternative for implementation. A complete public involvement program is part of the project.

Based on a needs analysis completed in 1999, improvements to U.S. 219 are needed between Somerset, Pennsylvania and I–68 in Maryland based on deficient levels of service for most roadway segments; accident rates higher than the statewide average; geometric features which do not meet current design standards; increased travel times and delays; less efficient system linkage for motorists traveling between the four-lane section of U.S. 219 or the PA Turnpike (I–70/76) in Somerset and I–68 in Maryland; insufficient access to local communities; and significant contributing factor in limiting economic development.

Possible alternatives to the proposed project include: no build; transportation system management (TSM); relocation to the eastern portion of the study area, west of Berlin; relocation to the west in the vicinity of the Garrett Shortcut; and one additional alternative not yet defined. These alternatives will be the basis for a recommendation of alternative to be carried forward for detailed environmental and engineering studies in the EIS. Incorporated into and studied with the various alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. Public meetings will be held in the area throughout the study process. Public involvement and agency coordination will be maintained throughout the development of the EIS.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to PennDOT at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulation implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program).

James A. Cheatham,

FHWA Division Administrator, Harrisburg, PA.

[FR Doc. 01–10304 Filed 4–25–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–582]

Napa Valley Wine Train, Inc.—Adverse Abandonment—in Napa Valley, CA

On April 6, 2001, the Napa Valley Flood Control and Water Conservation District (District) filed an adverse application under 49 U.S.C. 10903

requesting that the Surface Transportation Board (Board) authorize the abandonment by the Napa Valley Wine Train, Inc. (NVWT) of segments of NVWT's line located between milepost 67.50 and milepost 68.62, milepost 68.73 and milepost 69.33, and milepost 69.44 and milepost 70.00, in Napa County, CA. The three segments, totaling 2.28 miles, traverse United States Postal Service ZIP Codes 94558 and 94559 and include the stations of Rocktram and Napa, CA.

The District indicates that it filed the adverse abandonment application so it could proceed with plans to construct a federally-approved flood control project on the Napa River. These plans assertedly would require relocating the three segments of NVWT's rail line. According to the District, the relocations would be performed at no cost to NVWT, would provide NVWT with new facilities, and would allow NVWT to continue operations with very little interruption during the relocation phase. The District maintains that NVWT has refused to consent to the relocations unless the District extensively upgrades NVWT's facilities. The District claims that this refusal delays the flood control project and threatens its federal funding. To overcome NVWT's refusal to consent to the relocations, the District asks the Board to grant adverse abandonment for the segments, so that it can proceed under state condemnation law, if necessary, to relocate the segments, allowing construction of the flood control facilities. This agency and its predecessor have long held that granting an adverse abandonment application would remove this agency's primary jurisdiction over the line, thereby subjecting the line to actions under state law, including condemnation.[1]

In a decision served in this proceeding on March 30, 2001, the District was granted a waiver from several requirements of the Board's abandonment regulations in 49 CFR part 1152. Specifically, the District was granted waiver from 49 CFR 1152.10–14 and 1152.24(e)(1) pertaining to system diagram maps, and the publishing and posting notice requirements of 49 CFR 1152.20(a)(3) and (a)(4) and 1152.24(c). The decision also waived certain information required for an abandonment application in 49 CFR 1152.22 and permitted the District to include in its application only: the information called for in 49 CFR 1152.22(a)(1) through (4), and (6) through (8); the limited service information and revenue data which NVWT has provided to it; the name of each station on the line; certain additional information; and a draft **Federal Register** notice. The District was also granted waiver from the consummation notification requirements in 49 CFR 1152.24(f) and the 1-year authorization limit in 49 CFR 1152.29(e)(2). However, the District complied with the pre-filing notice requirements of 49 CFR 1152.20(a)(1) and (2) and 1152.20(b)(1) and served copies of its application on NVWT, the shipper served by the line,[2] and other parties listed in 49 CFR 1152.20(a)(2).

The District states that, to the best of its knowledge, the line does not contain federally granted rights-of-way. Any documentation in the District's possession will be made available promptly to those requesting it. The applicant's entire case for abandonment was filed with the application.

