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Rules and Regulations

Federal Register
Vol. 66, No. 117
Monday, June 18, 2001

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 00–037–4]

RIN 0579–AB15

Citrus Canker; Payments for Recovery of Lost Production Income

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending our citrus canker regulations to establish provisions under which eligible owners of commercial citrus groves may, subject to the availability of appropriated funds, receive payments to recover production income lost as a result of the removal of commercial citrus trees to control citrus canker. These lost production payments are intended to help reduce the economic effects of the citrus canker quarantine on affected commercial citrus growers.

EFFECTIVE DATE: July 18, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Poe, Operations Officer, Program Support Staff, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–8247.

SUPPLEMENTARY INFORMATION:

Background

Citrus canker is a plant disease that affects plants and plant parts, including fresh fruit, of citrus and citrus relatives (Family Rutaceae). Citrus canker can cause defoliation and other serious damage to the leaves and twigs of susceptible plants. It can also cause lesions on the fruit of infected plants that render the fruit unmarketable, and can cause infected fruit to drop from the trees before reaching maturity. The aggressive A (Asiatic) strain of citrus canker can infect susceptible plants rapidly and lead to extensive economic losses in commercial citrus-producing areas.

The regulations to prevent the interstate spread of citrus canker are contained in 7 CFR 301.75–1 through 301.75–15 (referred to below as the regulations). The regulations restrict the interstate movement of regulated articles from and through areas quarantined because of citrus canker and provide conditions under which regulated fruit may be moved into, through, and from quarantined areas for packing. The regulations currently list parts of Broward, Collier, Dade, Hendry, Hillsborough, and Manatee Counties, FL, as quarantined areas for citrus canker.

On December 7, 2000, we published in the **Federal Register** (65 FR 76582–76588, Docket No. 00–037–2) a proposed rule to amend the regulations to establish provisions under which eligible owners of commercial citrus groves could, subject to the availability of appropriated funds, receive payments to recover production income lost as a result of the removal of commercial citrus trees to control citrus canker.

We solicited comments concerning our proposal for 30 days ending on January 8, 2001. We received a total of 30 comments by that date. They were from citrus growers, packers, and shippers, farm credit lenders, a grove care company, a nursery, and growers associations and cooperatives.

Three commenters offered unqualified support for the proposed rule, while six others offered support but requested a specific change in the proposed rule's provisions. One commenter opposed the proposed rule based on the grounds that the proposed payments were calculated incorrectly. The remaining commenters suggested changes to the proposed rule or simply urged us to consider the most up-to-date information available to recalculate the payments presented in the proposed rule. The issues raised by those who opposed the rule or offered suggestions are discussed below, by topic.

Payment Recipients

Several commenters recommended that any payments be made jointly payable to both the grower and lender. Some of these commenters suggested that APHIS conduct a lien search and make any lost production payments jointly payable to the grove owner and any lienholders of record. One commenter added that ''condemnation and insurance payments related to government takings or damage to improvements are routinely made payable jointly to the parties in interest.''

Another commenter reported that in July 2000, more than 4,000 containerized citrus trees had been seized from a Miami, FL, nursery by the State citrus canker eradication program. The commenter stated that as of January 2001, he had yet to receive any additional information from State or Federal authorities regarding the status of the seized trees or possibility of compensation being paid for the trees. The commenter urged APHIS to make compensation available to nursery owners who have suffered losses as a result of the State/Federal citrus canker eradication program.

Still another commenter stated that the proposed rule should have provided for additional payments to be made to commercial lime growers who packed their limes in their own packinghouses or in affiliated packinghouses (*i.e.,* ''vertically integrated'' growers/packers). This commenter stated that the removal of commercial lime trees has not only resulted in the production income losses addressed in the proposed rule, but has also destroyed the economic usefulness of these growers' packinghouse assets, which are specifically designed to handle limes. The commenter suggested, based on packinghouse cash data supplied with his comment, that additional payments of $6,054 per acre be made to commercial lime growers who own or are affiliated with a packinghouse.

The funds we will use to make payments for the recovery of lost production income were made available by Sec. 203(e) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224) and Sec. 810 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387). Public Law 106–224 directs the Secretary of Agriculture to ''compensate commercial growers for losses due to Pierce's disease, plum pox, and citrus canker,'' and Public Law 106–387 states that ''[t]he Secretary of Agriculture shall compensate Florida commercial citrus and lime growers for

lost production, as determined by the Secretary of Agriculture, with respect to trees removed to control citrus canker.'' As neither of those acts makes reference to including the growers' mortgage- or lienholders, nurseries, or packinghouses in those payments, we believe that we are limited to making payments under this final rule to commercial citrus and lime growers.

Two-Tier Discount Rate

Several commenters opposed the use of a two-tier discount rate in calculating the per-acre payments presented in the proposed rule, arguing that there was insufficient information available to support a two-tier discount rate. These commenters suggested that a single, appropriate discount rate—*i.e.,* the lower of the two offered for each variety in the proposed rule—be applied throughout the model that is used to calculate payments.

We had proposed to use two discount rates to account for the fact that a canker-infected grove would, over time, produce less and lower-valued fruit, and thus would provide a lesser income stream than a canker-free grove. As we explained in the proposed rule, the 1-percent-higher discount rates proposed for canker-infected groves were intended to reflect increased risk, i.e., the decreased revenue stream. In light of the concerns raised by the commenters, we have reevaluated our ability at this time to accurately account for that increased risk through the use of a two-tier discount rate. Given the present unavailability of adequate supporting data, we have eliminated the two-tier discount rate from the payment calculation detailed in the proposed rule and will instead use a single discount rate throughout, i.e., 14 percent for grapefruit; 14.5 percent for tangelos and Valencia and navel oranges; and 13.5 percent for limes. The resulting payment adjustments are reflected in the per-acre payments listed in § 310.75–16(b) at the end of this document. However, we do believe that it is appropriate to account for the reduced revenues from infested groves and will continue to explore methods to consider such reduced revenues in the development of future payment or compensation programs.

The switch to the use of a single discount rate to calculate the per-acre payments provided for by this rule will increase the total estimated payments for commercial citrus trees destroyed or scheduled for destruction by March 9, 2001, by $6.34 million. Given that limited funding is available for the lost production payments in this rule and the tree replacement payments in § 301.75–15, we considered the possibility of initially paying a substantial portion, but not all, of the lost production payment calculated for each eligible grower; once each grower had received that partial payment, we would then distribute the remaining funds among all the eligible growers on a prorated basis (assuming there would be insufficient funds to provide each grower with 100 percent of the amount provided for in this rule). A two-part payment method such as this would ensure that all eligible commercial citrus growers would receive at least a percentage of the payments provided for by this rule. However, after considering the amount of remaining funds available for payments and assessing the situation in Florida with regard to the level of survey activity and the frequency of new citrus canker detections in commercial citrus groves, we have decided to not pursue the idea of partial payments at this time.

One factor that played an important role in our decision is the temporal limitation on eligibility contained in Sec. 810 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387). Specifically, Sec. 810(c) of that act states: ''To receive assistance under this section [i.e., tree replacement and lost production payments], a tree referred to in subsection (a) [which refers to tree replacement payments] or (b) [which refers to lost production payments] must have been removed after January 1, 1986, and before September 30, 2001.'' This act is the source from which we derive the majority of the funds ($58 million) for the lost production payments provided for by this rule and the tree replacement payments under § 301.75–15.[1] We expect that sufficient funds will be available to sustain the tree replacement and lost production payment programs until at least the September 30, 2001, close of the eligibility period provided for by Public Law 106–387. At some point after September 30, 2001, we expect that all available funds provided by Congress for these payments will have been depleted. We also recognize that there is the possibility that those funds could be depleted prior to September 30, 2001, should citrus canker be detected in an unexpectedly large number of commercial citrus groves in the coming months. Therefore, because our ability to offer the tree replacement payments provided for by § 301.75–15 and the lost production payments provided for by this rule (§ 301.75–16) is contingent upon the availability of appropriated funds, we must acknowledge that in the absence of additional funding, there is the possibility that we will be unable to continue paying claims filed by commercial citrus growers at some point before the close of this calendar year (2001).

Another factor in our decision to not pursue the idea of partial payments was our determination that doing so would further delay the issuance of the payments provided for by this rule. Given that the issue of partial payments was not raised in our December 2000 proposed rule, we believed the most appropriate and defensible action would have been to provide the public with an opportunity to submit comments on the subject through the publication of another proposed rule. The delay attendant to a new proposal is not, in our view, warranted by the facts of this case. While we are not pursuing the idea of partial payments at this time, we do welcome any thoughts that interested parties may have on the subject. A mailing address for the submission of such correspondence can be found at the beginning of this document under **FOR FURTHER INFORMATION CONTACT.**

Lime Prices

Several commenters supported the use of more up-to-date price information in the calculation used to arrive at the per-acre payment presented in the proposed rule for limes. Most of these commenters indicated that they believed the proposed per-acre payment for limes was too low and supported the use of data provided by one of the commenters.

In the proposed rule, we explained that we calculated the per-acre net income for each variety of fruit using information obtained from the Florida Agricultural Statistics Service (FASS) and the University of Florida's Institute of Food and Agricultural Services (IFAS). As the data offered by one of the commenters was not reflected in the information we obtained from FASS and IFAS, we were unable to use those data in our calculations. Based on the information provided by that commenter—specifically, a per-box

[1] The two other sources of funding are the Consolidated Appropriations Act for FY 2000 [Public Law 106–113], which directs the Secretary of Agriculture to use not more than $9 million of Commodity Credit Corporation funds for a cooperative program with the State of Florida to replace commercial citrus trees removed to control citrus canker until the earlier of December 31, 1999, or the date crop insurance coverage is made available with respect to citrus canker, and Sec. 203(e) of the Agricultural Risk Protection [Public Law 106–224], which provides up to $25 million shall be used by the Secretary to compensate commercial growers for losses due to Pierce's disease, plum pox, and citrus canker.

price for limes of $9.68 rather than the price of $9.11 used in the proposed rule—we have recalculated the per-acre payment for limes in this final rule. The adjusted payment is reflected in the per-acre payment for limes listed in § 310.75–16(b) at the end of this document.

Early and Midseason Oranges

On October 16, 2000, we published an interim rule (65 FR 61077–61080, Docket No. 00–037–1) that established § 301.75–15 in the regulations to provide for the payment of tree replacement funds to eligible owners of commercial citrus groves. One of the categories of citrus for which payments were provided in that interim rule was titled ''Orange, early/midseason/navel.'' In the proposed rule, however, we changed the title of that category to ''Orange, navel'' and explained that we were doing so to conform with the language used in Sec. 810 of Public Law 106–387 (i.e., the Department's fiscal year 2001 appropriation, which made $58 million available for payments to commercial citrus and lime producers in Florida). One commenter noted the difference in the titles and asked that we make it clear that the early and midseason oranges are still included in the ''Orange, navel'' category and that the payments discussed in the proposed rule will be made for early and midseason varieties in addition to navel oranges.

We do, as the commenter surmised, intend to include payments for early and midseason orange varieties in the ''Orange, navel'' category. To make that clear, we have amended the ''Orange, navel'' entry in the table in § 301.75–16(b)(1) at the end of this document to read ''Orange, navel (includes early and midseason oranges).''

Tangerines

Two commenters noted that the proposed rule did not provide for payments for losses in production income associated with the removal of tangerine trees to control citrus canker and urged APHIS to establish a category for tangerines. Both commenters stated that it would be inappropriate to include tangerines in the proposed rule's ''other or mixed citrus'' category, given that the costs and revenues associated with tangerine production result in a per-acre net present value (NPV) for tangerine groves that exceeds the per-acre NPV calculated for the ''other or mixed citrus'' category. One of the commenters offered data to support the establishment of a tangerine category and suggested that, if tangerines were not afforded their own category, they should be considered in the Valencia orange category, which would provide for an NPV more reflective of market conditions.

Given that commercial tangerine trees have been removed as part of the citrus canker eradication program, we agree with the commenter that it is appropriate to provide for payments for lost production income to be made to the owners of commercial tangerine groves. Therefore, consistent with the suggestion offered by one of the commenters, we have amended the Valencia orange category in the table in § 301.75–16(b)(1) of this final rule to include tangerines.

Payment Amounts

One commenter disputed the validity of many of the data and assumptions used in the calculations that resulted in the per-acre payments presented in the proposed rule for each citrus variety. This commenter stated that the proposed payments were too high for groves with average or below-average production capacities and too low for other groves with above-average production capacity. This commenter suggested alternative data and methods related to planting densities, age of trees, yield per acre, and value per box for use in the model used to calculate payments, and requested that a measure of flexibility be incorporated into the rule to provide for the consideration of higher payments for growers who could demonstrate above-average returns from their groves.

While we acknowledge that some groves may outproduce others for any of several reasons, we believe that the approach and data we used to calculate per-acre payments in the proposed rule and in this final rule are valid and appropriate. In calculating the per-acre payments, we applied an accepted valuation model for determining NPV and used, as noted above, citrus industry economic and production information supplied by FASS and IFAS in that model. While a more precise valuation of individual groves might be obtained using the approach suggested by the commenter, we believe that it is necessary to retain the transparency and consistency afforded by the methodology we employed to calculate the per-acre payments presented in this final rule.

Late Claims

As noted previously, we published an interim rule on October 16, 2000, that established regulations in Subpart—Citrus Canker to provide for the payment of tree replacement funds to eligible owners of commercial citrus groves. That interim rule required, among other things, that claims for payments for destroyed trees must be received within 60 days after their destruction or, in the case of trees destroyed on or before the effective date of the interim rule, within 60 days after the interim rule's effective date. A similar provision was included in the proposed rule that preceded this final rule. We were subsequently informed by State officials that they had been unable to inform some grove owners in a timely manner of their eligibility to present claims, in most cases due to the fact that the person had sold the property and/or had moved out of State, thus delaying the notification that the State had provided to other grove owners. In order to provide us with the flexibility needed to address this situation, we intend to amend, in a separate document, the regulations in § 310.75–15(c) regarding the submission of tree replacement claims to provide that the Administrator may, on a case-by-case basis, approve the consideration of late claims when the circumstances appear, in the opinion of the Administrator, to warrant such consideration. Because the claim submission procedures established by this final rule are substantively the same as those in § 310.75–15(c), we have also amended § 310.75–16(c) in this final rule to provide for the consideration of late claims for up to 1 year after the effective date of this rule, in the case of trees destroyed on or before that effective date, or up to 1 year after the destruction of the trees in the case of trees destroyed after the effective date of this rule.

Other Comments

Other commenters questioned the efficacy of the approach and methods used by State and Federal officials in conducting the current citrus canker eradication program in Florida. Those comments did not relate to the regulatory provisions discussed in the proposed rule and are, thus, outside of the scope of this rulemaking.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, with the changes discussed in this document.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

The following economic analysis provides a cost-benefit analysis as

required by Executive Order 12866 and an analysis of the potential economic effects on small entities as required by the Regulatory Flexibility Act.

This rule amends the citrus canker regulations to establish provisions under which eligible owners of commercial citrus groves may, subject to the availability of appropriated funds, receive payments to recover production income lost as a result of the removal of commercial citrus trees to control citrus canker. These lost production payments are intended to help to reduce the economic effects of the citrus canker quarantine on affected commercial citrus growers.

As shown in the table below, the United States produced approximately 12,870 tons of oranges, grapefruit, limes, tangerines, and tangelos worth $2.29 billion in 1999, with Florida producing more than 80 percent of that total.

[1999]

Fruit	U.S. production (tons)	Value of U.S. production (millions)	Florida production (tons)	Value of Florida production (millions)	Florida share of production (%)
Oranges	9,886	$1,807.4	8,113.1	$1,483.3	82.07
Tangerines	327	118.7	218.7	79.4	66.89
Grapefruit	2,520	338.9	1,931.0	259.7	76.63
Limes	22	8.2	22.0	8.2	100.00
Tangelos	115	18.4	115.0	18.4	100.00
Total	12,870	2,291.6	10,399.9	1,849.0	

Source: USDA, National Agricultural Statistics Service, *Agricultural Statistics 2000.*

Removing the infected and exposed trees protects a substantial investment in other citrus groves. While the entire value of citrus produced is not at risk immediately from citrus canker, the disease would, if left unchecked, continue to spread. In time, the entire industry would be at risk.

According to the data provided to APHIS by the State of Florida, approximately 8,550 acres of commercial citrus trees have been destroyed or scheduled to be destroyed to control citrus canker by March 9, 2001. This figure includes an estimated 7,946 acres of commercial citrus that have been destroyed since the current citrus canker outbreak was detected in September 1995, as well as approximately 604 acres of grapefruit trees from 5 groves in Manatee and Highlands Counties that were destroyed between 1986 and 1990 to control citrus canker during a limited outbreak of the disease during that period.

As shown in the following table, which was prepared using the acreage estimates provided by the State of Florida and the per-acre payments contained in this rule, lost production payments for commercial citrus trees destroyed or scheduled for destruction by March 9, 2001, are expected to total about $46.05 million.

Variety	Acreage destroyed by 3/9/01	Per-acre payment	Estimated lost production claims
Grapefruit	2,671	$3,342	$8,926,482
Orange, Valencia, and tangerine	1,503	6,446	9,688,338
Orange, navel (includes early and midseason oranges)	1,874	6,384	11,963,616
Tangelos	56	1,989	111,384
Limes	2,273	6,503	14,781,319
Other or mixed citrus	173	3,342	578,166
Total	8,550		46,049,305

Effects on Small Entities

This rule establishes provisions under which eligible owners of commercial citrus groves may, subject to the availability of appropriated funds, receive payments to recover production income lost as a result of the removal of commercial citrus trees to control citrus canker. Therefore, the entities who will be affected by this rule are citrus growers. The Regulatory Flexibility Act requires that the Agency specifically consider the economic effects of its rules on small entities. The Small Business Administration (SBA) defines a firm engaged in agriculture as ''small'' if it has less than $500,000 in annual receipts. While the majority of citrus growers in Florida would be considered small entities under those SBA guidelines, those growers who would not be classified as small entities account for the majority of the citrus-growing acreage in the State. Based on available information, it appears that most of the citrus canker-related losses in Florida have been incurred by those larger citrus producers. Regardless of the size of the entities affected, we expect that this rule will benefit those commercial citrus growers who are eligible for lost production payments by helping to defray some of the losses and expenses that they have incurred as a result of the ongoing State and Federal efforts to eradicate citrus canker in Florida.

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 rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent 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

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0168.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 is revised to read as follows:

Authority: 7 U.S.C. 166, 7711, 7712, 7714, 7731, 7735, 7751, 7752, 7753, and 7754; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 also issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

2. Section 301.75–1 is amended by adding a definition of *ACC coverage* to read as follows:

§ 301.75–1 Definitions.

ACC coverage. The crop insurance coverage against Asiatic citrus canker (ACC) provided under the Florida Fruit Tree Pilot Crop Insurance Program authorized by the Federal Crop Insurance Corporation.

* * * * *

3. In Subpart—Citrus Canker, a new § 301.75–16 is added to read as follows:

§ 301.75–16 Payments for the recovery of lost production income.

Subject to the availability of appropriated funds, the owner of a commercial citrus grove may be eligible to receive payments in accordance with the provisions of this section to recover income from production that was lost as the result of the removal of commercial citrus trees to control citrus canker.

(a) *Eligibility.* The owner of a commercial citrus grove may be eligible to receive payments to recover income from production that was lost as the result of the removal of commercial citrus trees to control citrus canker if the trees were removed pursuant to a public order between 1986 and 1990 or on or after September 28, 1995.

(b) *Calculation of payments.* (1) The owner of a commercial citrus grove who is eligible under paragraph (a) of this section to receive payments to recover lost production income will, upon approval of an application submitted in accordance with paragraph (c) of this section, receive a payment calculated using the following rates:

Citrus variety	Payment (per acre)
Grapefruit	$3,342
Orange, Valencia, and tangerine	6,446
Orange, navel (includes early and midseason oranges)	6,384
Tangelo	1,989
Lime	6,503
Other or mixed citrus	3,342

(2) *Payment adjustments.* (i) In cases where the owner of a commercial citrus grove had obtained ACC coverage for trees in his or her grove and received crop insurance payments following the destruction of the insured trees, the payment provided for under paragraph (b)(1) of this section will be reduced by the total amount of the crop insurance payments received by the commercial citrus grove's owner for the insured trees.

(ii) In cases where ACC coverage was available for trees in a commercial citrus grove but the owner of the grove had not obtained ACC coverage for his or her insurable trees, the per-acre payment provided for under paragraph (b)(1) of this section will be reduced by 5 percent.

(c) *How to apply for lost production payments.* The form necessary to apply for lost production payments may be obtained from any local citrus canker eradication program office in Florida, or from the USDA Citrus Canker Project, 6901 West Sunrise Boulevard, Plantation, FL 33313. The completed application should be accompanied by a copy of the public order directing the destruction of the trees and its accompanying inventory that describes the acreage, number, and the variety of trees removed. Your completed application must be sent to the USDA Citrus Canker Eradication Project, Attn: Lost Production Payments Program, c/o Division of Plant Industry, 3027 Lake Alfred Road, Winter Haven, FL 33881. Claims for losses attributable to the destruction of trees on or before the effective date of this rule must be received on or before August 17, 2001. Claims for losses attributable to the destruction of trees after the effective date of this rule must be received within 60 days after the destruction of the trees. The Administrator may, on a case-by-case basis, approve the consideration of late claims when the circumstances appear, in the opinion of the Administrator, to warrant such consideration. However, any request for consideration of a late claim must be submitted to the Administrator on or before July 18, 2002 for trees destroyed on or before July 18, 2001, and within 1 year after the destruction of the trees for trees destroyed after July 18, 2001.

Done in Washington, DC, this 12th day of June 2001.

Bill Hawks,

Under Secretary for Marketing and Regulatory Programs.

[FR Doc. 01–15320 Filed 6–15–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM185; Special Conditions No. 25–180–SC]

Special Conditions: Enhanced Vision System (EVS) for Gulfstream Model G–V Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for Gulfstream Model G–V airplanes. These airplanes, as modified by Gulfstream Aerospace Corporation, will have novel or unusual design features associated with a head-up display (HUD) system modified to display forward-looking infrared (FLIR) imagery. The regulations applicable to pilot compartment view do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the existing airworthiness standards.

EFFECTIVE DATE: June 18, 2001.

FOR FURTHER INFORMATION CONTACT: Dale Dunford, FAA, Transport Standards

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SUPPLEMENTARY INFORMATION

Background

On February 13, 1998, Gulfstream Aerospace Corporation, 4150 Donald Douglas Drive, Long Beach, California 90808, applied for a supplemental type certificate (STC) to modify Gulfstream Model G–V airplanes. The Model G–V is a transport category to modify Gulfstream Model G–V airplanes. The Model G–V is a transport category airplane with a maximum takeoff weight of 90,500 pounds and powered by two BMW-Rolls Royce Mark BR700–710A1–10 engines. This airplane operates with a two-pilot crew and can hold up to 19 passengers.

The modification incorporates the installation of an Enhanced Vision System (EVS), consisting of a Honeywell 2020 head-up display (HUD) system modified to display forward-looking infrared (FLIR) imagery provided from a Kollsman FLIR assembly. The FAA has previously approved the Honeywell 2020 HUD.

The FAA only considered natural pilot vision for the pilot compartment view when issuing § 25.773. The electronic infrared image displayed between the pilot and the forward windshield represents a novel or unusual design feature in the context of § 25.773. The projection of electronic imagery has the potential to enhance the pilot's situational awareness. The FAA needs to evaluate EVS to determine that the imagery does not adversely affect the pilot's outside compartment view.

Although the FAA determined that the existing regulations are not adequate for certification of EVS, it believes that EVS could be certified through application of appropriate safety criteria. Therefore, the FAA has determined that special conditions should be issued for certification of EVS to establish an equivalent level of safety and effectiveness of the pilot compartment view as intended by the regulation.

Gulfstream and the FAA conducted an extensive proof of concept flight demonstration program and concluded that the EVS could be certified to provide an image that would aid the pilot during an instrument approach for detecting and identifying the visual references listed in Title 14, Code of Federal Regulations (14 CFR 91.175(c)(3)) for descent below decision height to 100 feet above touchdown. Conditions permitting, EVS may yield safety and operational benefits by providing the pilot with enhanced situational awareness.

Type Certification Basis

Under the provisions of § 21.101 (''Designation of applicable regulations''), Gulfstream Aerospace Corporation must show that the Gulfstream Model G–V airplanes, as changed, comply with the regulations in the U.S. type certification basis established for the Model G–V airplane. The U.S. type certificate basis established for the Model G–V airplane is established in accordance with § 21.21 (''Issue of type certificate * * *'') and § 21.17 (''Designation of applicable regulations''), and the type certification application date. The U.S. type certification basis for this model airplane is listed in Type Certificate Data Sheet No. A12EA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* part 25, as amended) do not contain adequate or appropriate safety standards for the Gulfstream Model G–V airplanes modified by Gulfstream Aerospace Corporation because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16 (''Special conditions'').

In addition to the applicable airworthiness regulations and special conditions, these Gulfstream Model G–V airplanes must comply with the fuel vent and exhaust emission requirements of part 34 and the noise certification requirements of part 36.

Special conditions, as appropriate, are issued in accordance with § 11.19 (''What is a final rule?''), after public notice, as required by § 11.38 (''What public comment procedures does FAA follow for Special Conditions?''), and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should Gulfstream Aerospace Corporation apply at a later date for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under the provisions of § 21.101(a)(1).

Novel or Unusual Design Features

The Gulfstream EVS project is the first civil certification of infrared imagery displayed on a HUD. This EVS is novel or unusual technology because it places a raster* infrared image in the center of the pilot's regulated ''pilot compartment view,'' which must be free of interference, distortion, and glare that would adversely affect the performance of the pilot's normal duties. (*A ''raster'' image is comprised of a set of horizontal lines that continuously sweep across the display and form a picture on the display by modulating their intensity (luminance).) The EVS/HUD system projects a raster image derived from a forward-looking infrared (FLIR) camera onto the display of the Honeywell HUD 2020 system. The EVS image is displayed with HUD symbology and overlays the forward outside view.

Operationally, during an instrument approach, the EVS image is intended to enhance the pilot's ability to detect and identify ''visual references for the intended runway'' (see § 91.175(c)(3)), to continue the approach below decision height. Depending on atmospheric conditions and the strength of infrared energy emitted and/or reflected from the scene, the pilot can see these visual references in the image better than the pilot can see them through the window without EVS.

Scene contrast detected by infrared sensors can be much different than that detected by natural pilot vision. On a dark night, thermal differences of objects, which are not detectable by the naked eye, will be easily detected by many imaging infrared systems. On the other hand, contrasting colors in visual wavelengths may be distinguished by the naked eye, but not by an imaging infrared system. Where thermal contrast in the scene is sufficiently detectable, shapes and patterns of certain visual references can be recognized in the infrared image by the pilot, but, depending on conditions, they can also appear significantly different to a pilot in the infrared image than they would with normal vision.

There is the potential for the image to improve the pilot's ability to detect and identify items of interest. EVS needs to be evaluated to determine that the imagery does not adversely affect the pilot's ability to see outside the window through the image. Section 25.773(a)(2) states:

> Each pilot compartment must be free of glare and reflection that could interfere with the normal duties of the minimum flight crew.

A raster image can be more difficult for the pilot to see through than stroke-written symbols also displayed on the HUD. Stroke symbology illuminates a small fraction of the total display area of the HUD, leaving much of that area free of reflected light that could interfere

with the pilot's view out the window through the display. However, unlike stroke symbology, the raster image illuminates, to some degree, most of the total display area of the HUD (approximately 30 degrees horizontally and 20 degrees vertically) with much greater potential interference with the pilot compartment view. The pilot cannot see around the raster image, but must see the outside scene through it.

Unlike the pilot's external view, the EVS image is a monochrome, two-dimensional display. Some, but not all, of the depth cues found in the natural view are also found in the imagery. The quality of the EVS image and the level of EVS infrared sensor performance could depend significantly on the atmospheric and external light source conditions. Gain settings of the sensor, and brightness or contrast settings of the HUD, can significantly affect image quality. Certain system characteristics could create distracting and confusing display artifacts. Finally, because this is a sensor-based system that is intended to provide a conformal perspective corresponding with the outside scene, the potential for misalignment must be considered.

Hence, safety standards for each of the following factors are needed:

- An acceptable degree of interference of the window or ''window and HUD'' view;
- Potential image misalignment;
- Distortion; and
- The potential for pilot confusion or misleading information.

The FAA did not anticipate the novel and unusual design features of the EVS when § 25.773 was issued, and does not consider the current regulation to be adequate to address the specific issues related to an enhanced vision system. Therefore, the FAA has determined that, in addition to the requirements of 14 CFR part 25, special conditions are needed to address requirements particular to the installation of an EVS.

Discussion

Gulfstream Aerospace Corporation intends for the EVS to function by presenting an enhanced view that would aid the pilot, during the approach:

- To see and recognize external visual references that are required by § 91.175(c), and
- To visually monitor the integrity of the approach, as described in FAA Order 6750.24D (''Instrument Landing System and Ancillary electronic Component Configuration and Performance Requirements,'' dated March 1, 2000).

Based on this functionality, users would seek to obtain operational approval to conduct approaches when the Runway Visual Range (RVR) is as low as 1,200 feet, including approaches to Type I runways. Gulfstream does not intend, and the FAA does not intend by these special conditions for the EVS imagery to be used either as a means of flight guidance, or as the substitution for the outside view while maneuvering the airplane during approach, landing, rollout, or takeoff.

The criteria of these special conditions were developed to determine that this EVS is of the kind and design appropriate to the following functions:

- Presenting an enhanced view that would aid the pilot during the approach.
- Displaying an image that the pilot can use to detect and identify the ''visual references for the intended runway'' required by § 91.175(c)(3) to continue the approach with vertical guidance to 100 feet height above touchdown (HAT).

Depending on the atmospheric conditions and the particular visual references that happen to be distinctly visible and detectable in the EVS image, these two functions would support its use by the pilot to visually monitor the integrity of the approach path.

Compliance with these special conditions does not affect the applicability of any of the requirements in the operating regulations (*e.g.,* parts 91, 121, and 135). The EVS does not change the approach minima prescribed in the standard instrument approach procedure being used; published minima still apply.

The FAA certification of this EVS is limited as follows:

- The infrared-based EVS image will not be certified as a means to satisfy the requirements for descent below 100 feet HAT.
- The infrared-based EVS image will not be certified as a means to establish that flight visibility is consistent with the visibility condition prescribed in the standard instrument approach being used (*see* § 91.175(c)(2)).
- The EVS imagery, alone, will not be certified either as flight guidance, or as a substitution for the outside view for maneuvering the airplane during approach, landing, rollout, or takeoff.
- The EVS may be used as a supplemental device to enhance the pilot's situational awareness during any phase of flight or operation in which its safe use has been established.

An EVS image may provide an enhanced image of the scene that may compensate for any reduction in the clear outside view of the visual field framed by the HUD combiner. The pilot must be able to use this combination of information seen in the image, and the natural view of the outside scene seen through the image, as safely and effectively as the pilot would use a § 25.773-compliant pilot compartment view without an EVS image. This is the fundamental objective of the special conditions.

The FAA also intends to apply certification criteria, not as special conditions, for compliance with other Federal Aviation Regulations, including § 25.1301 (''Equipment: Function and installation'') and § 25.1309 (''Equipment, systems, and installations''). These criteria address certain image characteristics, installation, demonstration, and system safety.

Image characteristics criteria include:

- resolution,
- luminance,
- luminance uniformity,
- low level luminance,
- contrast variation,
- display quality,
- display dynamics (for example, jitter, flicker, update rate, and lag), and
- brightness controls.

Installation criteria address:

- visibility and access to EVS controls, and
- integration of EVS in the cockpit.

The EVS demonstration criteria address the flight and environmental conditions that need to be covered.

The FAA also intends to apply certification criteria relevant to high intensity radiated fields (HIRF) and lightning protection.

Discussion of Comments

Notice of proposed special conditions No. 25–01–02–SC for Gulfstream Model G–V airplanes was published in the **Federal Register** on March 16, 2001 (66 FR 15203). Eighteen commenters, including the applicant, responded. A discussion of the comments follows, along with the FAA's disposition of those comments.

Special Conditions Paragraph 4. (Intended Function)

Several commenters recommend withdrawal or revision of paragraph 4. and provide the following comments in support of this recommendation.

Two commenters state that it is not clear why operational restrictions are specified within the special conditions, and recommend that all references and attempts at rulemaking and rule interpretations of parts 91 and 97 be withdrawn and removed.

Another commenter states that paragraph 4. may not be accurate as a

categorical statement for the future. There could be other images developed in the future that may have greater capabilities than FLIR; hence, this statement could be mistakenly interpreted to rule out any chance of progress in this area.

One commenter states that the proposed language is a precedent-setting prohibition against the reduction of ceiling and visibility minimums through EVS usage.

The same commenter also states that the extensive investments by NASA and industry to develop commercially viable and certifiable enhanced and synthetic vision products to increase the overall safety are viewed as jeopardized by the operational restrictions contained within the proposed special conditions.

Two commenters contend that the use of EVS to lower landing minimums is not an issue that is historically addressed by FAA Aircraft Certification, but by FAA Flight Standards. Following some period of operational use, Flight Standards may or may not see fit to allow the use of an enhanced vision image to replace visual contact below the normal decision height.

Several commenters state that paragraph 4. is beyond the scope of the rulemaking and outside the authority established by § 21.16 in that it establishes interpretations of operating rules.

One commenter objects to the use of the special conditions by the Aircraft Certification Service to prescribe operational limits. Approach limits are codified rather than allowing for growth of the system into one with reduced limits.

Another commenter states that the proposed special conditions set the overall policy direction for all future HUD and EVS installations. The commenter goes on to say that even though the rule is written as a part 91 only concern, the philosophy will carry forward and affect part 121 operators as well.

Three commenters recommend the following revisions to paragraph 4.:

- Delete the first sentence,
- Replace the reference to ''100 ft. HAT'' with ''to an appropriate height above touchdown,''
- Add a paragraph 4.c. that states, ''presenting an image that would act as an independent integrity monitor during the approach,'' and
- Revise paragraph 4. to read, ''The use of EVS will not reduce the ceiling and visibility minima of the instrument approach procedure being used, unless an equivalent level of task performance and safety required for that reduced visibility minima can be achieved.''

The FAA agrees that special conditions should not establish interpretations of the operating rules. The special conditions are not intended to create, change, restrict, or reinterpret provisions of the operational rules, including those related to ceiling and visibility minima. Special conditions paragraph 4. is meant to define the intended function for which this EVS would be certified, since installed equipment must be of a type and design appropriate to its intended function. If future applicants propose to expand the intended functions of this or similar equipment, different special conditions may be necessary to identify the appropriate certification criteria for those intended functions.

The FAA does not agree that references to operational regulations should be deleted. Section 91.175(c)(3) is only mentioned to clarify a function of the EVS that the pilot may use to detect and identify ''visual references.''

The first sentence of special conditions paragraph 4. is not an operational restriction. Instead, the intent of that sentence was to clarify that the airworthiness approval of EVS does not reduce or override the established ceiling and visibility minima that are legally prescribed in the standard instrument approach procedure. In fact, airworthiness approval of any equipment, whether it uses a raster image or not, cannot take precedence over the established minima. The special condition does not impose this limitation; it acknowledges it. When the notice was issued, there were no published instrument procedures that prescribed different minima for operators of EVS-equipped airplanes.

The FAA agrees that FAA Flight Standards is responsible for determining operational requirements. However, it is also true that the requirements of the existing operational regulations are mandatory. Flight Standards may choose to approve different minima for operators of EVS-equipped airplanes either by revising the operational rules or instrument approach procedures to specify minima for EVS-equipped airplanes. As needed, Flight Standards would also determine in the future whether different minima would be applied to operators of airplanes equipped with this or other EVS configurations. Therefore, the FAA does not agree that the first sentence of special conditions paragraph 4. should be revised to add the phrase ''unless an equivalent level of task performance and safety required for that reduced visibility minima can be achieved.''

The FAA also does not agree that the first sentence of paragraph 4. should be deleted. However, to clarify the intent of the first sentence, it is changed to read: ''Compliance with these special conditions does not affect the applicability of any of the requirements in the operating regulations (*e.g.,* parts 91, 121, 135).

The FAA does not agree that the reference to ''100 feet HAT'' should be replaced with ''an appropriate height above touchdown.'' Section 91.175(c)(3) (as well as respective provisions in parts 121 and 135) distinguishes between visual references required for descent below decision height and those required for descent below 100 feet HAT. The Gulfstream Proof of Concept (PoC) Flight Test Report recommended that descent below 100 feet HAT must not be predicated on EVS imagery alone. To make such a change as requested would require separate rulemaking to change the relevant regulations.

The FAA does not agree that a new paragraph 4.c. needs to be added to address the use of the EVS as an independent monitor. The pilot may use the EVS image to identify certain visual references that serve as airplane position cues. The EVS sensor performance (i.e., what can be seen and at what distance) in the actual atmospheric conditions will affect the usefulness of the image for the purpose of verifying airplane position. Special conditions paragraph 4., with its subparagraphs, does not explicitly list the function of ''integrity monitor'' for the guidance, but this function is covered within the dual intended function of ''presenting an image that would aid the pilot during the approach'' and ''that the pilot can use to detect and identify the visual references'' [§ 91.175(c)(3)]. The EVS cannot be an independent monitor in the same sense as the term is normally used. Normal use of this term is automatic detection and annunciation of system performance deviations and failure conditions.

Clarification of Notice Preamble (Discussion) and Special Conditions Paragraph 4

One commenter submitted the following questions to the FAA docket for these special conditions. Each question is followed by an FAA response which is based on the plain reading of the regulatory requirements; specifically, the applicability of the operational regulations (*e.g.,* parts 91, 121, 135) is the same whether EVS is installed or not.

Question: Paragraph 4. of the proposed special conditions states: ''The

use of EVS will not reduce the ceiling and visibility minima of the instrument approach procedure being used.'' What is the purpose of this statement? Is this a reference to § 91.175(c)(2), and would this preclude operation below DH or HAT if the requirements of § 91.175(c)(3) were met with EVS alone but the flight visibility was less than the visibility prescribed in the approach being used?

FAA Response: The first sentence of special conditions paragraph 4. is meant to clarify that the airworthiness approval of EVS under part 25 does not reduce or override the established ceiling and visibility minima that are legally prescribed in the standard instrument approach procedure.

To clarify the intent of the first sentence, it is changed to read: ''Compliance with these special conditions does not affect the applicability of any of the requirements in the operating regulations (*e.g.,* Parts 91, 121, 135).''

Question: With respect to item 4(b); would the pilot be allowed to continue the approach below a 200 foot HAT to 100 feet, if the EVS detected the required ''visual references for the intended runway'' but the flight visibility was less than the visibility prescribed for the approach being used?

FAA Response: As stated previously, the applicability of the operational regulations (e.g., parts 91, 121, 135) is the same whether EVS is installed or not. Descent and operation below decision height is not permitted by § 91.175 and similar provisions of other operational parts, as applicable, when flight visibility is less than prescribed in the standard instrument approach procedure being used.

Question: In paragraph eight of the ''Discussion'' the FAA states: ''However, the FAA finds that it would not be appropriate to reduce the ceiling and visibility minima of the instrument approach procedure being used based on the use of EVS.'' Is this a reference to § 91.175(c)(2) and would this preclude a descent below a 200 foot HAT minimum to 100 feet if the requirements of § 91.175(c)(3) were met with the EVS?

FAA Response: This sentence was not clearly stated. The intent was to say that compliance with the criteria of these special conditions does not affect the applicability of any of the requirements in the operating regulations (e.g., Parts 91, 121, 135). A descent would be permitted only if all requirements of § 91.175 are met. The first sentence of special conditions paragraph 4. is revised accordingly.

Question: Reference paragraph ten of the ''Discussion'' section: ''The infrared-based EVS image will not be certified as a means to satisfy the requirements for descent below 100 feet HAT.'' Does this statement mean that, if the pilot meets the requirements of § 91.175(c)(3) with EVS alone at a 200 foot HAT, then he may descend to a 100 foot HAT?

FAA Response: No, this statement means that, in order for the pilot to descend below 100 feet HAT, the requirements of §§ 91.175(c) and (d) must be met without the aid of EVS. The pilot may use EVS below 100 feet HAT, but the visual references must be distinctly visible and identifiable with the naked eye.

Question: If the flight visibility is less than the prescribed visibility for the approach being used, but the requirements of § 91.175(c)(3) at 200 feet HAT are met, may the approach be continued to a 100 foot HAT on EVS alone?

FAA Response: As stated previously, the applicability of the operational regulations (e.g., parts 91, 121, 135) is the same whether EVS is installed or not. Descent and operation below decision height is not permitted by § 91.175 and similar provisions of other operational parts, as applicable, when flight visibility is less than prescribed in the standard instrument approach procedure being used.

Descent below the 200 foot decision height cannot be based on EVS alone. To use EVS for the descent below decision height, precision approach guidance must also be provided on the HUD. With valid precision approach guidance provided on the HUD, EVS may be used to meet the requirements of § 91.175(c)(3) from the decision height to 100 feet HAT.

Question: The following example is provided in an attempt to clarify to all parties the suggested operating rules.

Situation:
—Part 91 Operator
—Flight Visibility: 0/0
—Published Minima: 200 feet/½ mile
—EVS: Operational with ''Phase I'' certification

Note: ''Phase I'' refers to this certification program.

In this situation, may the pilot commence the approach?

FAA Response: Based on the situation described in the commenter's question above, the Part 91 operator can commence the approach. However, Part 121 and Part 135 operators may not.

Question: At 200 feet the pilot meets the requirements of § 91.175(c)(3) with EVS alone, may he continue to 100 feet?

FAA Response: This response is based on the situation described above by the commenter. As stated previously, the applicability of the operational regulations (e.g., parts 91, 121, 135) is the same whether EVS is installed or not. Descent and operation below decision height is not permitted by § 91.175 and similar provisions of other operational parts, as applicable, when flight visibility is less than prescribed in the standard instrument approach procedure being used.

Descent below the 200-foot decision height cannot be based on EVS alone. To use EVS for the descent below decision height, precision approach guidance must also be provided on the HUD. With valid precision approach guidance provided on the HUD, EVS may be used to meet the requirements of § 91.175(c)(3) from the decision height to 100 feet HAT.

Question: At 100 feet the pilot meets the requirements of § 91.175(c)(3) without the aid of EVS, may he continue to land?

FAA Response: This response is based on the situation described above by the commenter. As stated previously, the applicability of the operational regulations (e.g., parts 91, 121, 135) is the same whether EVS is installed or not. Operation below decision height is not permitted by § 91.175 and similar provisions of other operational parts, as applicable, when flight visibility is less than prescribed in the standard instrument approach procedure being used.

Need for Special Conditions

Part 21 and FAA Order 8110.4B

Several commenters state that the FAA has failed, in accordance with § 21.16 and FAA Handbook 8110.4B, to justify the need for special conditions. The commenters state that the existing regulations (§§ 25.773, 25.1301, and 25.1309) contain the necessary requirements, and the proposed special conditions serve no additional purpose. Two of these commenters recommend that the special conditions be withdrawn and paragraphs 1., 2., and 3. be developed in a method of compliance issue paper. One of these commenters states that even if the raster display of an FLIR image on the HUD is deemed novel or unusual, regulations are in place to assure safety.

The FAA disagrees. The legal basis for the special conditions was carefully reviewed by the FAA and deemed appropriate. As discussed in the preamble of the notice, and these final special conditions, the FAA issues special conditions when it determines that the existing airworthiness standards do not contain adequate or appropriate

safety standards for a novel or unusual design feature. The regulatory process for issuing special conditions provides for public notification and opportunity for comment on the proposed certification criteria, and promotes standardization of new FAA certification requirements.

The FAA does not agree that § 25.773 is adequate for certification of the EVS. When the FAA issued § 25.773, it did not anticipate the display of an electronic image in the regulated field of view, and did not account for the potential of the EVS imagery to help achieve the safety objectives of the pilot compartment view. As discussed in the notice, the EVS image is different from the natural pilot vision that was assumed when § 25.773 was issued. The differences include:

- Image resolution compared to a pilot's vision,
- Monochrome image compared to color vision,
- Fewer cues for depth perception, and
- The thermal response characteristics of an infrared sensor compared to the color discrimination of pilot vision.

Additionally, the EVS raster image could potentially interfere with the pilot view. The raster image covers most of the combiner at one time, unlike stroke-written HUD symbology, which covers much less combiner area. Because none of the regulations referenced by the commenters contain criteria for evaluating these issues, the FAA has determined that those regulations are inadequate for certification of the EVS. For these reasons, the FAA determined that the EVS is novel and unusual with respect to current airworthiness regulations, and special conditions are needed.

One commenter states that the FAA has failed to provide an adequate explanation for the basis of the ''novel and unusual design feature.''

The special conditions are not merely a new means of compliance with § 25.773, rather they provide a new requirement and a regulatory path to certify the EVS and achieve an equivalent level of safety. The fundamental requirement contained in the special conditions, not found in § 25.773, is that the combination of what the pilot sees in the EVS image and what the pilot sees through and around the image must be as safe and effective as the view without the image. The FAA considers that the level of safety provided by the special conditions is equivalent to the level of safety intended by § 25.773.

Aerospace Standard AS8055

Two commenters state that Aerospace Standard AS8055 already establishes standards for EVS and therefore the special conditions are unnecessary. One of the commenters states that the FAA requested industry to recommend standards for head up displays, which resulted in the SAE Aerospace Standard AS8055 that recommends standards for HUD's, including raster displays.

The second commenter states that the basis for the special conditions is inadequate, and the rationale is one of opinion. This commenter goes on to say that the special conditions make no mention of certain documents (AC 25.773–1, AC 120–28D, SAE AS8055). The commenter contends that these documents adequately describe HUD and EVS design for certification purposes, without the need for special conditions.

The FAA does not agree. While the FAA did request that SAE develop standards for head up displays, they do not take the place of airworthiness regulations or special conditions. Industry standards, alone, are not mandatory. The FAA request that SAE develop these standards does not contradict the need for special conditions.

Nevertheless, AS8055 contains extremely useful industry developed standards, particularly regarding raster display quality, that have been adapted to the fullest possible extent in a separate means of compliance issue paper for EVS certification. The current AS8055 addresses head up displays and the information presented on them, including raster imagery, but not imaging sensors, such as the infrared camera used in the Gulfstream EVS.

Advisory Circular (AC) 25.773–1 provides criteria for an acceptable means of compliance with § 25.773, but does not address the display of electronic imagery in the regulated pilot compartment view. The FAA therefore found no reason to refer to this document in the notice.

Advisory Circular (AC) 120–28D provides a means of compliance for Category III low visibility operations and certification of equipment designed for that purpose. The Phase I Gulfstream EVS is not intended for Category III operations, and therefore the FAA did not find a reason to refer to this AC in the notice.

HUD vs. Raster Imagery

One commenter contends that the FAA's main argument revolves around § 25.773(a)(2), which states, ''Each pilot compartment must be free of glare and reflection that could interfere with the normal duties of the minimum flight crew.'' The commenter further states that this could equally apply to stroke-only HUD's which are currently certified.

Another commenter states that the notice is in error, since § 25.773 has been cited and accepted as a means of compliance for many HUD programs.

A third commenter states that although § 25.773 does not directly mention an EVS imagery display, this regulation, in combination with other pertinent regulations, contains the necessary and sufficient requirements for determining an acceptable pilot compartment view. The commenter asserts that these same existing regulations have been successfully applied to HUD's for several years.

The FAA does not agree. Stroke-written HUD symbology and raster imagery have significantly different characteristics. As explained in the notice, stroke-written HUD symbology illuminates a small fraction of the HUD combiner area (approximately 20 by 30 degrees) at any one time. The imagery, on the other hand, can illuminate almost all of the HUD at one time. The pilot can see through the relatively large ''unlit spaces'' between HUD symbols with very little visual interference, but the EVS design provides no such spaces in the raster imagery. Consequently, depending on the content at any time, the EVS image might interfere with much more of the pilot's view.

Unlike § 25.773, the special conditions account for this potential interference by also considering that the EVS image may also provide useful information which, in combination with what the pilot can see through the image, is as safe and effective as the pilot's view without the image.

Military Use of EVS

One commenter states that the EVS application may be novel and unusual (that is, for commercial aircraft); however the technology is not. This technology, including raster images on a HUD, has been in use by the military. The commenter states that special conditions are premature and the issue should be studied.

The FAA disagrees. The phrase ''novel or unusual'' is used in § 21.16 in the context of existing regulations. Under the provisions of § 21.16, the FAA issues special conditions when it determines existing airworthiness regulations do not contain adequate safety standards for a novel or unusual design feature. The special conditions are issued to establish a level of safety

equivalent to that established in the existing regulations.

Granted, elements of the EVS have been in use in the military, even to the extent of displaying infrared imagery on a HUD. However, military use of this technology differs from this civil application, and the level of safety required of military systems used in combat operations differs from what is required for civil transport airplane airworthiness. As previously stated in this document in response to other comments, certain design features of the EVS are considered novel or unusual with respect to the current airworthiness standards, and the FAA has determined that special conditions are needed.

Not Based on Real Data or Analysis

One commenter suggests that the special conditions be deferred and modified as necessary so that they are supported by data and analysis. The commenter suggests that until that time, the FAA could make a determination regarding certification of EVS systems on a case by case basis.