The interests of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any interested person may file written comments concerning the proposed abandonment or protests (including the protestant's entire opposition case) by May 21, 2001. All interested persons should be aware that, following any abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 U.S.C. 10905 (49 CFR 1152.28) or for a trail use condition under 16 U.S.C. 1247(d) (49 CFR 1152.29) must be filed by May 21, 2001. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27). However, as noted in the March 30 decision, the District sought waivers and exemptions from the OFA procedures in 49 CFR 1152.27 and 49 U.S.C. 10904, the public use procedures in 49 CFR 1152.28 and 49 U.S.C. 10905, and the trail use/rail banking procedures in 49 CFR 1152.29. These requests will be addressed in the decision on the merits. The due date for applicant's reply is June 5, 2001.

Persons opposing the proposed adverse abandonment who wish to participate actively and fully in the process should file a protest. Persons who may oppose the abandonment but who do not wish to participate fully in the process by submitting verified statements of witnesses containing detailed evidence should file comments. Parties seeking information concerning the filing of protests should refer to section 1152.25.

All filings in response to this notice must refer to STB Docket No. AB–582 and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001 and (2) William A. Mullins, Troutman Sanders LLP, 401 9th Street, NW, Suite 1000, Washington, DC 20004–2134. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, every document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152.

The March 30 decision noted that the District had requested waiver from the environmental and historic preservation reporting requirements found in 49 CFR 1105, 49 CFR 1152.20(c), and 49 CFR 1152.22(f), arguing that its proposal has no environmental impact and therefore qualifies for treatment under 49 CFR 1105.6(c). However, the March 30 decision indicated that the District should make that showing in its application, rather than seeking a waiver.

In its application, the District asserts the environmental and historic review process has already been completed and certified through an environmental impact statement (EIS) prepared by the U.S. Army Corps of Engineers. The District further argues that the proposal is more like a rail relocation than an abandonment and consequently is exempt from environmental review because it would not exceed the thresholds set by the Board at 49 CFR 1105.7(e)(4 and 5). According to the District, the only effects of the relocation would be brief interruptions to NVWT's freight traffic during the six weeks of construction.

The Board's Section of Environmental Analysis (SEA) has determined that there is no need for additional environmental or historic review of the District's proposal. Any environmental/historic review performed by the Board would be duplicative and contrary to the goals of the National Environmental Policy Act. SEA also agreed with the

[1] *See Modern Handcraft, Inc.—Abandonment*, 363 I.C.C. 969 (1981); *Kansas City Pub. Ser. Frgt. Operations Exempt.—Aban.*, 7 I.C.C.2d 216, 224–26 (1990); and *Chelsea Property Owners—Aban.—The Consol. R. Corp.*, 8 I.C.C.2d 773, 778 (1992), *aff'd sub nom. Conrail* v. *ICC*, 29 F.3d 706 (D.C. Cir. 1994).

[2] The only shipper that is identified as being served by the line is B.P.B. Marco Paper Co. *See* Exhibit C to the District's petition.

District that no further environmental analysis is warranted because the proposed actions would not result in impacts that would exceed the thresholds set forth in section 1105.7(e)(4 and 5). Questions concerning environmental issues may be directed to SEA at (202) 565–1545. (TDD for the hearing impaired is available at 1–800–877–8339.)

Board decisions and notices are available on our website at *http://WWW.STB.DOT.GOV.*

Decided: April 20, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–10441 Filed 4–25–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 19, 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 29, 2001 to be assured of consideration.

Financial Crimes Enforcement Network (FinCEN)

OMB Number: New.

Form Number: None.

Type of Review: New collection.

Title: Money Service Business Program Response Form.

Description: This is a telephone survey to be conducted with previously-identified contacts at targeted money service businesses. Survey asks respondents to report methods used to educate employees about regulations and provide general organizational information.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 600.

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: Other (one time only).

Estimated Total Reporting Burden: 90 hours.

Clearance Officer: Lois K. Holland, (202) 622–1563, Departmental Offices, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

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. 01–10301 Filed 4–25–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 19, 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 29, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0908.

Form Number: IRS Forms 8282 and 8283.

Type of Review: Extension.

Title: Donee Information Return (Sale, Exchange or Other Disposition of donated Property) (8282); and Noncash Charitable Contributions (8283).

Description: Internal Revenue Code section 170(a)(1) and regulation section 1.170A–13(c) require donors of property valued over $5,000 to file certain information with their tax return in order to receive the charitable contribution deduction. Form 8283 is used to report the required information. Code section 6050L requires donee organizations to file an information return with the IRS if they dispose of the property received within two years. Form 8282 is used for this purpose.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents/Recordkeeper: 1,051,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

	Form 8282	Form 8283 (minutes)
Recordkeeping	3 hr., 35 min.	19
Learning about the law or the form	12 min.	29
Preparing the form	15 min.	36
Copying, assembling, and sending the form to the IRS		34

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 3,019,050 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. 01–10302 Filed 4–25–01; 8:45am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Today, the Office of Thrift Supervision within the Department of the Treasury solicits comments on the Request to Amend Association's Bylaws Package.

DATES: Submit written comments on or before June 25, 2001.

ADDRESSES: *Mail:* Send comments to Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550–0017.

Delivery: Hand deliver comments to the Guard's Desk, East Lobby Entrance, 1700 G Street, NW., from 9:00 a.m. to 4:00 p.m. on business days, Attention: Information Collection Comments, Chief Counsel's Office, 1550–0017.

Facsimiles: Send facsimile transmissions to FAX Number (202) 906–6518, Attention 1550–0017.

E-Mail: Send e-mails to ''infocollection.comments@ots.treas.gov'', Attention 1550–0017, and include your name and telephone number.

Public Inspection: Interested persons may inspect comments at the Public Reference Room, 1700 G St. NW., from 10:00 a.m. until 4:00 p.m. on Tuesdays and Thursdays or obtain comments and/or an index of comments by facsimile by telephoning the Public Reference Room at (202) 906–5900 from 9:00 a.m. until 5:00 p.m. on business days. Comments and the related index will also be posted on the OTS Internet Site at ''www.ots.treas.gov''.

FOR FURTHER INFORMATION CONTACT: Nadine Washington, Office of Examination Policy, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906–6706.

SUPPLEMENTARY INFORMATION:

Title: Request to Amend Association's Bylaws.

OMB Number: 1550–0017.

Form Number: Not applicable.

Abstract: OTS regulations require Federally-chartered savings associations to obtain agency approval of any change in its bylaws that is not pre-approved by regulation.

Current Actions: OTS proposes to renew this information collection with revision.

Type of Review: Renewal.

Affected Public: Business or For Profit.

Estimated Number of Respondents: 7.

Estimated Time Per Respondent: 8 hours.

Estimated Total Annual Burden Hours: 56 hours.

Request for Comments

The OTS will summarize comments submitted in response to this notice or will include these comments in its request for OMB approval. All comments will become a matter of public record. The OTS invites comment on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality; (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or starting costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 19, 2001.

Deborah Dakin,

Deputy Chief Counsel, Regulations and Legislation.

[FR Doc. 01–10368 Filed 4–25–01; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[Docket No. 2001–29]

Notification of Change in Hours of Operation for Public Reference Room

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice.

SUMMARY: The Office of Thrift Supervision (OTS) is giving notice of the change in hours of operation for its public reference room. Subsequent to the effective date of this Notice, OTS's Public Reference Room will be accessible by appointment.

DATES: This Notice is effective on May 15, 2001.

FOR FURTHER INFORMATION CONTACT: Scott E. Schwartz, Senior Attorney, Office of Chief Counsel, General Law Division, (202) 906–6361, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: This notice serves to inform the public of the change in the hours of operation of OTS's Public Reference Room. Through a recent reorganization, OTS's Dissemination Branch, housing its Public Reference Room, has become part of the General Law Division in the Office of Chief Counsel. OTS's Public Reference Room is located on the lower level of the OTS Building at 1700 G Street, NW., Washington, DC 20552. To make an appointment for access to the Public Reference Room, you may call 202–906–5922, send an E-mail to publicinfo@ots.treas.gov, or send a facsimile transmission to 202–906–7755. (Prior notice identifying the Public Reference Room materials you will be requesting will assist us in serving you.) Appointments will be scheduled on business days between 10 a.m. and 4 p.m. In most cases, appointments will be available the next business day following the date a request is received. Upon entering the OTS Building at the scheduled appointment time, you will check in with the guard on duty who will notify the Public Reference Room staff of your arrival and give you directions to the Room. Amendments to OTS's regulations at 12 CFR part 505 to reflect the new procedures and hours of operation will be included in the next OTS technical amendments rulemaking.