Another commenter considers the special conditions to be premature in that they are based on ''findings'' that are not supported by real data or analysis, and therefore are actually based on opinions. The commenter states they participated in the Synthetic Vision System (SVS) program and that most of the key elements of the proposed special conditions are not supported by the FAA SVS database.

The FAA does not agree that the special conditions are premature, or that the criteria for applying the special conditions for the EVS is not supported by data and analysis.

The FAA did, in fact, consider the reported findings of the FAA Synthetic Vision System Technology Demonstration program, and the Gulfstream proof of concept (PoC) flight test. The large FAA SVS database is primarily measured sensor performance with measured atmospheric and scene conditions. Many of the issues raised and considered in the FAA SVS program are addressed in these special conditions and in a means of compliance issue paper. As explained in the notice, and earlier in these final special conditions in response to other comments, the electronic EVS image is different from the pilot's natural vision and was not anticipated when § 25.773 was issued, so the FAA determined that special conditions are needed.

While the FAA believes, based on the PoC results, that the Gulfstream EVS can be safely certified, that does not mean safety standards are unnecessary. The safety standards covered by the special conditions are based on issues investigated during the PoC of the Gulfstream EVS and the earlier FAA SVS program.

These special conditions are specific to the Gulfstream certification project. If appropriate, different special conditions may be adopted for future programs involving similar equipment. The FAA is making these certification determinations on a case-by-case basis.

Proof of Concept (PoC) Test Results

One commenter states that the FAA failed to properly take into account the results of the FAA proof of concept program. The test program required two years and over 200 approaches flown by FAA selected pilots and specialists, and the report states that the HUD and the EVS did not obscure the pilot's forward field of view and did not interfere with the pilot's view of the runway during the landing approach.

Another commenter is of the opinion that the FAA completely ignored the PoC tests. The commenter states that the FAA is not justified in issuing the proposed special conditions since the results of extensive evaluations during FAA-mandated PoC flight tests concluded that the EVS could be certified and safely used in transport category operations under existing airworthiness certification standards.

Another commenter states that the FAA failed to recognize test results that show the good faith effort in addressing the concerns related to safe and effective use of the EVS. The commenter contends that the EVS proof-of-concept tests concluded that the EVS provided situational awareness, did not obscure the pilot's view, and did not interfere with the pilot's view of the runway. As such, it is compliant with the intent of § 25.773.

A fourth commenter states that it is surprising that the notice, which lists the criteria for issues that must be addressed for the EVS, makes no reference to the findings of the PoC flight test results that conclude these issues are not a concern.

The FAA does not agree with the commenters that the PoC test results were not considered in determining the need for special conditions. The purpose of the PoC is to determine what would be operationally acceptable and what standards or criteria are needed for airworthiness approval. It is not the purpose of the PoC to determine whether or not the safety standards must be contained in special conditions.

While the FAA concluded, based on the PoC results, that the Gulfstream EVS could be safely certified, it did not conclude that safety standards were unnecessary. The safety standards covered by the special conditions are not based on deficiencies of the Gulfstream EVS, but rather on issues that were investigated during the PoC and the earlier FAA SVS program. While the PoC test results show that the EVS image does not obscure the pilot's view, there must be appropriate safety standards for the impact of the EVS image on the pilot's view.

The FAA actions have been consistent with the PoC process as outlined in paragraph 10.18 of Advisory Circular 120–28D. As stated earlier, the special conditions provide a legal avenue to certify this system.

EVS Enhances Safety and Should Not Be Delayed

One commenter states that reduced visibility is a major or contributing factor in many civil aircraft accidents. If the pilot could have had the real-time information provided by EVS, a significant number of these accidents could have been avoided. The commenter asserts that the EVS can save lives now, and recommends that the FAA continue to understand and not delay the benefits of EVS to the air transportation system.

Another commenter states that new technology that provides enhanced aircraft safety should be certified and deployed in a quick and orderly fashion, rather than through a long series of disjointed special conditions. It is the commenter's opinion that this is detrimental both to the FAA and airlines through unnecessary delays, and to the traveling public who deserve improved safety of flight.

A third commenter believes that the EVS will provide operational safety improvement. The commenter states that EVS technology is specifically aimed at eliminating low-visibility conditions as a causal factor in civil aircraft accidents, and that if installed, the EVS will provide operational benefits approaching those found in clear daytime operations, regardless of weather conditions.

The FAA agrees in part with the commenters. Indeed, EVS may be able to improve safety in certain conditions and phases of flight. The FAA acknowledges that the EVS image may improve the pilot's ability to detect and identify items of interest. The application of safety standards through special conditions does not prevent the use of EVS in ways that would enhance safety. The EVS may be used for any operation or phase of flight where it is shown to be safe.

It has not yet been demonstrated that the Gulfstream EVS can actually provide benefits equivalent to conventional clear daytime operations in all low visibility conditions. The infrared sensor is affected by the same visible moisture that is often the cause of low visibility conditions. Nevertheless, the actual operational benefits that the EVS can provide will be shown in due time with the accumulation of service experience.

The FAA has not delayed the certification project, or the safety or operational benefits that the EVS might provide. Publication of these final special conditions has not adversely impacted the overall certification program schedule.

Use of Infrared (IR) Imagery To Establish Visibility

One commenter states that the notice raises concern that the reported visibility (visible spectrum) would not be consistent with the IR visibility ''seen'' by the EVS, and that this is a valid operational concern, but not a certification issue.

The same commenter also states that the current regulations do not permit any operator to descend below the published approach minimums, unless the visibility is at least that prescribed in the instrument approach procedure being used. The commenter says that the current regulations do not address electronic aiding, and recommends that the following statement be added to the AFM limitations: ''Installation of the EVS does not constitute approval to continue an approach below decision height.''

The FAA disagrees. The notice addressed ''flight visibility,'' not reported visibility. The two terms are distinctly different. For descent below decision height, § 91.175(c)(2) requires that ''flight visibility,'' which is the forward horizontal distance that unlighted objects can be seen from the cockpit by day, and lighted objects by night, be no less than the visibility prescribed in the standard instrument approach procedure being used.

The FAA agrees that the requirements for approach, including flight visibility, are established by operational regulations, particularly parts 91, 121, and 135, and are therefore operational concerns. However, the requirement that installed equipment must be of a type and design to perform its intended function, defined in special conditions paragraph 4. for certification purposes, is a valid airworthiness certification concern.

The FAA agrees that current regulations do not address electronic images in the pilot compartment view regulated by § 25.773. As stated earlier, the special conditions are considered necessary because § 25.773 is not adequate for the novel or unusual design features of the EVS. However, the special conditions do not address whether operational regulations adequately address the use of the EVS and do not create, change, restrict, or reinterpret the operational requirements.

The FAA does not agree with the recommended change to the AFM limitations, because it appears more conservative than the FAA concluded is necessary. One conclusion drawn from the PoC testing was that the visual references listed in § 91.175(c)(3) could be detected and identified in the EVS image, and that the ability to do this could be evaluated. The FAA has revised the first sentence of paragraph 4. to clarify that the use of EVS does not affect the applicability of the operational requirements.

Special Conditions Were Identified Late in the Program

Two commenters state that the FAA needs to review processes that were followed to ensure that FAA personnel are fully aware of their responsibilities to raise such concerns early in a program.

The commenters express the opinion that the FAA did not follow the principles of the certification process improvement effort. The principles include surfacing issues early in the program so that they can be resolved before they have an adverse effect on the ability of the applicant to certify the product in accordance with the program schedule.

The FAA disagrees. Although the need for special conditions was not known in the beginning of the program, the need for special conditions was identified early enough in the program to not impact the certification schedule.

The Language in the Notice Is Damaging to the Development and Use of EVS

Two commenters express the opinion that the language and limitations contained in the notice are prejudicial against EVS and HUD developments. One has concerns about the future FAA response to new safety technologies and many other proposed safety systems to meet the goals of the Safer Skies program.

Another commenter states that the proposed special conditions do not accurately represent the Gulfstream EVS program. The commenter asserts that the EVS would enhance the ability of the pilot to see and identify visual references to continue an approach to a decision point of 100 feet for Phase I and 50 feet for Phase II. It is the commenter's opinion that the special conditions create a negative impression of EVS technology, which further reflects a biased judgment against EVS and is contrary to the conclusions reached under the controlled evaluations.

The FAA disagrees. The special conditions are not intended to be a reference to the product or a commentary on the product's success. Differences between EVS infrared imagery and natural pilot vision were described in the preamble of the notice for the purpose of addressing the uniqueness of the EVS and the need for safety standards to address the differences. That an EVS image has the potential to interfere or obscure the pilot's view does not mean that an EVS is unacceptable, but that the product needs to be evaluated with these potential characteristics in mind to maintain the level of safety established by the current airworthiness standards.

The special conditions are not intended to characterize the Gulfstream EVS project. The requirements in the proposed special conditions, and adopted in these final special conditions, are intended to provide safety standards for this EVS to meet, and to ensure that such a determination is made during certification, not to imply that this EVS is unacceptable. The special conditions address Phase I of the Gulfstream project, and anything beyond Phase I will be addressed outside this rulemaking activity.

The Proposed Special Conditions Are Too Restrictive on the Use of EVS

One commenter states that the notice denies the following uses of the EVS:

- As a substitution for the real-world view,
- As a means to establish that flight visibility is consistent with the visibility condition prescribed in the standard instrument approach being used,
- As a means to reduce the ceiling and visibility minima of the instrument approach procedure being used, and
- As a means to satisfy the requirements for descent below 100 feet HAT.

Another commenter states that there could be other images developed in the future that may have greater capabilities than FLIR. Paragraph 4. of the proposed special conditions could be mistakenly interpreted to rule out any chance of progress in this area.

The FAA disagrees. The special conditions do not deny or restrict the use of EVS. Rather, the language

referred to in the comment (and discussed in the preamble to the notice) defines what intended functions it is being certified for and the limits of that airworthiness certification approval. Unless found unsafe during any operation or phase of flight, this would not limit the use of EVS as a supplemental device, nor would it restrict the role of Flight Standards to authorize the use of EVS.

The first sentence of special conditions paragraph 4. is not an operational restriction; instead, it is meant to clarify that the airworthiness approval of EVS, itself, does not reduce or override the established ceiling and visibility minima prescribed in the standard instrument approach procedure. In fact, airworthiness approval of any equipment, whether it uses a raster image or not, cannot take precedence over the established minima. These special conditions do not impose this limitation; they acknowledge it. When the notice was issued, there were no published instrument procedures that prescribed different minima for operators of EVS-equipped airplanes.

To clarify the intent of the first sentence of special conditions paragraph 4., it is changed to read: ''Compliance with these special conditions does not affect the applicability of any of the requirements in the operating regulations (e.g., parts 91, 121, 135).''

FAA Flight Standards has the authority to determine operational requirements. However, it is also true that the requirements of the existing operational regulations are mandatory. Flight Standards may choose to approve different minima for operators of EVS-equipped airplanes. As needed, Flight Standards would also determine in the future whether different minima would be applied to operators of airplanes equipped with this or other EVS configurations.

Clarification Issues

Special Conditions Paragraph 2.a.

One commenter provided the following comments relative to paragraph 2.a.:

- ''Burlap overlay'' is not defined in the examples provided in paragraph 2.a.
- Use of FLIR, under some circumstances, may not be desirable or an improvement over the pilot's vision, and may not be appropriate.
- The ability to easily dim and/or clear the image on the HUD should be incorporated to permit removal of the image quickly, if conditions are not favorable.

FAA clarification of each issue is as follows:

''Burlap overlay'' is one example of a display artifact that has a burlap-like appearance and was observed during the PoC flight testing. It could be distracting to the pilot, make the image difficult to use, and potentially interfere with the pilot's outside view.

The FAA agrees with the commenter that in some circumstances the EVS image may not be desirable, and that is why paragraph 2.c. of the special conditions requires that a readily accessible control be provided for the pilot to immediately deactivate and reactivate display of the image on demand.

The FAA agrees with the commenter that the ability to dim or clear the image on the HUD should be incorporated, and that is why paragraph 2.b. of the special conditions requires effective control of image brightness, and paragraph 2.c. requires that a readily accessible control be provided for the pilot to immediately deactivate and reactivate display of the image on demand.

Special Conditions Paragraph 2.f.

One commenter interprets special conditions paragraph 2.f. to mean that the EVS image must not affect the performance of the pilot in the use of the HUD for previously approved operations. The commenter assumes that the EVS image may be removed during those operations (or phases) which could be impacted, and states that the EVS image may need to be automatically deactivated during certain phases of flight, perhaps at or prior to decision height during a low visibility approach.

The objective of paragraph 2.f. is that the EVS installation would not adversely affect the ability of the HUD to meet any requirement to which it was originally certified. Whether or not the EVS image must be removed for some phases of flight to comply with this paragraph must be determined on a case-by-case basis. If there are cases where removal of the image is required, automatic means to deactivate the image would not be required, unless it is shown that manual procedures to deactivate the image are inadequate.

Special Conditions Paragraph 3.

The commenter interprets paragraph 3. as follows: ''The EVS image must not interfere in the pilot's detection of traffic, terrain, obstacles, and other hazards of flight. The assumption is that objects are recognizable within the EVS image, or visual objects are still recognizable through the EVS image.''

The commenter's interpretation with respect to the ability of the pilot to ''see'' discrete visual items is correct. For completeness, though, one must also determine if there are characteristics that adversely affect the pilot's ability to maneuver the airplane to avoid flight hazards. Excessive image latency or lag, for example, might have an adverse effect.

Special Conditions Paragraph 4.a.

One commenter provided the following comments:

- It is not clear if this rules out the use of the EVS for taxi and/or takeoff.
- The words seem to indicate that the evaluation has already been completed and the special conditions authorize use during the approach.
- Other potential uses should be considered (that is, takeoff, taxi, seeing threatening cloud formations at night).

Special conditions paragraph 4. is meant to clarify the intended function of EVS, not to impose operational limitations. A requirement for airworthiness certification is that the system must be of a type and design to perform its intended function.

The FAA and the applicant agree that the intended functions listed in paragraphs 4.a. and 4.b., associated with approach operations, are the primary focus of the certification, and for which the FAA will certify the EVS. However, there is no intent to restrict use of the EVS to approach and landing operations only. The EVS may be used as a supplemental system for any phase of flight, including taxi and take-off, when it is shown to be safe.

A PoC flight test program was conducted to evaluate what the EVS was capable of, how it should be used, and what certification criteria would be needed. Demonstrations for showing compliance with the airworthiness certification requirements will be accomplished after issuance of the final special conditions.

Proof of Concept Test

One commenter states that it is unclear whether a proof of concept demonstration was conducted and if so, no results were revealed.

As stated earlier, a PoC demonstration has already been conducted. The PoC test report, itself, is proprietary to the applicant, so the FAA did not provide it to the public.

Additional Requirements to Proposed Special Conditions

One commenter states that consideration should be given to the following areas in the proposed special conditions:

• Ensure acceptable characteristics when transitioning from EVS ON to OFF and vice versa, particularly the ability to reacquire outside visual references when EVS is selected OFF during an instrument approach.
• Evaluate the perception of actual colors as viewed through the HUD with the EVS ON.
• Address the effects of power transients or temporary interruptions.
• Address pilot fatigue or eye strain while using the EVS.
• Consider EVS dispatch requirements.
• Paragraph 2.d. should be expanded to state that the initial certification should include sufficient testing to cover the normal range of expected flight maneuvers for all of the phases of flight to be certified with the EVS active.

Another commenter states that it may be desirable to provide the option of a head down FLIR display when operations are conducted with a single HUD.

The FAA agrees, in part, with the issues raised by the first commenter. The FAA plans to evaluate these issues during the certification program, but does not see the need to revise the language of the special conditions. FAA responses to the issues are provided in the order presented by the commenter.

• Specific standards for acceptable EVS on/off transitions and color perception need not be stated. These factors can be evaluated in the context of special conditions paragraphs 1. and 2. (including sub-paragraphs).
• The HUD was already certified to have acceptable responses to power transients and interruptions. The FAA does not consider this EVS image, itself, critical. Based on special conditions paragraph 2.f., with the EVS modification, the HUD must continue to meet the requirements of its original approval.
• Per special conditions paragraph 2.f., the HUD with the EVS modification must continue to meet the requirements of its original approval, including the eye strain and fatigue criteria of the HUD issue paper.
• Dispatch requirements are determined by the FAA Aircraft Evaluation Group and will not be specified in the special conditions.
• Software requirements are addressed, separately, in a means of compliance issue paper and will not be addressed in the special conditions.

In response to the second commenter, the FAA considers that the desirability of an option to display the EVS image head down is a matter for the customer to decide, but is not a safety issue that would justify a mandatory standard.

Recognize EVS as an Avionics System With a Broad Base of Experience

The commenter states that the EVS should be recognized as a system with an extremely long and broad base of experience. Many of the issues raised in the notice are old concerns resolved by the military in great detail, and at great cost, including:

• Issues of visual acuity and cognizant processing.
• Perception of the 3rd dimension is accomplished through a combination of relative intensity (brightness), apparent movement, and size growth with decreasing distance to items of interest.
• In spite of technical limitations of older military systems, they were whole-heartedly embraced as beneficial, even a poor image is better than no image. The present technology is better since it has a larger, more sensitive detector array.

The FAA did not discount the military experience when proposing these special conditions. The ''old concerns'' may have been resolved by the military for the sake of weapon system design and operational use. The notice (preamble and special conditions) raised the issues that distinguish the EVS image from natural pilot vision because there are novel or unusual design features which the existing rule, § 25.773, does not adequately address, and to provide safety standards that can be used to certify the EVS to the level of safety required for civil transport category airplanes.

While acknowledging that there are some differences between the EVS image and natural vision, special conditions provide a way to certify EVS and maintain the level of safety, based on the premise that the combination of what the pilot can see in the image and what can be seen naturally, while the image is displayed, must be as safe and effective as the view without the image (in the same conditions).

The special conditions were proposed because of the need for appropriate safety standards for such systems that perform required functions previously done only by natural pilot vision. The FAA does not suggest, and has no reason to believe, that that the Gulfstream EVS is unsafe and cannot comply with the requirements of the special conditions.

The special conditions acknowledge enhanced situational awareness as an intended function of EVS, where its safety benefits might be best realized. Use of the EVS may also be beneficial during Category I approaches, when the ceiling and visibility are as prescribed in the standard instrument approach procedure. However, its safety benefit, when used for a Category I approach in less than prescribed flight visibility, has yet to be evaluated.

The FAA accepts that the EVS image can provide some depth cues; however, unlike EVS, the natural view provides actual stereoscopic and accommodation (focus) cues, in addition to depth perception cues which may be found in the EVS image. The airworthiness standard, § 25.773, and the operational rules, including § 91.175, were written with natural vision in mind.

The visual acuity (resolution) of the raster EVS image display also differs from natural pilot vision. This does not mean that EVS is unacceptable, only that it does not match natural vision, and that safety standards are needed for the image resolution to be satisfactory for its intended function, and that it does not unacceptably interfere with the pilot's natural vision.

Notice Implies that Existing Regulations Do Not Permit the Use of a ''Sensor Based'' System

One commenter states that the notice asserts that the existing regulations do not permit the use of a ''sensor based'' system for independent verification that the primary guidance is accurate. Another commenter states that there is no reference in the notice to the PoC test results that found the EVS suitable for acting as an independent integrity monitor for ILS approaches.

The FAA did not say in the notice that sensor based systems cannot be used for independent verification of the primary guidance. Paragraph 4. of the special conditions does not explicitly list the function of ''integrity monitor'' for the guidance, but this function is covered within the dual intended function of ''presenting an image that would aid the pilot during the approach'' and ''that the pilot can use to detect and identify the visual references'' (§ 91.175(c)(3)).

The EVS cannot be an independent monitor in the same sense as the term is normally used. Normally, use of this term refers to automatic detection and annunciation of system performance deviations and failure conditions. The pilot may be able to use the EVS image to identify certain visual references that serve as airplane position cues. The EVS sensor performance (i.e., what can be seen and at what distance) in the actual atmospheric conditions will affect the usefulness of the image for the purpose of verifying airplane position.

Lack of Understanding of the Technology and Underlying Physics

One commenter states that the special conditions delve into the technical ''nitty-gritty'' of infrared and display performance with little understanding of the technology and underlying physics. The commenter further states that:

• Infrared sensors are not limited to the mere sensing of ''heat.'' The EVS sensor has been tailored to detect electromagnetic radiation from the near-IR out to the long-wavelength. This is technically interesting but not relevant to the issue at hand.

• Most important is what the system provides, not the theoretical basis for infrared operation. With EVS, the pilot sees the same visual cues, in the same way, as presented on the HUD in a form that promotes outside/far-field vision and facilitates a transition from the IR image to the real scene.

The FAA agrees, in part, with the commenter. While the infrared energy detected by these sensors is primarily due to ''thermal'' contrast in the scene, it is also true that reflected and emitted infrared energy might be detected. Because of their spectral response, the infrared sensors detect contrast in the scene differently from natural pilot vision. A scene that shows significant contrast in the infrared wavelengths may have less contrast in the visual wavelengths, and vice versa.

The FAA agrees that the pilot may see many of the same visual cues with the EVS that might be seen naturally, but they are not seen in exactly the same way. As stated earlier, the cause and degree of scene contrast can vary between the infrared image and the natural view. However, the FAA acknowledges that the size and spatial relationships of certain visual references, particularly lighted objects such as those listed in § 91.175(c)(3), may be similar in the image and in the natural view and therefore may be identifiable to the pilot.

This is not to say that the EVS infrared imagery is unacceptable, only that it is not the same as natural vision, in a variety of ways. Natural vision was originally assumed when §§ 25.773 and 91.175 were issued, which, as discussed earlier, is one basis for the special conditions. So far, the FAA has not certified the use of any electronic imagery displayed in the windshield's field of view or imagery generated from a different part of the electromagnetic spectrum.

Operational Benefits of EVS

One commenter states that the EVS could be used at many runway ends closed for critical take-off and landing operations due to limited visibility. The EVS could restore the pilot's vision and increase airport capacity.

The full potential for operational benefits of the EVS will be demonstrated by the accumulation of service experience, and will depend on the FAA Flight Standards' determination of what operational uses will be authorized.

That EVS may provide significant operational benefits is not a factor when determining the need for safety standards or special conditions. The special conditions, alone, will not restrict the use of EVS for operationally beneficial purposes.

Requests To Extend Comment Period

One commenter, representing the interests of airlines and manufacturers, requests that the comment period be extended for 30 days. The commenter states that airlines and manufacturers must be able to understand the implications and future impact of the proposed special conditions and need the additional time to provide responsive and constructive comments.

The FAA has decided not to extend the public comment period. Eighteen commenters, including this commenter, were able to provide extensive comments to the proposed special conditions during the allotted time. These special conditions are specific to the Gulfstream Model G–V EVS project, and any extension to the public comment period would adversely delay certification. There will be additional opportunities to comment on other special conditions and rulemaking related to future EVS certification projects as they arise.

Request for a Public Meeting

One commenter expresses concern about the effect this special condition action will have on the industry-wide joint effort to improve the certification process through the use of strong and trustworthy partnerships, and requests that the FAA conduct a public hearing into the process of handling such further industry developments.

A second commenter requests that the FAA hold a public hearing to discuss the special conditions and the rationale for broader application to products developed as part of the Safer Skies program.

The FAA does not agree. The process of holding a public meeting and dealing with the result of such a meeting would unduly delay completion of this rulemaking and could adversely affect the applicant's certification schedule.

The FAA does not believe that such a meeting would materially serve the purposes of this rulemaking. A significant amount of substantive public comments have already been submitted that sufficiently characterize objections and concerns with the special conditions.

Applicability

As discussed above, these special conditions are applicable to Gulfstream Model G–V airplanes modified by Gulfstream Aerospace. Should Gulfstream Aerospace apply at a later date for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

Conclusion

This action affects only certain novel or unusual design features on the Gulfstream Model G–V airplanes modified by Gulfstream Aerospace. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the supplemental type certification basis for Gulfstream Model G–V airplanes modified by Gulfstream Aerospace:

1. The EVS imagery on the HUD must not degrade the safety of flight, nor interfere with the effective use of outside visual references for required pilot tasks, during any phase of flight in which it is to be used.

2. To avoid unacceptable interference with the safe and effective use of the pilot compartment view, the EVS device must meet the following requirements:

2.a. The EVS design must minimize unacceptable display characteristics or artifacts (for example, noise, ''burlap'' overlay, running water droplets) that obscure the desired image of the scene, impair the pilot's ability to detect and identify visual references, mask flight hazards, distract the pilot, or otherwise degrade task performance or safety.

2.b. Control of EVS display brightness must be sufficiently effective, in dynamically changing background (ambient) lighting conditions, to prevent full or partial blooming of the display that would distract the pilot, impair the pilot's ability to detect and identify visual references, mask flight hazards, or otherwise degrade task performance or safety. If automatic control for image brightness is not provided, it must be shown that a single manual setting is satisfactory.

2.c. A readily accessible control must be provided that permits the pilot to immediately deactivate and reactivate display of the EVS image on demand.

2.d. The EVS image on the HUD must not impair the pilot's use of guidance information nor degrade the presentation and pilot awareness of essential flight information displayed on the HUD, such as alerts, airspeed, attitude, altitude and direction, approach guidance, windshear guidance, TCAS resolution advisories, and unusual attitude recovery cues.

2.e. The EVS image must be sufficiently aligned and conformal to both the external scene and conformal HUD symbology so as not to be misleading, cause pilot confusion, or increase workload.

2.f. A HUD system modified to display EVS images must continue to meet all the requirements of the original approval.

3. The safety and performance of the pilot tasks associated with the use of the pilot compartment view must be not be degraded by the display of the EVS image. Pilot tasks that must not be degraded by the EVS image include:

3.a. Detection, accurate identification, and maneuvering, as necessary, to avoid traffic, terrain, obstacles, and other hazards of flight.

3.b. Accurate identification and use of visual references required for every task relevant to the phase of flight.

4. Compliance with these special conditions does not affect the applicability of any of the requirements in the operating regulations (e.g., parts 91, 121, 135). The criteria in special conditions paragraphs 1., 2., and 3. were developed to determine that this EVS is of a kind and design appropriate to the following functions:

4.a. Presenting an image that would aid the pilot during the approach.

4.b. Displaying an image that the pilot can use to detect and identify the ''visual references for the intended runway'' required by § 91.175(c)(3) to continue the approach with vertical guidance to 100 feet height above touchdown (HAT). Appropriate limitations must be included in the Operating Limitations section of the Airplane Flight Manual to prohibit the use of the EVS for functions not found to be acceptable.

Issued in Renton, Washington, on June 8, 2001.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15333 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–319–AD; Amendment 39–12268; AD 2001–12–13]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain EMBRAER Model EMB–135 and EMB'145 series airplanes, that requires replacement of certain brake control units (BCU) with new units. The actions specified by this AD are intended to prevent uncommanded application of 50 percent braking in one pair of wheels, which could result in the airplane skidding off the runway. This action is intended to address the identified unsafe condition.

DATES: Effective July 23, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 23, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert Capezzuto, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6071; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: 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 EMBRAER Model EMB–135 and EMB'145 series airplanes was published in the **Federal Register** on November 13, 2000 (65 FR 67663). That action proposed to require replacement of certain brake control units (BCU) with new units.

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.

Add Service Information

The commenter states that EMBRAER Service Bulletin 145–32–0060, dated May 5, 2000, should be included in the final rule as an additional source of service information for previous accomplishment of the specified actions. EMBRAER Service Bulletin 145–32–0060, Change No. 01, dated June 6, 2000, was listed as the source of service information for accomplishment of the actions specified in the proposed rule. The commenter states that the difference between the original issue and Change No. 01 of the service bulletin is administrative in nature.

The FAA agrees with the commenter that the original issue is essentially the same as Change No. 01 of the service bulletin. We have added a new Note 2 to the final rule which clarifies that previous accomplishment of the actions per the original issue of the service bulletin meets the requirements of this 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 described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 165 Model EMB–135 and EMB–145 series airplanes of U.S. registry will be affected by this AD. It will take approximately 5 work hours per airplane (2.5 work hours per

BCU) to accomplish the required actions, at an average labor rate of $60 per work hour. Required parts will be provided by a vendor at no charge to the operator. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $49,500, or $300 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:

2001–12–13 Empresa Brasileira de Aeronautica S.A. (EMBRAER): Amendment 39–12268. Docket 2000–NM–319–AD.

Applicability: Model EMB–135 and EMB–145 series airplanes, certificated in any category, as listed in EMBRAER Service Bulletin 145–32–0060, Change No. 01, dated June 6, 2000.

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 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 uncommanded application of 50 percent braking in one pair of wheels, which could result in the airplane skidding off the runway, accomplish the following:

Replacement

(a) Within 2,000 landings after the effective date of this AD: Replace the brake control unit (BCU) having part number (P/N) 42–951–1 or 42–951–2 with a new BCU having P/N 42–951–3 in accordance with EMBRAER Service Bulletin 145–32–0060, Change No. 01, dated June 6, 2000.

Note 2: Replacement of the BCU before the effective date of this AD, per EMBRAER Service Bulletin 145–32–0060, dated May 5, 2000, is considered acceptable for compliance with paragraph (a) of this AD.

Spares

(b) As of the effective date of this AD, no person shall install on any airplane a BCU having P/N 42–951–1 or 42–951–2.

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

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

Special Flight Permits

(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 EMBRAER Service Bulletin 145–32–0060, Change No. 01, dated June 6, 2000, which contains the following list of effective pages:

Page No.	Change level shown on page	Date shown on page
1–4	01	June 6, 2000.
5–10	Original	May 5, 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 Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343–CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected 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; 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 Brazilian airworthiness directive 2000–07–01, dated August 20, 2000.

Effective Date

(f) This amendment becomes effective on July 23, 2001.

Issued in Renton, Washington, on June 8, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15090 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–273–AD; Amendment 39–12267; AD 2001–12–12]

RIN 2120–AA64

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD),

applicable to certain CASA Model CN–235 series airplanes, that requires installation of fuselage skin reinforcements in the right and left zones of the fuselage between stations 11232 and 11740 and stringers P7 and P9. The actions specified by this AD are intended to prevent premature fatigue cracking of the fuselage, which could result in reduced structural integrity of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective July 23, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 23, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. 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: 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: 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 CASA Model CN–235 series airplanes was published in the **Federal Register** on April 10, 2001 (66 FR 18573). That action proposed to require installation of fuselage skin reinforcements in the right and left zones of the fuselage between stations 11232 and 11740 and stringers P7 and P9.

Comments

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

Conclusion

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

Cost Impact

The FAA estimates that one Model CN–235 series airplane of U.S. registry will be affected by this AD, that it will take approximately 45 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 $130 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $2,830.

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:

2001–12–12 Construcciones Aeronauticas, S.A. (CASA): Amendment 39–12267. Docket 2000–NM–273–AD.

Applicability: Model CN–235 series airplanes, serial numbers C–041 and C–042, 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 fatigue cracking of the fuselage, which could result in reduced structural integrity of the airplane, accomplish the following:

Reinforcement of Fuselage Skin

(a) Prior to the accumulation of 15,000 total flight cycles, install fuselage skin reinforcements between stations 11232 and 11740 and stringers P7 and P9, on both the right and left zones of the fuselage, in accordance with CASA Service Bulletin SB–235–53–40, dated June 16, 1994.

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.

Incorporation by Reference

(d) The actions shall be done in accordance with CASA Service Bulletin SB–235–53–40, dated June 16, 1994. 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 Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Spanish airworthiness directive 01/2000, dated March 22, 2000.

Effective Date

(e) This amendment becomes effective on July 23, 2001.

Issued in Renton, Washington, on June 8, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15089 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–AWP–17]

Establishment of a Class E Enroute Domestic Airspace Area, Kingman, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule, request for comments.

SUMMARY: This action establishes a Class E enroute domestic airspace area beginning at 1,200 feet above ground level (AGL) in the vicinity of Kingman, AZ, to replace existing Class G uncontrolled airspace.

DATES: *Effective Date:* 0901 UTC September 6, 2001.

Comment date: Comments for inclusion in the Rules Docket must be received on or before July 18, 2001.

ADDRESSES: Send comments on the direct final rule in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 01–AWP–17, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Air Traffic Division, Airspace Specialist, AWP–520, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6539.

SUPPLEMENTARY INFORMATION: This action will establish a Class E enroute domestic airspace area with a base altitude of 1,200 feet AGL west of Kingman, AZ. A review of the airspace associated with the development of Las Vegas McCarran International Airport arrival routes revealed large areas of uncontrolled (Class G) airspace. Because this airspace is Class G (uncontrolled) below 14,500 feet mean seal level (MSL), the Los Angeles Air Route Traffic Control Center (ARTCC) cannot use nor provide air traffic services within this airspace for arrivals into Las Vegas McCarran International Airport. En route domestic airspace areas are intended to create controlled airspace in those areas where there is a requirement to provide Instrument Flight Rules (IFR) en route air traffic control services but the Federal airway segment is inadequate. The intended effect of this action is to establish adequate Class E controlled airspace for IFR aircraft arriving Las Vegas McCarran International Airport. Class E enroute domestic airspace areas are published in Paragraph 6006 of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published in this Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and conforming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, 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 should 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 or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

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 action 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 No. 01–AWP–17.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, this regulation only

involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air)

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

* * * * *

Paragraph 6006 Enroute Domestic Airspace Areas.

* * * * *

Kingman, AZ [Established]

That airspace extending upward from 1200 feet above the surface bounded on the east by V105, on the south by V208, on the west by V237, and on the north by V210, excluding that airspace within the Kingman, AZ Class E5, and Laughlin/Bullhead International Class E5 airspace areas.

Issued in Los Angeles, California, on June 1, 2001.

Leonard A. Mobley,

Acting Assistant Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 01–15341 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–AWP–16]

Establishment of a Class E Enroute Domestic Airspace Area, Las Vegas, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule, request for comments.

SUMMARY: This action establishes a Class E enroute domestic airspace area beginning at 1,200 feet above ground level (AGL) in the vicinity of Las Vegas, NV, to replace existing Class G uncontrolled airspace.

DATES: *Effective Date:* 0901 UTC September 6, 2001.

Comment date: Comments for inclusion in the Rules Docket must be received on or before July 18, 2001.

ADDRESSES: Send comments on the direct final rule in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 01–AWP–16, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, Airspace Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Air Traffic Division Airspace Specialist, AWP–520, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6539.

SUPPLEMENTARY INFORMATION: This action will establish a Class E enroute domestic airspace area with a base altitude of 1,200 feet AGL southeast of Las Vegas, NV. A review of the airspace associated with the development of Las Vegas McCarran International Airport arrival routes revealed large areas of uncontrolled (Glass G) airspace. Because this airspace is Class G (uncontrolled) below 14,500 feet mean sea level (MSL), the Los Angeles Air Route Traffic Control Center (ARTCC) cannot use nor provide air traffic services within this airspace for arrivals into Las Vegas McCarran International Airport. En route domestic airspace areas are intended to create controlled airspace in those areas where there is a requirement to provide Instrument Flight Rules (IFR) en route air traffic control services but the Federal airway segment is inadequate. The intended effect of this action is to establish adequate Class E controlled airspace for IFR aircraft arriving Las Vegas McCarran International Airport.

Class E enroute domestic airspace areas are published in Paragraph 6006 of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, 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 should 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 or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and

determining whether additional rulemaking action would be needed.

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 action 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 No. 01–AWP–16.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; 92) 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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

* * * * *

Paragraph 6006 Enroute Domestic Airspace Areas

* * * * *

Las Vegas, NV [Established]

That airspace extending upward from 1200 feet above the surface bounded on the east by V105, on the south by V210, on the west by V237, on the north by V8, and V105, excluding that airspace within the Las Vegas, NV Class E5 airspace areas.

Issued in Los Angeles, California, on June 1, 2001.

Leonard A. Mobley,

Acting Assistant Manager, Air Traffic Division Western-Pacific Region.

[FR Doc. 01–15340 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ACE–6]

Amendment to Class E Airspace; Mosby, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment modifies the Class E airspace area at Mosby, MO to accommodate a planned change to the Nondirectional Beacon (NDB) Runway (RWY) 18 Standard Instrument Approach Procedure (SIAP) serving Clay County Regional Airport, Mosby, MO. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for other Instrument Flight Rules (IFR) operations at this airport.

The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the SIAP and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, November 1, 2001.

Comments for inclusion in the Rules Docket must be received on or before August 10, 2001.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Operations and Airspace Branch, Air Traffic Division, ACE–530, DOT Regional Headquarters Building, Federal Aviation Administration, Docket Number 01–ACE–6, 901 Locust, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Brenda Mumper, Air Traffic Division, Operations & Airspace Branch, ACE–520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2524.

SUPPLEMENTARY INFORMATION: The FAA has modified the NDB RWY 18 SIAP serving Clay County Regional Airport, Mosby, MO. The amendment to Class E airspace at Mosby, MO, will provide additional controlled airspace upward from 700 feet AGL in order to contain the modified SIAP within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules (IFR). The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, 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 should 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 or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related 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 action 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 No. 01–ACE–6.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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 noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE MO E5 Mosby, MO

Clay County Regional Airport, MO
(Lat. 39°19′50″N., long. 94°18′36″W.)
(Mosby NDB
(Lat. 39°20′46″N., long. 94°18′27″W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Clay County Regional Airport, and within 2.5 miles each side of the 340° bearing from the Mosby NDB, extending from the 6.4-mile radius, to 7 miles northwest of the Mosby NDB.

* * * * *

Issued in Kansas City, MO, on June 5, 2001.

Paul J. Sheridan,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 01–15339 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–AEA–02FR]

Establish Class E Airspace: Greensburg, PA

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Greensburg, PA. An Area Navigation (RNAV), based on the Global Positioning System (GPS), Helicopter Point in Space Approach (GPS 029) at Westmoreland Hospital Heliport, Greensburg, PA has made this action necessary. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to protect aircraft executing the approach to the Westmoreland Hospital Heliport.

EFFECTIVE DATE: 0901 UTC Sept 6, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, New York 11434–4809, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On April 4, 2001 a notice proposing to amend part 71 of the Federal Aviation

Regulations (14 CFR part 71) by establishing Class E airspace extending upward from 700 feet Above Ground Level (AGL) for an RNAV, Helicopter Point in Space Approach to the Westmoreland Hospital Heliport, Greensburg, PA was published in the Federal Register (66 FR 17827–17828).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA on or before May 4, 2001. No comments to the proposal were received. The rule is adopted as proposed. The coordinates for this airspace docket are based on North American Datum 83.

Class E airspace areas designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000 and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be amended in the order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) provides controlled Class E airspace extending upward from 700 feet above the surface for aircraft conducting Instrument Flight Rules (IFR) operations at the Westmoreland Hospital Heliport, Greensburg, PA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

AEA PA E5 Greensburg, PA (New)

Westmoreland Hospital Heliport, Greensburg, PA
Point in Space Coordinates
(Lat. 40°17′14.46″N, long. 79°33′12.33″W)
That airspace extending upward from 700 feet above the surface within a 6 mile radius of the Point in Space serving the Westmoreland Hospital Heliport.

* * * * *

Issued in Jamaica, New York on May 22, 2001.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 01–15338 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ASO–4]

Amendment of Class D Airspace and Establishment of Class E4 Airspace; Homestead, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action will amend Class D airspace and establish Class E4 airspace at Dade County—Homestead Regional Airport. For containment of instrument approach procedures within controlled airspace at Dade county—Homestead Regional Airport, it was determined that the class D airspace be amended from a 5.5-mile radius of Homestead Airport to a 5-mile radius with the establishment of Class E airspace extensions that are 3 miles wide and extend 7 miles northeast and southwest of the airport.

EFFECTIVE DATE: 0901 UTC, September 6, 2001.

FOR FURTHER INFORMATION CONTACT: Walter R Cochran, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5586.

SUPPLEMENTARY INFORMATION:

History

On April 30, 2001, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending Class D airspace and establishing Class E4 airspace at Homestead, FL (66 FR 21296). Class D airspace designations for airspace areas extending upward from the surface of the earth and Class E airspace designations for airspace areas designated as an extension to a Class D airspace area are published in Paragraphs 5000 and 6004 respectively, of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class D airspace and establishes Class E4 airspace at Homestead, FL.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule''under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation, as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace

ASO FL D Homestead, FL [Revised]

Dade County—Homestead Regional Airport, FL
(Lat. 25°29′18″N, long. 80°23′01″W)
That airspace extending upward from the surface to and including 2,500 feet MSL within a 5-mile radius of the Dade County—Homestead Regional Airport.

* * * * *

Paragraph 6004 Class E4 Airspace Areas Designated as an Extension to a Class D Airspace Area

* * * * *

ASO FL E4 Homestead, FL [New]

Dade County—Homestead Regional Airport, FL
(Lat. 25°29′18″N, long. 80°23′01″W
That airspace extending upward from the surface within 1.5 miles each side of the 050° bearing and the 230° bearing from the Dade County—Homestead Regional Airport extending from the 5-mile radius to 7 miles northeast and southwest of the airport.

* * * * *

Issued in College Park, Georgia, on June 5, 2001.

Wade T. Carpenter,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 01–15337 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ASO–5]

Establishment of Class E Airspace; LaFayette, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E5 airspace at LaFayette, GA. Area Navigation (RNAV) Runway (RWY) 02 and RWY 20 Standard Instrument Approach Procedures (SIAP) have been developed for Barwick LaFayette Airport. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for instrument Flight Rules (IFR) operations at Barwick LaFayette Airport. The operating status of the airport will change from Visual Flight Rules (VFR) to include IFR operations concurrent with the publication of the SIAP.

EFFECTIVE DATE: 0901 UTC, September 6, 2001.

FOR FURTHER INFORMATION CONTACT: Walter R. Cochran, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

SUPPLEMENTARY INFORMATION:

History

On May 4, 2001, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace at LaFayette, GA, (66 FR 22490). This action provides adequate Class E airspace for IFR operations at Barwick LaFayette Airport. Designations for Class E airspace extending upward from 700 feet or more above the surface of the earth are published in FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal was received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at LaFayette, GA. RNAV RWY 02 and RWY 20 SIAP have been developed for Barwick LaFayette Airport. Controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAPs and for IFR operations at Barwick LaFayette Airport. The operating status of the airport will change from VFR to include IFR operations concurrent with the publication of the SIAP.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation, as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E Airspace Extending Upward from 700 feet or More Above the Surface of the Earth.

* * * * *

ASO GA E5 LaFayette, GA [New]

Barwick LaFayette Airport

(Lat. 34°41′19″N, long. 85°17′26″W)

That airspace extending upward from 700 feet above the surface within a 6.2-mile radius of Barwick LaFayette Airport, excluding that airspace within the Chattanooga, TN, Class E airspace area and that airspace within the Fort Payne, AL, Class E airspace area.

* * * * *

Issued in College Park, Georgia, on June 6, 2001.

Wade T. Carpenter,

Acting Manager, Air Traffic Division Southern Region.

[FR Doc. 01–15336 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–AEA–04FR]

Establish Class E Airspace: Lloydsville, PA

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Lloydsville, PA. Development of an approach, based on the Global Positioning System (GPS), Helicopter Point in Space Approach (GPS 349), Latrobe Hospital Heliport, Lloydsville, PA has made this action necessary. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to protect aircraft executing the approach to the Latrobe Hospital Heliport.

EFFECTIVE DATE: 0901 UTC Sept 6, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, New York 11434–4809, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On April 4, 2001 a notice proposing to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing Class E airspace extending upward from 700 feet Above Ground Level (AGL) for an GPS, Helicopter Point in Space Approach to the Latrobe Hospital Heliport, Lloydsville, PA was published in the **Federal Register** (66 FR 17826–17827).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA on or before May 4, 2001. No comments to the proposal were received. The rule is adopted as proposed. The coordinates for this airspace docket are based on North American Datum 83.

Class E airspace areas designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000 and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be amended in the order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) provides controlled Class E airspace extending upward from 700 feet above the surface for aircraft conducting Instrument Flight Rules (IFR) operations at the Latrobe Hospital Heliport, Lloydsville, PA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

AEA PA E5 Lloydsville, PA (New)

Latrobe Hospital Heliport, Lloydsville, PA

Point in Space Coordinates

(Lat. 40°18′25.91″N, long. 79°23′ 20.34″W

That airspace extending upward from 700 feet above the surface within a 6 mile radius of the Point in Space serving the Latrobe Hospital Heliport.

* * * * *

Issued in Jamaica, New York on June 1, 2001.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 01–15335 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–13–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Fees for Reviews of the Rule Enforcement Programs of Contract Markets and Registered Futures Association

AGENCY: Commodity Futures Trading Commission.

ACTION: Establish a new schedule of fees.

SUMMARY: The Commission charges fees to designated contract markets and the National Futures Association (NFA) to recover the costs incurred by the Commission in the operation of a program which provides a service to these entities. The fees are charged for the Commission's conduct of its program of oversight of self-regulatory rule enforcement programs (17 CFR part 1 appendix B) (NFA and the contract markets are referred to as SROs).

The calculation of the fee amounts to be charged for the upcoming year is based on an average of actual program costs incurred in the most recent three full fiscal years, as explained below. The new fee schedule is set forth in the **SUPPLEMENTARY INFORMATION** and information is provided on the effective date of the fees and the due date for payment.

EFFECTIVE DATES: The fees for Commission oversight of each SRO rule enforcement program must be paid by each of the named SROs in the amount specified by no later than August 17, 2001.

FOR FURTHER INFORMATION CONTACT: Donald L. Tendick, Acting Executive Director, Office of the Executive Director, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581, (202) 418–5160.

SUPPLEMENTARY INFORMATION:

I. General

This notice only relates to fees for the Commission's review of the rule enforcement programs at the registered futures associations and contract markets regulated by the Commission. Fees for designation will be set forth in rules implementing the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. No. 106–554, 114 Stat. 2763, and the Commission's new regulatory framework. The Commission has proposed rules to implement the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. No. 106–554, 114 Stat. 2763, and the Commission's new regulatory framework. The proposed rules (66 FR 14262, Mar. 9, 2001) establish three new market categories, including exempt markets and two categories of markets subject to Commission regulatory oversight—designated contract markets and registered derivatives transaction execution facilities. The Commission proposed also to charge a fee for product review where approval has been requested by a designated contract market or registered derivatives transaction execution facility. See 66 FR 14262, 14286 (Mar. 9, 2001). No fee was proposed for the initial designation of a contract market or registration of a derivatives transaction execution facility. The new rules will amend the Schedule of Fees found in appendix B to part 5 of the Commission's rules.

II. Schedule of Fees

Fees for the Commission's review of the rule enforcement programs at the registered futures associations and contract markets regulated by the Commission:

Entity	Fee amount
Chicago Board of Trade	$187,396
Chicago Mercantile Exchange	224,912
New York Mercantile Exchange/COMEX	173,156
New York Board of Trade	73,730
Minneapolis Grain Exchange	3,269
National Futures Association ..	213,421
Total	889,738

III. Background Information

A. General

The Commission recalculates the fees charged each year with the intention of recovering the costs of operating this Commission program.[1] All costs are accounted for by the Commission's Management Accounting Structure Codes (MASC) system, which records each employee's time for each pay period. The fees are set each year based on direct program costs, plus an overhead factor.

B. Overhead Rate

The fees charged by the Commission to the SROs are designed to recover program costs, including direct labor costs and overhead. The overhead rate is calculated by dividing total Commission-wide direct program labor costs into the total amount of the Commission-wide overhead pool. For this purpose, direct program labor costs are the salary costs of personnel working in all Commission programs. Overhead costs consist generally of the following Commission-wide costs: Indirect personnel costs (leave and benefits), rent, communications, contract services, utilities, equipment, and supplies. This formula has resulted in the following overhead rates for the most recent three years (rounded to the nearest whole percent): 104 percent for fiscal year 1998, 105 percent for fiscal year 1999, and 105 percent for fiscal year 2000. These overhead rates are applied to the direct labor costs to calculate the costs of oversight of SRO rule enforcement programs.

C. Conduct of SRO Rule Enforcement Reviews

Under the formula adopted in 1993 (58 FR 42643, Aug. 11, 1993) which appears at 17 CFR part 1 appendix B, the Commission calculates the fee to recover the costs of its review of rule enforcement programs, based on a three-year average of the actual cost of performing reviews at each SRO. The cost of operation of the Commission's program of SRO oversight varies from SRO to SRO, according to the size and complexity of each SRO's program. The three-year averaging is intended to smooth out year-to-year variations in cost. Timing of reviews may affect costs—a review may span two fiscal years and reviews are not conducted at each SRO each year. Adjustments to actual costs may be made to relieve the burden on an SRO with a disproportionately large share of program costs.

The Commission's formula provides for a reduction in the assessed fee if an SRO has a smaller percentage of United States industry contract volume than its percentage of overall Commission oversight program costs. This adjustment reduces the costs so that as a percentage of total Commission SRO oversight program costs, they are in line with the pro rata percentage for that SRO of United States industry-wide contract volume.

The calculation made is as follows: The fee required to be paid to the Commission by each contract market is equal to the lesser of actual costs based on the three-year historical average of costs for that contract market or one-half of average costs incurred by the Commission for each contract market for the most recent three years, plus a pro rata share (based on average trading volume for the most recent three years) of the aggregate of average annual costs of all contract markets for the most recent three years. The formula for calculating the second factor is: 0.5a + 0.5vt=current fee. In this formula, ''a'' equals the average annual costs, ''v'' equals the percentage of total volume across exchanges over the last three years, and ''t'' equals the average annual cost for all exchanges. NFA, the only registered futures association regulated by the Commission, has no contracts traded; hence its fee is based simply on costs for the most recent three fiscal years.

This table summarizes the data used in the calculations and the resulting fee for each entity:

	Three-year average actual costs	Three-year percentage of volume	Average year 2001 fee
Chicago Board of Trade	$187,396	43.3411	$187,396
Chicago Mercantile Exchange	224,912	35.7562	224,912
NYMEX/COMEX	215,703	16.7928	173,156

[1] See Section 237 of the Futures Trading Act of 1982, 7 U.S.C. 16a and 31 U.S.C. 9701. For a broader discussion of the history of Commission fees, see 52 FR 46070 (Dec. 4, 1987).

	Three-year average actual costs	Three-year percentage of volume	Average year 2001 fee
New York Board of Trade	120,068	3.5220	73,730
Kansas City Board of Trade	24,582	.4019	13,854
Minneapolis Grain Exchange	5,102	.1845	3,269
Philadelphia Board of Trade	0	.0004	0
Subtotal	777,760	100.0000	676,317
National Futures Association	213,421	N/A	213,421
Total	991,184	100.0000	889,738

An example of how the fee is calculated for one exchange, the Minneapolis Grain Exchange, is set forth here:

a. Actual three-year average costs equal $5,102.

b. The alternative computation is: (.5)($5,102) + (.5)(.001845)($777,760) = $3,269.

c. The fee is the lesser of a or b; in this case $3,269.

As noted above, the alternative calculation based on contracts traded, is not applicable to the NFA because it is not a contract market and has no contracts traded. The Commission's average annual cost for conducting oversight review of the NFA rule enforcement program during fiscal years 1998 through 2000 was $213,421 (one-third of $640,263). The fee to be paid by the NFA for the current fiscal year is $213,421.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, requires agencies to consider the impact of rules on small business. The fees implemented in this release affect contract markets (also referred to as exchanges) and registered futures associations. The Commission has previously determined that contract markets and registered futures associations are not ''small entities'' for purposes of the Regulatory Flexibility Act. Accordingly, the Acting Chairman on behalf of the Commission, certifies pursuant to 5 U.S.C. 605(b), that the fees implemented here will not have a significant economic impact on a substantial number of small entities.

Issued in Washington, DC on June 6, 2001 by the Commission.

Catherine D. Dixon,

Assistant Secretary of the Commission.

[FR Doc. 01–15272 Filed 6–15–01; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 558

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the change of sponsor for three approved new animal drug applications (NADAs) for oxytetracycline premixes from Pfizer, Inc., to Phibro Animal Health, Inc. The drug labeler code for Phibro Animal Health, Inc., is also being listed.

DATES: This rule is effective June 18, 2001.

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

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 East 42d St., New York, NY 10017–5755, has informed FDA that it has transferred ownership of, and all rights and interests in, NADA 8–804 for Terramycin® (oxytetracycline) Type A medicated articles, NADA 38–439 for Terramycin® (oxytetracycline) for fish, and NADA 95–143 for OXTC® (oxytetracycline) Type A medicated articles to Phibro Animal Health, Inc., One Parker Plaza, Fort Lee, NJ 07024. Accordingly, the agency is amending the regulations in 21 CFR 558.450 to reflect the transfer of ownership.

In addition, Phibro Animal Health, Inc., has not been previously listed in the animal drug regulations as a sponsor of an approved application. At this time, 21 CFR 510.600(c)(1) and (c)(2) is being amended to add entries for the firm.

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

List of Subjects

21 CFR Part 510

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

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

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

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

2. Section 510.600 is amended in the table in paragraph (c)(1) by alphabetically adding an entry for ''Phibro Animal Health, Inc.'' and in the table in paragraph (c)(2) by numerically adding an entry for ''066104'' to read as follows:

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

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
Phibro Animal Health, Inc., One Parker Plaza, Fort Lee, NJ 07024	066104

Firm name and address	Drug labeler code
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
066104	Phibro Animal Health, Inc., One Parker Plaza, Fort Lee, NJ 07024
* * * * * * *	

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

3. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

§ 558.450 [Amended]

4. Section 558.450 *Oxytetracycline* is amended in paragraph (a)(1) by removing ''000069'' and by adding in its place ''066104''; and in table 1 in paragraphs (d)(1)(i), (d)(1)(v), (d)(1)(vii), and (d)(1)(viii), under the ''Sponsor'' column, and in table 2 in paragraphs (d)(2)(i) through (d)(2)(iii), under the ''Sponsor'' column, by removing ''000069'' and by adding in its place ''066104''.

Dated: June 8, 2001.

Claire M. Lathers,

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

[FR Doc. 01–15273 Filed 6–15–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Parts 41 and 42

[Public Notice 3654]

Visas: Documentation of Immigrants and Nonimmigrants—Visa Classification Symbols

AGENCY: Bureau of Consular Affairs, Department of State.

ACTION: Final rule.

SUMMARY: The Department is amending its regulations to add new immigrant and nonimmigrant symbols to the classification tables. The amendments are necessary to implement recently enacted legislation. The legislation created a new immigrant category for certain international broadcasters (BC1, BC2, and BC3) and new nonimmigrant categories for victims of trafficking for illicit sexual purposes and slavery (T1 and T2), aliens who have suffered abuse such as battering and other forms of violence (U1 and U2), spouses and children of lawful permanent residents for whom petitions were filed before December 21, 2000 and who have been waiting for an immigrant visa for three years or more (V1, V2, and V3), and spouses of U.S. citizens (K3) and children of the K3 (K4) who are awaiting the issuance of an immigrant visa (K3, K4). This rule removes the immigrant classification for diversity transition natives (AA1, AA2 and AA3). This program ended September 30, 1995. The Department is also taking this opportunity to amend the classification symbols for retired NATO–6 employees, their spouses and their unmarried sons and daughters. In the Department's publication on April 19, 2000 [65 FR 20903], the Department erroneously classified these aliens as SK special immigrants. These aliens should be classified as SN1, SN2, SN3 and SN4.

DATES: This rule takes effect on June 18, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Chavez, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520–0106, (202) 663–1204.

SUPPLEMENTARY INFORMATION:

What Legislation Created These New Visa Categories?

Pub. L. 106–386, The Victims of Trafficking and Violence Protection Act of 2000 (VTVPA)

The VTVPA is actually two separate laws, the ''Trafficking Victims Protection Act of 2000'' (TVPA) and the ''Violence Against Women Act of 2000'' (VAWA2).

How Does an Alien Qualify for T Visa Status Under the TVPA?

Section 107 of Division A of the TVPA created a new nonimmigrant category under INA 101(a)(15)(T) for aliens who the Attorney General has determined are victims of a ''severe form of trafficking in persons.'' Section 103 of the TVPA defines a ''severe form of trafficking in persons'' as either:

(1) sex trafficking in which a commercial sex act is induced by force, fraud or coercion or in which the person induced to perform such act has not attained 18 years of age, or

(2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

To qualify for the ''T'' category, the person must

(1) Be physically present in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or a U.S. port of entry because of such trafficking;

(2) Have complied with any reasonable request for assistance to law enforcement in the investigation or prosecution of acts of trafficking, or be under the age of 15; and

(3) Be likely to suffer extreme hardship involving unusual and severe harm upon removal.

The Attorney General may, in order to avoid extreme hardship, permit the spouse, children and parents of an alien under age 21 and the spouse and children of an alien over age 21 to accompany or follow to join the principal alien.

How Does an Alien Qualify for U Visa Status Under the VAWA2?

Section 1513 of Division B of the VAWA2 created a new category under INA 101(a)(15)(U) for victims of physical or mental abuse. To qualify under the U category the alien must file a petition with the Attorney General and establish therein:

(1) The alien has suffered substantial physical or mental abuse as a result of having been a victim of any one of an extensive list of 26 criminal activities,

including rape, torture, domestic abuse, enslavement prostitution, etc.;

(2) As certified by a law enforcement or immigration official, the alien (or if the alien is a child under age 16 the child's parent, guardian or friend) possesses information about the criminal activity involved;

(3) The alien has been, is being or is likely to be helpful in the investigation and prosecution of the criminal activity by Federal, state or local law enforcement authorities; and,

(4) The criminal activity violated the laws of the United States or occurred in the United States.

If the Attorney General determines that extreme hardship exists and a law enforcement official certifies that an investigation or prosecution would be harmed without that person's assistance, the spouse, child or parents of the principal alien under age 16 may accompany or follow to join the principal alien.

The U category is limited to 10,000 principal aliens per fiscal year.

Pub. L. 106–553, Legal Immigration Family Equity Act (LIFE ACT)

The LIFE ACT creates new nonimmigrant categories under INA 101(a)(15)(V) and adds a new category under INA 101(a)(15)(K).

An alien may be classified as a V nonimmigrant if the alien is:

(1) The spouse or child of a lawful permanent resident;

(2) Is the beneficiary of an approved petition filed under INA 204 prior to December 21, 2000; and

(3) Has been waiting for three or more years after filing the petition for the issuance of an immigrant visa.

An alien may be granted K status if the alien:

(1) Is the spouse of a U.S. citizen petitioner or the child of such spouse; and

(2) Is waiting for the approval of a petition or the availability of an immigrant visa.

Pub. L. 106–536, Special Immigrant Status for Certain U.S. Broadcasters

Pub. L. 106–536 created a new immigrant category (BC) under INA 101(a)(27)(M) for certain United States international broadcasting employees. To qualify as a special immigrant broadcaster, the alien must be:

(1) Seeking to enter the United States to work as a broadcaster in the United States for the International Broadcasting Bureau of the Broadcasting Board of Governors, or

(2) Seeking to enter the United States to work for a grantee of the Broadcasting Board of Governors, or

(3) The accompanying spouse and child of the principal alien. The law limits the number of aliens granted visas in this category to 100 in any fiscal year.

Why Is the Department Removing the Diversity Transition Natives?

Section 132 of Pub. L. 104–296 established a class of immigrants (AA) to be issued immigrant visas in fiscal years 1992, 1993 and 1994. Section 217 of Pub. L. 104–316 extended this program through September 30, 1995. The Department is removing the diversity transition natives (AA–1, AA–2, and AA–3) since this category of immigrants no longer exists.

How Is the Department Amending Its Regulations?

Effect on Nonimmigrant Visa Table Affected?

The rule amends the nonimmigrant visa classification table at 22 CFR 41.12 by adding new classifications: T1 and T2; U1 and U2, V1, V2 and V3, and K3 and K4.

Effect on Immigrant Visa Table Affected?

The rule amends the immigrant visa classification table at 22 CFR 42.11 by adding three new classifications: BC1, BC2 and BC3. The rule removes the classification symbols AA1, AA2 and AA3. The rule also corrects the classification symbols for certain retired civilian employees of NATO and the spouses and unmarried sons and daughters and certain retired and deceased NATO employees. These aliens were erroneously classified as SK special immigrants and should have been classified as SN1, SN2, SN3 and SN4.

Final Rule

Administrative Procedure Act

The Department's implementation of this regulation as a final rule is based upon the

''good cause'' exceptions found at 5 U.S.C. 553(b)(B) and (d)(3). The Department decided that since the new nonimmigrant and special immigrant categories became effective upon enactment of the respective laws and since there is a substantial immediate benefit to many aliens, citizens and lawful permanent residents, there is not enough time nor sufficient reason to delay its implementation by issuing a proposed rule with request for comments.

Regulatory Flexibility Act

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

Unfunded Mandates Reform Act of 1995

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

Small Business Regulatory Enforcement Fairness Act of 1996

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

Executive Order 12866

Although it is being promulgated in conjunction with the Immigration and Naturalization Service, a domestic agency, the Department of State does not consider this rule, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. Therefore, in accordance with the letter to the Department of State of February 4, 1994 from the Director of the Office of Management and Budget, it does not require review by the Office of Management and Budget.

Executive Order 13132

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

Paperwork Reduction Act

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

The information collection requirement (Form OF–156) contained by reference in this rule was previously approved for use by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

List of Subjects in 22 CFR Part 41

Aliens, Foreign officials, Passports and visas.

PART 41—[AMENDED]

1. The authority citation for Part 41 is revised to read:

Authority: 8 U.S.C. 1104; 22 U.S.C. 2651a.

2. Amend the table in § 41.12 by adding new categories K3 and K4, T1, and T2, U–1, and U2, V1, V2 and V3, in alpha-numeric order.

3. The addition reads as follows:

§ 41.12 Classification symbols.

* * * * *

NONIMMIGRANTS

Symbol and class		Section of law
*	* * * * * *	
K3	Spouse of U.S. citizen	101(a)(15)(K)(ii)
K4	Child of a K3	101(a)(15)(K)(iii)
*	* * * * * *	
T1	Victim of a severe form of trafficking in persons	101(a)(15)(T)(i)
T2	Spouse, child or parent of a T1	101(a)(15)(T)(ii)
*	* * * * * *	
U1	Victim of criminal activity	101(a)(15)(i)(I)
U2	Spouse, child or parent of a U1	101(a)(15)(ii)
V1	Spouse of a Legal Permanent Resident Alien	101(a)(15)(V)(i)
V2	Child of a Legal Permanent Resident Alien	101(a)(15)(V)(i)
V3	Child of a V1 or V2	203(d)

PART 42—[AMENDED]

4. The authority citation for Part 42 is revised to read as follows:

Authority: 8 U.S.C. 1104; 2651a.

5. Amend § 42.11 by adding in alpha-numeric order new categories BC1, BC2 and BC3 under the section entitled ''Employment 4th Preference''; by adding in alpha-numeric order new categories SN1, SN2, SN3 and SN4, under the section entitled ''Employment 4th Preference''; and by removing the section heading ''Diversity Transition for Natives of Certain Adversely Affected Foreign States'' and the 3-column entries for AA1, AA2 and AA3.

The additions read as follows:

§ 42.11 Classification symbols.

* * * * *

IMMIGRANTS

Symbol and class		Section of law
*	* * * * * *	
Employment 4th Preference (Certain Special Immigrants)		
BC1	Broadcaster in the U.S. employed by the International Broadcasting Bureau of the Broadcasting Board of Governors or a grantee of such organization.	101(a)(27)(M)
BC2	Accompanying spouse of a BC1	101(a)(27)(M)
BC3	Accompanying child of a BC1	101(a)(27)(M)
*	* * * * * *	
SN1	Certain retired NATO6 civilians	101(a)(27)(L)
SN2	Spouse of an immigrant classified SN1	101(a)(27)(L)
SN3	Certain unmarried sons or daughters of NATO6 civilian employees	101(a)(27)(L)
SN4	Certain surviving spouses of deceased NATO–6 civilian employees	101(a)(27)(L)
*	* * * * * *	

Dated: April 10, 2001.

Mary A. Ryan,

Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 01–15050 Filed 6–15–01; 8:45 am]

BILLING CODE 4710–06–U

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 920

[MD–046–FOR]

Maryland Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is approving an amendment to the Maryland regulatory program (Maryland program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1201 *et seq.*, as amended. The amendment revises portions of the Maryland regulations regarding a definition of previously mined area, termination of jurisdiction, permitting requirements, bond release requirements and performance standards for inspections. The amendment is intended to revise the Maryland program to be no less effective than the corresponding Federal regulations.

EFFECTIVE DATE: June 18, 2001.

FOR FURTHER INFORMATION CONTACT:

George Rieger, Manager, Oversight and Inspection Office, Appalachian Regional Coordinating Center, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh PA 15220, Telephone: (412) 937–2153, E-mail: *grieger@osmre.gov*

Maryland Bureau of Mines, 160 South Water Street, Frostburg, Maryland 21532, Telephone: (301) 689–4136

SUPPLEMENTARY INFORMATION:

I. Background on the Maryland Program

On February 18, 1982, the Secretary of the Interior approved the Maryland program. You can find background information on the Maryland program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the February 18, 1982, **Federal Register** (47 FR 7214). You can find subsequent actions concerning the conditions of approval and program amendments at 30 CFR 920.15 and 920.16.

II. Submission of the Amendment

By letter dated September 14, 1999 (Administrative Record No. 577–04), Maryland provided an informal amendment to OSM regarding a definition of previously mined area, termination of jurisdiction, permitting requirements, bond release requirements and performance standards for inspections. Maryland submitted the informal amendment in response to requests made by OSM as required under 30 CFR 732.17(d) in letters dated July 8, 1997, and August 11, 1999 (Administrative Record Nos. 577–01 and 577–03, respectively). OSM completed its review of the informal amendment and submitted comments to Maryland in a letter dated March 20, 2000 (Administrative Record No. 577–05). By letter dated April 11, 2000 (Administrative Record No. MD–577–06), Maryland submitted its response to OSM's comments in the form of a proposed amendment to the Code of Maryland Regulations (COMAR). The proposed amendments were announced in the April 28, 2000, **Federal Register** (65 FR 24897). The public comment period closed on May 30, 2000. However, OSM's review determined that the proposed revisions to COMAR 26.20.31.02H the inspection frequency on reclaimed bond forfeiture sites were inconsistent with 30 CFR 840.11 and 700.11(d). As a result, a letter requesting clarification was sent to Maryland dated August 17, 2000 (Administrative Record No. MD–577–12). Maryland responded in its letter dated August 31, 2000 (Administrative Record No. MD 577–13) with a new revision to COMAR 26.20.31.02H regarding the inspection frequency on reclaimed bond forfeiture sites. Therefore, OSM reopened the public comment period regarding the proposed amendments to Maryland's regulatory program. The proposed rulemaking was published in the October 4, 2000, **Federal Register** (65 FR 59150). The public comment period closed on October 19, 2000. No one requested an opportunity to speak at a public hearing, so no hearing was held. OSM's review of this submission determined that the proposed revision to COMAR 26.20.31.02 J(3) was not as effective as the Federal counterpart at 30 CFR 840.11(h)(1)(iii). To be as effective as the corresponding Federal regulation involved only the addition of a few words to make the proposed rule identical to the corresponding Federal regulation. Maryland agreed to make the change, and by a fax dated February 20, 2001, submitted the revision to OSM. This change is explained later in this document.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the amendments to the Maryland permanent regulatory program.

1. COMAR 26.20.01.02B Definitions

Maryland is adding item (72–1) to the definitions as follows: ''Previously Mined Area'' means land affected by surface coal mining operations prior to August 3, 1977 that have not been reclaimed to the standards of this subtitle. The Director finds that the definition described above is substantively identical to and therefore no less effective than the definition of ''previously mined area'' found at 30 CFR 701.5.

2. COMAR 26.20.02.01 Scope

Maryland is adding new paragraphs C. and D. as follows:

C. The Bureau may terminate its jurisdiction under the regulatory program over the reclaimed site of a completed surface coal mining and reclamation operation or increment thereof, when the Bureau determines, in writing, that under the regulatory program, all requirements imposed under the applicable regulatory program have been successfully completed or, where a performance bond was required, the bureau has made a final decision in accordance with this subtitle to fully release the performance bond.

D. Following a termination under section C. of this regulation, the Bureau shall reassert jurisdiction under the regulatory program over a site if it is demonstrated that the bond release or written determination referenced in section C. of this regulation was based upon fraud, collusion, or misrepresentation of a material fact.

The Director finds that the additions described above are substantively identical to and therefore no less effective than the Federal Regulations at 30 CFR 700.11(d)(1)(ii) and (2).

3. COMAR 26.20.02.13 Description of Proposed Mining Operations

Maryland is modifying paragraph M. by inserting the phrase ''Except as provided in COMAR 26.20.26.01B,'' before the existing text. This section will now read as ''Except as provided in COMAR 26.20.26.01B, maps, plans and

cross sections required under Sections K and L of this regulation shall be prepared by, or under the direction of and certified by, a qualified registered professional engineer or professional geologist.'' The federal rule at 30 CFR 780.14(c) requires cross sections, maps and plans under 780.14(b)(4), (b)(5), (b)(6), (b)(10) and (b)(11) to be prepared by or under the direction of and certified by a qualified registered professional engineer or a professional geologist. Section 780.14(c) also provides exceptions to these requirements, one of which is for fill and appurtenant structures. Likewise, Maryland's proposed language creates an exception to the requirements of 30 CFR 780.14(c) for fill and appurtenant structures. Accordingly, since Maryland's language creates an exception, which is allowed under 30 CFR 780.14(c), the Director finds that the change described above is no less effective than 30 CFR 780.14(c).

4. COMAR 26.20.03.05 Prime Farmlands

Maryland is modifying paragraph I. by adding new subsection (5) as follows:

The aggregate total prime farmland acreage shall not be decreased from that which existed prior to mining. Water bodies, if any, to be constructed during mining and reclamation operations must be located within the post-reclamation non-prime farmland portions of the permit area. The creation of any such water bodies must be approved by the Bureau and the consent of all affected property owners within the permit area must be obtained.

The Director finds that the changes described above are substantively identical to and therefore no less effective than the Federal Regulations at 30 CFR 785.17(e)(5).

5. COMAR 26.20.14.09 Procedures for Release of Bonds

Maryland is modifying paragraph A., Application for Release, by adding new subsection (5) as follows:

The permittee shall include in the application for bond release a notarized statement which certifies that all applicable reclamation activities have been accomplished in accordance with the requirements of Environmental Article, Title 15, Subtitle 5, Annotated Code of Maryland, the Regulatory Program, and the approved reclamation plan. Such certification shall be submitted for each application or phase of bond release.

The Director finds that the changes described above are substantively identical to and therefore no less effective than the Federal Regulations at 30 CFR 800.40(a)(3).

6. COMAR 26.20.31.02 Inspections

Maryland is deleting the existing paragraph H. in its entirety and substituting the following new paragraph H:

H. An abandoned site means a surface coal mining and reclamation operation for which the Bureau has found in writing that:

(1) All surface and underground coal mining and reclamation activities at the site have ceased;

(2) At least one notice of violation has been issued and the notice could not be served in accordance with Regulation .08 of this chapter or the notice was served and has progressed to a failure-to-abate cessation order;

(3) Action is being taken to ensure that the permittee and the operator, and owners and controllers of the permittee and the operator, will be precluded from receiving future permits while the violations continue at the site;

(4) Action is being taken in accordance with the requirements of the Regulatory Program to ensure that abatement occurs or that there will not be a recurrence of the failure-to-abate, except where after evaluating the circumstances it is concluded that further enforcement offers little or no likelihood of successfully compelling abatement or recovering any reclamation costs; and

(5) Where the site is or was permitted and bonded and the permit has either expired or been revoked, the forfeiture of any available performance bond is being diligently pursued or has been forfeited.

Maryland is also adding new paragraph I .as follows:

I. Instead of the inspection frequency required in Sections A. and B. of this regulation, the Bureau shall inspect each abandoned site on a set frequency commensurate with the public health and safety and environmental considerations present at each specific site. However, in no case shall the inspection frequency be set at less than one complete inspection per calendar year.

Maryland is also adding new paragraph J. as follows:

J. The Bureau shall conduct a complete inspection of the abandoned site and provide the public notice required under Section K. of this regulation in order to select an alternative inspection frequency authorized under Section I. of this regulation. Following the inspection and public notice the Bureau shall prepare and maintain for public review a written finding that justifies the selected alternative inspection frequency. The written finding shall justify the new inspection frequency by addressing in detail all of the following criteria:

(1) How the site meets each of the criteria under the definition of abandoned site under Section H of this regulation and thereby qualifies for a reduction in inspection frequency;

(2) Whether there exists on the site, and to what extent, impoundments, earthen structures, or other conditions that pose, or may reasonably be expected to ripen into, imminent dangers to the health and safety of the public or significant environmental harms to land, air, or water resources;

(3) The extent to which existing impoundments or earthen structures were constructed and certified in accordance with prudent engineering designs approved in the permit;

(4) The degree to which erosion and sediment control is present and functioning;

(5) The extent to which the site is located near or above urbanized areas, communities, occupied dwellings, schools, and other public or commercial buildings and facilities;

(6) The extent of reclamation completed prior to abandonment and the degree of stability of unreclaimed areas taking into consideration the physical characteristics of the land mined and the extent of settlement or revegetation that has occurred naturally with them; and

(7) Based on a review of the complete and the partial inspection report record for the site during at least the last two consecutive years, the rate at which adverse environmental or public health and safety conditions can be expected to progressively deteriorate.

Maryland is also adding new paragraph K. as follows:

K. Public Notice:

(1) The Bureau shall place a notice in the newspaper with the broadest circulation in the locality of the abandoned site providing the public with a 30-day period in which to submit written comments concerning the alternative inspection frequency.

(2) The public notice shall contain the:

(a) Permittee's name and permit number;

(b) Precise location of the land affected.

(c) Inspection frequency proposed.

(d) General reasons for reducing the inspection frequency;

(e) Bond status of the permit;

(f) Telephone number and address of the Bureau where written comments on

the reduced inspection frequency may be submitted; and

(g) Closing date of the comment period.

When originally submitted, COMAR 26.20.31.02 J(3) did not include the words ''and certified'' after the words ''were constructed'', with the result that it was not as effective as the Federal counterpart at 30 CFR 840.11(h)(1)(iii). In order to be as effective as the Federal regulation, these words must be included in the Maryland regulation. Maryland was informed of this in a telephone call by the OSM Oversight and Inspection Office, Pittsburgh, PA, and Maryland agreed to make the change. The change was submitted in a facsimile transmission on February 20, 2001 (Administrative Record No.577–14). The Director thus finds that the changes described above are substantively identical to and therefore no less effective than the Federal Regulations at 30 CFR 840.11(g) and (h).

IV. Summary and Disposition of Comments

Federal Agency Comments

On April 19, 2000, we asked for comments from various Federal agencies who may have an interest in the Maryland amendment (Administrative Record Number MD–577–06). We solicited comments in accordance with section 503(b) of SMCRA and 30 CFR 732.17(h)(11)(i) of the Federal regulations. Both the Mine Safety and Health Administration and the Natural Resources Conservation Service responded that they had no comments in letters dated April 27, 2000 and May 8, 2000, respectively. (Administrative Records Numbers MD–577–09 and MD–577–10).

Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this amendment contains no such provisions and that EPA concurrence is therefore unnecessary. OSM did, however, request comments from EPA by letter dated April 19, 2000, and EPA responded in its letter dated May 24, 2000 (Administrative Record Number MD–577–11) that the amendment was in compliance with the Clean Water Act.

Public Comments

No comments were received in response to our request for public comments.

V. Director's Decision

Based on the findings above we are approving the amendments to the Maryland program. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart federal regulation.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the federal and state governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that state laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and section 503(a)(7) requires that state programs contain rules and regulations ''consistent with'' regulations issued by the Secretary pursuant to SMCRA.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of state regulatory programs and program amendments since each such program is drafted and promulgated by a specific state, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed state regulatory programs and program amendments submitted by the states must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed state regulatory program provision does not constitute a major federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined 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.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million.

b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment,

investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the state submittal which is the subject of this rule is based upon counterpart federal regulations for which an analysis was prepared and a determination made that the federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 920

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 23, 2001.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 920—MARYLAND

1. The authority citation for part 920 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 920.15 is amended in the table by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 920.15 Approval of Maryland regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* *	*	* * * * *
April 11, 2000	6/18/01	COMAR 26.20.01.02B(72–1), 26.20.02.01C and D, 26.20.02.13M, 26.20.03.05I(5), 26.20.14.09A(5), 26.20.31.02H, I, J,& K.

[FR Doc. 01–15290 Filed 6–15–01; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF THE TREASURY

31 CFR Part 103

Extension of Grant of Conditional Exception to Bank Secrecy Act Regulations Relating to Orders for Transmittal of Funds by Financial Institutions

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), Treasury.

ACTION: Extension of a grant of conditional exception; request for comments.

SUMMARY: FinCEN extends for another two years a conditional exception to a Bank Secrecy Act requirement. The exception, which would otherwise expire on May 31, 2001, permits financial institutions to comply more efficiently with the requirement for inclusion of certain information in orders for transmissions of funds.

DATES: Effective June 1, 2001. Written comments on the question raised in this document must be received on or before December 1, 2001.

ADDRESSES: Written comments should be submitted to: Office of Chief Counsel, Financial Crimes Enforcement Network, Department of the Treasury, 2070 Chain Bridge Road, Vienna, Virginia 22182, *Attention:* Travel Rule—Extension of CIF Exception. Comments also may be submitted by electronic mail to the following internet address—*regcomments@fincen.treas.gov*—using the caption described in the previous sentence. Comments may be inspected, between 10 a.m. and 4 p.m., in the FinCEN reading room at the Franklin Court Building, 14th and L Streets, Washington, DC. Persons wishing to inspect the comments submitted should request an appointment by telephoning (202) 354–6400.

FOR FURTHER INFORMATION CONTACT: David K. Gilles, Chief, Financial Institutions Program, FinCEN, (202) 354–6400, or Albert R. Zarate, Senior Regulatory Counsel, Office of Chief Counsel, FinCEN, (703) 905–3590.

SUPPLEMENTARY INFORMATION:

I. Background

In 1998, FinCEN granted a conditional exception (the ''CIF Exception'') to the strict operation of 31 CFR 103.33(g) (the ''Travel Rule''). *See* FinCEN Issuance 98–1, 63 FR 3640 (January 26, 1998). The Travel Rule requires a financial institution to include certain information in transmittal orders relating to transmittals of funds of $3,000 or more. The CIF Exception addressed computer programming problems in the banking and securities industries by relaxing the Travel Rule's requirement that a customer's true name and street address be included in a funds transmittal order, so long as alternate steps, described in FinCEN Issuance 98–1 and designed to prevent avoidance of the Travel Rule, were satisfied. By its terms, the CIF Exception to the Travel Rule was to expire on May 31, 1999; however, FinCEN extended the CIF Exception so that it would expire instead on May 31, 2001. *See* FinCEN Issuance 99–1, 64 FR 41041 (July 29, 1999).

The basis for the CIF Exception and its extension remain valid—namely, that relaxing the strict operation of the Travel Rule is appropriate to meet the continuing programming problems in the banking and securities industry, so long as complete information about funds transfers can be made available efficiently to law enforcement officials. FinCEN specifically invites comments as to whether the terms of the CIF Exception should be permanently incorporated into the Travel Rule.

II. FinCEN Issuance 2001–1

By virtue of the authority contained in 31 CFR 103.55(a) and (b), which has been delegated to the Director of FinCEN, the effective period of the CIF Exception, as such Exception is set forth (as part of FinCEN Issuance 98–1, 63 FR 3640 (January 26, 1998)) under the heading ''Grant of Exceptions'' (63 FR 3641) is extended so that the CIF Exception will expire, on May 31, 2003 (if not revoked or modified with respect to such expiration date prior to that time), for transmittals of funds initiated after that date.

Signed this 30th day of May, 2001.

James F. Sloan,

Director, Financial Crimes Enforcement Network.

[FR Doc. 01–15224 Filed 6–15–01; 8:45 am]

BILLING CODE 4820–03–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–01–045]

RIN 2115–AE47

Drawbridge Operation Regulations: PGA Boulevard Bridge (ICW), West Palm Beach, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily modifying the regulations governing the operation of the PGA Boulevard Bridge across the Intracoastal Waterway mile 1012.6, West Palm Beach, Palm Beach County, Florida. This temporary rule allows the owner or operator to open only a single bascule leaf of the bridge. This temporary rule is required to allow the bridge owner or operator to safely conduct repairs to the Bridge.

DATES: This rule is effective from 12:01 a.m. on May 29 until 11:59 p.m. on September 3, 2001.

ADDRESSES: Material received from the public as well as documents indicated in this preamble as being available in the docket are part of docket [CGD07–01–045] and are available for inspection or copying at Commander (obr), Seventh Coast Guard District, 909 S.E. 1st Avenue, Miami, Florida, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Lieberum, Project Officer, Seventh Coast Guard District, Bridge Branch, at (305) 415–6744.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM was unnecessary and contrary to the public interest. These repairs will have a minimal impact on marine traffic as the bridge will continue to provide single leaf openings and double leaf openings with advance notification.

For the same reason, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

The PGA Boulevard Bridge across the Atlantic Intracoastal Waterway mile 1012.6 at West Palm Beach, Palm Beach County, Florida, has a vertical clearance of 24.9 feet in the closed position and a horizontal clearance of 90 feet between fender. On March 23, 2001, the Florida Department of Transportation, requested a modification from the current operating regulation in 33 CFR 117.261(s) which requires the drawbridge to open on signal; except that from 7 a.m. to 9 a.m. and 4 p.m. to 7 p.m., Monday through Friday except Federal holidays, the draw need open on the quarter-hour and three-quarter hour. On Saturday, Sundays and Federal holidays from 8 a.m. to 6 p.m. the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour. On weekdays except Federal holidays from November 1 thorough April 30 from 9 a.m. to 4 p.m., the draw need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

Under this temporary rule, from May 28, 2001 until July 16, 2001 and from August 11, 2001 until September 3, 2001, the PGA Boulevard Bridge shall open a single leaf on signal; except that from 7 a.m. to 7 p.m., Monday through Friday except Federal holidays, the draw need open only a single leaf on the quarter-hour and three-quarter hour. A double leaf opening will be available if at least 8 hours notice is provided to the bridge tender. On Saturdays, Sundays and Federal holidays from 8 a.m. to 6 p.m., both draws need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour.

Due to the removal of gears, this bridge will be able to provide single leaf openings only from July 16, 2001 to August 10, 2001. This rule will be effective until September 3, 2001.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The changes to the bridge's operating schedules will have a minimal affect on navigation. Further, the temporary regulations still allow for scheduled single leaf bridge openings.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this rule will have a significant economic effect upon a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities as the regulations allow single leaf opening on a regular basis and double leaf opening with advance notice.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–221), we offer to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small entities may contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for commenting on actions by employees of the Coast Guard. 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 calls for no new collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Federalism

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

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531—1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that

requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

The Coast Guard has considered the environmental impact of this action and has determined under figure 2–1, paragraph 32(e) of Commandant Instruction M16475.1C, that this rule is categorically excluded from further environmental documentation.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it 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.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. From 12:01 a.m. on May 29 until 11:59 p.m. on September 3, 2001, in § 117.261, temporarily suspend paragraph (s) and add temporary paragraph (ww) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Mary's River to Key Largo.

* * * * *

(ww)(1) From May 29, 2001 until July 16, 2001 and from August 11, 2001 until September 3, 2001, the draw of the PGA Boulevard Bridge shall open a single leaf on signal; except that from 7 a.m. to 7 p.m., Monday through Friday except Federal holidays, the draw need open only a single leaf on the quarter-hour and three-quarter hour. A double leaf opening will be available if at least 8 hours notice is provided to the bridge tender.

On Saturdays, Sundays and Federal holidays from 8 a.m. to 6 p.m., both draws need open only on the hour, 20 minutes after the hour, and 40 minutes after the hour. The draw shall open as soon as possible for the passage of public vessels of the United States and vessels in distress.

(2) From July 16 to August 10, 2001, the draw of the PGA Boulevard Bridge will only provide single leaf openings on the quarter hour and three-quarter hour.

Dated: May 29, 2001.

T.W. Allen,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 01–15277 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD09–01–008]

RIN–2115–AE47

Drawbridge Operation Regulations; Cheboygan River, MI

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising the operating regulation governing the U.S. 23 bridge at mile 0.9 over Cheboygan River in Cheboygan, Michigan. This rule revises the advance notice requirement for vessels during winter months. Vessels are required to provide 12-hour advance notice between December 15 and March 31 each year.

DATES: This rule is effective July 18, 2001.

ADDRESSES: Comments and material received from the public, as well as all material in the docket CGD09–01–008, are available for inspection or copying at the office of Commander (obr), Ninth Coast Guard District, 1240 East Ninth Street, Room 2019, Cleveland, OH 44199–2060 between 6:30 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (216) 902–6084.

FOR FURTHER INFORMATION CONTACT: Mr. Scot M. Striffler, Project Manager, Ninth Coast Guard District Bridge Branch, at (216) 902–6084.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On March 28, 2001, the Coast Guard published a notice of proposed rulemaking (NPRM) concerning the drawbridge regulation in the **Federal Register** (66 FR 16895). We received no comments concerning the proposed rule. No public hearing was requested and none was held.

Background and Purpose

The owner of the U.S. 23 bridge, Michigan Department of Transportation (MDOT), requested the Coast Guard approve a modified schedule for the winter operations of the bridge. The current regulation contained in 33 CFR 117.627 requires the bridge to open if at least 24 hours notice is provided between December 15 and March 15 each year. Records submitted by MDOT showed no requested bridge openings between March 15 and April 1 in 1998, 1999, and 2000. We determined that it would be reasonable to revise the date in spring that the bridge is required to be manned from March 15 to March 31. However, the 24-hour advance notice requirement was determined to be inconsistent with standard times in the Great Lakes and would not serve the reasonable needs of known navigation. Therefore, the revised schedule was developed to reflect the established times of need for vessels and provide an advance notice requirement that is consistent with seamanship practices on the Great Lakes. The revised schedule will require vessels provide at least 12-hours advance notice prior to intended time of passing between December 15 and March 31. The current regulation requires the bridge to open as soon as possible at all times for commercial vessels and vessels used for public safety. There is no revision to that requirement in this rule. This schedule is believed to provide a reasonable balance between the needs of the owner of the bridge to eliminate costs for tender service during periods of no

vessel activity, and all known navigation that may require openings of the drawbridge in early spring each year.

Discussion of Comments and Changes

The Coast Guard received no comments to the notice of proposed rulemaking. No changes will be made to this final rule.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

This determination is based on the relatively minor adjustment to the operating schedule near the end of the winter navigation season, the only documented vessel that would require openings has been identified and accommodated, and the bridge would still open for vessels once the advance notice is provided.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant impact on a substantial number of small entities. ''Small entities'' may include small businesses and 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 people.

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. The 12-hour advance notice requirement during winter months is a standard practice on the Great Lakes and still provides for bridge openings with advance notice from vessel operators. No identified entities would be unable to pass the bridge, as needed.

Collection of Information

This rule calls for no new collection of information requirement 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 13132, and determined that this rule does not have federalism implications under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a state, local, or tribal government or the private sector to incur direct costs without the federal government having first provided the funds to pay those unfunded mandate 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 sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph 34(g) of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. This rule changes a drawbridge regulation which has been found not to have a significant effect on the environment. A ''Categorical Exclusion Determination'' is not required.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it 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.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 117

Bridges.

For reasons set out in the preamble, the Coast Guard revises Part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. In § 117.627 revise paragraphs (a), (b), and (c) to read as follows:

§ 117.627 Cheboygan River.

* * * * *

(a) From April 1 through May 15 and from September 16 through December 14, the draw shall open on signal.

(b) From May 16 through September 15—

(1) Between the hours of 6 p.m. and 6 a.m., seven days a week, the draw shall open on signal.

(2) Between the hours of 6 a.m. and 6 p.m., seven days a week, the draw need open only from three minutes before to three minutes after the quarter-hour and three-quarter hour.

(c) From December 15 through March 31, no bridgetender is required to be at the bridge and the draw need not open unless a request to open the draw is given at least 12-hours in advance of a vessels intended time of passage through the draw.

* * * * *

Dated: June 1, 2001.

James D. Hull,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 01–15276 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

Subsistence Management Regulations for Public Lands in Alaska, Subpart D; Emergency Closures and Adjustments—Kuskokwim and Yukon River Drainages

AGENCIES: Forest Service, USDA; Fish and Wildlife Service, Interior.

ACTION: Emergency closures and adjustments.

SUMMARY: This provides notice of the Federal Subsistence Board's emergency closures to protect chinook and chum salmon escapement in the Kuskokwim River drainage and chinook and summer-run chum salmon escapement in the Yukon River drainage. The Board included authority for the Federal in-season managers to lift these restrictions if salmon run strengths are higher than predicted and conservation and subsistence needs are likely to be met. This also provides notice of the Board's action to remove an unneeded requirement for the removal of the dorsal fin of chinook taken for subsistence purposes in a portion of the Yukon River. This regulatory adjustment and the closures provide an exception to the Subsistence Management Regulations for Public Lands in Alaska, published in the **Federal Register** on February 13, 2001. Those regulations established seasons, harvest limits, methods, and means relating to the taking of fish and shellfish for subsistence uses during the 2001 regulatory year.

DATES: The Kuskokwim River drainage closure and the Yukon River drainage regulatory adjustment and closure are effective June 1, 2001, through July 30, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas H. Boyd, Office of Subsistence Management, U.S. Fish and Wildlife Service, telephone (907) 786–3888. For questions specific to National Forest System lands, contact Ken Thompson, Subsistence Program Manager, USDA—Forest Service, Alaska Region, telephone (907) 786–3592.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands in Alaska, unless the State of Alaska enacts and implements laws of general applicability that are consistent with ANILCA and that provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. In December 1989, the Alaska Supreme Court ruled that the rural preference in the State subsistence statute violated the Alaska Constitution and, therefore, negated State compliance with ANILCA.

The Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. The Departments administer Title VIII through regulations at Title 50, Part 100 and Title 36, Part 242 of the Code of Federal Regulations (CFR). Consistent with Subparts A, B, and C of these regulations, as revised January 8, 1999, (64 FR 1276), the Departments established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, National Park Service; the Alaska State Director, Bureau of Land Management; the Alaska Regional Director, Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies participate in the development of regulations for Subparts A, B, and C, which establish the program structure and determine which Alaska residents are eligible to take specific species for subsistence uses, and the annual Subpart D regulations, which establish seasons, harvest limits, and methods and means for subsistence take of species in specific areas. Subpart D regulations for the 2001 fishing seasons, harvest limits, and methods and means were published on February 13, 2001, (66 FR 10142). Because this rule relates to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical closures and adjustments would apply to 36 CFR part 242 and 50 CFR part 100.

The Alaska Department of Fish and Game (ADF&G), under the direction of the Alaska Board of Fisheries (BOF), manages sport, commercial, personal use, and State subsistence harvest on all lands and waters throughout Alaska. However, on Federal lands and waters, the Federal Subsistence Board implements a subsistence priority for rural residents as provided by Title VIII of ANILCA. In providing this priority, the Board may, when necessary, preempt State harvest regulations for fish or wildlife on Federal lands and waters.

These emergency closures and adjustments are necessary because of predictions of extremely weak returns of chinook and chum salmon in the Kuskokwim River drainage and of chinook and summer-run chum salmon in the Yukon River drainage. These emergency actions are authorized and in accordance with 50 CFR 100.19(d) and 36 CFR 242.19(d).

Kuskokwim River Drainage

The Federal Subsistence Board, ADF&G, and subsistence users are concerned that not enough chinook and chum salmon will be returning to the Kuskokwim River and its tributaries in 2001 to meet spawning escapement objectives or subsistence needs. Adequate spawning escapement is necessary to assure sustaining the population. Last year, subsistence salmon harvests in the Kuskokwim River were among the lowest in the past 12 years. Returns of chinook and chum salmon have been extremely poor over the last three years. The expected low runs and poor spawning escapements in 2001 could jeopardize the viability of future returns. Federal and State Biologists anticipate that the 2001 salmon returns will be critically low, and subsistence needs in some areas may not be met.

The BOF met in January, 2001 to review the status of salmon returns on the Kuskokwim River and identified Kuskokwim River chinook and chum salmon as stocks of concern. The BOF then took action to establish a salmon rebuilding plan for the Kuskokwim River. In addition, ADF&G has indicated that no commercial fishing periods are being considered for June and July for the Kuskokwim River, that they intend to limit the sport fishery to one salmon per person per day, and that they may close the sport fishery for salmon in the

entire Kuskokwim River drainage if the runs are as weak as expected. The ADF&G biologists and U.S. Fish & Wildlife Service personnel have been conducting public meetings, producing information posters, and publishing news articles to let the local users know about concerns regarding the expected low salmon returns and advise them regarding the restrictions and closures to protect spawning escapement.

On May 10, 2001, in public forum and after hearing testimony, the Federal Subsistence Board adopted an emergency action closing the chinook and chum salmon fishery on Federal waters in the Kuskokwim River drainage to all users except those Federally-qualified subsistence users. The closure is for 60 days (the maximum amount of time allowed under 50 CFR 100.19(d) and 36 CFR 242.19(d)) from June 1, 2001, to July 30, 2001. This is the period of the greatest chinook and chum salmon run strength in the river. The effect of that action is to close the sport take for chinook and chum salmon in the Kuskokwim River drainage within the boundaries of the Yukon Delta National Wildlife Refuge, within or adjacent to Denali National Park and Preserve, and within or adjacent to Lake Clark National Park and Preserve and to close subsistence harvest on those same waters by any residents living outside the Kuskokwim River drainage. Although commercial fisheries are currently closed and ADF&G has indicated that an opening in June or July is highly unlikely, this action would prevent any such opening from occurring on Federal waters. Additionally, any chinook or chum salmon taken incidentally in another fishery must be released immediately. In other words, if you catch a chinook or chum salmon while fishing for sheefish or pike, you must immediately release it. This regulatory action is necessary to assure the continued viability of the chinook and chum salmon runs and provide a subsistence priority during a period of limited harvest opportunity. Should the runs come in stronger than expected with spawning escapement and subsistence needs being met, the delegated field manager may remove this restriction.

Yukon River Drainage

Returns of chinook and summer chum salmon to the Yukon River are again expected to be at or below the record lows of 2000. Very low catches of chinook and chum salmon were reported by many subsistence fishermen in 2000. Chinook and summer chum salmon escapement monitoring projects in 2000 showed that the returns of these species were very weak throughout most of the Yukon River drainage. Federal and State Managers and most subsistence users in the region have strong concerns that not enough chinook or summer chum salmon will reach their spawning grounds in 2001. There are similar concerns that subsistence needs in some areas may not be met.

At their January 2001 meeting, the BOF identified the Yukon River chinook and chum salmon as stocks of concern and for the first time implemented a reduced subsistence fishing schedule due to conservation concerns. In addition, ADF&G has indicated that any commercial fishing periods are highly unlikely for the Yukon River and that they may close the sport fishery for chinook salmon if the runs are weak. The ADF&G biologists and U.S. Fish & Wildlife Service personnel have been conducting public meetings, producing information posters, and publishing news articles to let the local users know about concerns regarding the expected low salmon returns and advise them regarding the restrictions and closures to protect spawning escapement.

On May 10, 2001, in public forum and after hearing testimony, the Federal Subsistence Board adopted an emergency action closing the chinook and summer chum salmon fishery on all Federal waters in the Yukon River drainage for 60 days (the maximum amount of time allowed under 50 CFR 100.19(d) and 36 CFR 242.19(d)) from June 1, 2001, to July 30, 2001, to all users except those Federally-qualified. The effect of that action is to close the sport take for chinook and summer chum salmon on Federal waters in the Yukon River drainage and to close subsistence harvest on those same waters by any residents living outside the Yukon River drainage or the community of Stebbins. Although Yukon River commercial salmon fisheries are currently closed and ADF&G has indicated that an opening is highly unlikely, this action would prevent any such opening from occurring on Federal waters. Additionally, any chinook or summer chum salmon taken incidentally to another fishery must be released immediately. In other words, if you catch a chinook or chum salmon while fishing for sheefish or pike, you must immediately release it.

This action is necessary to assure the continued viability of the chinook and summer chum salmon runs and to provide a subsistence priority during a period of limited harvest opportunity. Should the runs come in stronger than expected with spawning escapement and subsistence needs being met, the delegated field manager may remove this restriction. Additionally, with no commercial harvest scheduled or expected for the 2001 season, the requirement found at 50 CFR 100.27(i)(3)(xxi) and 36 CFR 242.27(i)(3)(xxi) to remove the dorsal fin of subsistence-caught chinook salmon becomes an unnecessary burden upon the subsistence user. The Board therefore temporarily suspended this requirement during the same period as the closure.

The Board finds that additional public notice and comment requirements under the Administrative Procedures Act (APA) for these emergency closures are impracticable, unnecessary, and contrary to the public interest. Lack of appropriate and immediate conservation measures could seriously affect the continued viability of fish populations, adversely impact future subsistence opportunities for rural Alaskans, and would generally fail to serve the overall public interest. Therefore, the Board finds good cause pursuant to 5 U.S.C. 553(b)(3)(B) to waive additional public notice and comment procedures prior to implementation of these actions and pursuant to 5 U.S.C. 553(d) to make this rule effective June 1, 2001.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance

A Final Environmental Impact Statement (FEIS) was published on February 28, 1992, and a Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD) signed April 6, 1992. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940–22964, published May 29, 1992) implemented the Federal Subsistence Management Program and included a framework for an annual cycle for subsistence hunting and fishing regulations. A final rule that redefined the jurisdiction of the Federal Subsistence Management Program to include waters subject to the subsistence priority was published on January 8, 1999, (64 FR 1276.)

Compliance With Section 810 of ANILCA

The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife

populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appeared in the April 6, 1992, ROD which concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but the program is not likely to significantly restrict subsistence uses.

Paperwork Reduction Act

The adjustment and emergency closures do not contain information collection requirements subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995.

Other Requirements

The adjustment and emergency closures have been exempted from OMB review under Executive Order 12866.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. The exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant economic effect (both positive and negative) on a small number of small entities supporting subsistence activities, such as boat, fishing tackle, and gasoline dealers. The number of small entities affected is unknown; but, the effects will be seasonally and geographically-limited in nature and will likely not be significant under the definition in this Act . The Departments certify that the adjustment and emergency closures will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, the adjustment and emergency closures have no potential takings of private property implications as defined by Executive Order 12630.

The Service has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that the adjustment and emergency closures will not impose a cost of $100 million or more in any given year on local or State governments or private entities. The implementation is by Federal agencies, and no cost is involved to any State or local entities or Tribal governments.