Dated: April 20, 2001.

By the Office of Thrift Supervision.

Ellen Seidman,

Director.

[FR Doc. 01–10374 Filed 4–25–01; 8:45 am]

BILLING CODE 6720–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0387]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This

notice solicits comments for information needed to determine whether an applicant qualifies as a mortgagor for mortgage insurance or guaranty or as a borrower for a rehabilitation loan under VA's program.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 25, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0387'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 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. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (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 or the use of other forms of information technology.

Title: Request for Verification of Deposit, VA Form 26–8497a.

OMB Control Number: 2900–0387.

Type of Review: Extension of a currently approved collection.

Abstract: VA is prohibited from guaranteeing or making any loan unless the contemplated terms of payment required in any mortgage to be given in part payment of the purchase price or the construction cost bear a proper relation to the veteran's present and anticipated income and expenses and that the veteran is a satisfactory credit risk. The form is primarily used by lenders making guaranteed and insured loans to verify the applicant's deposits in banks and other savings institutions. It is also used to process direct loans, offers on acquired properties, and release from liability/substitution of entitlement cases when needed. In these types of cases, part I of the form is completed by the lender and signed by the applicant then forwarded to the depository. The depository completes part II, verifying the applicant's deposits, providing information and payment experience on outstanding loans, and returns the form to the lender.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 16,318 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 195,817.

Dated: March 30, 2001.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 01–10382 Filed 4–25–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0539]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to apply for Supplemental Service Disabled Insurance.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 25, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0539'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 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. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (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 or the use of other forms of information technology.

Title: Application for Supplemental Service Disabled Veterans Insurance, (RH) Life Insurance, VA Forms 29–0188, 29–0189 and 29–0190.

OMB Control Number: 2900–0539.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used by veterans to apply for Supplemental Service Disabled Veterans Insurance. The information is used by VA to establish a veteran's eligibility for insurance coverage under this program.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,333 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 10,000.

Dated: March 30, 2001.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 01–10383 Filed 4–25–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0600]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 29, 2001.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0600.''

SUPPLEMENTARY INFORMATION:

Title: Regulation for Reconsideration of Denied Claims (Title 38 CFR 17.33).

OMB Control Number: 2900–0600.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: The purpose of this data collection is to provide a vehicle for veterans to request an informal review of their denied claims. Veterans whose applications for healthcare benefits have been denied will initiate these requests. The data submitted by denied applicants will be reviewed by hospital administrative personnel to ensure the correctness of the decision to deny.

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 OMB control number. The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on February 15, 2001, at pages 10565–10566.

Affected Public: Individuals or households.

Estimated Annual Burden: 25,413 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 101,652.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–7316. Please refer to ''OMB Control No. 2900–0600'' in any correspondence.

Dated: April 16, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–10381 Filed 4–25–01; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 66, No. 81

Thursday, April 26, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 8

[Docket No. 01–05]

RIN 1557–AB90

Assessment of Fees; National Banks; District of Columbia Banks

Correction

In proposed rule document 01–8204 beginning on page 17821 in the issue of Wednesday, April 4, 2001, make the following correction:

On page 17822, in the third column, the table should read:

If the bank's total off-balance sheet receivables attributable are		The additional semiannual assessment is:
Over	But less than	
Column A Million	Column B Million	Column C
$0	$100	$40,000
100	1000	$60,000
1000	5000	$80,000
5000		$100,000

[FR Doc. C1–8204 Filed 4–25–01; 8:45 am]

BILLING CODE 1505–01–D

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Thursday, April 26, 2001

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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LIST OF PUBLIC LAWS

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.

H.R. 132/P.L. 107–6

To designate the facility of the United States Postal Service located at 620 Jacaranda Street in Lanai City, Hawaii, as the ''Goro Hokama Post Office Building''. (Apr. 12, 2001; 115 Stat. 8)

H.R. 395/P.L. 107–7

To designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the ''Ronald W. Reagan Post Office of West Melbourne, Florida''. (Apr. 12, 2001; 115 Stat. 9)

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