The Service has determined that the adjustment and emergency closures meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

In accordance with Executive Order 13132, the adjustment and emergency closures do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising management authority over fish and wildlife resources on Federal lands. Cooperative salmon run assessment efforts with ADF&G will continue.

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), E.O. 13175, and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects. The Bureau of Indian Affairs is a participating agency in this rulemaking.

Drafting Information

William Knauer drafted this document under the guidance of Thomas H. Boyd, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Taylor Brelsford, Alaska State Office, Bureau of Land Management; Rod Simmons, Alaska Regional Office, U.S. Fish and Wildlife Service; Bob Gerhard, Alaska Regional Office, National Park Service; Ida Hildebrand, Alaska Regional Office, Bureau of Indian Affairs; and Ken Thompson, USDA-Forest Service, provided additional guidance.

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Dated: May 30, 2001.

Kenneth E. Thompson,

Subsistence Program Leader, USDA-Forest Service.

Thomas H. Boyd,

Acting Chair, Federal Subsistence Board.

[FR Doc. 01–15284 Filed 6–15–01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[UT–001–0033; FRL–6996–9]

Clean Air Act Promulgation of Extension of Attainment Dates for PM_{10} Nonattainment Areas; Utah

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is granting a one-year extension of the attainment date for the Salt Lake County, Utah nonattainment area for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}). EPA is also granting two one-year extensions of the attainment date for the Utah County, Utah PM_{10} nonattainment area. Salt Lake and Utah Counties failed to attain the National Ambient Air Quality Standards (NAAQS) for PM_{10} by the applicable attainment date of December 31, 1994. The action is based on EPA's evaluation of air quality monitoring data and extension requests submitted by the State of Utah. EPA is also making the determination that Salt Lake County, Utah attained the PM_{10} NAAQS as of December 31, 1995 and Utah County, Utah attained the PM_{10} NAAQS as of December 31, 1996. The intended effect of this action is to approve requests from the Governor of Utah in accordance with section 188(d) of the Clean Air Act (CAA).

EFFECTIVE DATE: This final rule is effective July 18, 2001.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466. Copies of the State documents relevant to this action are available for public inspection at the Utah Department of Environmental Quality, Division of Air Quality, 150 North 1950 West, Salt Lake City, Utah 84114.

FOR FURTHER INFORMATION CONTACT: Cindy Rosenberg, EPA, Region VIII, (303) 312–6436.

SUPPLEMENTARY INFORMATION: On September 21, 2000 (65 FR 57127), EPA published a notice of proposed rulemaking (NPR) for Utah. The NPR proposed approval of a one-year extension of the attainment date for the Salt Lake County, Utah PM_{10} nonattainment area and two one-year extensions of the attainment date for the

Utah County, Utah PM_{10} nonattainment area.

Throughout this document, wherever ''we'', ''us'', or ''our'' are used, we mean the Environmental Protection Agency (EPA).

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I. EPA's Final Action

A. What Is EPA Approving?

In response to requests from the Governor of Utah, we are granting a one-year attainment date extension for the Salt Lake County, Utah PM_{10} nonattainment area and two one-year attainment date extensions for the Utah County, Utah PM_{10} nonattainment area in order to address CAA requirements. The effect of these actions is to extend the attainment date for the Salt Lake County, Utah PM_{10} nonattainment area from December 31, 1994 to December 31, 1995 and the attainment date for the Utah County, Utah PM_{10} nonattainment area from December 31, 1994 to December 31, 1995 and from December 31, 1995 to December 31, 1996. Our action to extend the attainment date for Salt Lake County is based on monitored air quality data for the national ambient air quality standard (NAAQS) for PM_{10} from the years 1992–94 and the action for Utah County is based on data from the years 1992–94 and 1993–1995. In addition, based on quality-assured data meeting the requirements of 40 CFR part 50, appendix K, we are determining that, as of December 31, 1995, Salt Lake County attained the PM_{10} NAAQS, and that, as of December 31, 1996, Utah County attained the PM_{10} NAAQS. With this final approval, consistent with CAA section 188, the areas will remain moderate PM_{10} nonattainment areas and avoid the additional planning requirements that apply to serious PM_{10} nonattainment areas.

This action should not be confused with a redesignation to attainment under CAA section 107(d) because Utah hasn't submitted a maintenance plan under section 175(A) of the CAA or met the other CAA requirements for redesignation. The designation status in 40 CFR part 81 will remain moderate nonattainment for both areas until such time as Utah requests, and meets the CAA requirements for, redesignations to attainment.

B. What Is the History Behind This Approval?

As initial moderate PM_{10} nonattainment areas, both Salt Lake and Utah Counties were required by CAA section 188(c)(1) to attain the PM_{10} NAAQS by December 31, 1994. Section 188(b)(2) of the CAA requires EPA to determine whether such moderate areas have attained the NAAQS or not within six months of the attainment date. In the event an area doesn't attain the NAAQS by the attainment date, section 188(d) allows States to request and EPA to approve attainment date extensions if certain criteria are met. On May 11, 1995, the State of Utah requested a one-year extension of the attainment date for both Salt Lake and Utah Counties. On October 18, 1995, we indicated that we were granting the requested one-year extensions. We also indicated in a letter dated January 25, 1996 that we would publish a rulemaking action on the extension requests ''in the very near future,'' but we didn't do so. Nor did we publish determinations in the **Federal Register** that the areas had not attained the NAAQS as of December 31, 1994. On March 27, 1996, the State of Utah requested a second one-year extension of the attainment date for Utah County. We didn't publish a determination in the **Federal Register** that Utah County had not attained the NAAQS as of December 31, 1995.

We are now approving the requested extension of the attainment dates for the Salt Lake County PM_{10} nonattainment area and the Utah County PM_{10} nonattainment area from December 31, 1994 to December 31, 1995. We are also approving the requested extension of the attainment date for the Utah County PM_{10} nonattainment area for an additional year—until December 31, 1996. As we explain more fully below, we believe these extensions are warranted under CAA section 188(d). In addition, we are finding that the Salt Lake County PM_{10} nonattainment area attained the PM_{10} NAAQS as of December 31, 1995 and the Utah County PM_{10} nonattainment area attained the PM_{10} NAAQS as of December 31, 1996.

II. Basis for EPA's Action

A. Salt Lake County

1. Explanation of the Attainment Date Extension for the Salt Lake County PM_{10} Nonattainment Area

a. *Air Quality Data.* We are using data from calendar year 1994 to determine whether the area met the air quality criteria for granting a one-year extension of the attainment date under section 188(d) of the CAA.

The Salt Lake County PM_{10} nonattainment area includes the entire county. In 1994, Utah's Department of Air Quality (UDAQ or Utah) operated six PM_{10} monitors, which were state and local air monitoring stations (SLAMS) and national air monitoring sites (NAMS), in Salt Lake County. We deemed the data from these sites valid and the data were submitted by Utah to be included in AIRS.

In 1994, there were eight exceedances of the 24-hour PM_{10} NAAQS at one monitor (North Salt Lake Site) and one exceedance of the 24-hour NAAQS at another monitor (AMC Site). Based on nearby construction activity, Utah requested that the eight exceedances recorded at the North Salt Lake Site in 1994 be excluded under our ''Guideline on the Identification and Use of Air Quality Data Affected By Exceptional Events,'' (EPA–450/4–86–007). We determined that the North Salt Lake monitor was influenced by highly localized, fugitive dust events caused by the construction activity occurring in the immediate area. Because of those impacts from localized construction near the North Salt Lake site, all data from June 8 to November 23, 1994 were excluded from the data set used in calculations for attainment/nonattainment purposes.

With the exclusion of the above-mentioned block of data, there was only one exceedance recorded at one other monitor (AMC site). Therefore, with only one exceedance of the PM_{10} NAAQS recorded in 1994, the area met one of the requirements to qualify for an attainment date extension under section 188(d).[1]

b. *Compliance with the Applicable SIP.* The State of Utah submitted the PM_{10} SIP for Salt Lake County on November 14, 1991. On December 18, 1992 (57 FR 60149), EPA proposed to

[1] The Act states that no more than one exceedance may have occurred in the area (see section 188(d)(2)). The EPA interprets this to prohibit extensions if there is more than one measured exceedance of the 24-hour standard at any monitoring site in the nonattainment area. The number of exceedances will not be adjusted to expected exceedances as long as the minimum required sampling frequencies have been met.

approve the plan as satisfying those moderate PM_{10} nonattainment area requirements that were due November 15, 1991. On July 8, 1994 (59 FR 35036), EPA took final action approving the Salt Lake County PM_{10} SIP. The SIP control strategies consist of controls for stationary sources and area sources (including controls for woodburning, mobile sources, and road salting and sanding) of primary PM_{10} emissions as well as sulfur oxide ($SOPM_X$) and nitrogen oxide (NO_X) emissions, which are secondary sources of particulate emissions.

Based on information the State submitted in 1995, we believe that Utah was in substantial compliance with the requirements and commitments in the applicable implementation plan that pertained to the Salt Lake County PM_{10} nonattainment area when the State submitted its extension request. The milestone report indicates that Utah had implemented most of its adopted control measures, and therefore we believe Utah substantially implemented the RACM/RACT requirements applicable to moderate PM_{10} nonattainment areas.

c. *Emission Reduction Progress.* With its May 11, 1995, request for a one-year attainment date extension for Salt Lake County, the State of Utah also submitted a milestone report as required by section 189(c)(2) of the Act that must, under section 171(1), demonstrate annual incremental emission reductions and reasonable further progress (RFP). On September 29, 1995, Utah submitted a revised version of the milestone report. The revised 1995 milestone report estimated current emissions from all source categories covered by the SIP and compared those estimates to 1988 actual emissions. These estimates of current emissions indicated that total emissions of PM_{10}, SO_2, and NO_X had been reduced by approximately 60,752 tons per year, from a 1988 value of 150,292 tons per year to a then current value of 89,540 tons per year.

The effect of these emission reductions appears to be reflected in ambient measurements at the monitoring sites. Data from these sites show no violations of either the annual or the 24-hour PM_{10} standard since the 1992–1994 period. Furthermore, in 1994 there was only one exceedance of the 24-hour standard and the highest monitored annual standard at any monitor was 47μg/m^3. This is evidence that the State's implementation of PM_{10} SIP control measures resulted in emission reductions amounting to reasonable further progress in the Salt Lake County PM_{10} nonattainment area.

2. Determination That the Salt Lake County PM_{10} Nonattainment Area Attained the PM_{10} NAAQS as of December 31, 1995

Whether an area has attained the PM_{10} NAAQS is based exclusively upon measured air quality levels over the most recent and complete three calendar year period. See 40 CFR part 50 and 40 CFR 50, appendix K. With the effective date of this action, the extended attainment date for Salt Lake County will be December 31, 1995, and the three year period will cover calendar years 1993, 1994, and 1995.

The PM_{10} concentrations reported at six different monitoring sites showed one measured exceedance of the 24-hour PM_{10} NAAQS between 1993 and 1995. Because data collection was less than 100% at these monitoring sites, the expected exceedance rate for 1994 was 1.03. For 1993 and 1995, it was 0.0. Thus, the three-year average was less than 1.0, which indicates Salt Lake County attained the 24-hour PM_{10} NAAQS as of December 31, 1995.

Review of the annual standard for calendar years 1993, 1994 and 1995 reveals that the area also attained the annual PM_{10} NAAQS by December 31, 1995. There was no violation of the annual standard for the three year period from 1993 through 1995.

B. Utah County

1. Explanation of the Attainment Date Extension for the Utah County PM_{10} Nonattainment Area

a. *Air Quality Data.* The Utah County PM_{10} nonattainment area includes the entire county. In 1994 and 1995, UDAQ operated four PM_{10} monitoring sites, which were either SLAMS or NAMS, in Utah County. We deemed the data from these sites valid and the data was submitted by Utah to be included in AIRS.

We are using data from calendar year 1994 to determine whether the area met the air quality criteria for granting a one-year extension of the attainment date, from December 31, 1994 to December 31, 1995, under section 188(d) of the CAA. We are using calendar year 1995 data to determine whether the Utah County area met the air quality criteria for granting an extension of the attainment date from December 31, 1995 to December 31, 1996.

In 1994, there were no exceedances of the 24-hour or annual PM_{10} NAAQS in Utah County. Since no exceedances of the PM_{10} NAAQS were recorded in 1994, the area met one of the requirements to qualify for a one-year attainment date extension under section 188(d).[2] In 1995, there were no exceedances of the 24-hour or annual PM_{10} NAAQS in Utah County. Since no exceedances of the PM_{10} NAAQS were recorded in 1995, the area met one of the requirements to qualify for a second one-year attainment date extension under section 188(d).

b. *Compliance with the Applicable SIP.* The State of Utah submitted the PM_{10} SIP for Utah County on November 14, 1991. On December 18, 1992 (57 FR 60149), EPA proposed to approve the plan as satisfying those moderate PM_{10} nonattainment area requirements due November 15, 1991. On July 8, 1994 (59 FR 35036), EPA took final action approving the Utah County PM_{10} SIP. The SIP control strategies consist of controls for stationary sources and area sources (including controls for woodburning, mobile sources, and road salting and sanding) of primary PM_{10} emissions as well as sulfur oxide (SO_X) and nitrogen oxide (NO_X) emissions, which are secondary sources of particulate emissions.

Based on information the State submitted in 1995, we believe that Utah was in substantial compliance with the requirements and commitments in the applicable implementation plan that pertained to the Utah County PM_{10} nonattainment area when Utah submitted its first extension request. The milestone report indicates that Utah County had implemented most of its adopted control measures, and therefore we believe Utah substantially implemented the RACM/RACT requirements applicable to moderate PM_{10} nonattainment areas. Based on information the State submitted in 1996, we believe that Utah was in substantial compliance with the requirements and commitments in the applicable implementation plan that pertained to the Utah County PM_{10} nonattainment area when the State submitted its second extension request. The milestone report indicates that the State continued to implement its adopted control measures, reducing PM_{10} loadings even further, and therefore we believe Utah substantially implemented its RACM/RACT requirements.

c. *Emission Reduction Progress.* With its May 11, 1995, request for a one-year attainment date extension for Utah County, the State of Utah also submitted

[2] The Act states that no more than one exceedance may have occurred in the area (see section 188(d)(2)). The EPA interprets this to prohibit extensions if there is more than one measured exceedance of the 24-hour standard at any monitoring site in the nonattainment area. The number of exceedances will not be adjusted to expected exceedances as long as the minimum required sampling frequencies have been met.

a milestone report as required by section 189(c)(2) of the Act that must under section 171(1), demonstrate annual incremental emission reductions and RFP. On September 29, 1995, Utah submitted a revised version of the milestone report. The revised 1995 milestone report estimated current emissions from all source categories covered by the SIP and compared those estimates to 1988 actual emissions. These estimates of current emissions indicated that total emissions of PM_{10}, SO_2, and NO_X had been reduced by approximately 3,129 tons per year, from a 1988 value of 25,920 tons per year to a then current value of 22,791 tons per year.

With its March 27, 1996 request for an additional one-year attainment date extension for Utah County, the State of Utah submitted another milestone report. Utah submitted a revised version of this milestone report on May 17, 1996. The March 27, 1996 milestone report estimated current emissions from all source categories covered by the SIP and compared those estimates to 1988 actual emissions. These estimates of current emissions indicated that total emissions of PM_{10}, SO_2, and NO_X had been reduced from the 1988 total by approximately 8,391 tons per year.

The effect of these emission reductions appears to be reflected in ambient measurements at the monitoring sites. Data from these sites show no exceedances of either the annual or the 24-hour PM_{10} standard in 1994 or 1995. The vast majority of monitored values were well below the 24-hour standard. The highest annual value recorded at any monitor during 1994 and 1995 was 39μg/m³. This is evidence that the State's implementation of PM_{10} SIP control measures resulted in emission reductions amounting to RFP in the Utah County PM_{10} nonattainment area.

2. Determination That the Utah County PM_{10} Nonattainment Area Attained the PM_{10} NAAQS as of December 31, 1996

Whether an area has attained the PM_{10} NAAQS is based exclusively upon measured air quality levels over the most recent and complete three calendar year period. See 40 CFR part 50 and 40 CFR part 50, appendix K. With the effective date of this action, the extended attainment date for Utah County will be December 31, 1996, and the three year period will cover calendar years 1994, 1995, and 1996.

The PM_{10} concentrations reported at four different monitoring sites showed no measured exceedances of the 24-hour PM_{10} NAAQS between 1994 and 1996, which indicates Utah County attained the 24-hour PM_{10} NAAQS as of December 31, 1996.

Review of the annual standard for calendar years 1994, 1995 and 1996 reveals that the area also attained the annual PM_{10} NAAQS by December 31, 1996. No monitoring sites showed a violation of the annual standard in the three year period from 1994 through 1996.

III. Summary of Public Comments and EPA's Responses

(1) *Comment:* Four commenters stated that they were in favor of EPA's proposed attainment date extensions for Salt Lake County and Utah County and that both nonattainment areas had met the requirements for receiving an attainment date extension. The commenters pointed out that both nonattainment areas have been attaining the PM_{10} NAAQS since their proposed extended attainment dates.

Response: We agree that both Salt Lake County and Utah County met all of the requirements to receive an extension of their attainment dates and that both counties attained the PM_{10} NAAQS.

(2) *Comment:* One commenter states that the granting of attainment date extensions after the attainment determination deadlines have passed is not allowed by the CAA. The commenter claims that because we didn't extend the attainment dates for Salt Lake and Utah Counties before the deadline for bumping up the areas, we were obligated to announce their reclassification to ''serious'' no later than June 31, [sic] 1995.

Response: The commenter is correct that the Act required us to determine by June 30, 1995 whether the areas had attained or not. The commenter is also correct that we failed to make this determination by June 30, 1995. The commenter argues that reclassification to serious is the only permissible result from our failure to make an attainment determination by June 30, 1995. However, the Act does not require this result.

Section 188(b)(2) of the Act reads, ''If the Administrator **finds** that any Moderate Area is not in attainment after the applicable attainment date—(A) the area shall be reclassified by operation of law as a Serious Area. * * *'' (emphasis added). We never made the requisite finding—that the areas had not attained by December 31, 1994—to trigger a bump up to ''serious'' and therefore, a bump up had not occurred. The commenter is attempting to read the requirement for an EPA finding of nonattainment out of the Act.

There is nothing in section 188 that states that EPA, having failed to meet the June 30, 1995 deadline for determining whether the areas had attained or not, is then bound to find that the areas did not attain. We believe that EPA retains discretion to avail itself of any of the options provided by the Act—find that the areas had attained, find that the areas had not attained, or find that an attainment date extension was warranted—if the criteria for such options are met. In this case, we believe that attainment date extensions were warranted, and we do not believe our delay in granting such extensions should form the basis for forcing a bump up of the areas to serious and the imposition of the stricter emission limits and controls that go along with such a bump up. It would indeed be odd, and in our view inconsistent with the statute, to ''penalize'' sources within the areas in question, due to our failure to act in a timely way.

We note again that in an October 18, 1995 letter to Russell Roberts, the then director of the Utah Division of Air Quality, we stated that we were granting the extensions, and in a subsequent letter, we stated that we would publish the requisite notices in the **Federal Register**. We failed to follow through with these actions in a timely way, and we are now trying to correct our failure.

Also, as indicated above, Salt Lake County and Utah County attained the PM_{10} NAAQS as of the extended attainment dates under this action (December 31, 1995 and December 31, 1996, respectively). Under these circumstances, a bump up makes even less sense.

(3) *Comment:* One commenter states that the attainment date extensions are contrary to our guidance, which requires states to submit requests for extensions under section 188(d) within 90 days after the attainment date, and requires resolution of such requests within 6 months after the attainment date. According to the commenter, the guidance clearly reads section 188(d) as applying only up to the point at which a bump up is required. The commenter argues that we have no basis for departing from our longstanding guidance in this matter.

Response: Nothing in the Act specifies a particular deadline for a State request for an attainment date extension. In this case, the State of Utah submitted an attainment date extension request on May 11, 1995, before section 188's June 30, 1995 deadline for us to determine the areas' attainment status. In addition, as noted in Utah's May 11, 1995 request, Utah had previously submitted a draft request to us. We think Utah initiated its request for attainment date extensions within a

reasonable period of time, and provided supplemental information to clarify the request in a timely way. Utah and EPA worked through issues with the request over the summer of 1995, and, in the fall of 1995, we indicated we were approving the extension requests. Under the circumstances, we think Utah's actions were reasonably consistent with our guidance. We don't believe the fact that Utah's formal request fell outside the 90-day period described in our guidance forms an adequate basis to ignore or deny Utah's request. Our guidance is just that—guidance; it cannot be considered a binding document.

We don't believe our guidance speaks to the issue of what should happen in a case where EPA fails to make an attainment determination by June 30, 1995, as required by the Act. If anything, our guidance clearly recognizes that we must first determine that the area has not timely demonstrated attainment of the NAAQS before the area is reclassified to serious under section 188(b). (See page 10 of our November 14, 1994 guidance memorandum, ''Criteria for Granting 1-Year Extensions of Moderate PM–10 Nonattainment Area Attainment Dates, Making Attainment Determinations, and Reporting on Quantitative Milestones,'' signed by Sally L. Shaver.) We believe our position is reasonable. The alternative position, expressed by the commenter, would impose the burden of EPA's failure to act in a timely way upon Utah (additional planning requirements) and sources within the areas (more stringent control requirements in the form of BACM/BACT), regardless of whether an extension of the attainment date is warranted. We don't believe this position is reasonable.

If EPA is not allowed to exercise its discretion to grant an extension of the attainment date where the statutory criteria have been met—discretion Congress provided us alongside the requirement to determine whether areas timely attained—it would appear to frustrate Congress' obvious desire to provide States that are close to achieving attainment an alternative to undergoing reclassification.

(4) *Comment:* One commenter refers to air quality data collected at an air monitoring station in Salt Lake County. The commenter asserts that the North Salt Lake monitoring station recorded a violation of the annual PM_{10} standard and eight exceedances of the 24-hour standard in 1994 and that we may not exclude these data from regulatory use. Thus, according to the commenter, Salt Lake County doesn't meet one of the criteria for an attainment date extension—that the area recorded no exceedances of the annual PM_{10} standard and no more than one exceedance of the 24-hour PM_{10} standard in the year preceding the extension year. The commenter quotes from a letter dated October 18, 1995, from Richard Long, Director, Air Program, EPA Region VIII, to Russell Roberts, Director, Utah Division of Air Quality. In the letter, we agreed to exclude some PM_{10} data collected at the North Salt Lake station in 1994 and agreed to grant a one-year extension of the attainment date. Attachment I of the letter elaborated our technical comments. Part of the attachment is quoted by the commenter and reads, ''The data collected at the North Salt Lake station in the summer and fall of 1994 should be regarded as ordinary data, unaffected by exceptional events.'' The commenter indicates that we had determined that the data had not met criteria for exclusion and we had concluded that there was no basis for excluding the data due to exceptional events. The commenter also points out that although we determined that the data didn't qualify as an exceptional event, we did decide that there were ''extenuating circumstances'' during the 1994 construction episode and because of this, the exceedances from the North Salt Lake monitor should be excluded. The commenter cites the EPA document, Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events, EPA–450/4–86–007 (1986) and asserts that the criteria in the document are the sole basis upon which we may exclude exceedances that are allegedly due to construction activity. The commenter asserts that neither the Act nor EPA rules or guidance allow the exclusion of exceedance data based on a generalized claim of ''extenuating circumstances.''

Response: We disagree with both of the commenter's assertions, i.e., that there was no basis for deciding to exclude the data, and that EPA had determined that the data had not met EPA criteria for exclusion from regulatory use. The commenter erroneously believes that the statement in the October 18, 1995 letter to the Director of Utah's DAQ indicating that we were not inclined to treat the 1994 North Salt Lake station's data as data affected by exceptional events precluded us from excluding the data for regulatory use on any other grounds.

Our regulations explaining the computations necessary for collecting and analyzing particulate matter data in order to make appropriate regulatory determinations, including attainment determinations, are found at appendix K of 40 CFR part 50. Section 1.0 of appendix K explains that ambient PM_{10} data must be measured by a reference method based on appendix J of part 50, and designated in accordance with 40 CFR part 53. Similarly, while expressly mentioning the required frequency of measurements, that section indicates, generally, that the data protocols to be followed in order to make determinations regarding attainment must be consistent with 40 CFR part 58. In addition to specifications regarding the frequency of ambient measurements, part 58 addresses other requirements, including proper siting of monitoring stations (to ensure that the data samples correctly reflect the regulatory goal for which monitoring is being undertaken—see 40 CFR part 58, appendix D), and pollutant-specific probe siting criteria (to ensure the uniform collection of compatible and comparable air quality data—see 40 CFR part 58, appendix E). It, therefore, follows logically that ambient data collected at sites not meeting the requirements of parts 50, 53, and 58 of 40 CFR (and their associated Appendices) may be determined by EPA to be inadequate, and, thus, be invalidated for purposes of regulatory decisionmaking.

Under appendix K (and associated guidance), high ambient values of PM_{10} that are determined to be due to exceptional events may be ''flagged'', i.e., marked for special treatment, when submitted to the AIRS database. This is because, when making required regulatory decisions, the use of such data —which may not be representative of typical ambient values— could result in inappropriate estimates of the expected annual value. Consequently, the 1986 Exceptional Events Guideline, cited by the commenter, sets forth criteria for flagging ambient data considered to have been influenced by exceptional events. However, the flagging of data does not, by itself, result in the exclusion of data from regulatory decision-making. The 1986 Guideline document defines several types of activities that influence ambient data and may qualify for exceptional events treatment, including construction projects. The Guideline provides guidance for States regarding how to treat and report data submitted under an exceptional events claim. The reporting methodologies includes the various conventions to ''flag'' or highlight the data when placing it in AIRS. Focusing, as it does, on exceptional events, the 1986 Guideline does not address, therefore, all the various circumstances and conditions under which EPA may

make determinations regarding whether such data should be excluded for regulatory purposes; it only advises States concerning what procedures they need to follow in making data exclusion requests. The guidance expressly states that the policy ''carries no prior presumption towards use or non-use of flagged data.'' And, indeed, decisions on how flagged data are used for specific regulatory purposes, e.g., attainment designations or demonstrations, control strategy, etc., are made by EPA on a case-by-case basis.

As noted earlier, the comments concern PM_{10} data, including eight exceedances of the 24-hour National Ambient Air Quality Standard, that were collected at the North Salt Lake station between June 8 and November 23, 1994, resulting in an annual arithmetic mean value for 1994 of 58μg/m^3. Utah believed this data had been unduly affected by a construction project next to the air monitoring station, and advised us of its intention to flag the data. Consequently, when it transcribed the 1994 data onto computer files for submittal to AIRS, Utah included the letter ''J'' in a predetermined field associated with each PM_{10} concentration observed during the affected period. According to a convention of AIRS, the data were thereby flagged as having been, in Utah's opinion, influenced by an exceptional event. On December 19, 1994, Utah sent a letter requesting that we approve the data from the North Salt Lake station from June 8 to November 23, 1994 as having been influenced by an exceptional event. A decision to exclude the flagged data would have reduced the annual arithmetic mean value for 1994 to 47μg/m^3. To show our concurrence, we could have added a ''J'' to a second field adjacent to each datum, according to the same AIRS convention. Utah's letter was accompanied by supporting material consistent with the 1986 Guideline.

In response to this request, we noted that a similar exceedance had occurred at the North Salt Lake station on September 30, 1993. The State had attached an exceptional events treatment flag when it reported the data in AIRS for the entire block of data recorded from August 28 through October 5, 1993, the life of the construction project. We had applied our concurrence flag only to the September 30 exceedance, however, indicating our agreement that at least that exceedance could be considered the result of an exceptional event. After reviewing Utah's 1994 request, we decided not to apply our ''J'' flags to the data collected from June 8 to November 23, 1994 because we believed that the ambient event did not satisfy criteria in our regulations and the 1986 Guideline for treatment as an exceptional event. Primarily, we concluded that the construction near the monitoring station during the summer and fall of 1994 was a recurrence within one year of similar construction activity, i.e., the 1993 construction project and its resultant exceedance, and exceptional events are defined, in part, as events that are not expected to recur at a given location. Also, the 1986 Guideline indicates that for consideration as an exceptional event certain activities must occur only over a ''short time period'', but, here, the 1994 construction project continued for longer than 30 days, (30 days being our general rule of thumb for what is meant by the term ''short time period'' as used in the 1986 Guideline). We advised Utah of our decision in a letter dated March 20, 1995. In the same letter we advised Utah that we ''may have some latitude in how these data will be used in determining the attainment status' of Salt Lake County, and asked the State for additional information. As the letter further explained, ''[w]e will use the additional information when considering the attainment status of the area.''

Our October 18, 1995 letter to Utah conveyed two determinations made by us regarding the data collected at the North Salt Lake station between June 8 and November 23, 1994: (1) That we did not consider the data to have been affected by exceptional events; and (2) that the data would, nonetheless, be excluded from the data set used in the calculations for attainment on other grounds. In deciding to exclude the data, we considered several factors that were subsequently brought to our attention by the State in support of their data exclusion request, in addition to the explanation of the construction event given in Utah's December 19, 1994 letter. These include the following:

1. Photographs, tables of PM_{10} concentrations, chemical analyses in support of mass balance estimations, and the results of computer modeling of chemical mass balance, all of which were revised analyses and/or elaborations or clarifications of supporting materials submitted with Utah's December 19, 1994 letter.

2. More extensive explanations of information contained in a letter from the Salt Lake City Department of Public Utilities describing relevant conditions at the project site, and a labor dispute that disrupted the construction project, also submitted with Utah's December 19, 1994 letter.

3. The State's arguments emphasizing that the small size of the area disturbed during the construction project, that is to say, the localized character of the episode, tended to prove that conditions, and the consequent ambient values recorded at this single monitor, were not representative of ambient values throughout the nonattainment area, or with historically recorded values during summer/early fall months.

4. Additional information in support of the State's attempt to distinguish the construction project in 1994 (the extension of a sewer line) as different from the 1993 construction project (the extension of a pipeline through a portion of roadway), as a basis for the assertion that the construction, although similar in type, was non-recurring.

5. Additional materials providing further explanation of the 1994 ambient events, given in Utah's letter to EPA of April 20, 1995 (mis-dated March 24, 1995).

6. Additional materials providing further explanation of the 1994 ambient events, submitted with Utah's milestone report of September 29, 1995.

The letter from the Salt Lake City Department of Public Utilities mentioned in the above list explains that the construction project was contracted to a private individual and that, during the initial phase, a deep trench was dug about 40 feet east of the site, and the road proceeding north from the site was also trenched in the middle for about a ¼ of a mile. Along with gravel pit and hauling activities, the project involved frequent dirt spillage along the road. This dirt became airborne as a result of heavy vehicular traffic during commuter hours. Due to a dispute over the contract, work was stopped at the construction site between August 10 and September 26. EPA was also advised that, although the contract required dust control measures to be undertaken during the life of the project, it appears that this requirement of the contract was not being adhered to. During the month-and-a-half long work-stoppage, the trench had been backfilled to the surface, but was not paved, so that dirt and sediment continued to escape. Moreover, the placement of barricades and ''closed'' signs on the road were apparently not successful in deterring vehicular traffic and dust re-entrainment also continued to occur. Again, it should be noted that this construction area was in extremely close proximity to the monitoring station in question (estimated as being within 20 feet of the monitor, which is located on a platform 4 meters above ground level).

As described earlier, requirements that monitoring stations adhere to proper monitoring objectives and scale of representativeness are found in 40 CFR part 58, appendix D. In our letter to Utah dated March 20, 1995, discussed earlier in this response, although we disapproved their request for exceptional events treatment, we asked the State to provide additional information on the events leading to the exceedances. In particular, we commented on and requested further information about the appropriateness of the monitoring station site. The letter stated:

> The site of the construction with respect to the monitoring station should have been evaluated by the State to ensure the reasonableness of continuing to monitor at this station * * * The State could have requested temporarily halting PM_{10} monitoring or relocating the PM_{10} monitor to help avoid the construction influence but still monitor the area per the PM_{10} SIP. The State should explain why this was not done.

Based on our review of the additional explanatory materials supplied by Utah at our request, we believed that during the period of construction activity in 1994 when eight PM_{10} exceedances were recorded, the North Salt Lake station did not meet the approved monitoring objective or scale of representativeness required under 40 CFR part 58. Subsequent to this, we did ask Utah to consider re-siting the monitor because of these episodes. In particular, the proximity of the earth-moving activities to the air monitoring station, and the failure of the construction company to effectively implement dust suppression control measures at the trenched areas on-site and along the roadway, and at the site in general, resulted in the station's effective noncompliance with the probe siting criteria and requirements of 40 CFR part 58, appendix E. The version of this regulation that was in effect in 1994 read, in part: ''Stations should not be located in an unpaved area unless there is vegetative ground cover year round, so that the impact of wind blown dusts [sic] will be kept to a minimum.'' For all of these reasons, we determined that it was appropriate to exclude the data collected at the North Salt Lake monitoring station as unrepresentative of ambient effects on the population exposed to the particulate matter generated during this period. Accordingly, because this data was deemed to be inappropriate for NAAQS purposes, we exercised our discretion under 40 CFR part 50, appendix K to exclude the data from regulatory use.

(5) *Comment:* One commenter states that Utah has not met one of the prerequisites for an attainment date extension—section 188(d)'s requirement that the State has complied with all requirements and commitments pertaining to the area in the applicable implementation plan. The commenter cites to several EPA letters to Utah that identified concerns with State implementation of SIP measures. According to the commenter, there is no showing in the record that all our concerns were met and that Utah had fully implemented the SIP.

Response: The commenter is correct that we had identified a number of concerns with SIP implementation during the summer of 1995. However, at our behest, the State revised its milestone report/extension request and re-submitted it to us on September 29, 1995. On October 18, 1995, we found that the revised report was sufficient to meet our concerns, and indicated that we would grant the State's request for a one-year extension for Salt Lake and Utah Counties. In that October 18, 1995 letter, from Richard R. Long, to Russell Roberts, we stated the following:

> The State has addressed EPA's comments regarding additional support for the emission reductions from street salting. EPA's comments on diesel I/M implementation and growth rates have also been addressed. In addition, the State has addressed EPA's comments regarding documentation for woodburning program implementation. Finally, we are pleased to see that the State has also provided additional information regarding new source review and compliance for stationary sources.

We believe the State's September 1995 revised milestone report/extension request, and May 17, 1996 extension request for Utah County, are adequate to support this action.

The language of section 188(d)(1) of the Act states that the Administrator may extend the attainment date if ''the State has complied with all requirements and commitments pertaining to the area in the applicable implementation plan * * *'' The commenter insists that we cannot redefine the word ''all'' to mean ''some'' or ''most'' and asserts that if there has not been 100% compliance with SIP requirements, the provisions of 188(d)(1) have not been met.

Initially, we note that the language of section 188(d)(1) refers to SIP requirements and commitments that apply to the State, not individual sources. The State has an obligation under section 110 of the Act to enforce the requirements of the SIP, but it would be unreasonable to expect the State to take an enforcement action for every apparent violation of the SIP or to achieve 100% source compliance nor have we interpreted section 110 to require that level of enforceability. Furthermore, we believe that substantial compliance or compliance with most requirements and commitments on the part of the State is sufficient to support an extension where the State has demonstrated RFP toward attaining the NAAQS. We do not believe Congress' goal was to bump areas up to serious that didn't attain by their applicable deadline, but appeared likely to achieve attainment through further implementation of control measures in the SIP.

The structure of our 1994 Guidance (''Attainment Determination and the Processing of Initial PM_{10} Nonattainment Area SIPs,'' November 14, 1994, signed by Sally Shaver) further explains why we believe that substantial compliance is adequate to support an attainment date extension. Section III of the Guidance contains our criteria for obtaining an extension of the attainment date, and makes clear that we were prepared to grant extensions to PM_{10} areas that had not yet received EPA approval of their nonattainment SIPs. In these cases, the Guidance clearly indicates that State compliance is to be measured against the latest federally-approved particulate matter SIP for the area, and in many instances, this would have been a SIP submitted in response to the pre-1990 Clean Air Act. To further address this issue, we provided in the Guidance that we expected States to demonstrate that (1) control measures had been submitted in the form of a SIP revision and substantially implemented to satisfy the RACM/RACT requirement for the area, and (2) the area had made emission reduction progress that represented reasonable further progress toward timely attainment of the PM_{10} NAAQS. In addition, we did not state that we would not grant an extension if the State failed to meet these requirements, but rather that we would be ''disinclined to grant an attainment date extension'' in such a case.

In other words, our Guidance recognized the difficulties some areas were having submitting their PM_{10} SIPs and gaining EPA approval within the time frames provided by the 1990 Amendments and indicated our belief that we had some flexibility under the Act to grant extensions of the attainment date even if all the measures required by the 1990 amendments were not fully implemented at the time the request was made. Pursuant to this approach, we approved a number of extension requests. Denver's PM_{10} attainment date was extended in a **Federal Register** notice published on October 6, 1995 (60 FR 52312) prior to the approval of a SIP

for the area. Likewise, the attainment dates were extended for Spokane, Washington and Wallula, Washington (60 FR 47276), and Power-Bannock Counties, Idaho and Sandpoint, Idaho (61 FR 20730), with a second one-year extension granted for Power-Bannock Counties (61 FR 66602). Given our prior practice, we believe it would be unfair to demand more from the Salt Lake and Utah County areas especially since Utah submitted a nonattainment SIP for these areas by the November 15, 1991 statutory deadline and we approved the SIP before the December 31, 1994 statutory attainment date.

So, in our view, substantial implementation is an appropriate benchmark. For both counties, the SIP includes four main types of measures: solid fuel burning provisions, road salting and sanding provisions, mobile source provisions, and stationary source provisions. The State's 1995 milestone report/extension request for both counties, and 1996 report/extension request for Utah County, indicate that the State substantially implemented the measures described in the SIP for these four categories. For example, the State implemented a mandatory no-burn program in both counties that was substantially similar to the program described in the SIP. The State adopted a rule for road salting and sanding that requires application of salt that is at least 92% sodium chloride, other material as clean as salt, or vacuum sweeping within three days of the storm. Although this wasn't identical to the federally approved measure in the SIP at the time, we believe it achieves substantially equivalent results. In fact, Utah submitted a SIP revision on February 1, 1995 that embodies the revised rule. We approved this SIP revision on February 6, 1999 (64 FR 68031) based on our belief that it achieves substantially equivalent results to the original provision.

The SIP discusses the possibility of closing Provo Canyon to truck traffic. The State placed a monitor in Provo Canyon to evaluate the impact of diesel traffic on air quality. Because the monitoring showed no significant impact, the State concluded that there would be no benefit from restricting heavy duty truck traffic from Provo Canyon. Although Utah never implemented closure of Provo Canyon to truck traffic, the State did not actually commit to such a closure in the SIP.

The State began implementing a diesel I/M program on December 1, 1994 that is substantially similar to the program outlined in the SIP. We note that the SIP language provided for modification of the program in response to program experience and additional information.

For stationary sources, the State substantially implemented the requirements contained in the SIP. In particular, the largest sources in the areas installed and implemented RACT as anticipated by the SIP. We note that in some cases, the State adopted and implemented changes to the emissions limitations contained in the SIP. Although we don't agree with them, we don't believe it is appropriate to penalize the State for making such changes because the language of the currently-applicable SIP appears to allow the State such latitude (see UACR 307–1–3.2.4; Appendix A to PM_{10} SIP.) We have had ongoing discussions with the State regarding these ''director's discretion'' provisions in the context of the State's future development of redesignation requests and maintenance plans for the two counties, and have informed the State that we believe this apparent discretion to unilaterally change SIP terms is inconsistent with the SIP oversight role provided EPA under the Act, and would need to be removed if maintenance plan submissions for these areas are to be found approvable.

The commenter is correct that our undated letter from Douglas Skie to Russell Roberts cited concerns with permit language that purported to replace SIP limits with emission limits in ''approval orders.'' Based on this letter and other elements of our comments at the time, it appears that we were evaluating the State's implementation based on our traditional view that SIP requirements may not be modified without EPA approval of a SIP revision. However, given the language referenced above, that is contained in the currently-applicable SIP authorizing such changes, we don't believe that insisting on this traditional view in response to past actions is appropriate. We believe SIP implementation must be evaluated against the SIP as written, even though we may not agree with all SIP terms.

Also, the commenter characterizes some of the implementation issues as ''deficiencies in the state's NSR program'' and states that ''[a] fully adequate NSR program is a mandatory SIP requirement as well.'' We don't believe the commenter has accurately characterized the situation. Utah had and continues to have a fully approved NSR program. While there were issues with some permitting actions, our October 18, 1995 letter indicated that most of these were resolved or were non-critical in nature. There were only two that we deemed time-critical, and we stated our satisfaction with the progress made with respect to these since the State was actively working to resolve our issues when we sent our October 18, 1995 letter.

(6) *Comment:* One commenter refers to our October 18, 1995 letter and points out that this letter sets out four conditions that Utah would have to meet under the terms of the attainment date extensions and says that the agency has failed to demonstrate that those conditions have been fully met.

Response: Although these four comments were referred to as conditions in our letter to Utah, these conditions are not required under the statute or in our policy in order for an area to receive an attainment date extension. Thus, we believe these ''conditions'' are irrelevant to our action here in granting such extensions. Nonetheless, we believe Utah substantially met these conditions as described elsewhere in this document.

(7) *Comment:* One commenter states that we must announce that both nonattainment areas are reclassified to serious because they failed to attain the PM_{10} NAAQS by the December 31, 1994 attainment date.

Response: We are not reclassifying either Salt Lake County or Utah County to serious nonattainment because, as this action explains, these areas qualified for attainment date extensions and subsequently attained by the extended attainment dates. The action to extend the attainment dates for these areas is being finalized in this action.

IV. 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 a state request as meeting federal requirements and imposes no requirements. 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 does not impose any enforceable duty, 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). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or

on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state request for an attainment date extension, 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.

Because EPA's role concerning today's action is only to approve a state request for an attainment date extension, provided that such request meets the criteria of the Clean Air Act, and to make determinations required of EPA by the CAA, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note), relating to the use of voluntary consensus standards, 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 July 18, 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 August 17, 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, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: June 6, 2001.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

40 CFR part 52, of chapter I, title 40 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart TT—Utah

2. Section 52.2322 is added to read as follows:

§ 52.2322 Extensions.

* * * * *

(a) The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, extends for one year (until December 31, 1995) the attainment date for the Salt Lake County PM_{10} nonattainment area. The Administrator, by authority delegated under section 188(d) of the Clean Air Act, as amended in 1990, extends for two years (until December 31, 1996) the attainment date for the Utah County PM_{10} nonattainment area.

(b) [Reserved]

[FR Doc. 01–15031 Filed 6–15–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MT–001–0024, MT–001–0025, MT–001–0026; FRL–6986–1]

Clean Air Act Approval and Promulgation of Air Quality Implementation Plan; Montana; East Helena Lead State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is partially approving and partially disapproving the East Helena Lead (Pb) State Implementation Plan (SIP) revisions submitted by the Governor of Montana on August 16, 1995, July 2, 1996, and October 20, 1998. The EPA is partially approving and partially disapproving these SIP revisions because, while they strengthen the SIP, they also do not fully meet the Act's provisions regarding plan requirements for nonattainment areas. The intended effect of this action is to make federally enforceable those provisions that EPA is partially approving, and *not* make federally enforceable those provisions that EPA is partially disapproving. The EPA is taking this action under sections 110, 179, and 301 of the Clean Air Act (Act).

EFFECTIVE DATE: This final rule is effective July 18, 2001.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado, 80202 and copies of the Incorporation by Reference material at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Copies of the State documents relevant to this action are available for public inspection at the Montana Department of Environmental Quality, Air and Waste Management Bureau, 1520 E. 6th Avenue, Helena, Montana 59620.

FOR FURTHER INFORMATION CONTACT: Kerri Fiedler, EPA, Region VIII, (303) 312–6493 or Laurie Ostrand, EPA, Region VIII, (303) 312–6437.

SUPPLEMENTARY INFORMATION:

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Definitions

For the purpose of this document, we are giving meaning to certain words as follows:

(i) The words or initials Act or CAA mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words EPA, we, us or our mean or refer to the United States Environmental Protection Agency.

(iii) The initials Pb mean or refer to the element lead.

(iv) The initials MDEQ mean or refer to the Montana Department of Environmental Quality.

(v) The initials SIP mean or refer to State Implementation Plan.

(vi) The words State or Montana mean the State of Montana, unless the context indicates otherwise.

I. Background

On November 6, 1991 (56 FR 56694), we designated the East Helena area as nonattainment for Pb. This designation was effective on January 6, 1992 and required the State to submit a part D SIP by July 6, 1993. On August 16, 1995, July 2, 1996 and October 20, 1998 the Governor of Montana submitted SIP revisions to meet the part D SIP requirements. We proposed to partially approve and partially disapprove the State's submittals on October 10, 2000 (65 FR 60144). Refer to the October 10, 2000 proposed rulemaking for a complete discussion of our review of the State submittals.

On November 27, 2000, the Governor of Montana submitted additional revisions to the East Helena Pb SIP. We are addressing the November 27, 2000 submittal in a separate action published today. See discussion below in section II.E.

II. EPA's Action on the State of Montana's Submittal

A. Why Is EPA Partially Approving Parts of the State of Montana's Plan?

In our October 10, 2000 proposed rulemaking, we proposed to partially approve the East Helena Pb SIP revisions. Apart from comments suggesting we fully approve the plan, we did not receive any adverse comments on our proposal to partially approve the SIP. We still believe it is appropriate to partially approve the SIP. See our proposed rulemaking action (65 FR 60144) for a more detailed discussion of our evaluation of the State's submittal.

Apart from those provisions we are disapproving, we are approving all other provisions of the SIP. We are approving the other parts of the SIP because we believe they meet our SIP approval criteria and provide enforceable emission limitations on Pb sources in East Helena. We caution that if sources are subject to more stringent requirements under other provisions of the Act (e.g., section 111, part C, or SIP-approved permit programs under part A), our partial approval of the SIP (including emission limitations and other requirements), would not excuse sources from meeting these other, more stringent requirements. Also, our partial approval of the SIP is not meant to imply any sort of applicability determination under other provisions of the Act (e.g., section 111, part C, or SIP-approved permit programs under part A).

B. Why Is EPA Partially Disapproving Parts of the State of Montana's Plan?

In our October 10, 2000 proposed rulemaking, we proposed to partially disapprove portions of the East Helena Pb SIP. We have considered the comments received and still believe we should partially disapprove the SIP as proposed. We refer the reader to the comments received and our responses in section III, below.

We are partially disapproving the SIP revisions, because they do not fully meet the Act's provisions regarding plan submissions and requirements for nonattainment areas. The current version of East Helena's Pb SIP does not entirely conform to the requirement of section 110(a)(2) of the Act that SIP limits must be enforceable nor to the requirement of section 110(i) that the SIP can be modified only through the SIP revision process. In a March 24, 1998 letter to MDEQ, we raised concerns about places in the stipulation where MDEQ has the discretion to modify existing provisions or add future documents or compliance monitoring methods to the Pb SIP. The stipulations did not make clear whether any of these changes would be submitted as SIP revisions or by any other process for us to review and approve. We indicated that, in places where the stipulation allowed MDEQ to exercise discretion, the words ''and EPA'' must be added. The State did not revise the SIP to address our concerns and in a November 16, 1999 letter to us the MDEQ indicated that the department discretion issues would be addressed at a later date. We are partially disapproving the SIP because of the provisions that allow department discretion and two other provisions that contain enforceability issues related to a test method.

The conditions allowing department discretion are discussed in Table 1 below:

TABLE 1.—DEPARTMENT DISCRETION

Provision No.	Description
Asarco Stipulation Provision 15 and American Chemet Stipulation Provision 20.	Indicates that stipulations may be modified when sufficient grounds exist. For example, if the State demonstrates through modeling or other means that an alternative plan could still meet the NAAQS, the plan could be modified. Although our March 24, 1998 letter may have indicated that these provisions would be acceptable if MDEQ could confirm our interpretations, we now believe that these provisions need to be revised in the same way that the State revised similar provisions in stipulations in the Billings SIP.
Asarco Stipulation Provision 16	Indicates that revisions to attachments of the stipulation can be made, once approved by MDEQ. The stipulation does not make clear whether MDEQ approval means that the revised attachments will be deemed incorporated in to the SIP. We believe that, since the attachments are a part of the SIP and pertain mostly to enforceability provisions, any revision to an attachment should be evaluated for significance [1] and if determined to be significant, the revision must be approved as a SIP revision or approved through title Title V process.[2] We suggested to MDEQ that where the ''Department'' appears in the stipulations ''and EPA'' should be added.
Asarco Exhibit A, Section 6	References Attachment 6, ''Quality Assurance/Quality Control (QA/QC) and Standard Operating Procedures (SOP) for Continuous Opacity Monitoring Systems.'' Any revision to an attachment and provision should be evaluated for significance [3], and if determined to be significant, the revision must be approved as a SIP revision or approved through the Title V process. EPA has suggested to MDEQ that where ''the Department'' appears in the stipulations ''and EPA'' should be added.

TABLE 1.—DEPARTMENT DISCRETION—Continued

Provision No.	Description
Asarco Exhibit A, Section 7(A)(2)	Indicates that certain test methods are to be used, or other methods as approved by MDEQ. Any revision to a testing method or provision should be evaluated for significance [4], and it determined to be significant, the revision must be approved as a SIP revision or approved through the Title V process. EPA has suggested to MDEQ that where ''the Department'' appears in the stipulations ''and EPA'' should be added.
Asarco Exhibit A, Section 11(c)	Indicates that if the Baghouse Maintenance Plan, (Attachment 7), is revised it needs to be reviewed and approved by MDEQ. Any revision to an attachment should be evaluated for significance [5], and if determined to be significant, the revision must be approved as a SIP revision or approved through the Title V process. EPA has suggested to MDEQ that where ''the Department'' appears in the stipulations ''and EPA'' should be added.
Asarco Exhibit A, Section 12(A)(7)	Indicates that the Baghouse Maintenance Plan, (Attachment 7), will need further revisions. Once revised, it will be reviewed and approved by MDEQ. Any revision to an attachment should be evaluated for significance [6], and if determined to be significant, the revision must be approved as a SIP revision or approved through the Title V process. EPA has suggested to MDEQ that where ''the Department'' appears in the stipulations ''and EPA'' should be added.
Asarco Exhibit A, Section 12(B)	Indicates that if attachments are revised they need to be reviewed and approved by MDEQ. Any revision to an attachment should be evaluated for significance [7], and if determined to be significant, the revision must be approved as a SIP revision or approved through the Title V process. EPA has suggested to MDEQ that where ''the Department'' appears in the stipulations ''and EPA'' should be added.

[1] ''Evaluated for significance'' means that the State must submit to us all modifications to the SIP text (including minor and clerical corrections or modifications) and all MDEQ approvals of alternative requirements and methodologies. If the modification to the text or alternative requirement or methodology is proposed as a ''minor modification'' (or clerical correction) we will inform the State, within 45 days from the date of submittal, of our determination whether the modification or alternative is major or minor, and if it is minor, of our approval of the modification or alternative. (We caution that our failure to make such determination within 45 days does not mean that the modification or alternative is either minor or approved.) If we do not approve the modification of text, alternative requirement, or alternative methodology as minor, the State must adopt the modification as a SIP revision in accordance with section 110(a)(2) of the Act and submit it to us for approval. We will then act on the SIP revision in accordance with the provision of Title I of the Act, pursuant to notice and comment rulemaking.

[2] As indicated in our March 24, 1998 letter, to use the Title V approach, the stipulation or SIP document must contain enabling language that would allow the SIP to be revised through the Title V permit process. Our March 5, 1996 memorandum, ''White Paper Number 2 for Improved Implementation of the Part 70 Operating Permits Program,'' (White Paper) suggests enabling language in Attachment B.II. The White Paper (section II.A and Attachment A) discusses the streamlining process that must be followed in order to revise SIPs through the Title V permit. Note, however, that until the State is actually issuing Title V permits for these sources, a source-specific SIP revision would be necessary.

[3] See footnote 1 above.

[4] See footnote 1 above.

[5] See footnote 1 above.

[6] See footnote 1 above.

[7] See footnote 1 above.

In addition to the department discretion issues, we believe that sections 2(A)(22), 2(A)(28), and 5(G)[8] of Asarco Exhibit A, contain enforceability problems. These sections, which discuss how moisture content and silt content will be determined, indicate that sampling will be performed by specified methods or ''equivalent'' methods. The definition is not clear as to who will determine that the ''equivalent'' methods are acceptable. Any revision to a testing method or provision should be evaluated for significance and if determined to be significant, the revision must be approved as a SIP revision or approved through the Title V process. (See footnote 1 above.)

Because these provisions could allow changes in requirements without EPA and public review or EPA approval, and could allow use of test methods not accepted by us, the East Helena Pb SIP revisions present Federal enforceability issues and thus fail to comply with the general enforceability requirements of section 172(c)(6) of the Act. Therefore, we are partially approving and partially disapproving the Pb SIP revision under section 110(k)(3) of the Act. With this partial approval and partial disapproval, we are incorporating into the federally approved SIP all provisions of the stipulation, exhibits, and attachments except those provisions that allow the Department or sources to modify the SIP without seeking SIP approval through us. (Please see Section IV (''Summary of EPA's Final Action'') below.) We note that portions of the SIP we are approving indicate that under certain circumstances Asarco may need to revise attachments to Exhibit A. Since we are not approving the Department's discretion to allow these revisions unilaterally, we interpret these provisions to mean that revisions of the attachments for Exhibit A will be adopted at the State level and submitted as a SIP revision to us for approval. Additionally, we do not believe that our disapproval of the above-mentioned provisions would render the SIP more stringent than the State of Montana intends, since our action does not change the stringency of any of the substantive requirements the State of Montana has imposed and is currently able to enforce through the SIP.

[8] In our October 10, 2000 proposal notice we identifiefd concerns with only sections 2(A)(22) and 2(A)(28) and not section 5(G). However, since the proposal notice we have found the same concern in 5(G) as in the other sections.

C. What Happens When EPA Partially Approves and Partially Disapproves the State of Montana's Plan?

By partially approving the SIP, we are making the approved portions of the State's submittal federally enforceable (and enforceable by citizens under the Act). Those portions of the SIP that we disapprove are not made federally enforceable. We believe that the approved portions of the East Helena Pb SIP, except for those provisions that we are disapproving, satisfy the Act's criteria for Pb nonattainment SIPs. Even though we are disapproving portions of the SIP, the State is not required to revise the SIP to fully meet the Act's Pb nonattainment requirements. Therefore, because the State is not required to complete any further SIP revisions as a result of the partial disapproval, sanctions and Federal Implementation Plan (FIP) clocks under sections 179(a)

and 110(c), respectively, will not be started by our partial disapproval of the East Helena Pb SIP.

D. Miscellaneous

Under section 179(c)(1), we have the responsibility for determining whether a nonattainment area has attained the Pb NAAQS. We must make an attainment determination as expeditiously as practicable, but no later than 6 months after the attainment date for the area. The attainment date for East Helena was January 6, 1997. We make the attainment determination for a nonattainment area based solely on an area's air quality data.[9] Based on the air quality data currently in the AIRS database and pursuant to section 179(c)(1) of the Act, we have determined that the East Helena Pb nonattainment area has attained the Pb NAAQS through calendar year 1999.

While we may determine that an area's air quality data indicate that the area is meeting the Pb NAAQS for a specified period of time, this does not eliminate the State's responsibility under the Act to continue to implement the requirements of the approved Pb SIP. Even if we determine that an area has attained the standard, the area will remain designated as nonattainment until the State has requested, and we approve the State's request, for redesignation to attainment. In order for an area to be redesignated to attainment, the State must comply with the requirements provided in sections 107(d)(3)(E) and 172(a) of the Act.

Finally, in our notice of proposed rulemaking we proposed certain regulatory text. We noted an error in our proposed regulatory text and in this final action are correcting that error. Specifically, in the proposed regulatory text at § 52.1370(c)(51)(i)(A) we indicated that we were incorporating by reference the stipulation, exhibit A and attachments (excluding certain provisions) adopted by Board order on August 28, 1998. We believe we should not have included exhibit A and attachments, because a closer look at the August 28, 1998 Board order indicates that it is incorporating changes made only in ''the attached stipulation.'' The ''attached stipulation'' shows changes in the 1996 stipulation and does not include exhibit A or attachments. Also at § 52.1370(c)(51)(i)(B) we indicated that we were incorporating by reference the stipulation, exhibit A and attachments (excluding certain provisions) adopted by Board order on June 21, 1996. The excluded provisions should have included both those identified in § 52.1370(c)(51)(i)(B) and those identified in § 52.1370(c)(51)(i)(A). We have corrected this by moving exclusions identified in § 52.1370(c)(51)(i)(A) in the notice of proposed rulemaking to § 52.1370(c)(51)(i)(B) in this notice of final rulemaking. We also have removed § 52.1370(c)(51)(ii)(D) and § 52.1370(c)(51)(ii)(E) from our notice of proposed rulemaking in response to comments. Please see section III, ''What Comments Were Received on EPA's Proposed Action and How Is EPA Responding to Those Comments?'' The final regulatory text at the end of this notice has been revised to incorporate the changes mentioned above.

[9] See Guidance Memorandum from Sally L. Shaver, Director, Office of Air Quality Planning and Standards, OAQPS, to Regional Air Division Directors, entitled ''Attainment Determination Policy for Lead Nonattainment Areas,'' dated June 22, 1995.

E. Why Is EPA Completing a Separate Direct Final Rulemaking on the East Helena Lead SIP?

Subsequent to our October 10, 2000 proposed rulemaking, the State of Montana submitted another revision to the East Helena Pb SIP. We believe the revisions submitted on November 27, 2000 are minor, and we have completed a direct final rulemaking to approve them into the SIP (see the separate direct final rulemaking on the East Helena Pb SIP also published in today's edition of the **Federal Register**). Since the State revised portions of the plan on which we proposed action, we believe we should act on the new provisions at the same time we take final action on our proposed rulemaking so that the end result will be a federally approved plan that is consistent with the current State plan (except for those provisions of the plan that we are partially disapproving).

III. What Comments Were Received on EPA's Proposed Action and How Is EPA Responding to Those Comments?

We proposed to partially approve and partially disapprove the SIP due to concerns about various provisions in the SIP that allow department discretion to alter the SIP. We received two comments opposing our proposed action to partially approve and partially disapprove the SIP due to department discretion. We have considered the comments received and believe it is still appropriate to partially disapprove the SIP as submitted. In addition, we received two comments pertaining to the regulatory text we had proposed at the end of our notice and the appropriateness of incorporating certain documents under the ''additional material'' section. We have considered the comments we received and have revised our proposed regulatory text somewhat. The following is a summary of the comments we received and our response to the comments:

(1) *Comment:* We received two comments concerning our position on department discretion, claiming that future changes to equipment and processes will contravene the specific language of the SIP but will have no direct effect on the facility's emissions or the State's attainment demonstration. The commenters believe that the State should be able to make these changes without triggering the SIP review process and that the foundation of the Act is a partnership between EPA and the State which assigns primary responsibility to the State for ensuring compliance with the National Ambient Air Quality Standards (NAAQS). In addition, one of the commenters believes that the Act allows us to call for a SIP revision (a ''SIP Call'' under section 110(k)(5) of the Act) when the State's exercise of that discretion weakens the SIP.

Response: Section 110(i) of the Act (42 U.S.C. 7410(i)) prohibits States and EPA, except in certain limited circumstances, which do not apply to the East Helena Pb SIP, from taking any action to modify a requirement of a SIP except by SIP revisions. We do not agree that Montana or EPA should be free to make changes to SIPs that may contravene the specific language of the SIP but have no direct effect on the facility's emissions or the State's attainment demonstration. Section 110(i) by its terms requires that changes in SIP requirements must be made by the SIP revision process. That process gives the public the opportunity to review and comment on the reasonableness and adequacy of the requirements that are to be imposed, and gives us an opportunity to review all changes. Also, we do not find a SIP Call to be a satisfactory alternative. We believe we should address the question of appropriate SIP revisions in advance rather than waiting to determine that a State's exercise of a department discretion has weakened the SIP.

(2) *Comment:* We received a comment in regard to the Montana Board of Environmental Review approving a new SIP revision in September 2000, which had not yet been submitted to EPA for review and approval. Because the version of the SIP proposed in our rulemaking (See 65 FR 60144) is different than the current SIP enforced by the State, we were asked to defer our final approval until the most recent Pb SIP revision could be included.

Response: Elsewhere in today's **Federal Register**, we are acting on the

subsequent SIP revision to approve the submittal as a direct final rule.

(3) *Comment:* We received two comments concerning our proposed language in 40 CFR 52.1370(c)(51)(ii) that would include two Montana Air Quality Permits and two letters from MDEQ to EPA Region 8. The two commenters are concerned that, if they are included as ''additional material'' in the regulatory text of the Montana SIP, any change to the conditions, provisions, and limitations contained in the two permits identified in 40 CFR 52.1370(c)(51)(ii), could only be accomplished via the SIP revision process.

Response: We agree with the comments in regard to the proposed language in 40 CFR 52.1370(c)(51)(ii) concerning the two Montana Air Quality Permits. In the final rule we are removing the Montana Air Quality Permits from the proposed language in 40 CFR 52.1370(c)(51)(ii). The two letters from MDEQ to EPA Region 8, however, should remain a part of the additional material. These letters were submitted to us by MDEQ to help us interpret portions of the East Helena Pb SIP and are key to our decision to partially approve and partially disapprove the East Helena Pb SIP.

(4) *Comment:* One commenter questioned whether the existing language in the Asarco stipulation is sufficient to enable adopting equivalent alternative requirements in the Pb SIP through the Title V process. The language in the SIP reads:

> The requirements of this Stipulation may also be modified by equivalent alternative requirements implemented through the state operating permit program under authorization of Title V of the Federal Clean Air Act. The procedures for implementing equivalent alternative requirements must meet federal requirements for modifications of SIPs through the state operating permits. Equivalent alternative requirements may be adopted only after a demonstration that their adoption will assure attainment and maintenance of the NAAQS.

Response: We do not believe that the existing enabling language is sufficient to revise the Pb SIP through the Title V process. We believe that, at a minimum, the enabling language should include procedures to make sure that any SIP revisions through the Title V process follow the significant permit revisions process; satisfy the provisions and terms of 40 CFR 70.6(a)(1)(iii); and establish procedures for determining equivalency. In addition, the enabling language should indicate which provisions of the Pb SIP can be revised through the Title V permit process.

(5) *Comment:* We received one comment requesting clarification regarding the process for obtaining EPA approval for changes in the department discretion provisions. The commenter read the **Federal Register** notice, in light of the Technical Support Document, to provide that: (1) All modifications to SIP text and MDEQ approval of alternative requirements and methodologies must be submitted to EPA; (2) EPA will determine, for each submittal, whether the modification is a minor modification and notify the MDEQ of its determination within 45 days; (3) if the change is not approved as minor, it must be approved as a SIP revision; provided, however, that if the SIP is amended to allow it, non-minor changes may be approved, in the alternative, through the Title V permit process. The commenter asked that we confirm whether or not this understanding is accurate and that we clarify what standard will be applied to determine whether a proposed change is a minor modification.

Response: The commenter's understanding is correct and is consistent with footnotes 1 and 2 of this document. We intend to use the March 30, 1993 memorandum from Gilbert H. Wood, Chief, Emissions Measurement Branch, Office of Air Quality Planning and Standards, to the Emission Measurement Branch, entitled ''Handling Requests for Minor/Major Modifications/Alternative Testing and Monitoring Methods or Procedures Approvals and Disapprovals' (the Gil Wood memo) for determining whether a proposed change is a minor modification, at least until the Gil Wood memo is superceded by more current guidance. We will include a copy of the Gil Wood memo in the docket for this SIP action.

IV. Summary of EPA's Final Action

After reviewing the comments received we still believe it is appropriate to partially approve and partially disapprove the East Helena Pb SIP. Apart from those provisions we are disapproving, we are approving all other aspects of the East Helena Pb SIP. The specific provisions we are disapproving pertain to department discretion provisions in the SIP or provisions that allow sources to modify certain aspects of the plan.

We are disapproving the following phrases, words, or section in exhibit A of the stipulation by the MDEQ and Asarco adopted by order issued on June 21, 1996, by the Montana Board of Environmental Review:

(1) The words, ''or an equivalent procedure'' in the second and third sentences in section 2(A)(22) of exhibit A;

(2) The words, ''or an equivalent procedure'' in the second and third sentences in section 2(A)(28) of exhibit A;

(3) The words, ''or an equivalent procedure'' in the second sentence in section 5(G) of exhibit A;

(4) The sentence, ''Any revised documents are subject to review and approval by the Department as described in section 12,'' from section 6(E) of exhibit A;

(5) The words, ''or a method approved by the Department in accordance with the Montana Source Testing Protocol and Procedures Manual shall be used to measure the volumetric flow rate at each location identified,'' in section 7(A)(2) of exhibit A;

(6) The sentence, ''Such a revised document shall be subject to review and approval by the Department as described in section 12,'' in section 11(C) of exhibit A;

(7) The sentences, ''This revised Attachment shall be subject to the review and approval procedures outlined in section 12(B). The Baghouse Maintenance Plan shall be effective only upon full approval of the plan, as revised. This approval shall be obtained from the Department by January 6, 1997. This deadline shall be extended to the extent that the Department has exceeded the time allowed in section 12(B) for its review and approval of the revised document,'' in section 12(A)(7) of exhibit A;

(8) Section 12(B) of exhibit A.

We are disapproving paragraphs 15 and 16 of the stipulation by the MDEQ and Asarco adopted by order issued on June 21, 1996 by the Montana Board of Environmental Review.

We are disapproving paragraph 20 of the stipulation by the MDEQ and American Chemet adopted by order issued on August 4, 1995 by the Montana Board of Environmental Review.

We are also correcting and modifying the proposed regulatory text as indicated in sections II.D and II.E above.

Finally, pursuant to section 179(c)(1), we are determining that the East Helena nonattainment area has attained the Pb NAAQS. As indicated above, this does not eliminate the State's responsibility under the Act to continue to implement the requirements under the approved Pb SIP. Even if we determine that an area has attained the standard, the area will remain designated as nonattainment until the State has requested, and we approve the State's request for, redesignation to attainment.

We caution that if sources are subject to more stringent requirements under other provisions of the Act (e.g., section 111, part C, or SIP approved permit programs under part A), our partial approval of the SIP (including emission limitations and other requirements), would not excuse sources from meeting those other, more stringent requirements. Also, our partial approval of the SIP is not meant to imply any sort of applicability determination under other provisions of the Act (e.g., section 111, part C, or SIP approved permit programs under part A).

V. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 13045

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

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

C. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

D. Executive Order 13175

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

This final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, 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 in Executive Order 13175. This action does not involve or impose any requirements that affect Indian Tribes. Thus, Executive Order 13175 does not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This partial approval rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and 301 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

Moreover, EPA's partial disapproval rule will not have a significant impact on a substantial number of small entities because the partial disapproval action affects only two sources of air pollution in East Helena, Montana: Asarco and American Chemet. Only a limited number of sources are impacted by this action. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities. Furthermore, as explained in this action, the submission does not meet the requirements of the Clean Air Act and EPA cannot approve the submission. EPA has no option but to partially disapprove the submittal. The partial disapproval will not affect any existing State requirements applicable to the entities. Federal disapproval of a State submittal does not affect its State enforceability.

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that

may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the partial approval and partial disapproval actions promulgated do not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action partially approves and partially disapproves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, however, exempts from section 801 the following types of rules: Rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability.

H. National Technology Transfer and Advancement Act

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

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. Petitions for Judicial Review

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 August 17, 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, Incorporation by reference, Intergovernmental relations, Lead, Reporting and recordkeeping requirements.

Dated: May 16, 2001.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

Part 52, Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart BB—Montana

2. Section 52.1370 is amended by adding paragraph (c)(51) to read as follows:

§ 52.1370 Identification of plan.

* * * * *

(c) * * *

(51) The Governor of Montana submitted the East Helena Lead SIP revisions with letters dated August 16, 1995, July 2, 1996, and October 20, 1998. The revisions address regulating lead emissions from Asarco, American Chemet, and re-entrained road dust from the streets of East Helena.

(i) Incorporation by Reference.

(A) Board order issued on August 28, 1998, by the Montana Board of Environmental Review adopting and incorporating the August 13, 1998 stipulation of the Montana Department of Environmental Quality and Asarco.

(B) Board order issued on June 26, 1996, by the Montana Board of Environmental Review adopting and incorporating the June 11, 1996 stipulation of the Montana Department of Environmental Quality and Asarco including exhibit A and attachments to the stipulation, excluding paragraphs 15 and 16 of the stipulation, and excluding the following:

(1) The words, ''or an equivalent procedure'' in the second and third sentences in section 2(A)(22) of exhibit A;

(2) The words, ''or an equivalent procedure'' in the second and third sentences in section 2(A)(28) of exhibit A;

(3) The words, ''or an equivalent procedure'' in the second sentence in section 5(G) of exhibit A;

(4) The sentence, ''Any revised documents are subject to review and approval by the Department as described in section 12,'' from section 6(E) of exhibit A;

(5) The words, ''or a method approved by the Department in accordance with the Montana Source Testing Protocol and Procedures Manual,'' shall be used to measure the volumetric flow rate at each location identified in section 7(A)(2) of exhibit A;

(6) The sentence, ''Such a revised document shall be subject to review and approval by the Department as described in section 12,'' in section 11(C) of exhibit A;

(7) The sentences, ''This revised Attachment shall be subject to the review and approval procedures outlined in section 12(B). The Baghouse Maintenance Plan shall be effective only upon full approval of the plan, as revised. This approval shall be obtained from the Department by January 6, 1997. This deadline shall be extended to the extent that the Department has exceeded the time allowed in section 12(B) for its review and approval of the revised document,'' in section 12(A)(7) of exhibit A;

(8) Section 12(B) of exhibit A.

(C) Board order issued on August 4, 1995, by the Montana Board of Environmental Review adopting and incorporating the June 30, 1995 stipulation of the Montana Department of Environmental Quality and American Chemet including exhibit A to the stipulation, excluding paragraph 20 of the stipulation.

(ii) Additional material.

(A) All portions of the August 16, 1995 East Helena Pb SIP submitted other than the orders, stipulations and exhibit A's and attachments to the stipulations.

(B) All portions of the July 2, 1996 East Helena Pb SIP submitted other than

the orders, stipulations and exhibit A's and attachments to the stipulations.

(C) All portions of the October 20, 1998 East Helena Pb SIP submitted other than the orders, stipulations and exhibit A's and attachments to the stipulations.

(D) November 16, 1999 letter from Art Compton, Division Administrator, Planning, Prevention and Assistance Division, Montana Department of Environmental Quality, to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII.

(E) September 9, 1998 letter from Richard A. Southwick, Point Source SIP Coordinator, Montana Department of Environmental Quality, to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII.

[FR Doc. 01–15142 Filed 6–15–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SIP NO. MT–001–0030a; FRL–6985–8]

Clean Air Act Approval and Promulgation of Air Quality Implementation Plan; Montana; East Helena Lead State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is taking direct final action approving revisions to the East Helena Lead (Pb) State Implementation Plan (SIP) submitted by the Government of Montana on November 27, 2000. The revisions make minor modifications to Asarco's control strategy in the Pb SIP. The intended effect of this action is to make the revisions federally enforceable. The EPA is taking this action under sections 110 and 301 of the Clean Air Act (Act).

DATES: This rule is effective on August 17, 2001. without further notice, unless EPA receives adverse comment by July 18, 2001. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado, 80202 and copies of the Incorporation by Reference material are available at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Copies of the State documents relevant to this action are available for public inspection at the Montana Department of Environmental Quality, Air and Waste Management Bureau, 1520 E. 6th Avenue, Helena, Montana 59620.

FOR FURTHER INFORMATION CONTACT: Kerri Fiedler, EPA, Region VIII, (303) 312–6493 or Laurie Ostrand, EPA, Region VIII, (303) 312–6437.

SUPPLEMENTARY INFORMATION:

Definitions

For the purpose of this document, we are giving meaning to certain words as follows:

(i) The words or initials Act of CAA mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words EPA, we, us or our mean or refer to the United States Environmental Protection Agency.

(iii) The initials Pb mean or refer to the element lead.

(iv) The initials MDEQA mean or refer to the Montana Department of Environmental Quality.

(v) The initials SIP mean or refer to State Implementation Plan.

(vi) The words State or Montana mean the State of Montana, unless the context indicates otherwise.

Background

On November 6, 1991 (56 FR 56694), we designated the East Helena area as nonattainment for Pb. This designation was effective on January 6, 1992 and required the State to submit a Part D SIP by July 6, 1993. On August 16, 1995, July 2, 1996 and October 20, 1998 the Governor of Montana submitted SIP revisions to meet the Part D SIP requirements. On October 10, 2000 (65 FR 60144) we proposed to partially approve and partially disapprove these State submittals. In a separate action published today we are finalizing our proposal to partially approve and partially disapprove the State submittals.

Subsequent to our October 10, 2000 proposed rulemaking, the State of Montana submitted another revision to the East Helena Pb SIP on November 27, 2000. Since the State's November 27, 2000 submittal revises portions of the plan on which we proposed action, we believe we should act on the new provisions at the same time we take final action on our proposed rulemaking, so that the end result will be a federally approved plan that is consistent with the current State plan (except for those provisions of the plan that we are partially disapproving in a separate action published today).

Review of State's November 27, 2000 Submittal

With the November 27, 2000 submittal, the State is revising the control strategy for the Asarco lead smelter in East Helena, Montana, by removing reference to the Pb bullion granulating process in the Dross Building from the control plan and by renaming several emission points and a process vessel at the Asarco facility. The revisions were effective at the State level on September 15, 2000.

Pb Granulating Process Changes

When the State developed the Pb SIP for East Helena (SIP submitted on August 16, 1995), at the request of Asarco, the SIP referenced a new granulating technology in the Dross Building. We proposed approval of this SIP on October 10, 2000 (65 FR 60144). Subsequently, Asarco found that the granulating technology did not work well and discontinued its use, reverting back to conventional drossing technology in 1997. The MDEQ has concluded that discontinuing the granulating technology and reverting back to the conventional technology will not change any of the inputs or assumptions in the modeling demonstration used to demonstrate compliance with the National Ambient Air Quality Standards (NAAQS) for Pb in East Helena. Additionally, the MDEQ has concluded that changing the drossing process will not have an effect on actual levels of fugitive Pb emissions from the Dross Plant building or on actual levels of Pb emissions from the Dross Plant baghouse stack. The MDEQ reached these conclusions based on the following information:

- The subject drossing activities are conducted entirely within the Dross Plan building;
- The Dross Plant building is completely enclosed and ventilated to the Dross Plant baghouse;
- There will be no change in the fugitive emission rate with the conventional technology; and
- There will be no change in emissions from the Dross Plant baghouse stack.

We have reviewed the MDEQ's conclusions and supporting documentation; we agree that there will be no change in levels of emissions from

the Dross Plant building or Dross Plant baghouse stack and no changes in the inputs and assumptions used in the Pb NAAQS attainment demonstration. Therefore, we are approving the revisions to the SIP that remove all references to the granulating process in the Dross Plant. The specific sections of exhibit A to Asarco's stipulation that are being revised thus include: Sections 3(A)(12)(a), 3(A)(12)(p), 3(A)(12)(q), 3(A)(12)(r), and 5(G)(4). These revisions, which became effective on September 15, 2000, replace the same numbered sections in previously approved SIP revisions.

Renaming of Emission Points and Process Vessel

The November 27, 2000 submittal also renamed two emission points and a process unit to better reflect the current configuration of Asarco's East Helena facility. All references to the ''Crushing Mill Baghouses # 1 and #2'' and ''Crushing Mill Baghouse Stacks #1 and #2'' have been replaced with ''Sinter Plant Roof Baghouses #7 and #8.'' We understand that there is no change in emissions from or in waste gas streams vented to these baghouses. We are approving the renaming of these baghouses. The specific sections of exhibit A to Asarco's stipulation that are being revised to reflect the new baghouse names include: sections 1(B)(4), 1(B)(5), 3(A)(3), 3(A)(4), 3(A)(16)(a), 5(D)(1), 5(D)(2), 8(A)(3), 9(B)(2), and 9(B)(3). These revisions, which became effective on September 15, 2000, replace the same numbered sections in previously approved SIP revisions.

Finally, the November 27, 2000 submittal also renamed the ''60-ton kettle'' in the Dross Plant to the ''#4 kettle.'' Again, this was done to better represent the current configuration at the Asarco facility. We understand that there is no change in emissions from the ''60-ton kettle.'' We are approving the renaming of the ''60-ton kettle'' to the ''#4 kettle.'' The specific sections of exhibit A to Asarco's stipulation that are being revised to reflect the new kettle name include: sections 3(A)(12)(a), 3(A)(12)(i), 3(A)(12)(m), 3(A)(12)(o) and 3(A)(12)(p). These revisions, which became effective on September 15, 2000, replace the same numbered sections in previously approved SIP revisions.

II. Final Action

We are approving the State's November 27, 2000 submittal, which revised the part of the control strategy related to the Asarco Pb smelter by removing references to the Pb bullion granulating process (in the Dross Plant) and by renaming several emission points and a process vessel at the Asarco facility. The specific sections of exhibit A to Asarco's stipulation that are being revised include: 1(B)(4), 1(B)(5), 3(A)(3), 3(A)(4), 3(A)(12)(a), 3(A)(12)(i), 3(A)(12)(m), 3(A)(12)(o), 3(A)(12)(p), 3(A)(12)(q), 3(A)(12)(r), 3(A)(16)(a), 5(D)(1), 5(D)(2), 5(G)(4), 8(A)(2), 8(A)(3), 9(B)(2), and 9(B)(3). These revisions, which became effective on September 15, 2000, replace the same-numbered sections in previously approved SIP revisions.

We caution that if Asarco is subject to more stringent requirements under other provisions of the Act (*e.g.,* section 111, Part C, or SIP-approved permit programs under Part A), our approval of this SIP revision would not excuse Asarco from meeting these other more stringent requirements. Also, our approval of this SIP revision is not meant to imply any sort of applicability determination under other provisions of the Act (*e.g.,* section 111, Part C, or SIP approved permit programs under Part A).

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments on this minor revision to the Lead SIP. However, in the ''Proposed Rules'' section of today's **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective August 17, 2001, without further notice unless the Agency receives adverse comments by July 18, 2001. If the EPA receives adverse comments, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

III. 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. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability.

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 August 17, 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, Incorporation by reference, Intergovernmental relations, Lead, Reporting and recordkeeping requirements.

Dated: May 16, 2001.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

Part 52, Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart BB—Montana

2. Section 52.1370 is amended by adding paragraph (c)(53) to read as follows:

§ 52.1370 Identification of plan.

* * * * *

(c) * * *

(53) The Governor of Montana submitted minor revisions to Asarco's control strategy in the East Helena Lead SIP on November 27, 2000.

(i) Incorporation by reference.

(A) Board order issued on September 15, 2000, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Asarco dated July 18, 2000. The July 18, 2000 stipulation revises the following sections in the previously adopted exhibit A to the stipulation: 1(B(4), 1(B)(5), 3(A)(3), 3(A)(4), 3(A)(12)(a), 3(A)(12)(i), 3(A)(12)(m), 3(A)(12)(o), 3(A)(12)(p), 3(A)(12)(q), 3(A)(12)(r), 3(A)(16)(a), 5(D)(1), 5(D)(2), 5(G)(4), 8(A),(2), 8(A)(3), 9(B)(2), and 9(B)(3). These revisions, which became effective on September 15, 2000, replace the same-numbered sections in previously approved SIP revisions.

[FR Doc. 01–15143 Filed 6–15–01; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL204–2; FRL–6998–2]

Approval and Promulgation of Air Quality Implementation Plans; State of Illinois; Oxides of Nitrogen

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On April 3, 2001, the EPA proposed to approve a draft statewide rule to control the emissions of Oxides of Nitrogen (NO_X) from Electric Generating Units (EGUs) in the State of Illinois. Illinois submitted this rule for parallel processing on October 20, 2000. The adopted rule provides NO_X emission reductions to support attainment of the one-hour ozone standard in the Metro-East/St. Louis ozone nonattainment area. In the April 3, 2001, proposed rule, EPA noted that significant changes in the rule between the version upon which EPA's proposed rule is based and the final adopted version, other than those changes resulting from issues discussed in the April 3, 2001, proposed rule, would require EPA to prepare and publish a new EPA proposed rule on Illinois' subsequent submittal of the adopted rule. Because Illinois' final rule submitted on May 8, 2001, did not contain any significant unforeseen changes, EPA is responding to public comments received in response to its proposed rule and announcing final approval of the State adopted rule.

DATES: This final rule is effective July 18, 2001.

ADDRESSES: You may obtain copies of the State Implementation Plan revision request at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please telephone John Paskevicz at (312) 886–6084 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number: (312) 886–6084, E-Mail Address: paskevicz.john@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, the terms ''you'' and ''me'' refer to the reader of this final rule and to sources subject to the State rule, and the terms ''we,'' ''us,'' or ''our'' refers to the EPA.

Table of Contents

I. Background

A. What is a State Implementation Plan (SIP)?

Section 110 of the Clean Air Act (Act or CAA) requires States to develop air pollution control regulations and strategies to ensure that state air quality meets the national ambient air quality standards (NAAQS) established by the EPA. Each State must submit the regulations and emission control strategies to the EPA for approval and promulgation into the federally enforceable SIP.

Each federally approved SIP protects air quality primarily by addressing air pollution at its points of origin. The SIPs can be and generally are extensive, containing many State regulations or other enforceable documents and supporting information, such as emission inventories, monitoring documentation, and modeling demonstrations (attainment demonstrations).

B. What is the Federal Approval Process for a SIP?

In order for State regulations to be incorporated into the federally enforceable SIP, States must formally adopt the regulations and emission control strategies consistent with State and Federal requirements. This process generally includes public notice, public hearings, public comment periods, and formal adoption by state-authorized rulemaking bodies.

Once a State rule, regulation, or emissions control strategy is adopted, the State submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the State submittal. If adverse comments are received, they must be addressed prior to any final Federal action (they are generally addressed in a final rulemaking action).

This rule was parallel processed. Parallel processing means that EPA proposes action on a State rule before it becomes final under State law. Under parallel processing, EPA takes final action on its proposal if the final, adopted state submittal is substantially unchanged from the submittal on which the proposed rule was based, or if significant changes in the final submittal are anticipated and adequately described in EPA's proposed rule or result from needed corrections determined by the State to be necessary through review of issues described in EPA's proposed rule.

All State regulations and supporting information approved by the EPA under section 110 of the Act are incorporated into the Federally approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, Part 52, titled ''Approval and Promulgation of Implementation Plans.'' The actual state regulations which are approved are not reproduced in their entirety in the CFR, but are ''incorporated by reference,'' which means that EPA has approved a given state regulation (or rule) with a specific effective date.

C. What Does Federal Approval of a State Regulation Mean to Me?

Enforcement of a State regulation before and after it is incorporated into a federally approved SIP is primarily a State responsibility. After the regulation is federally approved, however, EPA is authorized to take enforcement actions against violators. Citizens are also offered legal recourse to address violations in the Federal courts as described in section 304 of the Act.

D. What Clean Air Act Requirements Apply to or Led to the State's Submittal of the NO_X Emission Control Regulation?

Sections 108 and 109 of the Act require the EPA to establish NAAQS for certain air pollutants that cause or contribute to air pollution that is reasonably anticipated to endanger public health or welfare. In 1979, EPA promulgated an one-hour ozone standard of 0.12 parts per million (ppm) or 120 parts per billion (ppb) to protect public health. 44 FR 8202 (February 8, 1979).

Ground-level ozone is generally not directly emitted into the air by sources. Rather, Volatile Organic Compounds (VOC) and NO_X, both emitted by a wide variety of sources, react in the presence of sunlight to form additional pollutants, including ozone. NO_X and VOC are referred to as precursors of ozone.

The Act, as amended in 1990, required EPA to designate as nonattainment any area that was violating the one-hour ozone standard, generally based on air quality monitoring data from the 1987 through 1989 period. Act section 107(d)(4); 56 FR 56694 (November 6, 1991). The Act further classified these ozone nonattainment areas, based on the areas' ozone design values (generally the fourth highest daily peak one-hour ozone concentrations over a three year period at the areas' worst-case ozone monitoring sites) as marginal, moderate, serious, severe, or extreme. Marginal areas were experiencing the least significant ozone nonattainment problems (lowest ozone design values and generally fewer ozone standard exceedences per year), while the areas classified as severe and extreme had the most significant ozone nonattainment problems.

The control requirements and the dates by which attainment of the ozone standard are to be achieved vary with an area's classification. Marginal areas were subject to the fewest mandated emission control requirements and had the earliest attainment date (deadline), November 15, 1993. Moderate areas were subject to more stringent planning and emission control requirements, but were provided more time to attain the ozone standard, until November 15, 1996. Severe and extreme areas are subject to even more stringent planning and control requirements, but are also provided more time to attain the ozone standard. Serious nonattainment areas fall in between moderate nonattainment areas and severe nonattainment areas in terms of planning requirements and mandated emission control requirements.

The Metro-East/St. Louis area was classified as moderate nonattainment for ozone, giving it an attainment date of November 15, 1996. This area is defined to contain Madison, Monroe, and St. Clair Counties in Illinois (the Metro-East portion of the nonattainment area), and Franklin, Jefferson, St. Charles, and St. Louis Counties and St. Louis City in Missouri. 40 CFR 81.314 and 81.326.

The Act requires moderate and above ozone nonattainment areas to be addressed in SIPs through ozone attainment demonstrations, including adopted emission control regulations sufficient to achieve the ozone standard by the applicable ozone attainment date. The requirements of the Act for ozone attainment demonstrations for moderate and above ozone nonattainment areas are determined by considering several sections of the Act. Section 172(c)(6) of the Act requires 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. Section 172(c)(1) of the Act requires the implementation of reasonably available control measures (including Reasonably Available Control Technology [RACT]

for stationary industrial sources), and requires the SIP to provide for sufficient annual reductions in emissions of VOC and NO_X as necessary to attain the ozone standard by the applicable attainment date. Section 182(j)(1)(B) requires the use of photochemical grid modeling or other methods judged to be at least as effective to demonstrate attainment of the ozone standard in multi-state moderate ozone nonattainment areas (the Metro-East/St. Louis ozone nonattainment area is such an area). The attainment demonstrations based on photochemical grid modeling address the emission impacts of both VOC and NO_X.

The NO_X emission control regulations (collectively referred to as the NO_X rule) addressed in this final rule are intended to meet the requirements for the ozone attainment demonstration for the Metro-East/St. Louis ozone nonattainment area.

E. What Analyses and EPA Rulemaking Actions Support the Need for the NO_X Emission Control Regulation?

On October 27, 1998, the EPA promulgated a NO_X SIP call (requiring the development of NO_X SIPs and rules) for a number of states, including the State of Illinois. The NO_X SIP call requires the subject States to develop NO_X emission control regulations on a regional basis (generally statewide) of sufficient nature to provide for statewide NO_X emissions at or below prescribed state-wide NO_X emission budgets in 2007. The regional NO_X emission reductions will address ozone formation and transport in the area of the Country primarily east of the Mississippi River, but will also affect the Metro-East/St. Louis area as a whole. Although the NO_X SIP call will impact the Metro-East/St. Louis area, it should be noted that the State of Illinois has not submitted the NO_X rule reviewed here for the purpose of meeting the requirements of the NO_X SIP call. As noted by the Illinois Environmental Protection Agency (IEPA), the IEPA has submitted the NO_X rule reviewed here strictly for the purpose of attaining the one-hour ozone standard in the Metro-East/St. Louis area.

Illinois adopted NO_X rules to address the NO_X SIP call, and has submitted adopted rules for this purpose. The actions reflected in this rule in no way relate to the State's EGU NO_X rule under the NO_X SIP call. The NO_X rule reviewed here is another, separate rule affecting EGUs, and has been supplemented by the NO_X SIP call-based rules.

The State of Illinois has the primary responsibility under the Act for ensuring that all portions of Illinois meet the ozone standard, and is required to submit air quality attainment and maintenance plans that specify emission limitations, control measures, and other measures necessary for attainment, maintenance, and enforcement of the NAAQS within the State. The attainment plan for ozone must meet the CAA requirements discussed above, must be adopted pursuant to notice and comment rulemaking, and must be submitted to the EPA for approval as part of the SIP.

The States of Illinois and Missouri have worked cooperatively to provide the EPA with ozone attainment demonstrations for this area. Analyses conducted to support the attainment demonstrations for this area indicate that regional reductions in upwind NO_X emissions are needed to reduce the transport of ozone into this area and to support the adopted ozone attainment demonstrations. These regional reductions in NO_X emissions include control of NO_X emissions from EGUs in Illinois and Missouri along with control of NO_X emissions in other upwind States. The ozone attainment demonstration for Illinois (undergoing separate review by the EPA) is based, in part, on limiting NO_X emissions from EGUs throughout Illinois to an emissions rate of no higher than 0.25 pounds NO_X per million British thermal units of heat input (0.25 pounds NO_X/MMBtu of heat input) through Subpart V of Part 217 of the Illinois Pollution Control Board rule. The Missouri EGU NO_X emission rates would be limited to 0.25 pounds NO_X/MMBtu of heat input in the eastern one-third of the State and to 0.35 pounds NO_X/MMBtu of heat input in the western two-thirds of the State. For other impacting upwind States, the Illinois and Missouri ozone attainment demonstration assumes that EGU NO_X emissions would be limited to 0.25 pounds NO_X/MMBtu of heat input.

At the time the original attainment demonstrations were prepared for the Metro-East/St. Louis ozone nonattainment area (the original attainment demonstrations were reviewed by the EPA in a proposed rule on April 17, 2000, 65 FR 20404; a supplemental proposed rule was published on April 13, 2001, 66 FR 17647), the IEPA and the Missouri Department of Natural Resources (MDNR) assumed that the upwind States would be required to achieve the 0.25 pounds NO_X/MMBtu emission rate limits for EGUs (or even tighter NO_X emission limits) by May 1, 2003 based on the October 1998 NO_X SIP call. A subsequent, August 30, 2000, Court decision (*Michigan* v. *EPA, 2000 WL 1341477 (D.C.Cir.)*), supported the NO_X SIP call, but delayed its compliance date to May 31, 2004. The IEPA and MDNR have revised the ozone attainment demonstrations to reflect the delay in the upwind emission reductions and to demonstrate attainment of the one-hour standard by May 31, 2004 (a supplemental proposed rule on the revised attainment demonstrations was published on April 13, 2001 (66 FR 17647). The revised ozone attainment demonstrations continue to support the EGU 0.25 pounds NO_X/MMBtu emission limit for Illinois and the EGU 0.25/0.35 pounds NO_X/MMBtu emission limits for Missouri as being adequate to achieve attainment of the one-hour ozone standard in the Metro-East/St. Louis ozone nonattainment area.

In the April 17, 2000, proposed rule on the Illinois and Missouri ozone attainment demonstrations, the EPA proposed to approve the attainment demonstrations, but proposed to disapprove the attainment demonstrations in the alternative if the States failed to submit a proposed NO_X emission control rule for EGUs by June 2000 and final, adopted regional NO_X emission control rules for EGUs by December 2000 to support the ozone attainment demonstrations. The State of Missouri submitted its state-wide EGU NO_X regulations on June 29, 2000. The EPA proposed to approve these regulations on August 24, 2000 (65 FR 51564). The EPA gave final approval to these regulations on December 28, 2000 (65 FR 82285).

It should be noted that, on August 31, 2000 (65 FR 52967), the EPA proposed rulemaking for NO_X controls under subpart W of part 217 of Illinois' Air Pollution Control Rules. The subpart W rule was developed by the State to comply with EPA's NO_X SIP call, and will also affect sources affected by subpart V.

II. Summary of the State Submittal

A. When Was the NO_X Emission Control Regulation Submitted to the EPA?

The IEPA submitted the draft 0.25 EGU NO_X rule, Subpart V: Electric Power Generation to the EPA on October 20, 2000 and requested parallel processing. A final rule was submitted on May 8, 2001.

B. Has the Regulation Been Adopted by the State?

On October 16, 2000, the IEPA submitted the 0.25 EGU NO_X rule to the Illinois Pollution Control Board (IPCB) for the purposes of adoption by the State. The Final Opinion and Order in the Illinois regulatory proceeding was

adopted by the Illinois Pollution Control Board (IPCB) on April 5, 2001. It became effective on April 17, 2001, when it was filed with the Illinois Secretary of State. It was published in the *Illinois Register* on May 4, 2001 at 25 *Ill. Reg.* 5914. The IPCB held public hearings on this rule on November 28, 2000 and December 14, 2000.

C. What Are the Basic Components of the State's Regulation?

The rule reviewed here constitutes subpart V (Electric Power Generation) of part 217 of Illinois' Air Pollution Control Rules. (It should be noted that, on August 31, 2000 (65 FR 52967), the EPA proposed rulemaking for NO_X controls under subpart W: NO_X Trading Program for Electrical Generating Units of part 217 of Illinois' Air Pollution Control Rules (subpart W). The Subpart W rule was developed by the State to comply with EPA's NO_X SIP call, and will also affect sources affected by subpart V. As noted above, the subpart V rule is designed to achieve emission controls consistent with Illinois' and Missouri's ozone attainment demonstration for the Metro-East/St. Louis ozone nonattainment area.) This final rule on the subpart V NO_X control rule must be viewed as being independent of the NO_X SIP call-related rulemakings. In no way is the subpart V rule intended by the State to comply with the requirements of EPA's NO_X SIP call.

The following summarizes various aspects of the subpart V rule.

1. What Geographic Region and Sources Will Be Affected by the Rule?

Section 217.700 of the rule states that the subpart V rule would control the emissions of NO_X from EGUs throughout the State of Illinois during the ozone control period of May 1 through September 30 each year beginning in 2003.

Section 217.704 of the rule defines the fossil fuel-fired stationary boilers, combustion turbines, and combined cycle systems to be considered as EGUs and subject to the subpart V rule. The subject units are defined to be one of the following:

(1) Any unit serving a generator that has a nameplate capacity greater than 25 megawatts of electrical output (25 MWe) and produces electricity for sale, excluding units listed in appendix D of part 217 of the State's air pollution control rule; or

(2) Any unit with a maximum design heat input that is greater than 250 MMBtu per hour that commences operation on or after January 1, 1999, serving at any time a generator that has a nameplate capacity of 25 MWe or less and has the potential to use more than 50 percent of the potential electrical output capacity of the unit. Fifty (50) percent of a unit's potential electrical output capacity shall be determined by multiplying the unit's maximum design heat input by 0.0488 MWe per MMBtu.

2. What Are the Allowable NO_X Emission Rates or Levels for Affected Sources?

Section 217.706 of the subpart V rule specifies the NO_X emission limitations for the affected sources. Following the compliance deadline (see item 4 below), the NO_X emissions from affected sources are limited to 0.25 pounds of NO_X per MMBtu of actual heat input during each control period (May 1 through September 30), based on a control period average for each unit. Any EGU subject to more stringent NO_X emission limitations pursuant to any State or Federal statute, including the State's Clean Air Act, and the Federal Clean Air Act must comply with both the requirements of subpart V and the more stringent limitations.

3. What Are The Compliance Options for the Affected Sources?

The affected sources must meet the emission limitation requirement of this rule through compliance with the emission limit at the sources themselves or, for certain specified sources, may meet the emission limitation requirement through inter-source averaging between various EGUs.

Direct compliance (compliance through the use of emission controls at the EGUs themselves and not through inter-EGU emissions averaging) with the emission limitation would probably entail the use of combustion process modifications, fuel substitutions, or catalytic or non-catalytic reduction technology. (The rule reviewed here does not specify the control techniques to be used, but these are generally the NO_X control techniques employed for EGUs to achieve this emission rate limit.) Direct compliance does include averaging of emission rates at the sources over each control period (May 1 through September 30).

Section 217.708 of the rule specifies the approach and requirements for emissions averaging between specific EGUs within the State of Illinois. Participation in the inter-source (inter-EGU) averaging approach is at the discretion of the source owners or operators themselves. For purposes of compliance with the NO_X SIP call, the State of Illinois is establishing a NO_X emissions trading program. Sources eligible to participate in this program have been specified in appendix F of part 217 of the Illinois air pollution control rule. These sources may participate in inter-source emissions averaging under the subpart V rule. The owner or operator of Soyland Power (an EGU not listed in appendix F) may also choose to comply with subpart V through the inter-source averaging program for any unit at Soyland Power that commenced commercial operation on or before January 1, 2000.

Section 217.708 of subpart V specifies the equation governing the averaging of emissions for units participating in the inter-source averaging program. Compliance through this emissions averaging program must be demonstrated for each EGU by November 30 following each control period beginning in 2003. Averaging of emissions under this rule section must be authorized through federally enforceable permit conditions for each EGU. If inter-source averaging is used to demonstrate compliance with the Subpart V requirements, failure to demonstrate such compliance collectively by all EGUs involved in the inter-source averaging shall result in the subject EGUs each being judged using the 0.25 pounds NO_X per MMBtu of heat input emission limit averaged for each EGU over the emission control period. Only the non-complying EGUs, individually based on this NO_X emission limit, will be the subject of subsequent enforcement and other EGUs involved in the inter-source averaging shall not be held as responsible for the compliance failure based on the inter-source averaging.

4. What is the Compliance/Implementation Deadline for the Affected Sources?

All affected sources are subject to the requirements of Subpart V on and after May 1, 2003.

5. What Are the Monitoring, Recordkeeping, and Reporting Requirements for Affected Sources?

Section 217.710 of the rule specifies the monitoring requirements for affected sources. The owner or operator of an affected source must install, calibrate, maintain, and operate continuous emission monitoring systems for NO_X that meet the requirements of 40 CFR part 75, subpart B. The owner or operator of a gas-fired peaking unit or an oil-fired peaking unit, as defined in 40 CFR 72.2 may determine NO_X emissions in accordance with the emission estimation protocol of 40 CFR part 75, subpart E.

Section 217.712 of the rule specifies the reporting and recordkeeping

requirements for affected sources. The owners or operators of affected sources must comply with the recordkeeping and reporting requirements of 40 CFR part 75 applicable to NO_X emissions during the control period.

For sources (owners or operators of subject EGUs) directly complying with the requirements of Subpart V (not complying through inter-source averaging), a report must be submitted to the IEPA by November 30 of each year beginning in 2003 demonstrating that the NO_X emissions from the EGUs have not exceeded the NO_X emission limit (0.25 pounds NO_X per MMBtu of heat input) during the control period based on control period emission rate averages.

For owners or operators of sources choosing to comply through inter-source averaging, by November 30 of each year beginning in 2003, the owners or operators must submit to the IEPA a report that demonstrates or specifies:

(1) For all EGUs participating in the averaging program, the averaged control period NO_X emission rate pursuant to the emission rate averaging equation in section 217.708(b) of subpart V;

(2) The control period average NO_X emission rate of each EGU participating in the averaging program; and

(3) The information required to determine the average NO_X emission rate pursuant to the emission rate averaging equation.

All records and supporting data needed to demonstrate compliance must be kept and maintained by the owners or operators of the subject EGUs for five years. These records and supporting data must be made available for inspection or copying upon the request of the IEPA or the EPA. Requested data and records must also be supplied to the IEPA within 30 days of their written request by the IEPA.

D. What Public Review Opportunities Have Been Provided by the State for This Regulation?

The Illinois Pollution Control Board (IPCB) held public hearings on this rule on November 28, 2000 and December 19, 2000. A public hearing on this rule also occurred on February 27, 2001. The written transcripts of these hearings were submitted to EPA before the submittal of the finally adopted rule on May 8, 2001.

III. EPA Review of the Adopted Regulation

A. Does the Regulation Adequately Support the Attainment of the Ozone Standard in the Metro-East/St. Louis Ozone Nonattainment Area?

This rule is a critical element in the State's plan to attain the ozone standard in the Metro-East/St. Louis nonattainment area. As part of the modeled emissions control strategy considered in ozone modeling for this area, Missouri and Illinois included NO_X emission reductions for certain sources throughout the two States. Full approval of the ozone attainment demonstration SIPs (Illinois and Missouri) for this area are dependent upon the adoption of regional NO_X emissions control rule sufficient to achieve attainment of the ozone standard. (EPA's first proposed rule for the ozone attainment demonstrations was published on April 17, 2000 (65 FR 20404). A supplemental proposed rule was published on April 3, 2001 (66 FR 17647). These proposals include a detailed discussion of the role of regional NO_X emission reductions in attainment of the ozone standard in the Metro-East/St. Louis area.) The NO_X emission limit established in the NO_X rule for Illinois reviewed here is consistent with the attainment year EGU NO_X emission rate modeled in the ozone attainment demonstrations.

B. What Other Criteria Were Considered to Judge the Approvability of the Regulation and Does the Regulation Meet These Criteria?

Besides setting emission limits low enough to support the ozone demonstration attainment, the rule must also meet other criteria before it can be approved as part of the SIP. To be approved by the EPA, the rule must also be permanent and enforceable. To be enforceable, the rule must: (1) Have a defined compliance deadline (this deadline must also require the implementation of the rule to occur in sufficient time to provide for the attainment of the standard by the attainment deadline); (2) have adequate record keeping and reporting requirements sufficient to allow a determination of compliance; (3) specify appropriate compliance methods; and (4) provide for or not circumvent EPA enforcement of the rule.

EPA's review of the State rule addressed in the April 3, 2001 (64 FR 17642) proposed rule and this final rule shows that the Illinois rule meets these criteria. The compliance requirements (albeit not the specific emission control systems) are specified in the rule. The compliance date is specified and is compatible with the standard attainment date specified in the State's ozone attainment demonstration. The record keeping and reporting requirements are specified and are acceptable. The EPA is not prevented from enforcing the rule. In fact, the emission trading portion of the rule specifically requires federally enforceable permits for the sources involved in the trading. Finally, the rule is permanent. Although the rule will eventually be supplemented by the requirements of the State's NO_X SIP under EPA's NO_X SIP call, the 0.25 pounds NO_X/MMBtu rule will remain in place, assuring the permanence of the rule.

C. Is the Regulation Approvable?

Based on all factors considered above, it is concluded that this regulation is approvable.

IV. Proposed Action Published on April 3, 2001 (64 FR 17641)

What action did EPA propose to take on the State submittal in the April 3, 2001 proposed rule?

The EPA proposed to approve, through parallel processing, a draft statewide rule to control the emissions of NO_X from EGUs in support of the ozone attainment demonstration for the Metro-East/St. Louis ozone nonattainment area.

V. Response to Public Comments Received and Final Rulemaking Action

A. Public Comments Received on the Proposed Rule

Two public comments were received in response to EPA's April 3, 2001 (64 FR 17641) proposed rule. One was from the State of Illinois, the second from the electric utility providing electricity in the St. Louis area. Both commentors supported EPA's proposed approval and discussed how stakeholders had worked to improve air quality in the St. Louis area.

B. Final Rulemaking Action

In consideration of the public comments received on the proposed rule and the fact that the finally adopted State rule was not changed during final adoption in some way that would make it unacceptable to EPA, EPA approves the incorporation of the Illinois rule to control oxides of nitrogen from electric generating units into the Illinois SIP. The specific rule being approved is Title 35: Environmental Protection; Subtitle B: Air Pollution; Chapter I: Pollution Control Board; Subchapter C: Emission Standards and Limitations for

Stationary Sources; Part 217 Nitrogen Oxides Emissions; Subpart V: Electric Power Generation; Adopted at 25 *Ill. Reg.* 5914, effective April 17, 2001.

VI. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This proposed action merely proposes to approve state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed 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 proposes to approve 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 proposed 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 proposes to approve 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 proposed 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 proposed 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.).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen oxides, Ozone.

Dated: June 8, 2001.

David A. Ullrich,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, Part 52, Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(156) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(156) On May 8, 2001, the State submitted rules to control Oxides of Nitrogen emissions from electric generating units.

(i) Incorporation by reference. Title 35: Environmental Protection; Subtitle B: Air Pollution; Chapter I: Pollution Control Board; Subchapter C: Emission Standards and Limitations for Stationary Sources; Part 217 Nitrogen Oxides Emissions; Subpart V: Electric Power Generation. Adopted at 25 *Ill. Reg.* 5914, effective April 17, 2001.

[FR Doc. 01–15285 Filed 6–15–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 136

[FRL–6998–5]

Guidelines Establishing Test Procedures for the Measurement of Mercury in Water (EPA Method 1631, Revision C); Final Rule, Technical Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical corrections.

SUMMARY: EPA is amending the ''Guidelines Establishing Test Procedures for the Analysis of Pollutants'' to make minor technical corrections to clarify the use of field blanks for mercury testing under the Clean Water Act. Specifically, the amendments rectify an omission in the text of the promulgated version of Method 1631: Mercury in Water by Oxidation, Purge and Trap and Cold Vapor Atomic Fluorescence Spectrometry.

DATES: These technical corrections are effective July 18, 2001. The incorporation by reference of the publication listed in today's rule is approved by the Director of the Federal Register as of July 18, 2001. For judicial review purposes, this rule is promulgated as of 1:00 p.m. (Eastern time) on July 2, 2001, as provided in 40 CFR 23.2.

FOR FURTHER INFORMATION CONTACT: For information regarding this rule contact Dr. Maria Gomez-Taylor, Engineering and Analysis Division (4303), USEPA Office of Science and Technology, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460 (e-mail: Gomez-Taylor.Maria@epa.gov).

SUPPLEMENTARY INFORMATION:

Potentially Regulated Entities

EPA Regions, as well as States, Territories and Tribes authorized to implement the National Pollutant Discharge Elimination System (NPDES) program, issue permits that comply with the technology-based and water quality-based requirements of the Clean Water Act. In doing so, the NPDES permitting authority, including authorized States, Territories, and Tribes, make a number of discretionary choices associated with permit writing, including the selection of pollutants to be measured and, in many cases, limited in permits. If EPA has ''approved'' standardized testing procedures (i.e., promulgated through rulemaking) for a given pollutant, the NPDES permit must include one of the

approved testing procedures or an approved alternate test procedure. Regulatory entities may, at their discretion, require use of this method in their permits. Therefore, entities with NPDES permits could be affected by the standardization of testing procedures in this rulemaking, because NPDES permits may incorporate the testing procedure in today's rulemaking. In addition, when a State, Territory, or authorized Tribe provides certification of Federal licenses under Clean Water Act section 401, States, Territories and Tribes are directed to use the standardized testing procedures. Categories and entities that may ultimately be affected include:

Category	Examples of potentially regulated entities
Regional, State and Territorial Governments and Tribes	States, Territories, and Tribes authorized to administer the NPDES permitting program; States, Territories, and Tribes providing certification under Clean Water Act section 401; Governmental NPDES permittees.
Industry	Industrial NPDES permittees.
Municipalities	Publicly-owned treatment works with NPDES permits.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Administrative Procedure Act

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because today's rule merely corrects the text of a promulgated test method to reflect the Agency's intentions at the time it originally published the rule. Omissions to EPA Method 1631, Revision B, were brought to the Agency's attention by the members of the public after the test method was promulgated. The revisions to the test method clarify the use and reporting of field blanks, and are consistent with the discussion in the preamble to the final rule. In addition, this rule corrects a typographical error at 40 CFR Part 136.3(b). The CFR contains two references with the same number [(b)(40)]. The second reference (40) in Section 136.3(b) has been renumbered (41) and reference (41) has been renumbered (42). The revisions to the test method and the CFR are not substantive. Thus, notice and public procedure are unnecessary. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

I. EPA Method 1631, Revision B

EPA promulgates analytical methods for pollutants under Clean Water Act programs at 40 CFR Part 136. In most cases, EPA has approved use of more than one analytical method for measurement of particular pollutants, and laboratories may use any approved test method for determining compliance with applicable requirements. From time to time, EPA amends 40 CFR Part 136 to approve new test methods or modifications to approved test methods. For new test methods or for substantive changes to approved test methods, EPA first publishes a notice for public comment and reviews any public comments received prior to making a final decision on approval.

EPA proposed Method 1631: Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry on May 26, 1998 (63 FR 28867), and then, after revisions following public comment, EPA promulgated Method 1631, Revision B on June 8, 1999 (64 FR 30417). On October 19, 2000, EPA entered into a Settlement Agreement to resolve litigation over the final rule in *Alliance of Automobile Manufacturers, et al.* v. *EPA,* No. 99–1420 (D.C. Cir.).

Under the Settlement Agreement, the Agency agreed to revise sections 12.4.2 and 9.4.3.3 of the test method to clarify the use of field blank subtraction (section 12.4.2) and the use of multiple field blanks (section 9.3.3.3) to determine whether test samples should be used for compliance monitoring purposes. At the time EPA published the challenged rulemaking, the Agency had intended to incorporate these changes into the rule, as reflected by the preamble and the comment-response document in the public record. The version of Method 1631 promulgated today now incorporates these technical corrections. No other changes are being made to the text of the referenced test protocol.

EPA will take actions to implement other provisions of the Settlement Agreement separately. For example, EPA agreed to propose additional clean techniques and quality control requirements for EPA Method 1631 in a **Federal Register** notice that is scheduled for signature by September 15, 2001. Today's action only addresses the use and reporting of field blank results.

Today's rule contains only minor technical corrections to EPA Method 1631, Revision B and provides a revised version reflecting these technical corrections. As required by the Office of the Federal Register, EPA submitted a revised version of the test method to the Director of the Federal Register for approval for incorporation by reference. The revised version submitted to the Director is EPA Method 1631, Revision C. In today's rule, the full reference to the test method in 40 CFR 136.3(b)(40) is being amended to reflect the updated test method (i.e., Revision C).

By today's action, EPA has revised the following sections of EPA Method 1631:

A. Section 9.4.3.3: This text is revised to clarify that, if sufficient multiple field blanks (a minimum of three) are collected, and the average concentration (of the multiple field blanks) plus two standard deviations is equal to or greater than the regulatory compliance limit or equal to or greater than one-half of the level in the associated test sample, results for associated test samples may be the result of contamination and may not be reported or otherwise used for regulatory compliance purposes.

B. Section 12.4.2: This text has been revised to clarify that results for mercury in samples, reagent blanks and field blanks must be reported separately. In addition, if blank correction is requested or required by a regulatory authority or in a permit, the concentration of mercury in the reagent blank or the field blank is subtracted from the concentration of mercury in

the sample to obtain the net sample mercury concentration.

Based on the preamble text for the June 8, 1999, final rule and the response to comments document that supports the final rule, it is apparent that the Agency intended to allow for field blank subtraction and for not using test sample results for regulatory compliance if multiple field blanks do not meet the specifications at 9.4.3.3. This correction does not add any new requirements to the regulated community. To the contrary, it provides additional flexibility by allowing the use of field blank subtraction and by not requiring the reporting of test samples that may be contaminated based on results from field blank analyses. The rest of EPA Method 1631 is unchanged from the previously promulgated EPA Method 1631, Revision B.

II. Administrative Requirements

This technical correction action does not involve technical standards; 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. 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.*). EPA's compliance with these statutes and Executive Orders or their predecessors for the underlying rule is discussed in the June 8, 1999 **Federal Register** notice (64 FR 30417).

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of July 18, 2001. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

III. Materials Incorporated by Reference Into 40 CFR Part 136

USEPA, 2001. Method 1631, Revision C: Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry. March 2001. U.S. Environmental Protection Agency, Engineering and Analysis Division, Office of Science and Technology, Washington, DC. EPA–821/R–01/024.

IV. Public Availability of Materials

The full text of Method 1631, Revision C incorporated by reference in today's rulemaking will be available to the general public from the following sources:

Water Docket: Paper version of the method, along with the public record for this rule and the Method 1631 final rule, are available for review under docket number W–98–15 at the U.S. Environmental Protection Agency, Water Docket, 401 M Street SW., Washington, DC 20460. For access to these materials, call 202–260–3027 on Monday through Friday, excluding Federal holidays, between 9:00 a.m. and 3:30 p.m. Eastern Time for an appointment.

Internet: This **Federal Register** rule also is available on the Internet at: *http://www.epa.gov/fedrgstr.* An electronic version of Method 1631, Revision C is available via the Internet at *http://www.epa.gov/OST.*

National Technical Information Service (NTIS): Electronic or paper version of Method 1631, Revision C (NTIS Publication No. PB2001–102796) is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, by phone at 1–703/487–4650, fax at 1–703/321–8547, or via the Internet at http://www.ntis.gov.

List of Subjects in 40 CFR Part 136

Environmental protection, Analytical methods, Incorporation by reference, Reporting and recordkeeping requirements, Water pollution control.

Dated: June 6, 2001.

Diane C. Regas,

Acting Assistant Administrator for Water.

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

PART 136—GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS

1. The authority citation for Part 136 continues to read as follows:

Authority: Secs. 301, 304(h), 307, and 501(a) Pub. L. 95–217, 91 Stat. 1566, *et seq.* (33 U.S.C. 1251, *et seq.*) (The Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977.)

2. Section 136.3 is amended as follows:

a. Redesignate paragraph (b)(41) as paragraph (b)(42);

b. Redesignate the second paragraph (b)(40) as new paragraph (b)(41) and revise it to read as follows:

§ 136.3 Identification of test procedures.

* * * * *

(b) * * *

(41) USEPA. 2001. Method 1631, Revision C, ''Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry.'' March 2001. Office of Water, U.S. Environmental Protection Agency (EPA–821-R–01–024). Available from: National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161. Publication No. PB2001–102796. Cost: $25.50. Table IB, Note 43.

* * * * *

[FR Doc. 01–15145 Filed 6–15–01; 8:45 am]

BILLING CODE 6560–50–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 400, 430, 431, 434, 435, 438, 440, and 447

[HCFA–2001–F3]

RIN 0938–AI70

Medicaid Program; Medicaid Managed Care: Further Delay of Effective Date

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule; Further delay of effective date.

SUMMARY: This final rule temporarily delays the effective date of the final rule entitled ''Medicaid Managed Care'' that was published on January 19, 2001 in the **Federal Register** (66 FR 6228). That final rule amends the Medicaid regulations to implement provisions of the Balanced Budget Act of 1997 (BBA), which revised various aspects of the Medicaid law as it applies to managed care programs.

On February 26, 2001, we initially delayed the effective date of the final rule from April 19, 2001 until June 18, 2001. This temporary 60-day delay of effective date was necessary to give Department officials the opportunity for further review and consideration of these regulations. We have determined that a short additional period is required properly to consider these issues. We therefore delay the effective date of this rule until August 17, 2001. Therefore, provisions of the rule that must be implemented through contracts with managed care organizations, prepaid health plans, health insuring organizations, or enrollment brokers are effective with respect to contracts that are up for renewal or renegotiation on or after August 17, 2001, but no later than August 18, 2002.

To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(3)(a). Alternatively, HCFA's delay of implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. sections 553(b)(3)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary, and contrary to the public interest. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, because the time available before the effective date is too short for meaningful comment. Moreover, to the extent that seeking public comment would preclude this delay, it would be contrary to the public interest in the orderly promulgation and implementation of regulations in light of the development of necessary revisions. The immediate delay is necessary to prevent application of inconsistent standards while we issue the necessary revisions.

DATES: The effective date of the final rule with comment amending 42 CFR parts 400, 430, 431, 434, 435, 438, 440, and 447 that was published in the January 19, 2001 **Federal Register** (66 FR 6227) and delayed until June 18, 2001 in the February 26, 2001 **Federal Register** (66 FR 11546), is further delayed until August 17, 2001. Additionally, the implementation date of the rule is delayed until August 17, 2001.

FOR FURTHER INFORMATION CONTACT: Deirdre Duzor, (410) 786–4626.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: June 11, 2001.

Thomas A. Scully,

Administrator, Health Care Financing Administration.

Approved: June 14, 2001.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–15400 Filed 6–15–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 409, 410, 411, 413, 424, and 484

[HCFA–1059–F2]

RIN 0938–AJ24

Medicare Program; Prospective Payment System for Home Health Agencies; Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correcting amendments.

SUMMARY: This document corrects technical errors that appeared in the final rule entitled, ''Medicare Program; Prospective Payment System for Home Health Agencies,'' published in the **Federal Register** on July 3, 2000.

EFFECTIVE DATE: October 1, 2000.

FOR FURTHER INFORMATION CONTACT: Sharon Ventura, (410) 786–1985.

SUPPLEMENTARY INFORMATION:

Background

In the July 3, 2000 final rule entitled, ''Medicare Program; Prospective Payment System for Home Health Agencies,'' (65 FR 41128), **Federal Register** Docket Number 00–16432, there were several technical errors. We transposed a number in a code included in the list of non-routine medical supplies that have a duplicate Part B code that could have been unbundled and billed under Part B before implementation of the prospective payment system (PPS). The code we listed is ''A4454—Tape all types all sizes'' but should be ''A4554—Disposable underpads''. In addition, we inadvertently left out a code for ''A6248—Hydrogel drg gel filler'' that should be added to the list.

We also noted a list of codes that should be deleted from the list. This list included codes ''K0137—Skin barrier liquid per oz'', ''K0138—Skin barrier paste per oz'', and ''K0139—Skin barrier powder per oz''. These codes were inadvertently retained on the final list and should have been deleted in the final rule.

We inadvertently used the word ''start'' instead of the word ''end'' in the last complete sentence in the second paragraph on page 41165.

We are correcting the table in the middle of page 41168 to remove the asterisks each time they appear (seven times), as well as the corresponding reference below the chart because in some instances the selection of N/A at M0825 would be valid for a Medicare patient. For example, a patient returning to home health care after an inpatient stay may not warrant a significant change in condition (SCIC) adjustment. In this case, the response to item M0825 would be N/A.

We are revising Table 4A, ''Wage Index for Rural Areas—FY 2000 Pre-Floor and Pre-Reclassified'' and Table 4B, ''Wage Index for Urban Areas—FY 2000 Pre-Floor and Pre-Reclassified,'' to account for several technical and typographical errors.

We are correcting a typographical error in a footnote under the last table on page 41184.

In Table 7, ''Home Health Resource Group Case-Mix Classification Decision Tree Logic,'' we are correcting a typographical error to an OASIS item number, and we are adding the OASIS item number that was inadvertently not noted in the final rule.

In the final rule, we added § 411.15(q), which superseded an already existing § 411.15(q). To correct this, we are redesignating § 411.15(q) to § 411.15(r) and republishing § 411.15(q) as it existed before the publication of the final rule.

We are making technical corrections to the following sections of the regulations to include additional conforming changes that were inadvertently not included in the July 3, 2000 final rule: §§ 484.14, 484.36, and 484.52.

Correction of Errors

In FR Doc. 00–16432 of July 3, 2000 (65 FR 41128), we are making the following corrections:

Corrections to the Preamble

1. On page 41138, in column one, in line 25 from the top of the page, the code ''A4454—Tape all types all sizes'' is removed.

2. On page 41138, the following codes are added to the list for non-routine medical supplies that have a duplicate Part B code that could have been

unbundled and billed under Part B before implementation of PPS:

(a) In column one, the code ''A4554—Disposable underpads'' is inserted after ''A4481—Tracheostoma filter'' and before ''A4622—Tracheostomy or larngectomy''.

(b) In column two, the code ''A6248—Hydrogel drg gel filler'' is inserted after code ''A6247—Hydrogel drg > 48 sq in w/b'' and before code ''A6251—Absorpt drg < = 16 sq in w/o b''.

3. On page 41138, in column two, lines 21, 22, and 23 from the bottom of the page, the following codes are removed: ''K0137—Skin barrier liquid per oz'', ''K0138—Skin barrier paste per oz'', and ''K0139—Skin barrier powder per oz''.

4. On page 41165, at the bottom of column two, the phrase in the last complete sentence of the paragraph beginning on the fifth line from the bottom of the page is revised to read ''then the MSA or non-MSA at the end of the episode governs the labor adjustment * * *''

5. On page 41168, in the chart in the center of the page, the asterisks are removed each time they appear (seven times), including the corresponding reference below the chart.

6. On page 41173, in Table 4A, the entry for Guam of 0.7268 under ''Wage Index'' is revised to read 0.9611.

7. On page 41173, in Table 4A, the entry for the Virgin Islands of 0.6389 under ''Wage Index'' is revised to read 0.6306.

8. On page 41174 and continuing through page 41179, in Table 4B, ''Wage Index For Urban Areas—FY 2000 Pre-Floor and Pre-Reclassified,'' the entries for the urban areas listed below are revised to read as follows:

MSA	Urban area (constituent counties)	Wage index
0580	Auburn-Opelka, AL	0.7749
	Lee, AL	
0680	Bakersfield, CA	0.9619
	Kern, CA	
1080	Boise City, ID	0.9061
	Ida, ID	
	Canyon, ID	
4150	Lawrence, KS	0.8223
	Douglas, KS	
6680	Reading, PA	0.9437
	Berks, PA	
7160	Salt Lake City-Ogden, UT.	0.9855
	Davis, UT	
	Salt Lake, UT	
	Weber, UT	
7880	Springfield, IL	0.8684
	Menard, IL	
	Sangamon, IL	
8080	Steubenville-Weirton, OH–WV.	0.8615
	Jefferson, OH	
	Brooke, WV	
	Hancock, WV	

9. On page 41184, under the last table titled ''Calculation for the Part B Therapies,'' in the footnote beneath the table, ''57 CPT therapy codes'' is revised to read ''54 CPT therapy codes''.

10. On page 41194, in Table 7, ''Home Health Resource Group Case-Mix Classification Decision Tree Logic,'' under the heading ''Service utilization domain'', in the first column titled ''Variable'', ''M0170'' is revised to read ''M0175'' in both instances. Also in that column, ''M0825—'' is added before ''Receipt of Therapy''.

11. On page 41205, in column one, beginning at line 30 from the top of the page, in the section heading and in the paragraph below it, ''411.15(q)'' is revised to read ''411.15(r)''.

Corrections to the Regulations Text

List of Subjects

42 CFR Part 411

Kidney diseases, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 484

Health facilities, Health professions, Medicare, Reporting and recordkeeping requirements.

Accordingly, 42 CFR parts 411 and 489 are corrected by making the following correcting amendments:

PART 411—EXCLUSIONS FROM MEDICARE AND LIMITATIONS ON MEDICARE PAYMENT

1. The authority citation for part 411 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

§ 411.15 [Corrected]

2. Section 411.15 is amended by—

A. Republishing the introductory text to the section.

B. Redesignating paragraph (q) as paragraph (r).

C. Adding paragraph (q) to read as follows:

§ 411.15 Particular services excluded from coverage.

The following services are excluded from coverage:

* * * * *

(q) *Assisted suicide.* Any health care service used for the purpose of causing, or assisting to cause, the death of any individual. This does not pertain to the withholding or withdrawing of medical treatment or care, nutrition or hydration or to the provision of a service for the purpose of alleviating pain or discomfort, even if the use may increase the risk of death, so long as the service is not furnished for the specific purpose of causing death.

PART 484—HOME HEALTH SERVICES

1. The authority citation for part 484 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395(hh), unless otherwise indicated.

§ 484.14 [Corrected]

2. In § 484.14, in paragraph (g), the phrase ''62 days'' is revised to read ''60 days''.

§ 484.36 [Corrected]

3. In § 484.36, in paragraph (d)(3), the phrase ''62 days'' is revised to read ''60 days''.

§ 484.52 [Corrected]

4. In § 484.52, in paragraph (b), the phrase ''62-day period'' is revised to read ''60-day period''.

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: June 6, 2001.

Brian P. Burns,

Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 01–14986 Filed 6–15–01; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 92–235; FCC 01–174]

Replacement of Part 90 by Part 88 To Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; petitions for reconsideration.

SUMMARY: This document disposes of two substantially identical petitions for reconsideration or clarification submitted in response to the

Commission's Final rule. The petitions are denied on procedural grounds as untimely; however, the Commission addresses petitioners' concern by treating the petitions as requests for interpretation of the Commission's rule.

ADDRESSES: Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION, CONTACT: Michael J. Wilhelm, 445 12th Street, SW., Room 4C305, Washington, DC 20554; telephone 202.418.0680; email mwilhelm @ fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Sixth Memorandum Opinion and Order* (Sixth MO&O) in WT Docket 92–225 released May 25, 2001. The complete text of this *Sixth MO&O* is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW., Washington, DC 20554; and also is available from the Commission's copying contractor, International Transcription Services (ITS, Inc.) Courtyard Level, 445 12th Street, SW., Washington, DC 20554. The *Sixth MO&O* addressed two petitions for reconsideration directed to 47 CFR § 90.261 as amended in the Fifth Memorandum Opinion and Order 66 FR 8899 2/5/01.

1. In substantially identical petitions for reconsideration, the Alarm Industry Communications Committee of the Central Station Alarm Association (AICC) and Blooston, Mordkofsky, Dickens, Duffy and Prendergrast (Blooston) sought clarification concerning whether 47 CFR 90.261(a) could be construed to render Central Station Alarm stations as fixed, and hence secondary, facilities.

2. Because both petitioners' petitions were based on a June 26, 2000, letter from the Public Safety and Private Wireless Division, and because more than 30 days had elapsed thereafter, the petitions were dismissed as untimely pursuant to 47 CFR 1.5 and 1.429. However, the Commission treated the petitions as requests for interpretation of 47 CFR 90.261 and held that that rule did not operate to classify Central Station Alarm stations as fixed, secondary facilities.

Federal Communications Commission.

William F. Caton,

Deputy, Secretary.

[FR Doc. 01–15314 Filed 6–15–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 060501B]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery off the Southern Atlantic States; Reopening of the Penaeid Shrimp Fisheries off South Carolina and Georgia

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

ACTION: Reopening of the penaeid shrimp fisheries in the exclusive economic zone (EEZ) off South Carolina and Georgia.

SUMMARY: NMFS reopens the trawl fishery for penaeid shrimp, i.e., brown, pink, and white shrimp, in the EEZ off South Carolina and Georgia. This reopening is taken in accordance with the procedures and criteria specified in the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP) and its implementing regulations. The reopening is intended to provide optimal utilization of these penaeid shrimp resources while protecting the spawning stock of white shrimp that has been severely depleted by unusually cold weather conditions.

DATES: The reopening is effective 12:01 a.m., eastern daylight savings time, June 16, 2001.

FOR FURTHER INFORMATION CONTACT: Dr. Steve Branstetter, 727–570–5305; fax: 727–570–5583; e-mail: Steve.Branstetter@noaa.gov.

SUPPLEMENTARY INFORMATION: The commercial penaeid shrimp fishery in the South Atlantic region is managed under the FMP. The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Background

The FMP and implementing regulations at 50 CFR 622.35 (d) provide the procedures, criteria, and authority for a concurrent closure of the EEZ adjacent to those South Atlantic states that have closed their waters to the harvest of brown, pink, and white shrimp to protect the white shrimp spawning stock if it has been severely depleted by cold weather. Consistent with those procedures and criteria, the States of Georgia and South Carolina closed their waters to the harvest of brown, pink, and white shrimp and requested that the Council recommend that NMFS implement a concurrent closure of the EEZ off Georgia and South Carolina. The Council approved the States' requests and in turn requested that NMFS concurrently close the EEZ off Georgia and South Carolina to the harvest of brown, pink, and white shrimp. NMFS determined that the recommended closure conformed with the procedures and criteria specified in the FMP and implementing regulations, the Magnuson-Stevens Act, and other applicable law. NMFS implemented the closure effective March 13, 2001 (66 FR 15357, March 19, 2001).

During the closure, no person could: (1) Trawl for brown, pink, or white shrimp in the EEZ off Georgia or South Carolina; (2) possess on board a fishing vessel brown, pink, or white shrimp in or from the EEZ off Georgia or South Carolina unless the vessel is in transit through the area and all nets with a mesh size of less than 4 inches (10.2 cm) are stowed below deck; or (3) use or have on board a vessel trawling in that part of the EEZ off Georgia or South Carolina that is within 25 nautical miles of the baseline from which the territorial sea is measured a trawl net with a mesh size less than 4 inches (10.2 cm).

Termination of the Closure

The FMP and implementing regulations at 50 CFR 622.35 (d) state that: (1) The closure will be effective until the ending dates of the closures in the respective states' waters, but may be ended earlier based on the states' request; and (2) if the EEZ closure is ended earlier, NMFS will terminate the closure of the EEZ by filing a notification to that effect with the Office of the Federal Register. Based on biological sampling, the States of Georgia and South Carolina have determined that their respective State's waters will remain closed until sometime after June 16, 2001; however, they have requested the EEZ adjacent to their State's waters be opened effective 12:01 a.m. on June 16, 2001. Therefore, consistent with the procedures in the FMP and its implementing regulations, NMFS publishes this notification to reopen the EEZ off Georgia and South Carolina to the harvest of brown, pink, and white shrimp effective 12:01 a.m., eastern daylight savings time, June 16, 2001.

Classification

This action responds to the best available information recently obtained from the fishery. The June 16, 2001, reopening of the EEZ off Georgia and South Carolina to the harvest of brown, pink, and white shrimp will ensure adequate protection of the white shrimp stock and is necessary to avoid unwarranted adverse economic and social impacts on affected industry participants. Any delay in implementing the reopening would be contradictory to the FMP and its implementing regulations and contradictory to the public interest. NMFS finds for good cause that the implementation of this reopening cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553 (d), a delay in the effective date is waived.

This action is authorized by 50 CFR 622.35 (d) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 12, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–15298 Filed 6–13–01; 1:54 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 117
Monday, June 18, 2001

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM–28]

Proposed Modification of Class D and Class E Airspace; Bellingham, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Class D airspace area at Bellingham, WA, by amending the effective hours to coincide with the Bellingham Air Traffic Control Tower (ATCT) hours of operation. This action also would modify the Class E Airspace extension at Bellingham International Airport when the Bellingham ATCT is closed. The intended effect of this action is to clarify when two-way radio communication with Bellingham ATCT is required and to provide adequate controlled airspace when the Bellingham ATCT is closed.

DATES: Comments must be received on or before August 2, 2001.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM–520, Federal Aviation Administration, Docket No. 00–ANM–28, 1601 Lind Avenue SW, Renton, Washington 98055–4056.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–28, 1601 Lind Avenue, SW, Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–ANM–28.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM–520, 1601 Lind Avenue SW, Renton, Washington 98055–4056. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by modifying Class D and Class E Airspace at Bellingham, WA. Bellingham ATCT recently changed its operating hours to less than a 24 hour a day operation. This action proposes to modify the Class D airspace area at Bellingham, WA, by amending the effective hours to coincide with the Bellingham Air Traffic Control Tower (ATCT) hours of operation. This action also would modify the Class E airspace extension at Bellingham International Airport when the Bellingham ATCT is closed. The FAA establishes Class D and Class E airspace where necessary to protect aircraft transitioning between the terminal and en route environments, and to provide local VFR sequencing by ATCT personnel. The intended effect of this proposal is designed to provide safe and efficient use of the navigable airspace and to promote safe flight operation is under Instrument Flight Rules (IFR) and VFR at Bellingham International Airport and between the terminal and en route transition stages.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class D airspace areas designated for an airport, are published in Paragraph 5000, and Class E airspace areas designated as surface areas, are published in Paragraph 6004, of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E airspace designations listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40210; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

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

Paragraph 5000 General.

* * * * *

ANM WA D Bellingham, WA [Revised]

Bellingham International Airport
(Lat. 48°47′37″N., long. 122°32′19″W.)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4-mile radius of Bellingham International Airport. This Class D airspace is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6004 Class E airspace consisting of airspace extending upward from the surface designated as an extension of Class D airspace.

* * * * *

ANM WA E4 Bellingham, WA [Revised]

Bellingham International Airport
(Lat. 48°47′37″N., long. 122°32′19″W.)
Whatcom VORTAC
(Lat. 48°56′43″N., long. 122°34′45″W.)

That airspace extending upward from the surface within the 1.8 miles each side of the Whatcom VORTAC 169° radial extending north from the 4-mile radius of the Bellingham International Airport to 2.7 miles south of the VORTAC. This Class E airspace is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Seattle, Washington, on May 25, 2001.

Dan A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 01–15299 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–107101–00]

RIN 1545–AY13

Treaty Guidance Regarding Payments With Respect to Domestic Reverse Hybrid Entities; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

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

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to payments with respect to domestic reverse hybrid entities.

DATES: The public hearing originally scheduled for Tuesday, June 26, 2001, at 10 a.m., is canceled.

FOR FURTHER INFORMATION CONTACT: Guy R. Traynor of the Regulations Unit, Office of Special Counsel, (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Tuesday, February 27, 2001 (66 FR 12445), announced that a public hearing was scheduled for June 26, 2001 at 10 a.m., in the auditorium of the Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. The subject of the public hearing is proposed regulations under section 894 of the Internal Revenue Code. The public comment period for these regulations expired on May 29, 2001.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed by June 5, 2001. As of June 12, 2001, no one has requested to speak. Therefore, the public hearing scheduled for June 26, 2001, is canceled.

Cynthia E. Grigsby,

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

[FR Doc. 01–15173 Filed 6–15–01; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SIP NO. MT–001–0030b; FRL–6985–9]

Clean Air Act Approval and Promulgation of Air Quality Implementation Plan; Montana; East Helena Lead State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to take action to approve a State Implementation Plan (SIP) revision submitted by the State of Montana for the purpose of making minor modifications to the control strategy for the Asarco Lead smelter in the East Helena Lead SIP. In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

DATES: Comments must be received in writing on or before July 18, 2001.

ADDRESSES: Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 300, Denver, Colorado, 80202. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado, 80202. Copies of the State documents relevant to this action are available for public inspection at the Montana Department of Environmental

Quality, Air and Waste Management Bureau, 1520 E. 6th Avenue, Helena, Montana 59620.

FOR FURTHER INFORMATION CONTACT: Kerri Fiedler, EPA, Region VIII, (303) 312–6493 or Laurie Ostrand, EPA, Region VIII, (303) 312–6437.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the ''Rules and Regulations'' section of this **Federal Register**.

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

Dated: May 16, 2001.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

[FR Doc. 01–15144 Filed 6–15–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ 063–0024; FRL–6998–4]

Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a simultaneous limited approval and limited disapproval of revisions to the Pinal County Air Quality Control District (PCAQCD) portion of the Arizona State Implementation Plan (SIP) concerning particulate matter (PM–10) emissions from visible emissions, from open burning, and from industrial processes, and concerning carbon monoxide (CO) emissions from industrial processes.

We are also proposing full approval of revisions to the PCAQCD portion of the Arizona State SIP concerning PM–10 emissions from visible emissions and from open burning.

We are proposing action on local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by July 18, 2001.

ADDRESSES: Mail comments to Andrew Steckel, Rulemaking Office Chief (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

You can inspect copies of the submitted rule revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted rule revisions at the following locations:

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460

Arizona Department of Environmental Quality, 3033 North Central Avenue, Phoenix, AZ 85012

Pinal County Air Quality Control District, Building F, 31 North Pinal Street (P. O. Box 987), Florence, AZ 85232

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105; (415)744–1135.

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

Table of Contents

I. The State's Submittal

A. What Rules Did the State Submit?

Table 1 lists the rules proposed for limited approval and limited disapproval with the dates that they were adopted by the local air agency and submitted by the Arizona Department of Environmental Quality (ADEQ).

TABLE 1.—SUBMITTED RULES

Local agency	Rule #	Rule title	Adopted	Submitted
PCAQCD	2–8–300	Performance Standards [Visible Emissions]	06/29/93	11/27/95
PCAQCD	3–8–700	General Provisions [Open Burning]	02/22/95	11/27/95
PCAQCD	5–24–1032	Federally Enforceable Minimum Standard of Performance—Process Particulate Emissions.	02/22/95	11/27/95
PCAQCD	5–24–1040	Carbon Monoxide Emissions—Industrial Processes	02/22/95	11/27/95

On February 2, 1996, we determined that the rule submittals in Table 1 met the completeness criteria in 40 CFR part 51 appendix V, which must be met before formal EPA review.

Table 2 lists the rules proposed for full approval with the dates that they were adopted by the local air agency and submitted by the Arizona Department of Environmental Quality (ADEQ).

TABLE 2.—SUBMITTED RULES

Local agency	Rule #	Rule title	Adopted	Submitted
PCAQCD	2–8–280	General [Visible Emissions]	06/29/93	11/27/95
PCAQCD	2–8–290	Definitions [Visible Emissions]	06/29/93	11/27/95
PCAQCD	2–8–310	Exemptions [Visible Emissions]	06/29/93	11/27/95
PCAQCD	2–8–320	Monitoring and Records [Visible Emissions]	06/29/93	11/27/95
PCAQCD	3–8–710	Permit Provisions and Administration [Open Burning]	02/22/95	11/27/95

On February 2, 1996, we determined that the submittals for Rules 2–8–280, 2–8–290, 2–8–310, 2–8–320, and 3–8–710 met the completeness criteria.

B. Are There Other Versions of These Rules?

We approved a version of Rules 2–8–280, 2–8–290, 2–8–300, 2–8–310, and 2–8–320 into the Pinal-Gila Counties Air Quality Control District [1] (PGCAQCD) portion of the SIP, as Rule 7–3–1.1, Visible Emissions: General, on April 12, 1982 (47 FR 15579).

We approved a version of Rules 3–8–700 and 3–8–710 into the PGCAQCD portion of the SIP, as Rule 7–3–1.3, Open Burning, on November 15, 1978 (43 FR 53031).

We approved a version of Rule 5–24–1032 into the PGCAQCD portion of the SIP, as Rule 7–3–1.8, Process Industries, on November 15, 1978 (43 FR 53031).

We approved a version of Rule 5–24–1040 into the PGCAQCD portion of the SIP, as Rule 7–3–4.1, Emission Standards—Carbon Monoxide from Stationary Sources, on November 15, 1978 (43 FR 53031).

C. What Are the Changes in the Submitted Rules?

Rule 2–8–280 adds the limitation that visible emissions to the atmosphere are from any air contaminant.

Rule 2–8–290 adds relevant definitions.

Rule 2–8–300 has an equally stringent opacity standard for emissions of 40% opacity.

Rule 2–8–310 adds the exemption for emissions where opacity results from uncombined water.

Rule 2–8–320 adds an EPA-approved test method for determining opacity.

Rule 3–8–700 has the following burning operation added to the exemptions for obtaining a permit:

- (C.1) Fires used only for orchard heaters for frost protection.

Rule 3–8–700 has the added burning operations allowed by permit from the Control Officer as follows:

- (E.1.a) Fires for residential disposal of leaves, clippings, and tree trimmings.
- (E.1.b) Fires for residential disposal of household trash in approved burners in remote areas with no refuse collection available.
- (E.2) Fires for commercial disposal of leaves, clippings, and tree trimmings.
- (E.4) Fires for building demolition, only after on-site inspection by the District.

Rule 3–8–700 has added a prohibition against burning various listed hazardous materials or materials that evolve smoke or particulate matter when burned. The rule has added the requirement that fires may be extinguished at the discretion of the Control Officer in the case of:

- Inadequate smoke dispersion.
- Periods of excessive visibility impairment which could adversely affect public safety.
- Periods when smoke blows into a populated area to create a public nuisance.

Rule 3–8–710 adds to the SIP rule the provisions to be cited in the permit, the requirement of the District to keep copies, and the term of the permit.

Rule 5–24–1032 is reformatted but equally as stringent as the SIP rule.

Rule 5–24–1040 is renumbered.

The TSDs have more information about these rules.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating the Rules?

We evaluated these rules for enforceability and consistency with the CAA as amended in 1990, with 40 CFR 51, and with EPA's PM–10 policy. Sections 172(c)(1) and 189(a) of the CAA require moderate PM–10 nonattainment areas to implement reasonably available control measures (RACM), including reasonably available control technology (RACT) for stationary sources of PM–10. Section 189(b) requires that serious PM–10 nonattainment areas, in addition to meeting the RACM/RACT requirements, implement best available control measures (BACM), including best available control technology (BACT). In the northern part of PCAQCD is the Apache Junction portion of the Phoenix metropolitan area, which is a serious PM–10 nonattainment area. In the northeastern part of PCAQCD is Hayden-Miami, which is a moderate PM–10 nonattainment area. PCAQCD regulates certain sources of PM–10 within the nonattainment areas.

EPA's preliminary guidance for both moderate and serious PM–10 nonattainment areas provides that RACM/RACT and BACM/BACT are required to be implemented for all source categories unless the State demonstrates that a particular source category does not contribute significantly to PM–10 levels in excess of the NAAQS. See *General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,* 57 FR 13498, 13540 (April 16, 1992) and *Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,* 59 FR 41998 (August 16, 1994). The activities regulated by Rules 2–8–280, 2–8–290, 2–8–300, 2–8–310, and 2–8–320 contribute a small but not insignificant amount of the total PM–10 emissions in PCAQCD according to the August 1999 *Apache Junction Portion of the Metropolitan Phoenix PM–10 Serious State Implementation Plan.*[2] Therefore, Rules 2–8–280, 2–8–290, 2–8–300, 2–8–310, and 2–8–320 must meet the requirements of BACM/BACT.

The activities regulated by Rules 3–8–700 and 3–8–710 contribute an insignificant amount of the total PM–10 emissions in the Apache Junction area and in the Hayden-Miami area. The activities regulated by Rule 5–24–1032 contribute an insignificant amount of the total PM–10 emissions in the Apache Junction area. The PM–10 sources in the Hayden-Miami area are primarily copper smelters, which are regulated by Arizona Department of Environmental Quality rules. EPA believes that the remaining sources regulated by this rule are insignificant sources of PM–10. Moreover, PCAQCD did not submit any of these rules as RACM/RACT or BACM/BACT rules on which PM–10 attainment relies. Therefore, PCAQCD Rules 3–8–700, 3–8–710 and 5–24–1032 are not required to meet RACM/RACT or BACM/BACT control levels. We are evaluating these rules only to ensure that they do not relax the SIP in violation of CAA sections 110(l) and 193, and that they meet enforceability and other general SIP requirements of section 110.

PCAQCD is a CO attainment area. Therefore, we are evaluating Rule 5–24–1040 only to ensure that it does not relax the SIP in violation of CAA sections 110(l) and 193, and that it meets enforceability and other general SIP requirements of section 110. The TSDs have more information on how we evaluated the rules.

Guidance and policy documents that we used to define specific enforceability and SIP relaxation requirements include the following:

- *PM–10 Guideline Document,* (EPA–452/R093–008).
- *Apache Junction Portion of the Metropolitan Phoenix PM–10 Serious*

[1] The Pinal-Gila Counties Air Quality Control District originally had jurisdiction in Pinal County and Gila County. On April 1, 1988, Gila County gave jurisdiction for air quality control to ADEQ. On April 4, 1988, Gila County dissolved the PGCAQCD on behalf of Gila County. On August 15, 1988, Pinal County renamed the PGCAQCD the Pinal County Air Quality Control District, but continued to enforce the PGCAQCD rules. On November 23, 1992, Pinal County formally dissolved the PGCAQCD on behalf of Pinal County. In 1993 and later, PCAQCD adopted PCAQCD replacement rules, many of which subsequently became SIP-approved PCAQCD rules.

[2] If the PM–10 Plan should be modified in the future, the CAA could require additional control measures to meet RACM/RACT or BACM/BACT requirements.

State Implementation Plan (August 1999).

• *General Preamble Appendix C3—Prescribed Burning Control Measures,* 57 FR 18072 (April 28, 1992).

• *Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,* 59 FR 41998 (August 16, 1994).

B. Do the Rules Meet the Evaluation Criteria?

These rules improve the SIP by replacing defunct PGCAQCD rules. These rules are largely consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. Rule provisions which do not meet the evaluation criteria are summarized below and discussed further in the TSDs.

C. What Are the Rule Deficiencies?

Rule 2–8–300 contains the following deficiency:

• The 40% opacity standard does not meet the requirements of BACM/BACT. Analogous generic 20% opacity standards meet the requirements of RACM/RACT in other parts of the country, and we believe BACM/BACT in PCAQCD should be at least as stringent.

Rule 3–8–700 contains the following deficiencies:

• The rule enforceability is limited, because of the discretion of a public officer to grant permission to burn for certain types of burning that are exempt from obtaining a permit. These types of burning could be scheduled on a day when conditions are favorable for open burning and smoke dispersion. The discretion should be removed by using criteria based on quantitative data, such as reasonably available meteorological data, to determine days on which conditions are favorable for open burning and smoke dispersion.

• The rule enforceability is limited, because of the discretion of the Control Officer to determine qualitative conditions of ''inadequate'' smoke dispersion, ''excessive'' visibility impairment, and ''creating'' a public nuisance for extinguishing certain types of burning with a permit. The qualitative criteria could be replaced by using criteria based on quantitative data, such as reasonably available meteorological data, to determine days on which conditions are favorable for open burning and smoke dispersion.

• The new exemption from permitting for orchard heaters could become a SIP relaxation if any were put in use. The exemption should be removed, because there are no orchard heaters in PCAQCD.

Rule 5–24–1032 contains the following deficiencies:

• The rule enforceability is limited, because it does not contain periodic monitoring requirements. If the rule were revised to reference Rule 3–1–150, Monitoring, it would continue to be deficient, because Rule 3–1–150 allows for monitoring at the discretion of the Control Officer.

• The rule enforceability is limited, because it does not state the test method for PM. If the rule were revised to reference Rule 3–1–160, Test Methods and Procedures, it would continue to be deficient, because Rule 3–1–160 allows for approval of an alternate test method at the discretion of the Control Officer.

• The rule enforceability is limited, because of the discretion of the Control Officer to determine whether the manner of control of fugitive emissions is satisfactory.

• The rule enforceability is limited, because it does not require recordkeeping for at least two years.

Rule 5–24–1040 contains the following deficiencies:

• The rule enforceability is limited, because it does not contain a numerical standard for the emission of CO. A 400 ppmv CO standard in exhaust gases has been in effect in other parts of the country for many years.

• The rule enforceability is limited, because it does not contain periodic monitoring requirements. If the rule were revised to reference Rule 3–1–150, Monitoring, it would continue to be deficient, because Rule 3–1–150 allows for monitoring at the discretion of the Control Officer.

• The rule enforceability is limited, because it does not state the test method for CO. If the rule were revised to reference Rule 3–1–160, Test Methods and Procedures, it would continue to be deficient, because Rule 3–1–160 allows for approval of an alternate test method at the discretion of the Control Officer.

• The rule enforceability is limited, because it does not require recordkeeping for two years.

D. EPA Recommendations To Further Improve the Rules

The TSDs describe additional rule revisions that do not affect our current action but are recommended for the next time the local agency modifies the rules.

E. Proposed Action and Public Comment

As authorized in sections 110(k)(3) and 301(a) of the CAA, we are proposing a limited approval of the submitted Rule 2–8–300 to improve the SIP. If finalized, this action would incorporate the submitted rule into the SIP, including those provisions identified as deficient. We are simultaneously proposing a limited disapproval of this rule under section 110(k)(3). If this disapproval is finalized, sanctions will be imposed under section 179 of the CAA unless EPA approves subsequent SIP revisions that corrects the rule deficiency within 18 months. These sanctions would be imposed as described in 59 FR 39832 (August 4, 1994). A final disapproval would also trigger the federal implementation plan (FIP) requirement under section 110(c). Note that the submitted rule has been adopted by the PCAQCD, and our final limited disapproval would not prevent the local agency from enforcing it.

As authorized in sections 110(k)(3) and 301(a) of the CAA, we are proposing a limited approval of the submitted Rules 3–8–700, 5–24–1032, and 5–24–1040 to improve the SIP. If finalized, this action would incorporate the submitted rules into the SIP, including those provisions identified as deficient. We are simultaneously proposing a limited disapproval of these rules under section 110(k)(3). If this disapproval is finalized, sanctions will not be imposed under section 179 of the CAA. Note that the submitted rules have been adopted by the PCAQCD, and our final limited approval would not prevent the local agency from enforcing them.

As authorized in section 110(k)(3) of the CAA, EPA is proposing a full approval of the submitted Rules 2–8–280, 2–8–290, 2–8–310, 2–8–320 and 3–8–710 to improve the SIP.

We will accept comments from the public on the proposed proposed limited approval/limited disapprovals and the proposed full approvals for the next 30 days.

III. Background Information

A. Why Were These Rules Submitted?

PM–10 and CO harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control PM–10 and CO emissions. Table 3 lists some of the national milestones leading to the submittal of local agency PM–10 and CO rules.

TABLE 3.—PM–10 AND CO NONATTAINMENT MILESTONES

Date	Event
March 3, 1978	EPA promulgated a list of CO and total suspended particulate (TSP) nonattainment areas under the Clean Air Act, as amended in 1977. 43 FR 8964; 40 CFR 81.305.
July 1, 1987	EPA replaced the TSP standards with new PM standards applying only up to 10 microns in diameter (PM–10). 52 FR 24672.
November 15, 1990	Clean Air Act Amendments of 1990 were enacted, Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q.
November 15, 1990	CO and PM–10 areas meeting the qualifications of section 107(d)(4)(A) and (B) of the CAA were designated nonattainment by operation of law and classified as moderate or serious pursuant to section 186(a) and 189(a). States are required by section 110(a) to submit rules regulating CO and PM–10 emissions in order to achieve the attainment dates specified in section 186(a)(1) and 188(c).

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, Regulatory Planning and Review.

B. Executive Order 13045

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

C. Executive Order 13132

Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 12875, Enhancing the Intergovernmental Partnership. E.O. 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under E.O. 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in E.O. 13132, because it merely acts on 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. Thus, the requirements of section 6 of the Executive Order do not apply to this proposed rule.

D. Executive Order 13175

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

This proposed rule does not have tribal implications. It will not have substantial direct effects on tribal governments, 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 in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule. In the spirit of Executive Order 13175, and consistent with EPA policy to promote communications between EPA and tribal governments, EPA specifically solicits additional comment on this proposed rule from tribal officials.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This proposed rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply act on requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

EPA's proposed disapproval of the state request under section 110 and subchapter I, part D of the CAA does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect state enforceability. Moreover, EPA's disapproval of the submittal does

not impose any new Federal requirements. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

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

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed action does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This proposed Federal action acts on pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. National Technology Transfer and Advancement Act

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

EPA believes that VCS are inapplicable to today's proposed action because it does not require the public to perform activities conducive to the use of VCS.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: May 18, 2001.

Jane Diamond,

Acting Regional Administrator, Region IX.

[FR Doc. 01–15293 Filed 6–15–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No.010607150–1150–01; I.D. 091200F]

RIN 0648–AN64

Sea Turtle Conservation; Restrictions Applicable to Fishing and Scientific Research Activities

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to amend the sea turtle handling and resuscitation regulation. Recent scientific and technical information indicate that the current procedures need to be updated. This measure is necessary to improve the handling of sea turtles that are incidentally captured during scientific research or fishing activities.

DATES: Written comments must be received on or before July 18, 2001.

ADDRESSES: Comments on this proposed rule should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 or comments may be submitted via facsimile 301–713–0376 or via electronic Internet at seaturt.resuscitate@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Therese A. Conant, or Barbara A. Schroeder, (301)713–1401.

SUPPLEMENTARY INFORMATION: The taking of sea turtles is governed by regulations implementing the Endangered Species Act (ESA) at 50 CFR parts 222 and 223 (see 64 FR 14051, March 23, 1999, final rule consolidating and reorganizing ESA regulations). Generally, the taking of sea turtles is prohibited. However, the incidental take of turtles during shrimp and summer flounder fishing in areas of the Atlantic Ocean and in the Gulf of Mexico is excepted from the taking prohibition pursuant to sea turtle conservation regulations at 50 CFR 223.206, which include a requirement to have a NMFS-approved turtle excluder device (TED) installed in each net rigged for fishing. Other exceptions to the taking prohibition include incidental take that is authorized for ESA scientific research permits, incidental take permits, and section 7 incidental take statements. All take excepted from the prohibitions requires safe handling and resuscitation of incidentally caught sea turtles as specified at 50 CFR 223.206(d)(1).

Justification and Changes Proposed

Sea turtles are air breathers and may drown under conditions of forced submergence. To minimize the impact of forced submergence, NMFS developed protocols to handle comatose turtles (FR 43 32801, July 28, 1978) and subsequently updated the protocols (57 FR 57354, December 4, 1992). New scientific and technical information has been collected since the last update. For example, the practice of stepping on the plastron to revive the turtle may actually do more harm than good. Plastral pumping may cause the airway to block, thus prohibiting air from entering the lungs. Pumping the plastron while a turtle is on its back also causes the viscera to compress the lungs which are located dorsally, thereby hindering lung ventilation. Recent physiological studies on the effects of trawl capture on small sea turtles show that high stress levels are developed during short-duration forced submergences and that the turtles may require from 3.5 up to 24 hours to recover from the stress effects. Thus, in addition to comatose turtles being held up to 24 hours, the release of actively moving turtles should also be delayed when possible. Resuscitation techniques have been refined over the years as biologists have developed effective ways to test for reflexes in order to determine the status of the turtle.

The proposed changes to the existing protocol are as follows: Eliminate stepping on the plastron as a method for resuscitation; provide a more defined criteria to determine dead versus comatose turtles; increase the minimum elevation of the hindquarters; and add carapace movement and a reflex test to the resuscitation methods. In addition,

several minor changes have been made to clarify the guidance for keeping a turtle moist. The changes to the sea turtle resuscitation requirements are expected to increase the survivorship of turtles that are returned to the water after being captured in a trawl.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), has determined that this proposed rule is consistent with the ESA and with other applicable law.

This action has been determined to be not significant for purposes of Executive Order 12866.

The AA prepared an environmental impact statement (EIS) for the 1978 listing determination, establishing the handling and resuscitation requirements and prepared an environmental assessment (EA) for the 1992 updated of the requirements. Since the changes proposed in this rule do not constitute a new action and do not individually or cumulatively have a significant impact on the quality of the human environment, this proposed rule has been determined to be Categorical Exclusion under the National Environmental Policy Act. A copy of the 1978 EIS and the 1992 EA are available (see **ADDRESSES**).

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule would not have significant economic impact on a substantial number of small entities, because the provisions of the proposed rule would make only minor changes that would not impose any new economic burden on fishermen or scientific researchers.

This proposed rule does not contain a collection-of-information requirement subject to the Paperwork Reduction Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

List of Subjects

50 CFR Part 223

Endangered and threatened species, Exports, Imports, Marine mammals, Transportation.

50 CFR Part 224

Administrative practice and procedure, Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements.

Dated: June 12, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 223 and 224 are proposed to be amended as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531–1543; subpart B; 16 U.S.C. 1361 *et seq.*

2. In § 223.206, paragraph (d)(1) is revised to read as follows:

§ 223.206 Exceptions to prohibitions relating to sea turtles.

* * * * *

(d) * * *

(1) *Handling and resuscitation requirements.* (i) Any specimen taken incidentally during the course of fishing or scientific research activities must be handled with due care to prevent injury to live specimens, observed for activity, and returned to the water according to the following procedures:

(A) Sea turtles that are actively moving or determined to be dead as described in paragraph (d)(1)(i)(C) of this section must be released over the stern of the boat. In addition, they must be released only when fishing or scientific collection gear is not in use, when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels.

(B) Resuscitation must be attempted on sea turtles that are comatose, or inactive, as determined in paragraph (d)(1) of this section, by:

(*1*) Placing the turtle on its bottom shell (plastron) so that the turtle is right side up and elevating its hindquarters at least 6 inches (15.2 cm) for a period of 4 up to 24 hours. The amount of the elevation depends on the size of the turtle; greater elevations are needed for larger turtles. Periodically, rock the turtle gently left to right and right to left by holding the outer edge of the shell (carapace) and lifting one side about 3 inches (7.6 cm) then alternate to the other side. Gently touch the eye and pinch the tail (reflex test) periodically to see if there is a response.

(*2*) Sea turtles being resuscitated must be shaded and kept damp or moist but under no circumstance be placed into a container holding water. A water-soaked towel placed over the head, carapace, and flippers is the most effective method in keeping a turtle moist.

(*3*) Turtles that revive and become active must be released over the stern of the boat only when fishing or scientific collection gear is not in use, when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels. Sea turtles that fail to respond to the reflex test or fail to move within 4 hours (up to 24, if possible) must be returned to the water in the same manner as that for actively moving turtles.

(C) A turtle is determined to be dead if the muscles are stiff (rigor mortis) and/or the flesh has begun to rot; otherwise the turtle is determined to be comatose or inactive and resuscitation attempts are necessary.

(ii) Notwithstanding the provisions of (d)(1)(i) of this section, a person aboard a pelagic longline vessel in the Atlantic issued an Atlantic permit for highly pelagic species under 50 CFR 635.4, must follow the handling and resuscitation requirements in 50 CFR 635.21.

(iii) Any specimen taken incidentally during the course of fishing or scientific research activities must not be consumed, sold, landed, offloaded, transshipped, or kept below deck.

* * * * *

PART 224— ENDANGERED MARINE AND ANADROMOUS SPECIES

3. The authority citation for part 224 continues to read as follows:

Authority: 16 U.S.C. 1531–1543 and 16 U.S.C. 1361 *et seq.*

4. Section 224.104 is revised by adding a new paragraph (d) to read as follows:

§ 224.104 Incidental capture of endangered sea turtles.

* * * * *

(d) Special handling and resuscitation requirements are specified at § 223.206(d)(1).

[FR Doc. 01–15319 Filed 6–15–01; 8:45 am]

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Notices

Federal Register
Vol. 66, No. 117
Monday, June 18, 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

Forest Service

Canyon Lake Dam and Wyant Lake Dam Project, Darby Ranger District, Bitterroot National Forest, Ravalli County, Montana

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement to disclose the effects of a proposal by Canyon Creek Irrigation District to rehabilitate Canyon and Wyant Dams. The proponents request helicopter use to airlift equipment and materials to the dam sites. The proposed rehabilitation would utilize ''on site'' material sources. The Canyon Lake Dam and Wyant Lake Dam are located approximately eight miles due west of Hamilton, Montana within the Selway-Bitterroot Wilderness, Bitterroot National Forest. The dams are located in T.6 N., R. 22 W., Sec. 27.

The purpose and need for the project stems from the Canyon Creek Irrigation District's existing rights and obligations to operate and maintain Canyon and Wyant Dams to meet current State and Federal Dam Safety Standards and pertinent laws and regulations governing the proponent's use and the protection of National Forest System lands.

Construction may start in August of 2002 for the Canyon Lake Dam and August 2003 for the Wyant Lake Dam. The construction period would be late summer and fall.

This project level EIS will tier to the Bitterroot National Forest Plan and Final EIS (September 1987) which provides overall guidance of all land management activities on the Bitterroot National Forest, the Region One Wilderness Dam Policy (June 1992), and the Selway-Bitterroot Wilderness General Management Direction (1992 Update).

DATES: Written comments and suggestions concerning the scope of the analysis should be received on or before July 18, 2001.

ADDRESSES: Send written comments to Frank V. Guzman, Rangeland Management Specialist, Sula Ranger District, Bitterroot National Forest, 7338 Hwy. 93 S., Sula, Montana 59871.

FOR FURTHER INFORMATION CONTACT: Elizabeth Ballard, EIS Team Leader, Phone: (406) 777–5461.

SUPPLEMENTARY INFORMATION: The Forest Service objective is to reasonably regulate the proponent's easement in order to achieve the purposes for which the National Forests were reserved and the Selway-Bitterroot Wilderness was designated.

The Forest Service will consider a range of alternatives. One of these will be the ''no action'' alternative, in which none of the proposed activities would be implemented. Additional alternatives will examine varying levels of the proposed activities to achieve the proposal's purposes as well as to respond to any public issues and other resource values.

The EIS will analyze the direct, indirect, and cumulative environmental effects of the alternatives. Past, present, and reasonably foreseeable activities on both private and National Forest system lands will be considered. The EIS will disclose the analysis of site specific mitigation measures and their effectiveness.

Public participation is an important part of the analysis, commencing with the initial scoping process.

The Forest Service will be seeking information, comments and assistance from Federal, State, and local agencies and other individuals or organizations that may be interested in or affected by the proposed action. A 30-day comment period will be provided immediately following publication of this notice. In addition, the public is encouraged to visit with Forest Service Officials at any time during the analysis and prior to the decision. The Forest Service has not scheduled public meetings at this time.

Comments from the public and other agencies will be used in preparation of the Draft EIS. The scoping process will be used to:

1. Identify potential issues.
2. Identify major issues to be analyzed in depth.
3. Eliminate minor issues or those that have been covered by a relevant previous environmental analysis, such as the Bitterroot Forest Plan EIS.
4. Identify alternatives to the proposed action.
5. Identify potential environmental effects of the proposed action and alternatives (i.e. direct, indirect and cumulative effects).
6. Determine potential cooperating agencies and task assignments.

Preliminary issues that have been identified include:

1. Public safety and protection of property.
2. Wilderness resource and recreation.
3. Water storage.
4. Social and economic costs and benefits.
5. General environmental concerns.

Any required permits or licenses will be obtained prior to implementation of the project.

The United States Forest Service, Bitterroot National Forest is the lead agency.

The responsible official for this environmental impact statement is Rodd Richardson, Forest Supervisor, Bitterroot National Forest. Address for Forest Supervisor is Bitterroot National Forest, 1801 N. First St., Hamilton, MT 59840.

The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in march 2002. At that time the EPA will publish a Notice of Availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS will be 45 days from the date the EPA's notice of availability appears in the **Federal Register**. The Final EIS is scheduled to be completed by June 2002. The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact

statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40CFr 1503.3 in addressing these points.).

Dated: June 11, 2001.

Rodd Richardson,

Forest Supervisor.

[FR Doc. 01–15207 Filed 6–15–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by August 17, 2001.

FOR FURTHER INFORMATION CONTACT: F. Lamont Heppe, Jr., Program Development & Regulatory Analysis, Rural Utilities Service, USDA, 1400 Independence Ave., SW., Stop 1522, Room 4034 South Building, Washington, DC 20250–1522. Telephone: (202) 720–0736. FAX: (202) 720–4120.

SUPPLEMENTARY INFORMATION:

Title: Electric and Telecommunications Standards and Specifications, and Telecommunications Field Trials and Contract Forms

OMB Control Number: 0572–0059

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

Abstract: In order to facilitate the programmatic interest of the RE Act, and, in order to assure that loans made or guaranteed by RUS are adequately secured, RUS, as a secured lender, has established certain standards and specifications for materials, equipment and construction of electric and telecommunications systems. The use of standard forms, construction contracts, and procurement procedures helps assure RUS that appropriate standards and specifications are maintained, RUS' loan security is not adversely affected; and the loan and loan guarantee funds are used effectively and for the intended purposes.

Compliance with RUS specifications and standards is demonstrated to a large extent via presentation of laboratory tests resulting and other informational data upon which the determination of acceptability can be made. RUS evaluates this data to determine that the qualification of the products is acceptable and that their use will not jeopardize loan security. In the telecommunications program, because of the complex and highly technical nature of equipment, services, and system architectures, RUS also requires a manufacturer to demonstrate successful product use in a working telecommunications system. In most cases, manufacturers develop telecommunications products with field verifications as a normal business operating practice and they easily provide this information resource by simply providing the names of several users that RUS personally may contact and discuss product performance. Products that have not been deployed in a working environment can be handled and RUS' field trial procedures.

This request for reinstatement proposes to combine two of RUS' information collections under one control number. Control No. 0572–0076, RUS Specification for Quality Control and Inspection of Timber Products, will be combined into Control No. 0572–0059, Electric and Telecommunications Standards and Specifications, and Telecommunications Field Trials, and Control Forms. This effort is to streamline RUS' information collections into a more logical grouping of packages which eliminates duplication of efforts.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: Business or other for-profit and non-profit institutions.

Estimated Number of Respondents: 280.

Estimated Number of Responses per Respondent: 19.

Estimate Total Annual Burden on Respondents: 5,861 hours.

Copies of this information collection can be obtained from Dawn Wolfgang, Program Development and Regulatory Analysis, Rural Utilities Service at (202) 720–0812. Comments are invited on (a) whether the 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 burden including the validity of the methodology and assumption used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques on other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: June 12, 2001.

Blaine D. Stockton,

Acting Administrator, Rural Utilities Service.

[FR Doc. 01–15217 Filed 6–15–01; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–852]

Notice of Extension of Time for the Preliminary Results of the Antidumping Duty New Shipper Review: Structural Steel Beams from Japan

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

ACTION: Notice of an extension of time for the preliminary results of the antidumping duty new shipper review of structural steel beams from Japan.

SUMMARY: On February 16, 2001, the Department of Commerce (''Department'') published a notice of initiation of an antidumping duty new shipper review of structural steel beams from Japan. The Department is extending the time limit for the preliminary results of the new shipper review, which covers the period February 11, 2000 through November 30, 2000.

EFFECTIVE DATE: June 18, 2001.

FOR FURTHER INFORMATION CONTACT: Juanita H. Chen or Robert Bolling, Import Administration, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230; telephone 202–482–0409 and 202–482–3434, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

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

Extension of Time

On January 31, 2001, pursuant to a request from Yamato Kogyo Co., Ltd., the Department initiated this antidumping duty new shipper review of the antidumping duty order on structural steel beams from Japan. See Initiation of New Shipper Antidumping Duty Review: Structural Steel Beams from Japan, 66 FR 10668 (February 16, 2001). Under section 751(a)(2)(B)(iv) of the Act, the Department may extend the deadline for completion of the preliminary results of a new shipper review from 180 days after the date on which the review is initiated to 300 days if it concludes that the case is extraordinarily complicated. The Department has concluded that this case is extraordinarily complicated. See Memorandum from Edward C. Yang to Joseph A. Spetrini (June 5, 2001).

Therefore, in accordance with section 751(a)(2)(B)(iv) of the Act, the Department is extending the time limit for the preliminary results by 120 days until November 27, 2001.

Dated: June 12, 2001.

Edward C. Yang,

Acting Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 01–15323 Filed 6–15–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061101H]

Availability of a Draft Environmental Assessment/Finding of No Significant Impact and Receipt of an Application for an Incidental Take Permit.

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

ACTION: Notice of availability.

SUMMARY: NMFS has received an application for an incidental take permit (ITP) from the North Carolina Division of Marine Fisheries (NCDMF) pursuant to the Endangered Species Act of 1973, as amended (ESA). As required by the ESA, NCDMF's application includes a conservation plan (Plan) designed to minimize and mitigate any such take of endangered or threatened species. The Permit application is for the incidental take of ESA-listed adult and juvenile sea turtles associated with commercial shrimp trawling without the use of a turtle excluder device (TED) off the coast of North Carolina from Browns Inlet to Rich Inlet due to high concentrations of algae which clog shrimp trawls and TEDs. The duration of the requested ITP is for 5 years. NMFS also announces the availability of a draft environmental assessment (EA) for the permit application. NMFS is furnishing this notice in order to allow other agencies and the public an opportunity to review and comment on these documents. All comments received will become part of the public record and will be available for review pursuant to the ESA.

DATES: Written comments from interested parties on the Permit application, Plan, and draft EA must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Eastern Daylight Time on July 18, 2001.

ADDRESSES: Written comments on this action should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments may also be sent via fax to 301-713–0376. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Robert Hoffman (ph. 727–570–5312, fax 727–570–5517, e-mail robert.hoffman@noaa.gov), or Barbara A. Schroeder (ph. 301–713–1401, fax 301–713–0376, e-mail Barbara.Schroeder@noaa.gov). Comments received will also be available for public inspection, by appointment, during normal business hours by calling 301-713-1401.

SUPPLEMENTARY INFORMATION: Section 9 of the ESA and Federal regulations prohibit the ''taking'' of a species listed as endangered or threatened. The term ''take'' is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits, under limited circumstances, to take listed species incidental to, and not the purpose of, otherwise lawful activities. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

Species Covered in this Notice

The following species are included in the Plan and ITP application: Loggerhead (*Caretta caretta*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*) sea turtles.

Background

On January 31, 2001, NCDMF submitted an application to NMFS to renew ESA section 10 (a)(1)(B) permit 1008 issued to the state of North Carolina. The previous permit had expired December 31, 2000 and had been issued for the years 1996–2000 to replace NMFS emergency rules which were issued from 1992 through 1995. That permit and those emergency rules allowed limited tow times in lieu of the use of TEDs in a 1-mile by approximately 30-mile long area off the North Carolina coast from Browns Inlet to Rich Inlet because of high concentrations of algae which clog shrimp trawl nets and TEDs. The bottom between Rich and Browns Inlets consists of scattered rocks, sea grasses, and concentrations of algae.

With the institution of Federal regulations requiring the use of TEDs in shrimp trawls, problems developed in this area with algae frequently clogging TEDs rendering them useless in releasing turtles and filling the trawls with algae from the TEDs forward. In this particular area shrimpers must harvest the algae in order to catch the shrimp that inhabit it. TED use in these circumstances is impractical because they clog or exclude a large portion of the algae. The season for shrimp trawling activity in this area varies from year to year depending on shrimp abundance. During the 1996–1999 fishing seasons, permit 1008 allowed

the use of tow times rather than TEDs. In order to obtain this permit, the NCDMF agreed to monitor fishing activities in the described area to ensure compliance with tow-time requirements. The Fisheries Director of North Carolina is empowered to issue proclamations by which the Director is able to implement restrictions on fisheries activities. In compliance with permit 1008, the Director issued a series of such proclamations dealing with the described area. These proclamations required vessels to obtain a tow-time permit from the NCDMF if they wished to work without TEDs, and allowed a maximum tow time of 55 minutes from April 1 to October 31 and 75 minutes from November 1 through November 30.

In the years 1992–1999, 43, 21, 28, 18, 38, 20, 20, and 14 vessels, respectively, were issued permits for the exemption from the use of TEDs. The TED exemption was not implemented by NCDMF in 2000 because algae concentrations were low, allowing fishermen to work effectively with their TEDs installed. Observations by NCDMF Marine Patrol personnel indicate a range from zero to over 30 vessels may be working in this area at any one time and that effort is concentrated in the early morning to early afternoon period.

A condition of the pervious permit 1008 was the required use of onboard observers on 5 percent of the trips made while tow times were allowed. This was accomplished for all years except 1996 when slightly more than 3 percent of the trips were covered by observers. There were 204 tow time restricted tows in the described area that were monitored by onboard observers during the 1996–1999 period. Nine loggerheads were captured during these tows and all were reported released in good condition. Analysis of log book entries for this area during this time period shows that 58 turtles were taken in 3591 tows. All were identified by the fishermen as loggerheads and were released in good condition, although one turtle required resuscitation.

The North Carolina restricted area is contained within Onslow and Pender Counties. It is believed that any sea turtles potentially killed incidental to shrimp trawling operations in the described area would have a relatively high chance of stranding along the shoreline of the described area, longshore currents notwithstanding, because of the close proximity of trawling activity to shore (usually within 0.5 nm). NMFS' review of the sea turtle standings in the described area in 1992 indicated no observed or confirmed sea turtle mortalities associated with shrimp trawling. Ten turtles were stranded in the described area in 1994; half were stranded in April and May. Twenty-six turtles were stranded in the area in 1995. Again, 50 percent were found in April and May. In both years, the majority of standings took place prior to the seasonal authorization to fish without TEDs. Stranding data from the described area for 1996–1999 shows that for the entire four-year period, 78 turtles stranded with 21 (27 percent) of those occurring during tow time use and 59 (73 percent) occurring when tow times were not in effect. Of the 21 strandings occurring during the use of tow times, 16 were loggerheads, 3 were Kemp's ridleys, and 1 each was a green and a leatherback sea turtle.

Conservation Plan

The conservation plan prepared by NCDMF describes measures designed to monitor, minimize, and mitigate the incidental takes of ESA-listed sea turtles, as a result of shrimp trawling in the above-described area without the use of a TED.

As part of the new permit application, the NCDMF proposes that the Director would issue proclamations allowing the use of tow times in lieu of TEDs for the described area between April 1 and November 30. Approximately 45 fishermen with extensive local knowledge of this area may participate in this fishery, and could be authorized under this new permit. The NCDMF proposes that tow times be 55 minutes from the date of the proclamation to October 31 and 75 minutes from November 1 to November 30. Tow times are measured from the time the trawl doors enter the water until the time they are removed from the water and correspond to the tow times of 40 minutes bottom time in the summer months and 60 minutes during colder months as recommended by the National Academy of Science (1990) in ''*Decline of the Sea Turtles: Causes and Prevention*.'' The state will issue individual permits to fishermen allowing them to use tow time restrictions instead of TEDs. The state-issued tow-time permits would be required to identify each vessel working without TEDs and to monitor activity in the area. Individuals would have to obtain this state permit from NCDMF prior to beginning operations without TEDs. This permit and the associated proclamations would contain conditions to protect sea turtles while using tow times in lieu of TEDs. Enforcement surveillance would be primarily conducted from the beach as the activity is visible from the shore and it is difficult for the vessels to determine when they are being observed. Other enforcement observations would be made from NCDMF's aircraft and vessels.

For the new permit the NCDMF proposes to monitor mortalities of sea turtles in the area through stranding records collected by the NC Wildlife Resources Commission stranding network, rather than through onboard observers, as required in permit 1008. The NCDMF does not have funding for onboard observers for this activity. NMFS provided funding for observers for the previous permit. Stranding records during the period 1992–1995 for the tow time area ranged between 10 and 26 loggerheads per year and one green turtle for the entire period; however, the majority of standings took place prior to the issuance of tow-time permits. The NCDMF proposes to terminate or modify the tow-time permits if standings in the described area during times when tow times are in use exceed ten turtles in aggregate of Kemp's ridley, hawksbill, green or leatherback sea turtles or 40 loggerhead turtles.

A permit with a duration of 5 years is being requested. The activities that fall under the permit will take place each year from April 1 through November 30 with tow times being permitted by the issuance of a proclamation from the Director. The Director issues the proclamation after consultation with staff and industry representatives who observe algae concentrations. The industry utilizes tow times as a last resort because they would rather use TEDs to avoid frequent haul-back of their gear. Proclamations would be issued and tow times initiated only when algae concentrations prevent the use of TEDs. There were years under the previous permit, such as 2000, when tow times were not instituted because algae concentrations were low.

The NCDMF knows of no measures to prevent takes of sea turtles in this area during the use of tow times. Past experience has indicated that attempting to use TEDs during periods of high algae concentration renders TEDs inoperable leading to incidental takes of turtles. An alternative action considered by NCDMF was not to apply for a permit; however, the experience of fishermen in this area has shown that when algal concentrations are heavy, both the TEDs and the nets clog to the extent that they no longer function. This would not protect sea turtles nor would it allow the shrimp fishery to continue in this area. NCDMF is proposing to limit the use of tow-time limitations instead of TEDs from Browns Inlet to Rich Inlet, North Carolina, such that the

incidental impacts on ESA-listed sea turtles will be minimized. NCDMF would use a variety of adaptive fishery management measures and restrictions through their state proclamation authority to reduce sea turtle mortality.

The EA package includes a draft EA and a draft Finding of No Significant Impact (FONSI) which concludes that issuing the incidental take permit is not a major Federal action significantly affecting the quality of the human environment, within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended. Three Federal action alternatives have been analyzed in the EA, including: (1) the no action alternative (deny the ITP); (2) issue the ITP; and (3) close this area to shrimp fishing.

This notice is provided pursuant to section 10(c) of the ESA and the NEPA regulations (40 CFR 1506.6). NMFS will evaluate the application, associated documents, and comments submitted thereof to determine whether the application meets the requirements of the NEPA regulations and section 10 (a) of the ESA. If it is determined that the requirements are met, a permit will be issued for incidental takes of ESA-listed sea turtles under the jurisdiction of NMFS. The final NEPA and permit determinations will not be completed until after the end of the 30–day comment period and will fully consider all public comments received during the comment period. NMFS will publish a record of its final action in the **Federal Register**.

Dated: June 11, 2001.

Phil Williams,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–15195 Filed 6–15–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 060601B]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Groundfish Stock Assessment Review (STAR) Panels will hold consecutive work sessions to review assessment information for shortspine thornyhead/Dover sole, and for sablefish. These meetings are open to the public.

DATES: The STAR Panel for shortspine thornyhead and Dover sole will meet beginning at 8 a.m., July 9, 2001 and continue through July 12, 2001. The STAR Panel for sablefish will meet beginning at 8 a.m., July 13, 2001 and continue through July 16, 2001. The STAR Panels will meet each day from 8 a.m. to 5 p.m.

ADDRESSES: The STAR Panel meetings will be held in the Marilyn Potts Guin Library, at the Hatfield Marine Science Center, Oregon State University, 2030 South Marine Science Drive, Newport, OR 97365.

Council address: Pacific Fishery Management Council, 7700 Ambassador Place, Suite 200, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Chuck Tracy or Dan Waldeck, Staff Officers; telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: Two meetings will be held consecutively, the first from July 9-12, 2001; the second from July 13-16, 2001. The purpose of the first meeting is to review assessments of shortspine thornyhead and Dover sole. The purpose of the second meeting is to review assessments of sablefish. The STAR Panels will work with stock assessment teams to make necessary revisions to assessment documents and produce STAR Panel reports for use by the Council family and other interested persons.

Although non-emergency issues not contained in STAR Panel agendas may come before the STAR Panel for discussion, those issues may not be the subject of formal Panel action during this meeting. STAR Panel action will be restricted to those issues specifically listed 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 Panel's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: June 12, 2001.

Richard W. Surdi,

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

[FR Doc. 01–15192 Filed 6–15–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 060501D]

Marine Mammals; File No.775–1600–01

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

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that Permit No. 775–1600, issued to Dr. Micheal P. Sissenwine, Northeast Fisheries Science Center, NMFS,166 Water Street, Woods Hole, Massachusetts 02543–1026, has been amended to include takes of 28 species of cetacean for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before July 18, 2001.

ADDRESSES: The amended permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (508)281–9250; fax (508)281–9371.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: On October 27, 2000, notice was published in the **Federal Register** (65 FR 64432) that a request for a scientific research permit to take seven species of baleen whale, 21 species of odontocetes, and four species of pinnipeds had been submitted by the above-named organization.

The requested permit was issued for the four species of pinniped only, under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), pending completion of a consultation on the proposed activities on the species of cetacean listed as endangered, as

required under Section 7 of the Endangered Species Act.

The subject amendment was issued for the 28 species of cetacean under the authority of the MMPA, as amended, the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Issuance of this amendment, as required by the ESA, was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of this permit; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: June 11, 2001.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–15193 Filed 6–15–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 060601A]

Marine Mammals; File No.605–1607–00

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that The Whale Center of New England, P.O. Box 159 , Gloucester, MA 01931–0159 (PI: Mason Weinrich) has been issued a permit to take four large whale species for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376;

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978) 281–9200; fax (978) 281–9371;

Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432; phone (727) 570–5301; fax (727) 570–5320.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Ruth Johnson (301) 713–2289.

SUPPLEMENTARY INFORMATION: On December 27, 2000, notice was published in the **Federal Register** (65 FR 81844) that a request for a scientific research permit to take four large whale species had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: June 11, 2001.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–15194 Filed 6–15–01; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in Romania

June 13, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: June 18, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted, variously, for recrediting of unused carryforward, carryover, swing, special shift and carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 77594, published on December 12, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 13, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 5, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Romania and exported during the twelve-month period beginning on January 1, 2001 and extending through December 31, 2001.

Effective on June 18, 2001, you are directed to adjust the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
315	3,886,924 square meters.
338/339	1,192,817 dozen.
340	441,236 dozen.
341/840	184,913 dozen.
347/348	806,887 dozen.
352	281,253 dozen.
360	2,607,140 numbers.
361	1,738,094 numbers.
410	93,898 square meters.
433/434	12,785 dozen.
435	13,689 dozen.
442	15,245 dozen.
443	98,005 numbers.
444	20,601 numbers.
447/448	28,391 dozen.
638/639	966,900 dozen.

Category	Adjusted twelve-month limit [1]
640	132,981 dozen.
647/648	282,348 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2001.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–15312 Filed 6–15–01; 8:45 am]

BILLING CODE 3510–DR–F

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Availability of Funds for National Provider of Information and Training and Technical Assistance to Faith-Based and Small Community Organizations Using Service and Volunteerism as a Strategy to Meet Community Needs; Correction

AGENCY: Corporation for National and Community Service.

ACTION: Notice; Correction.

SUMMARY: The Corporation for National and Community Service (Corporation) published a document in the **Federal Register** of June 8, 2001, announcing the availability of funds for a national provider of information and training and technical assistance to faith-based and small community organizations using service and volunteerism as a strategy to meet community needs. The document contained an incorrect website address.

FOR FURTHER INFORMATION CONTACT: Arthurine Walker, Jim Ekstrom, or Christine Benero at the Corporation for National and Community Service, (202) 606–5000, extensions 423, 139, or 193; TTY (202) 565–2799; email *awalker@cns.gov,* or *jekstrom@cns.gov,* or *cbenero@cns.gov.*

Correction

In the **Federal Register** of June 8, 2001, in FR Doc 01–14402, on page 30889, in the first column, ''www.etr/nsrc/org'' should read ''www.etr.org/nsrc''.

Dated: June 13, 2001.

George Gary Kowalczyk,

Coordinator, National Service Programs, Corporation for National and Community Service.

[FR Doc. 01–15280 Filed 6–15–01; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Defense Finance and Accounting Service Board of Advisors

AGENCY: Department of Defense, Office of the Under Secretary of Defense (Comptroller).

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and summary agenda for the first meeting of the Defense Finance and Accounting Service (DFAS) Board of Advisors. The Board was chartered by the Deputy Secretary of Defense on October 4, 2000, to provide advice and recommendations to the Secretary of Defense and Deputy Secretary of Defense regarding the mission of DFAS as it transforms its financial management operations, processes, and systems. The meeting will be open to the public. Notice of this meeting is required under the Federal Advisory Committee Act, (Pub. L. 92–463).

DATES: Wednesday, June 27, 2001.

ADDRESSES: Crystal City Marriott, Salon A, Monticello Ballroom, 1999 Jefferson Davis Highway, Arlington, VA 22202.

PROPOSED SCHEDULE AND AGENDA: The Defense Finance and Accounting Service Board of Advisors will meet in open session from 1:30 p.m. to 4:30 p.m. on June 27, 2001. The meeting will include discussions on the DFAS Strategic Plan and Balanced Scorecard, DFAS Competitive Sourcing Program, Capital Investment Strategy, and Financial Management Reform Plan and Initiatives.

FOR FURTHER INFORMATION CONTACT: Ms. Codie Smith, Resource Management, DFAS, Crystal Mall 3 (room 206), 1931 Jefferson Davis Highway, Arlington, VA 22240. Telephone (703) 607–1162. Public seating for this meeting is limited, and is available on a first-come first-served basis.

Dated: June 13, 2001.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 01–15386 Filed 6–15–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency, Science and Technology Advisory Board, Standing Committee on Emerging Chemical and Biological Technology Advisory Committee of Experts Closed Panel Meeting

AGENCY: Department of Defense, Defense Intelligence Agency.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Public Law 92–463, as amended by section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Science and Technology Advisory Board, Standing Committee on Emerging Chemical and Biological Technology Advisory Committee of Experts has been scheduled as follows:

DATES: June 13–14, 2001 (9 am to 5 pm).

ADDRESSES: Battelle Memorial Institute, 505 King Avenue, Columbus, Ohio 43201.

FOR FURTHER INFORMATION CONTACT: Mr. Jack A. McNulty, Chairman, Standing Committee on Emerging Chemical and Biological Technology Advisory Committee of Experts, DIA Science and Technology Advisory Board, Washington, DC 20340–1328, (202) 231–3507.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(I), title 5 of the U.S. Code, and therefore will be closed to the public. The Advisory Committee of Experts (ACE) will receive classified briefings on and discuss several cutting-edge technologies and advise the Director, DIA, on related scientific and technical matters.

Dated: June 12, 2001.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 01–15213 Filed 6–15–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency, Science and Technology Advisory Board Closed Panel Meeting

AGENCY: Department of Defense, Defense Intelligence Agency.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Public Law 92–463, as amended by section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Science and Technology Advisory Board has been scheduled as follows:

DATES: June 26, 2001 (8:30 am to 4 pm).

ADDRESSES: The Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340.

DATES: June 27, 2001 (8:30 am to 4 pm).

ADDRESSES: 4600 Sangamore Road, Bethesda, MD 20816 National Imagery Mapping Agency (NIMA)

FOR FURTHER INFORMATION CONTACT: Ms. Victoria J. Prescott, Director/Executive Secretary, DIA Science and Technology Advisory Board, Washington, DC 20430–1328, (202) 231–4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(I), Title 5 of the U.S. Code, and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

June 12, 2001.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 01–15215 Filed 6–15–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Change in Meeting Date of the DoD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: Working Group B (Microelectronics) of the DoD Advisory Group on Electron Devices (AGED) announces a change to a closed session meeting.

DATES: The meeting will be held at 0900 Wednesday, June 27, 2001.

ADDRESSES: The meeting will be held at the Palisades Institute for Research Services, 1745 Jefferson Davis Highway, Suite 500, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Elise Rabin, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director Defense Research and Engineering (DDR&E), and through the DDR&E, to the Director Defense Advanced Research Projects Agency and the Military Departments in planning and managing an effective research and development program in the field of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military proposes to initiate with industry, universities or in their laboratories. The microelectronics area includes such programs on semiconductor materials, integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. 92–463, as amended, (5 U.S.C. App. Sec. 10(d) (1994)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly, this meeting will be closed to the public.

Dated: June 12, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–15214 Filed 6–15–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Meeting Date Change

AGENCY: Department of Defense.

ACTION: Notice of advisory committee meeting date change.

SUMMARY: The Defense Science Board (DSB) Task Force on Systems Technology for the Future U.S. Strategic Posture closed meeting scheduled for June 13–14, 2001, published at 65 FR 70556, November 24, 2000, has been changed to June 25–26, 2001. The meeting will be held at Strategic Analysis Inc., 3601 Wilson Boulevard, Suite 600, Arlington, VA.

Dated: June 8, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–15212 Filed 6–15–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Request for Public Comment of Draft L5 Civil Signal Interface Control Document (ICD)

AGENCY: Department of the Air Force, DoD.

ACTION: Notice and Request for Review and Comment of Draft ICD–GPS–705.

SUMMARY: This notice informs the public that the Global Positioning System (GPS) Joint Program Office (JPO) has released the current draft of ICD–GPS–705, NAVSTAR GPS Space Segment/User Segment L5 Interfaces, for public review and comment. This ICD describes the interface characteristics of L5, a signal to be incorporated into the GPS system for the benefit of the civilian community. The draft ICD can be reviewed at the following web site: *http://gps.losangeles.af.mil.* Select the ''GPS Library'' option, then select the ''GPS Public'' tab, and then select the ''Public Documents'' selection. Hyperlinks to the draft ICD and review instructions are provided. The reviewer should save the draft ICD to a local memory location prior to opening and performing the review. All comments and their resolutions will be posted to the web site.

ADDRESSES: Submit comments to SMC/CZER, 2420 Vela Way, Suite 1467, El Segundo, CA 90245–4659, ATTN: 1st Lt Reginald C. Victoria. A comment matrix is provided for your convenience at the web site and is the preferred method of comment submittal. Comments may be submitted to the following Internet address: cmdm@losangeles.af.mil. Comments may also be sent by fax to (310) 363–6387.

DATES: The suspense date for comment submittal is July 17, 2001. The following schedule of events is anticipated:

ICD–705 Posted on GPS public web page: June 5, 2001.

Comment Submittal Suspense Date: July 17, 2001.

Government Response to Comments Suspense Date: July 25, 2001.

Tentative Interface Control Working Group Meeting Date: July 26, 2001.

FOR FURTHER INFORMATION CONTACT: Capt Eric Y. Moore, Configuration Management Processes Coordinator, (310) 363–5117, or 1st Lt Reginald C. Victoria, ICD–GPS–705 Point of Contact, (310) 363–6329, GPS JPO System Engineering Division, address above.

SUPPLEMENTARY INFORMATION: The civilian and military communities use the Global Positioning System, which employs a constellation of 24 satellites

to provide continuously transmitted signals to enable appropriately configured GPS user equipment to produce accurate position, navigation and time information.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–15200 Filed 6–15–01; 8:45 am]

BILLING CODE 5001–05–U

DEPARTMENT OF ENERGY

DOE Response to Recommendation 2001–1 of the Defense Nuclear Facilities Safety Board, High-Level Waste Management at the Savannah River Site.

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Defense Nuclear Facilities Safety Board Recommendation 2001–1, concerning high-level waste management at the Savannah River Site, was published in the **Federal Register** on April 3, 2001 (66 FR 17689). In accordance with section 315(b) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2286d(b), the Secretary transmitted the following response to the Defense Nuclear Facilities Safety Board on May 18, 2001.

DATES: Comments, data, views, or arguments concerning the Secretary's response are due on or before July 18, 2001.

ADDRESSES: Send comments, data, views, or arguments concerning the Secretary's response to: Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Frei, Deputy Assistant Secretary for Project Completion, Office of Environmental Management, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585.

Issued in Washington, DC on May 18, 2001.

Mark B. Whitaker, Jr.,

Departmental Representative to the Defense Nuclear Facilities Safety Board.

2001-007927

The Secretary of Energy
Washington, DC 20585
May 18, 2001

The Honorable John T. Conway
Chairman
Defense Nuclear Facilities Safety Board
625 Indiana Avenue, NW
Suite 700
Washington, D.C. 20004-2901

Dear Mr. Chairman:

Thank you for your letter transmitting the Defense Nuclear Facilities Safety Board's Recommendation 2001-1. The Department welcomes the Board's input on this subject and accepts Recommendation 2001-1 as addressed in the enclosed implementation plan. The plan provides detailed discussion and specific milestones for each of the sections of the recommendation.

In summary, the Department is firmly committed to the safe and efficient operation of the high-level liquid waste management facilities at the Savannah River Site. The Department believes that the Implementation Plan will maintain an adequate margin of safety for the protection of human health and the environment. As ongoing reviews of the high-level waste system plan and system performance identify opportunities for improvement, such improvements have been, and will continue to be, incorporated. As stated in your letter, some of the actions encompassed in the Recommendation have been already implemented or are being pursued by the Department.

I have designated Mr. Mark Frei, Deputy Assistant Secretary for Project Completion, Office of Environmental Management, as the responsible manager for implementing the Department's response to this Recommendation. Mr. Charles E. Anderson, Assistant Manager for High Level Waste, Savannah River Operations Office, will be the point of contact for the site-specific actions for this Recommendation. Mr. Frei may be reached at (202) 586-0370 and Mr. Anderson can be reached at (803) 208-6072.

Sincerely,

Spencer Abraham

Enclosure

Current Status of High Level Waste System Relative to DNFSB Recommendation 2001–1

General

The Department shares the Board's concern about reliance on older equipment for long-term operations. The Department, however, believes that due attention is being afforded these areas. Furthermore, the Department believes that, because an adequate safety margin is in place, it is more prudent to pursue activities that result in waste stabilization than to focus on activities that may improve short-term storage conditions while delaying ultimate stabilization. The Department believes careful consideration was given to the technical safety issues and the risks and benefits were properly balanced prior to the re-use of old style tanks.

While the Department shares the Board's concerns about the decreasing operational flexibility in the Tank Farms due to increasing material backlogs as a result of equipment and process problems, the Department does not agree that the margin of safety has been reduced by recent events and actions. Authorization Basis and environmental regulatory requirements have all been met without using reserve storage space.

Finally, the Department recognizes and shares the Board's desire to move forward expeditiously with efforts toward long-term solutions. The Department is committed to ensuring the best solutions are chosen after careful identification and consideration of safety and programmatic risks. As the Board is aware, the early identification and resolution of technical issues significantly reduces project delays, redesign, and compensatory measures during the construction and operational phases of a project. As discussed below in response to the specific subrecommendation related to salt disposition, progress in this area is being made on schedule, and the time spent resolving issues is proving worthwhile.

In summary, the Department is aware of the loss of operational flexibility currently being experienced in the Tank Farms as a result of process and equipment failures. The Department and its contractors are committed to restoring operational flexibility in a safe and timely manner. In developing this implementation plan all actions are assumed to be fully funded.

Specific Recommended Actions

1. Initiate actions to remove transferable HLW liquid from Tank 6 to a level below all known leak sites.

The Department accepts this subrecommendation. An initial transfer of 40,000 gallons of liquid from Tank 6 into Tank 8 was completed on March 27, 2001. As committed to in our video conference call with the Board on March 22, 2001, the Department has continued to evaluate the Tank 6 condition and the overall HLW system. Based on our evaluation the Department has concluded that additional lowering of the waste in the tank to below the lowest known leak site is appropriate and this direction was given to the site contractor on May 1, 2001.

DOE recognizes that situations compromising the integrity of the primary containment are undesirable. The Department has determined that the Tank 6 waste can be lowered below the lowest known leak site without significantly compromising the primary mission objective of HLW retrieval and vitrification. This will allow a reduction in Tank 6 surveillance activities related to the status of identified leak sites.

The Department implementation milestone for this subrecommendation is:

Commitment 1.1 Pump tank to below the lowest known leak site.

Lead Responsibility: Deputy Assistant Secretary, Office of Project Completion.

Due Date: May 31, 2001.

2. Reassess the schedule and priority for selecting a technology for a salt processing capability, and vigorously accelerate the schedule leading to operation of a salt processing facility.

The Department accepts this subrecommendation and will assess the schedule for salt processing once the preferred technology decision is made and will accelerate this critical activity where possible. The Department will then provide a briefing to the Board.

The selection of a salt processing technology is a critical priority of the Department and the process remains on schedule for a July 2001 decision date. Radioactive waste test demonstrations currently in progress are a key element of the selection process. Acceleration of this date at this time is not considered feasible. Since March 2000, the Department has been working towards identify a preferred technology in June in accordance with the Action Plan defining the Savannah River Site Salt processing Project Roles and Responsibilities. Under this Plan, a joint Headquarters/Savannah River site Technical Working Group (TWG) was established to lead the effort for technology selection. Key activities selection include the development of selection criteria and conduct of extensive research and development testing that will address high technical risks for each of the technologies under consideration. These activities have been completed or they are on schedule to identifying a preferred technology in June. The Salt Processing Alternatives Draft Supplemental Environmental Impact Statement (SEIS) has been issued for public comment and the final SEIS is on schedule to support the decision-making process. The Department currently plans to have the Record of Decision for this SEIS embody the DOE selection, with issuance by July 2001. Once this decision is made, the Request for Proposals (RFP) will be issued to seek up to two Engineering, Procurement, and Construction (EPC) contractors to perform conceptual design of the full-scale facility.

Planning for the Salt Waste Processing Facility (SWPF) includes a pilot plant for the technology selected. A pilot plant is viewed as critical to further mitigate technical risks prior to final design and construction of the SWPF and will improve confidence in project execution. To this end, pilot-plant design, construction, and operation are being planned to provide meaningful input to the conceptual and preliminary design.

Efforts are being made to ensure that the decision date will be met and that follow-on design, construction and startup activities can begin on schedule. It should be noted that part of the overall strategy for this effort is one of continually identifying and implementing actions to ensure that an effective salt-processing technology is selected and constructed on or ahead of schedule. This project is managed in accordance with DOE Order 413.3 and has incorporated ''lessons learned'' from other projects.

The Department is committed to ensuring that the best technology is chosen after careful identification and consideration of safety and programmatic risks. Given the long-term nature of this program, and consistent with DOE Order 413.3, the Department believes that the establishment of program/project milestones beyond technology selection is counterproductive until a firm baseline is established (35% design completion). However, DOE commits to continue to assess the schedule in an effort to accelerate this critical activity, and therefore accepts this subrecommendation.

The Department implementation milestone for this subrecommendation is:

Commitment 2.1: Make a preferred technology selection and issue ROD.

Lead Responsibility: Deputy Assistant Secretary, Office of Project Completion.

Due Date: July 2001.

Commitment 2.2: Brief the Board on the preferred salt processing technology selection, schedule, and opportunities for acceleration.

Lead Responsibility: Deputy Assistant Secretary, Office of Project Completion.

Due Date: July 2001.

3. Develop and implement an integrated plan for HLW tank space management that emphasizes continued safe operation of the Tank Farms throughout its life cycle. This plan should include enough margin to accommodate contingencies and reduce overall programmatic risk. The plan should also restore operating margin to the Tank Farms by including action to:

The Department accepts this subrecommendation and the HLW system Plan update will be provided to the Board. The Tank Farm space management strategy is based on a set of key assumptions involving canister production rates, influent stream volumes, Tank Farm evaporator performance, and space gain initiative implementation. Tank space management is a sub-set of the overall integrated HLW System Plan and as such is a life-cycle look at the space available to accommodate contingencies and support site missions. The HLW System Plan is updated annually and considers the latest data available as well as the current conditions, challenges and potential impacts to Tank Farm operations. The next revision to the HLW System Plan, scheduled for issue in May 2001, will provide enhance coverage of areas not previously highlighted and will include management of type I, II, and Type IV tanks.

Each of the specific actions in the Board's Recommendation is addressed below.

a. Reduce or eliminate the DWPF recycle stream. Several proposals already have been made to reduce the volume of DWPF recycle waste sent to the Tank Farm. A major reduction effort was implemented in January 2000 to isolate the steam atomized scrubber system from the melter off-gas system. This resulted in an annual 700,000-gallon reduction in recycle being sent to the Tank Farm. Proposals associated with the frit transfer system and reductions in sample line flushes resulted in additional water generation reductions. It is anticipated that the annual recycle being sent to the Tank Farm will be reduced from approximately 2,200,000 gallons for a 250 can-per-year production rate to approximately 1,400,000 gallons or less. Additional DWPF recycle reduction proposals, such as the installation of a DWPF acid evaporator, will be evaluated

b. Recover former ITP tanks for Tank Farm operations. A schedule has been implemented to return Tank 49 (previously an ITP salt processing tank) to waste concentrate storage. A briefing for the Board on August 2,2000, provided the Department's plans relative to Tank 49. Tank 49 currently contains approximately 200,000 gallons of benzene-bearing solution from ITP demonstration runs that must be removed prior to its return to waste storage service. The decomposition of benzene producing phenylborate compounds will be performed in two phases. The first phase was completed in March 2001 when the material in Tank 49 has heated to 40 degrees Celsius. The second phase involves the introduction of copper catalyst to Tank 49. The first copper addition occurred in March 2001 and subsequent additions are scheduled to be completed by May 2001. Once the decomposition of the phenylborates is complete, the material in Tank 49 will be transferred to Tank 50. Modifications required to tie Tank 49 into the H-Tank Farm transfer system already have been completed. Tank 49 is expected to be available to receive concentrated waste later this year.

Tank 50, currently being used as a receipt tank for Effluent Treatment Facility (ETF) bottoms, is scheduled for return to waste concentrate storage in late 2002. The associated construction/project work has been initiated to support this effort. A Baseline Change Package authorizing the start of this work was approved April 23, 2001.

Additionally, Tank 48, which already is addressed in the Recommendation 96–1 Implementation Plan, is an option and will be considered for future revisions of the HLW System Plan. Lessons learned from returning Tank 49 to service will be incorporated into the future Tank 48 plans and factored into future revisions of the HLW System Plan.

c. Assess the desirability of adding an additional HLW evaporator to support Tank Farm operations. Construction of an additional evaporator is not a viable alternative for the near-term. The current issues impacting evaporator operations are not associated with evaporator capacity. The current issues are process and equipment related which, would also exist with a new evaporator system. These problems are specifically addressed in paragraph (e) below. The Department considers that a more prudent and cost-effective approach to resolve the problem is by optimizing existing evaporator operations by means of resolving waste compatibility and equipment degradation problems.

Previous studies have shown that the three evaporator systems currently available have sufficient capacity to handle the expected demands of the HLW system once the process and equipment issues associated with the 2H and 3H Evaporator systems are overcome. These studies also show that the three evaporator systems operating at planned capacity will provide margin to accommodate future system upsets and allow the option to shutdown the 2F Evaporator system at some point in the future. The 2F Evaporator system could potentially be used as a ''contingency'' when this margin is achieved.

The Department concludes that a new evaporator is not a feasible near-term solution, and it projects that an excess evaporation capacity will exist in the long-term.

d. Assess the feasibility of constructing new HLW tanks. Previous consideration of this option indicates that it is a costly approach that has many regulatory, stakeholder, and permitting issues. In addition, constructing and operating new HLW tanks would add to the ultimate environmental management and restoration cleanup mission. This option is not considered feasible as a short-term remedy to gain operating safety margin in the Tank Farms. It has been estimated that the permitting and construction period required to have tanks suitable for storage of HLW would take from seven to ten years.

The Department concludes that new HLW storage tanks are not a near-term solution, but it will evaluate them as a longer-term solution if salt processing capability is not achieved as planned.

e. Resolve waste compatibility and equipment degradation problems to allow unconstrained operation of the three existing evaporators. Improvements made to the 2F Evaporator system during FY 2000 have made that system more reliable and current performance is better than expected. This system is operational and a new vessel is currently on hand should it be necessary to replace the existing vessel.

The 2H Evaporator experienced erratic lift rates and was shut down in

January 2000 when attempts to correct the lift rate were unsuccessful. Sample results from solids previously found in the evaporator pot revealed that the material consisted of sodium aluminosilicate and sodium diuranate. Initial analysis indicated that these solids form in the presence of high silica and high aluminum feed. The Savannah River Technology Center (SRTC) continues to analyze methods of preventing the aluminisilicate formation in the evaporator pot. Until this work is completed, appropriate controls have been put in place to limit the amount of silica content in the feed to the 3H and 2F Evaporators.

Operations are now underway to the 2H Evaporator to remove the solids. The 2H Evaporator cleaning and recovery efforts are behind schedule but this system is expected back into operations in FY 2001.

The 3H Evaporator system is operating in a limited mode due to cooling coil problems in Tank 30 (the 3H Evaporator drop tank). A project to convert Tank 37 to drop tank service, by installing a drop line from the evaporator to the tank, has been initiated and the Baseline Change Proposal (BCP) authorizing funding was approved on April 23, 2001. The schedule to have the 3H system functioning at full capacity is late 2002.

The revised HLW System Plan accounts for these difficulties and the resolutions described above are underway.

The Department implementation milestone for this subrecommendation is:

Commitment 3.1: Issue Revision 12 of the HLW System Plan.

Lead Responsibility: Deputy Assistant Secretary, Office of Project Completion.

Due Date: May 2001.

4. Reassess contractor incentives to ensure that near—term production at DWPF is not overemphasized at the expense of safety margin in the Tank Farms

The DOE accepts this subrecommendation. The Department has re-assessed the contractor incentive package to identify whether additional incentives are needed to promote near term improvements in Tank Farm operations.

The current incentive package is based upon significant amounts of fee at risk if the safety and long-term reliability of the system is allowed to deteriorate in order to meet short term DWPF production. In trying to minimize the potential that the contractor would pursue short-term gain at the expense of longer-term system reliability, several features were incorporated into the final set of incentives currently being used:

1. The number of canisters produced in the later years of the contract period earn larger fees than those produced earlier. This feature was incorporated to ensure that work on the preparation of sludge batch 3 was maintained and that this batch of feed would be ready to support the overall canister production goals.

2. Specific evaporation and tank farm space goals were allotted separate incentives to ensure that the tank farm health at the end of the period was sufficient to support continued operations after the contract period.

3. Separate incentives were identified for specific safety documentation goals.

4. Minimum levels of performance were established. Failure to attain these levels could result in application of the Conditional Payment of Fee clause. Under this clause significant reductions in previously earned fees could result from a failure to meet the minimum levels of performance specified.

5. Unallocated fee was set aside for emergent activities/situations that may warrant incentivization. This is a continually ongoing process and will be the basis for the Department's current re-assessment.

The Department plans to assess the appropriateness of these incentives annually throughout the term of the existing contract.

Commitment 4.1: The Department will provide a briefing to the Board on specific elements of the current incentive package at Savannah River Site.

Lead Responsibility: Deputy Assistant Secretary, Office of Project Completion.

Due Date: July 2001.

[FR Doc. 01–15281 Filed 6–15–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–301–018]

ANR Pipeline Company; Notice of Negotiated Rate Filing

June 12, 2001.

Take notice that on June 4, 2001, ANR Pipeline Company (ANR), tendered for filing and approval a Service Agreement between ANR and Reliant Energy Services, Inc. (Reliant) pursuant to ANR's Rate Schedule FSS (the ''Agreement'').

ANR states that the Agreement contains a negotiated rate arrangement between ANR and Reliant to be effective June 1, 2001 through March 31, 2004 and contains a right to extend the term for one additional year upon specified circumstances. ANR is also tendering for filing Third Revised Sheet No. 14O which is being provided for future use. ANR requests that the Commission accept and approve the Agreement and tariff sheet, effective June 1, 2001.

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.

David P. Boergers,

Secretary.

[FR Doc. 01–15239 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR01–16–000]

Bridegline Holdings, L.P.; Notice of Application for Rate Approval

June 12, 2001.

Take notice that on June 1, 2001, Bridgeline Holdings, L.P. (Bridgeline) filed an application for rate approval, pursuant to Section 284.123(b)(2) of the Commission's regulations, proposing a system-wide maximum rate for interruptible transportation of $0.3700 per MMBtu, and a maximum usage rate for firm transportation of $0.0849 per MMBtu with a monthly reservation charge of $8.67 per MMBtu, for service under Section 311(a)(2) of the Natural Gas Policy Act (NGPA). Bridgeline also

states it seeks authority to increase or decrease its maximum usage and reservation charges to satisfy shippers' needs or requests, so long as the combined usage and reservation charge does not exceed $0.3700 on a 100% load factor basis.

Bridgeline is an intrastate pipeline with facilities located wholly within the State of Louisiana. The facilities were acquired by merger from Louisiana Resources Pipeline Company Limited Partnership (LRP), effective March 15, 2000. On March 1, 1999, the Commission issued a letter order approving settlement rates under Section 311 for LRP's firm and interruptible transportation service, as well as Park N' Ride service. 86 FERC ¶61,204 (1999) The order required that on or before June 1, 2001, LRP file an application for approval of the existing rates or to establish new rates. The current filing proposes increased transportation rates and states that Bridgeline will no longer offer Park N' Ride service.

Pursuant to Section 284.123(b)(2)(ii), of the Commission's regulations, if the Commission does not act within 150 days of the date of the Petition's filing date, the rates proposed therein will be deemed to be fair and equitable and not in excess of an amount that interstate pipelines would be permitted to charge for similar services. The Commission may within such 150 day period extend the time for action or institute a proceeding in which all interested parties will be afforded an opportunity for written comments and the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must 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 motions must be filed with the Secretary of the Commission on or before June 27, 2001. This petition for rate approval is on file with the Commission and is available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.200(a)(1)(iii) and the instruction on the Commission's web site at http://www.ferc.fed.us.efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–15232 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–583–001]

Florida Gas Transmission Company; Notice of Compliance Filing

June 12, 2001.

Take notice that on November 21, 2000, Florida Gas Transmission Company (Florida Gas) filed an explanation of imbalance trading in compliance with a Commission order issued October 27, 2000 in Docket No. RM96–1–014. The filing provides an explanation of imbalance trading on Florida Gas' system.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before June 19, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–15237 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR01–15–000]

Green Canyon Pipe Line Company, L.P.; Notice of Rate Petition

June 12, 2001.

Take notice that on May 21, 2001, Green Canyon Pipe Line Company, L.P. (GCP), formerly Sonat Intrastate-Alabama Inc. (SIA), filed a petition pursuant to Section 284.123(b)(2) of the Commission's Regulations under the Natural Gas Policy Act of 1978 (NGPA) for approval of a maximum system-wide rate for transporting natural gas pursuant to Section 311(a)(2) of the NGPA on the former SIA system (SIA facilities).

GCP proposed to retail its current maximum system-wide transportation rate of 29.4 cents per MMBtu for the SIA Facilities. GCP requests that the Commission approve this rate as fair and equitable and not in excess of an amount that is reasonably comparable to the rates that intrastate pipelines would be permitted to charge for providing similar service.

Pursuant to Section 284.123(b)(2)(ii), of the Commission's regulations, if the Commission does not act within 150 days of the date of the Petition's filing date, the rates proposed therein will be deemed to be fair and equitable and not in excess of an amount that interstate pipelines would be permitted to charge for similar services. The Commission may within such 150 day period extend the time for action or institute a proceeding in which all interested parties will be afforded an opportunity for written comments and the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 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 motions must be filed with the Secretary of the Commission on or before June 27, 2001. This petition for rate approval is on file with the Commission and is available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.200(a)(1)(iii) and the instruction on the Commission's web

site at http://www.ferc.fed.us.efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–15236 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER01–2192–000 and EL01–85–000]

ISO New England Inc.; Notice of Filing

June 12, 2001.

Take notice that on May 31, 2001, ISO New England Inc. (the ISO) submitted Market Rule IX (Standard Market Design) under Section 205 of the Federal Power Act and Section 6.17(e) of the Interim Independent System Operator Agreement, together with a request under Section 206 of the Federal Power Act that the New England Power Pool (NEPOOL) be directed to file conforming changes to the Restated NEPOOL Agreement and the NEPOOL Open Access Transmission Tariff.

Copes of said filing have been served upon NEPOOL Participants and upon all non-Participant entities that are customers under the NEPOOL Open Access Transmission Tariff, as well as upon the governors and utility regulatory agencies of the six New England States.

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 June 21, 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. 01–15225 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM00–1–25–007]

Mississippi River Transmission Corporation; Notice of Compliance Filing

June 12, 2001.

Take notice that on June 5, 2001, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to be effective June 1, 2001:

Forty First Revised Sheet No. 5
Forty First Revised Sheet No. 6
Thirty Eighth Revised Sheet No. 7

MRT states that the purpose of this filing is to comply with the Commission's order dated May 31, 2001 in Docket No. TM00–1–25.

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.

David P. Boergers,

Secretary.

[FR Doc. 01–15240 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–190–003]

National Fuel Gas Distribution Corporation; Notice of Compliance Filing

June 12, 2001.

Take notice that on May 2, 2001, National Fuel Gas Distribution Corporation (National Fuel Distribution) filed its final report in compliance with the Commission's order dated March 30, 2000, in Docket No. RP99–190–001. The filing reports that National Fuel Distribution will be able to operate without a waiver of the shipper must have title policy following November 1, 2000 for parts of its upstream capacity and following April 1, 2001 for all of its upstream capacity.

Any person desiring to protest said filing should file a protests with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before June 19, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection 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.

David P. Boergers,

Secretary.

[FR Doc. 01–15226 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–397–000]

Questar Pipeline Company; Notice of Supplemental Filing

June 12, 2001.

Please take notice that on May 14, 2001, Questar filed supplemental information to Questar Pipeline

Company's Order No. 637 compliance filing that was filed with the Commission on July 17, 2001, in the referenced docket. In this supplement, Questar states that it is addressing parties' comments and issues regarding (1) segmentation, (2) park and loan service and (3) cashout provisions.

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 and are due on or before June 29, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site athttp://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–15241 Filed 6–15–01; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR01–17–000]

Raptor Natural Pipeline LLC; Notice of Rate Election

June 12, 2001.

Take notice that on June 1, 2001, Raptor Natural Pipeline LLC (Raptor) filed, pursuant to Section 284.123(b)(2) of the Commission's regulations, an election setting forth proposed rates for firm and interruptible Section 311(a)(2) transportation services and stating Raptor's intent to continue providing Section 311(a)(2) storage services at market-based rates. Raptor seeks a fair and equitable determination from the Commission, regarding these rate proposals. Raptor's mailing address is P.O. Box 4783, CH 1068, Houston, Texas, 77079.

Raptor states that it is the successor-in-interest to LG&E Natural Pipeline L.L.C., and is an intrastate pipeline company within the meaning of Section 2(16) of the NGPA, 15 U.S.C. § 3301(16). Raptor will provide the services described above pursuant to Section 311(a)(2) of the NGPA through its facilities located in New Mexico.

Pursuant to Section 284.123(b)(2)(ii), of the Commission's regulations, if the Commission does not act within 150 days of the date of the Petition's filing date, the rates proposed therein will be deemed to be fair and equitable and not in excess of an amount that interstate pipelines would be permitted to charge for similar services. The Commission may within such 150 day period extend the time for action or institute a proceeding in which all interested parties will be afforded an opportunity for written comments and the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must 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 motions must be filed with the Secretary of the Commission on or before June 27, 2001. This petition for rate approval is on file with the Commission and is available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.200(a)(1)(iii) and the instruction on the Commission's web site at http://www.ferc.fed.us.efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–15235 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT01–15–002]

Texas Eastern Transmission, LP; Notice of Compliance Filing

June 12, 2001.

Take notice that on June 6, 2001, Texas Eastern Transmission, LP (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised volume No. 1, and First Revised volume No. 2, certain revised tariff sheets listed on Appendix A to the filing, proposed to be effective on April 16, 2001, and May 1, 2001.

Texas Eastern states that the purpose of this filing is to reflect the restatement of certain tariff sheets that were accepted by the Commission in orders issued subsequent to Texas Eastern's filing of its corporate name change on April 12, 2001, which was approved by the Commission's letter order dated May 10, 2001, in Docket No. GT01–15–000 et al.

Texas Eastern states that copies of its filing have been mailed to all affected customers and 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.

David P. Boergers,

Secretary.

[FR Doc. 01–15238 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–301–023]

ANR Pipeline Company; Notice of Negotiated Rate Filing

June 12, 2001.

Take notice that on June 6, 2001, ANR Pipeline Company (ANR), tendered for filing and approval five (5) Service Agreements between ANR and West Tennessee Public Utility District pursuant to ANR's Rate Schedules FTS–1, FSS and NNS (the Agreements).

ANR states that the Agreements contain a negotiated rate arrangement to be effective June 1, 2001. ANR requests that the Commission accept and approve the Agreements, effective June 1, 2001.

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 inspections 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.

David P. Boergers,

Secretary.

[FR Doc. 01–15227 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–301–022]

ANR Pipeline Company; Notice of Negotiated Rate Filing

June 12, 2001.

Take notice that on June 4, 2001, ANR Pipeline Company (ANR), tendered for filing and approval four Service Agreements between ANR and PCS Nitrogen Ohio, L.P., BP Chemicals, Inc. and Premcor Refining Groups, Inc. (Shipper) pursuant to ANR's Rate Schedule FTS–1 (together referred to as the Shipper Agreements).

ANR states that the Shipper Agreements contain negotiated rate arrangements between ANR and Shipper. ANR requests that the Commission accept and approve the Shipper Agreements to be effective June 1, 2001.

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.

David P. Boergers,

Secretary.

[FR Doc. 01–15228 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–301–021]

ANR Pipeline Company; Notice of Negotiated Rate Filing

June 12, 2001.

Take notice that on June 4, 2001, ANR Pipeline Company (ANR), tendered for filing and approval four Service Agreements between ANR and General Motors Corporation (GM) pursuant to ANR's Rate Schedule FTS–1 (together referred to as the GM Agreements).

ANR states that the GM Agreements contain negotiated rate arrangements between ANR and GM. ANR requests that the Commission accept and approve the GM Agreements to be effective June 1, 2001.

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. Protest 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.

David P. Boergers,

Secretary.

[FR Doc. 01–15229 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–301–017]

ANR Pipeline Company; Notice of Negotiated Rate Filing

June 12, 2001.

Take notice that on June 4, 2001, ANR Pipeline Company (ANR), tendered for filing and approval a Service Agreement between ANR and Dynegy Marketing and Trade (Dynegy) pursuant to ANR's Rate Schedule FSS (the Agreement).

ANR states that the Agreement contains a negotiated rate arrangement between ANR and Dynegy to be effective June 1, 2001 through March 31, 2004 and contains a right to extend the term for one additional year upon specified circumstances. ANR is also tendering for filing Third Revised Sheet No. 14P which is being provided for future use. ANR Requests that the Commission accept and approve the Agreement and tariff sheet effective June 1, 2001.

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 at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–15230 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–301–016]

ANR Pipeline Company; Notice of Negotiated Rate Filing

June 12, 2001.

Take notice that on June 4, 2001, ANR Pipeline Company (ANR), tendered for filing and approval twenty-seven (27) Service Agreement between ANR and Wisconsin Public Service Corporation pursuant to ANR's Rate Schedules ETS, FTS–1, FSS and NNS, a Buyout Agreement and A Letter Agreement (the Agreements).

ANR states that the Agreements contain a negotiated rate arrangement to be effective June 1, 2001. ANR is also filing redlined tariff sheets and Eighth Revised Sheet No. 14 which is being provided for future use. ANR requests that the Commission accept and approve the Agreements and tariff sheet, effective June 1, 2001.

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 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.

David P. Boergers,

Secretary.

[FR Doc. 01–15231 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–301–020]

ANR Pipeline Company; Notice of Negotiated Rate Filing

June 12, 2001.

Take notice that on June 4, 2001, ANR Pipeline Company (ANR), tendered for filing and approval a Service Agreement between ANR and NG Energy Trading, L.L.C. (NG Energy) pursuant to ANR's Rate Schedule FSS (the Agreement).

ANR states that the Agreement contains a negotiated rate arrangement between ANR and NG Energy to be effective June 1, 2001 through May 31, 2006 and contains a right to extend the term for one additional year upon specified circumstances. ANR requests that the Commission accept and approve the Agreement to be effective June 1, 2001.

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.

David P. Boergers,

Secretary.

[FR Doc. 01–15233 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–301–019]

ANR Pipeline Company; Notice of Negotiated Rate Filing

June 12, 2001.

Take notice that on June 4, 2001, ANR Pipeline Company (ANR), tendered for filing and approval ten Service Agreements between ANR and Utilicorp United, Inc. pursuant to ANR's Rate Schedules ETS, FSS and NNS (the Agreements).

ANR states that the Agreements contain a negotiated rate arrangement to be effective June 1, 2001. ANR requests that the Commission accept and approve the Agreement to be effective June 1, 2001.

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.

David P. Boergers,

Secretary.

[FR Doc. 01–15234 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–227–000, *et al.*]

Keystone Power LLC, *et al.;* Electric Rate and Corporate Regulation Filings

June 12, 2001.

Take notice that the following filings have been made with the Commission:

1. Keystone Power LLC

[Docket No. EG01–227–000]

Take notice that on June 6, 2001, Keystone Power LLC filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA). The applicant is a limited liability company organized under the laws of the State of Delaware that will acquiring 3.7 percent undivided interests in the Keystone Electric Generating Station in Shelocta, Pennsylvania (Facilities) and sell electric energy at wholesale. The total capacity of the applicant's interest in the Facilities is 63.4 MW. Determinations pursuant to section 32(c) of PUHCA have been received from the State commissions of Delaware, Maryland, and Virginia, and a determination is pending from the State commission of New Jersey.

Comment date: July 3, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Conemaugh Power LLC

[Docket No. EG01–228–000]

Take notice that on June 6, 2001, Conemaugh Power LLC filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935 (PUHCA). The applicant is a limited liability company organized under the laws of the State of Delaware that will be acquiring 3.72 percent undivided interests in the Conemaugh Generating Station in New Florence, Pennsylvania (Facilities) and sell electric energy at wholesale. The total capacity of the applicant's interest in the Facilities is 63.5MW. Determinations pursuant to section 32(c) of PUHCA have been received from the state commissions of Delaware, Maryland, and Virginia, and a determination is pending from the state commission of New Jersey.

Comment date: July 3, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Travis Energy and Environment, Inc.

[Docket No. ER01–2234–000]

Take notice that on June 6, 2001, Travis Energy and Environment, Inc. (TRAVIS) petitioned the Federal Energy Regulatory Commission (Commission) for acceptance of Travis Energy Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

TRAVIS intends to engage in wholesale electric power and energy sales as an independent power producer. TRAVIS is constructing an 8 MW diesel generating facility in Clearwater, Idaho (Clearwater Facility). Other than the Clearwater Facility, TRAVIS is not engaged in generating or transmitting electric power. TRAVIS is an S Corporation, organized under the laws of the state of Idaho.

TRAVIS is requesting an effective date of June 15, 2001.

Comment date: June 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Southwest Power Pool, Inc.

[Docket No. ER01–2235–000]

Take notice that on June 6, 2001, Southwest Power Pool, Inc. (SPP) tendered for filing an executed service agreement for Network Integration Transmission Service and an executed Network Operating Agreement with The Board of Public Utilities, Springfield, Missouri (Network Customer).

SPP seeks an effective date of June 1, 2001 for these service agreements.

A copy of this filing was served on the Network Customer.

Comment date: June 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. American Transmission Systems, Inc.

[Docket No. ER01–2236–000]

Take notice that on June 6, 2001, American Transmission Systems, Inc. filed a Service Agreement to provide Non-Firm Point-to-Point Transmission Service for Engage Energy America LLC, the Transmission Customer. Services are being provided under the American Transmission Systems, Inc. Open Access Transmission Tariff submitted for filing by the Federal Energy Regulatory Commission in Docket No. ER99–2647–000.

The proposed effective date under the Service Agreement is June 5, 2001 for the Service Agreement.

Comment date: June 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. American Transmission Systems, Inc.

[Docket No. ER01–2237–000]

Take notice that on June 6, 2001, American Transmission Systems, Inc. filed a Service Agreement to provide Firm Point-to-Point Transmission Service for Engage Energy America LLC., the Transmission Customer. Services are being provided under the American Transmission Systems, Inc. Open Access Transmission Tariff submitted for filing by the Federal Energy Regulatory Commission in Docket No. ER99–2647–000.

The proposed effective date under the Service Agreement is June 5, 2001 for the above mentioned Service Agreement in this filing.

Comment date: June 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Carolina Power & Light Company

[Docket No. ER01–2238–000]

Take notice that on June 6, 2001, Carolina Power & Light Company (CP&L) tendered for filing an executed Service Agreement between CP&L and the following eligible buyer, CMS Marketing, Services and Trading Company. Service to this eligible buyer will be in accordance with the terms and conditions of CP&L's Market-Based Rates Tariff, FERC Electric Tariff No. 4, for sales of capacity and energy at market-based rates.

CP&L requests an effective date of June 6, 2001 for this Service Agreement.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: June 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Exelon Generation Company, LLC

[Docket No. ER01–2239–000]

Take notice that on June 6, 2001, Exelon Generation Company, LLC

(Exelon Generation) submitted for filing with the Federal Energy Regulatory Commission (FERC or the Commission) a service agreement for wholesale power sales transactions between Exelon Generation and City of St. Charles, Illinois under Exelon Generation's wholesale power sales tariff, FERC Electric Tariff, Original Volume No. 1.

Exelon Generation requests an effective date of April 1, 2001 for the Service Agreement.

Comment date: June 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Exelon Generation Company, LLC

[Docket No. ER01–2240–000]

Take notice that on June 6, 2001, Exelon Generation Company, LLC (Exelon Generation) submitted for filing with the Federal Energy Regulatory Commission (FERC or the Commission) a service agreement for wholesale power sales transactions between Exelon Generation and City of Batavia, Illinois under Exelon Generation's wholesale power sales tariff, FERC Electric Tariff, Original Volume No. 1.

Exelon Generation request the Service Agreement be made effective as of April 1, 2001.

Comment date: June 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Allegheny Energy Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER01–2241–000]

Take notice that on June 6, 2001, Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Service Agreement Nos. 354 through 357 to add Dynegy Power Marketing, Inc. to Allegheny Power's Open Access Transmission Service Tariff which has been accepted for filing by the Federal Energy Regulatory Commission in Docket No. ER96–58–000.

The proposed effective date under the Service Agreements is May 1, 2002 or a date ordered by the Commission.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: June 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. California Independent System Operator Corporation

[Docket No. ER01–2252–000]

Take notice that on June 6, 2001, the California Independent System Operator Corporation (ISO) tendered for filing an Interconnected Control Area Operating Agreement (ICAOA) between the ISO and Comisión Federal de Electricidad, in compliance with the Commission's April 27, 2001 letter order in the above-referenced docket and with Order No. 614. The ISO states that it does not now propose any new substantive changes to the ICAOA.

The ISO states that this filing has been served upon all parties in the above-referenced docket.

Comment date: June 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Avista Corporation

[Docket No. ER01–2253–000]

Take notice that on June 7, 2001, Avista Corporation, tendered for filing, with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13, a Certificate of Concurrence in Puget Sound Energy, Inc.'s filing regarding the 2000–01 Operating Procedures under the Pacific Northwest Coordination Agreement Docket No. ER01–1470–000, previously noticed on March 8, 2001.

Comment date: June 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. The Detroit Edison Company

[Docket No. ES01–37–000]

Take notice that on June 5, 2001, The Detroit Edison Company (Detroit Edison) submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue long-term debt securities, from time to time, in an aggregate principal not to exceed $1 billion at any one time.

Detroit Edison also requests a waiver of the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Comment date: July 3, 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, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–15279 Filed 6–15–01; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6998–9]

Draft Great Lakes Strategy Notice of Availability, Public Meetings and the Opportunity To Comment; Correction

AGENCY: Environmental Protection Agency.

ACTION: Notice; correction.

SUMMARY: The Environmental Protection Agency published a notice in the Federal Register of June 5, 2001, concerning a notice of availability of and request for comments on a draft of the Great Lakes Strategy, and a notice of public meetings which will be held in Duluth, MN, Detroit, MI, Buffalo, NY, and Chicago, IL during the weeks of June 25, 2001 and July 2, 2001. The notice contained a date which has been changed from Wednesday June, 27, 2001 to Tuesday, June 26, 2001.

FOR FURTHER INFORMATION CONTACT: Ted Smith, 312–353–6571.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of June 6, 2001, in FR Doc. 01–14081 page 30187, in the third column, under the **DATES** section the Date for ''Wednesday June 27, 2001'' is changed to ''Tuesday, June 26, 2001.''

Dated: June 8, 2001.

Gary Gulezian,

Great Lakes National Program Director.

[FR Doc. 01–15292 Filed 6–15–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6998–8]

Recovery of Past Response Costs Settlement; Economy Plating Co., Inc. Site, Cleveland, Cuyahoga County, Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: This notice is provided pursuant to section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601 *et seq*. U.S. EPA proposes settlement of a claim under section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 6922(h)(1) with Economy Plating Co, Inc. and Dino Land Properties Co., Inc. for recovery of Past Response Costs incurred during removal activities at or in connection with the Economy Plating Co., Inc. Site in Cleveland, Cuyahoga County, Ohio.

The settlement requires the settling parties to pay $61,000.00 to the Hazardous Substances Superfund for reimbursement of Past Response Costs for removal actions taken at the Site. The proposed action is being taken to settle all liability related to the Economy Plating Site for this Respondent under section 107(a) of CERCLA.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received an may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

DATES: Comments on this proposed settlement must be submitted to EPA by July 18, 2001.

ADDRESSES: Comments on this proposed settlement should be addressed to: Diana Embil, (C–14J), Assistant Regional Council, U.S. Environmental Protection Agency, 77 West Jackson Blvd., Chicago, Illinois 60604–3590. Comments should refer to: In the Matter of: Economy Plating Co., Inc. Site Recovery of Past Response Costs Settlement. Please submit an original and three copies of any comments, if possible. A copy of the proposed settlement may be obtained from the following address for review: U.S. Environmental Protection Agency, Region V, Office of Superfund, 77 West Jackson Blvd., Chicago, Illinois 60604–3590. Please telephone Diana Embil, at (312) 886–7889, before visiting the Region V office.

FOR FURTHER INFORMATION CONTACT: Diana Embil, (C–14J), Assistant Regional Counsel, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590, (312) 886–7889.

Dated: June 8, 2001.

William E. Muno,

Director, Superfund Division.

[FR Doc. 01–15291 Filed 6–15–01; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–42214; FRL–6786–6]

Sunset Date/Status Table of TSCA Section 4 and 12(b) Activities; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the public availability, including via the Internet, of a table listing chemical substances and mixtures that are and/or have been the subject of final test rules and/or enforceable consent agreements/orders (ECAs) issued by EPA under section 4 of the Toxic Substances Control Act (TSCA) since the inception of the TSCA Existing Chemicals Testing Program. The table, which will be updated on a continuing basis, is expected to serve as a tool to assist persons in complying with TSCA. The information that is contained in the table for each of the listed chemical substances or mixtures includes the date(s) that TSCA section 4 testing, reimbursement, and reporting requirements and/or TSCA section 4-triggered TSCA section 12(b) export notification requirements have terminated (''sunset'') or have been calculated to sunset, or some other TSCA section 4 or TSCA section 4-triggered TSCA section 12(b) status is indicated.

DATES: Comments, identified by docket control number OPPTS–42214, must be received on or before June 18, 2002.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–42214 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Kathy Calvo, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–6229; e-mail address: calvo.kathy@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general and may be of particular interest to persons who manufacture (defined by statute to include import), process, and/or export chemical substances and/or mixtures. In view of the fact that other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

You may view and download the current table of sunset dates from the Home Page of the Chemical Information and Testing Branch by linking to the document at http://www.epa.gov/opptintr/chemtest/index.htm or by going directly to the web site at http://www.epa.gov/opptintr/chemtest/sunset.htm. A detailed description of the table is also found at this site.

2. *TSCA Hotline*. Copies of this document and the current table of sunset dates are available from the

EPA's TSCA Assistance Information Service (TSCA Hotline). For information about obtaining these documents through the TSCA Hotline, see ''For General Information Contact'' listed under **FOR FURTHER INFORMATION CONTACT**.

3. *In person*. The Agency has established an official record for this action under docket control number OPPTS–42214. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–42214 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260–7093.

3. *Electronically*. You may submit your comments electronically by e-mail to: oppt.ncic@epa.gov, or mail your computer disk to the address identified in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPPTS–42214. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

We invite you to provide your views on the this action, including new approaches we have not considered, possible unintended consequences, and any data or information that you would like the Agency to consider. You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. Provide specific examples to illustrate your concerns.

5. Offer alternative ways to improve this notice.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA is announcing the availability of a table entitled *Sunset Date/Status of TSCA Section 4 Testing, Reimbursement and Reporting Requirements and TSCA Section 4-Triggered 12(b) Export Notification Requirements*. EPA is making this table available to the public via the Internet, TSCA hotline, and TSCA Nonconfidential Information Center (NCIC or TSCA Docket) so that the information contained in it will be available soon after updating by EPA. For the purposes of complying with TSCA section 4 and TSCA section 4-triggered TSCA section 12(b) requirements, the applicability of a particular TSCA section 4 action to a given person is dependent solely on the final requirements specified for the chemical substance(s) and mixture(s) identified in final TSCA section 4 and/or section 12(b) actions published in the **Federal Register**. The table can be considered current as of the date specified at the top of the table. For the status of final TSCA section 4 and TSCA section 4-triggered section 12(b) actions taken after this date, consult the **Federal Register**. EPA plans to update and re-post/reissue this table on an ongoing basis in order to make the most current information available to the public in a timely manner.

List of Subjects

Environmental protection, Chemicals, Reporting and recordkeeping requirements.

Dated: June 7, 2001.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 01–15295 Filed 6–15–01; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–01–41–A (Auction No. 41); DA 01–1400]

Narrowband PCS Spectrum Auction Scheduled for October 3, 2001; Comment Sought on Reserve Prices or Minimum Opening Bids and Other Auction Procedural Issues

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the auction of 365 Personal

Communications Service (PCS) licenses in the 900 MHz band (''narrowband PCS'') set to begin on October 3, 2001 (Auction No. 41) and seeks comment on reserve prices or minimum opening bids and other auction procedural issues.

DATES: Comments are due on or before June 25, 2001 and reply comments are due on or before July 2, 2001.

ADDRESSES: An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, Room TW–A325, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Howard Davenport, Auctions Attorney, or Lyle Ishida, Auctions Analyst, at (202) 418–0660; or Lisa Stover, Project Manager, at (717) 338–2888.

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction No. 41 Procedures Public Notice* released June 12, 2001. The complete text of the *Auction No. 41 Procedures Public Notice,* including the attachment, is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554. The *Auction No. 41 Procedures Public Notice* may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.) 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800. The *Auction No. 41 Procedures Public Notice* is also available on the Commission's web site at *http://www.fcc.gov*..

1. By this Public Notice, the Wireless Telecommunications Bureau (''Bureau'') announces the auction of 365 Personal Communications Service (PCS) licenses in the 900 MHz band (''narrowband PCS'') set to begin on October 3, 2001 (Auction No. 41). In Auction No. 41, eight (8) licenses will be offered on a nationwide basis and seven (7) licenses will be offered in each of 51 Major Trading Areas (MTAs), for a total of 357 MTA licenses. The following table describes the licenses that will be auctioned:

Channel Number	Channel Description	Frequency Bands	Bandwidth (kHz)
Nationwide Licenses			
18	One 100 kHz unpaired channel	940.65—940.75 MHz	100 kHz
19	One 50 kHz/50 kHz paired channel	901.3—901.35, 930.5—930.55 MHz	100 kHz
20	One 50 kHz/50 kHz paired channel	901.9—901.95, 930.75—930.8 MHz	100 kHz
21	One 50 kHz/150 kHz paired channel	901.5—901.55, 930—930.15 MHz	200 kHz
22	One 50 kHz/150 kHz paired channel	901.6—901.65, 930.15—930.3 MHz	200 kHz
23	One 50 kHz/100 kHz paired channel	901.45—901.5, 940.55—940.65 MHz	150 kHz
24	One 50 kHz/100 kHz paired channel	901.55—901.6, 940.3—940.4 MHz	150 kHz
25	One 50 kHz/100 kHz paired channel	901.85—901.9, 940.45—940.55 MHz	150 kHz
Nationwide subtotal.			1,150 kHz
MTA Licenses			
26	One 50 kHz unpaired channel	901.35—901.4 MHz	50 kHz
27	One 50 kHz unpaired channel	901.4—901.45 MHz	50 kHz
28	One 50 kHz unpaired channel	940.4—940.45 MHz	50 kHz
29[1]	One 50 kHz/50 kHz paired channel	901.95—902.0, 930.8—930.85 MHz	100 kHz
30	One 50 kHz/100 kHz paired channel	901.65—901.7, 930.3—930.4 MHz	150 kHz
31[1]	One 50 kHz/150 kHz paired channel	901.7—901.75, 930.85—931 MHz	200 kHz
32[1]	One 12.5 kHz/100 kHz paired channel	901.8375—901.85, 940.9—941 MHz	112.5 kHz
MTA Subtotal			712.5 kHz
Grand Total			1,862.5 kHz

[1] NBPCS channels 29, 31, and 32 in MTA002 (Los Angeles-San Diego) will be available subject to protection of incumbent licenses held by Paging Systems, Inc. under call signs WPOI469, WPOI470, WPOI471, and WPOI472. *See* In the Matter of License Communications Services, Inc. *et al., Memorandum Opinion and Order,* 62 FR 55375 (October 24, 1997).

2. The Balanced Budget Act of 1997 requires the Commission to ''ensure that, in the scheduling of any competitive bidding under this subsection, an adequate period is allowed * * * before issuance of bidding rules, to permit notice and comment on proposed auction procedures * * *.'' Consistent with the provisions of the Balanced Budget Act and to ensure that potential bidders have adequate time to familiarize themselves with the specific rules that will govern the day-to-day conduct of an auction, the Commission directed the Bureau, under its existing delegated authority, to seek comment on a variety of auction-specific procedures prior to the start of each auction. We therefore seek comment on the following issues relating to Auction No. 41.

I. Auction Structure

A. Simultaneous Multiple Round Auction Design

3. We propose to award the licenses in a single, simultaneous multiple-round auction. As described further, this methodology offers every license for bid at the same time with successive bidding rounds in which bidders may place bids. We seek comment on this proposal.

B. Upfront Payments and Initial Maximum Eligibility

4. The Bureau has been delegated authority and discretion to determine an appropriate upfront payment for each license being auctioned, taking into account such factors as the population

in each geographic license area, and the value of similar spectrum. As described further, the upfront payment is a refundable deposit made by each bidder to establish eligibility to bid on licenses. Upfront payments related to the specific spectrum subject to auction protect against frivolous or insincere bidding and provide the Commission with a source of funds from which to collect payments owed at the close of the auction. With these guidelines in mind for Auction No. 41, we propose to calculate upfront payments on a license-by-license basis using the following formula:

$.00002 * kHz * License Area Population with a minimum of $1,000 per license.

5. Accordingly, we list all licenses, including the related license area population and proposed upfront payment for each, in Attachment A of the *Auction No. 41 Procedures Public Notice.* We seek comment on this proposal.

6. We further propose that the amount of the upfront payment submitted by a bidder will determine the number of bidding units on which a bidder may place bids—this limit is a bidder's ''maximum initial eligibility.'' Each license is assigned a specific number of bidding units equal to the upfront payment listed in Attachment A, on a bidding unit per dollar basis. This number does not change as prices rise during the auction. A bidder's upfront payment is not attributed to specific licenses. Rather, a bidder may place bids on any combination of licenses as long as the total number of bidding units associated with those licenses does not exceed its maximum initial eligibility. Eligibility cannot be increased during the auction. Thus, in calculating its upfront payment amount, an applicant must determine the *maximum* number of bidding units it may wish to bid on (or hold high bids on) in any single round, and submit an upfront payment covering that number of bidding units. We seek comment on this proposal.

C. Activity Rules

7. In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively on a percentage of their maximum bidding eligibility during each round of the auction rather than waiting until the end to participate. A bidder that does not satisfy the activity rule will either lose bidding eligibility in the next round or must use an activity rule waiver (if any remain).

8. We propose to divide the auction into three stages, each characterized by an increased activity requirement. The auction will start in Stage One. We propose that the auction generally will advance to the next stage (*i.e.,* from Stage One to Stage Two, and from Stage Two to Stage Three) when the auction activity level, as measured by the percentage of bidding units receiving new high bids, is approximately ten percent or below for three consecutive rounds of bidding. However, we further propose that the Bureau retain the discretion to change stages unilaterally by announcement during the auction. In exercising this discretion, the Bureau will consider a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentage of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. We seek comment on these proposals.

9. For Auction No. 41, we propose the following activity requirements:

Stage One: In each round of the first stage of the auction, a bidder desiring to maintain its current eligibility is required to be active on licenses representing at least 80 percent of its current bidding eligibility. Failure to maintain the requisite activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, reduced eligibility for the next round will be calculated by multiplying the current round activity by five-fourths (5/4).

Stage Two: In each round of the second stage, a bidder desiring to maintain its current eligibility is required to be active on 90 percent of its current bidding eligibility. During Stage Two, reduced eligibility for the next round will be calculated by multiplying the current round activity by ten-ninths (10/9).

Stage Three: In each round of the third stage, a bidder desiring to maintain its current eligibility is required to be active on 98 percent of its current bidding eligibility. In this final stage, reduced eligibility for the next round will be calculated by multiplying the current round activity by fifty/forty-ninths (50/49).

10. We seek comment on these proposals. If commenters believe that these activity rules should be changed, they should explain their reasoning and comment on the desirability of an alternative approach. Commenters are advised to support their claims with analyses and suggested alternative activity rules.

D. Activity Rule Waivers and Reducing Eligibility

11. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular license. Activity waivers are principally a mechanism for auction participants to avoid the loss of auction eligibility in the event that exigent circumstances prevent them from placing a bid in a particular round.

12. The FCC auction system assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver (known as an ''automatic waiver'') at the end of any bidding period where a bidder's activity level is below the minimum required unless: (1) There are no activity rule waivers available; or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirements.

13. A bidder with insufficient activity may wish to reduce its bidding eligibility rather than use an activity rule waiver. If so, the bidder must affirmatively override the automatic waiver mechanism during the bidding period by using the reduce eligibility function in the bidding system. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules as described. Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

14. A bidder may proactively use an activity rule waiver as a means to keep the auction open without placing a bid. If a bidder submits a proactive waiver (using the proactive waiver function in the bidding system) during a bidding period in which no bids or withdrawals are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver invoked in a round in which there are no new valid bids or withdrawals will not keep the auction open.

15. We propose that each bidder in Auction No. 41 be provided with five activity rule waivers that may be used at the bidder's discretion during the course of the auction as set forth. We seek comment on this proposal.

E. Information Relating to Auction Delay, Suspension, or Cancellation

16. For Auction No. 41, we propose that, by public notice or by

announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding. In such cases, the Bureau, in its sole discretion, may elect to resume the auction starting from the beginning of the current round, resume the auction starting from some previous round, or cancel the auction in its entirety. Network interruption may cause the Bureau to delay or suspend the auction. We emphasize that exercise of this authority is solely within the discretion of the Bureau, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers. We seek comment on this proposal.

II. Bidding Procedures

A. Round Structure

17. The Commission will use its Automated Auction System to conduct the electronic simultaneous multiple round auction format for Auction No. 41. In contrast to prior auctions, Auction No. 41 will be conducted over the Internet. However, the Bureau's wide area network will be available at the standard charge, as in prior auctions. Prospective bidders concerned about their access to the Internet may want to establish a connection to the Bureau's wide area network as a backup. Full information regarding how to establish such a connection, and related charges, will be provided in the public notice announcing details of auction procedures. In past auctions, we have used the timing of bids to select a high bidder when multiple bidders submit identical high bids on a license in a given round. Given that bidders will access the Internet at differing speeds, we will not use this procedure in Auction No. 41. For Auction No. 41, we propose to use a random number generator to select a high bidder from among such bidders. As with prior auctions, remaining bidders will be able to submit higher bids in subsequent rounds. The initial bidding schedule will be announced in a public notice to be released at least one week before the start of the auction, and will be included in the registration mailings. The simultaneous multiple round format will consist of sequential bidding rounds, each followed by the release of round results. Details regarding the location and format of round results will be included in the same public notice.

18. The Bureau has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The Bureau may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors. We seek comment on this proposal.

B. Reserve Price or Minimum Opening Bid

19. The Balanced Budget Act calls upon the Commission to prescribe methods for establishing a reasonable reserve price or a minimum opening bid when FCC licenses are subject to auction unless the Commission determines that a reserve price or minimum bid is not in the public interest. Consistent with this mandate, the Commission has directed the Bureau to seek comment on the use of a minimum opening bid and/or reserve price prior to the start of each auction.

20. Normally, a reserve price is an absolute minimum price below, which an item will not be sold in a given auction. Reserve prices can be either published or unpublished. A minimum opening bid, on the other hand, is the minimum bid price set at the beginning of the auction below which *no bids* are accepted. It is generally used to accelerate the competitive bidding process. Also, the auctioneer often has the discretion to lower the minimum opening bid amount later in the auction. It is also possible for the minimum opening bid and the reserve price to be the same amount.

21. In light of the Balanced Budget Act's requirements, the Bureau proposes to establish minimum opening bids for Auction No. 41. The Bureau believes a minimum opening bid, which has been utilized in other auctions, is an effective bidding tool.

22. Specifically, for Auction No. 41, the Commission proposes the following license-by-license formula for calculating minimum opening bids:

$.00004 * kHz * License Area Population with a minimum of $1,000 per license.

23. The specific minimum opening bid for each license available in Auction No. 41 is set forth in Attachment A of the *Auction No. 41 Procedures Public Notice.* Comment is sought on this proposal. If commenters believe that these minimum opening bids will result in substantial numbers of unsold licenses, or are not reasonable amounts, or should instead operate as reserve prices, they should explain why this is so, and comment on the desirability of an alternative approach. Commenters are advised to support their claims with valuation analyses and suggested reserve prices or minimum opening bid levels or formulas. In establishing the minimum opening bids, we particularly seek comment on such factors as the amount of spectrum being auctioned, levels of incumbency, the availability of technology to provide service, the size of the geographic service areas, issues of interference with other spectrum bands and any other relevant factors that could reasonably have an impact on valuation of the narrowband PCS spectrum. Alternatively, comment is sought on whether, consistent with the Balanced Budget Act, the public interest would be served by having no minimum opening bid or reserve price.

C. Minimum Acceptable Bids and Bid Increments

24. In each round, eligible bidders will be able to place bids on a given license in any of nine different amounts. The Automated Auction System interface will list the nine acceptable bid amounts for each license. Once there is a standing high bid on a license, the Automated Auction System will calculate a minimum acceptable bid for that license for the following round, as described. The difference between the minimum acceptable bid and the standing high bid for each license will define the *bid increment.* The nine acceptable bid amounts for each license consist of the minimum acceptable bid (the standing high bid plus one bid increment) and additional amounts calculated using multiple bid increments (i.e., the second bid amount equals the standing high bid plus two times the bid increment, the third bid amount equals the standing high bid plus three times the bid increment, etc.).

25. Until a bid has been placed on a license, the minimum acceptable bid for that license will be equal to its minimum opening bid. The additional bid amounts for licenses that have not yet received a bid will be calculated differently, as explained.

26. For Auction No. 41, we propose to calculate minimum acceptable bids by using a smoothing methodology, as we have done in several other auctions. The smoothing formula calculates minimum acceptable bids by first calculating a *percentage increment,* not to be confused with the bid increment, for each license based on a weighted average of the activity received on each license in all previous rounds. This methodology tailors the percentage increment for each license based on

activity, rather than setting a global increment for all licenses.

27. In a given round, the calculation of the percentage increment for each license is made at the end of the previous round. The computation is based on an activity index, which is calculated as the weighted average of the activity in that round and the activity index from the prior round. The activity index at the start of the auction (round 0) will be set at 0. The current activity index is equal to a weighting factor times the number of new bids received on the license in the most recent bidding round plus one minus the weighting factor times the activity index from the prior round. The activity index is then used to calculate a percentage increment by multiplying a minimum percentage increment by one plus the activity index with that result being subject to a maximum percentage increment. The Commission will initially set the weighting factor at 0.5, the minimum percentage increment at 0.1 (10%), and the maximum percentage increment at 0.2 (20%).

Equations

$A_i = (C * B_i) + ((1–C) * A_{i-1})$

I_{i+1} = smaller of $((1 + A_i) * N)$ and M

$X_{i+1} = I_{i+1} * Y_i$

where,

A_i = activity index for the current round (round i)

C = activity weight factor

B_i = number of bids in the current round (round i)

A_{i-1} = activity index from previous round (round i-1), A_0 is 0

I_{i+1} = percentage increment for the next round (round i+1)

N = minimum percentage increment or percentage increment floor

M = maximum percentage increment or percentage increment ceiling

X_{i+1} = dollar amount associated with the percentage increment

Y_i = high bid from the current round

Under the smoothing methodology, once a bid has been received on a license, the minimum acceptable bid for that license in the following round will be the high bid from the current round plus the dollar amount associated with the percentage increment, with the result rounded to the nearest thousand if it is over ten thousand or to the nearest hundred if it is under ten thousand.

Examples

License 1

C = 0.5, N = 0.1, M = 0.2

Round 1 (2 new bids, high bid = $1,000,000)

i. Calculation of percentage increment for round 2 using the smoothing formula:

$A_1 = (0.5 * 2) + (0.5 * 0) = 1$

I_2 = The smaller of $((1 + 1) * 0.1) = 0.2$ or 0.2 (the maximum percentage increment)

ii. Calculation of dollar amount associated with the percentage increment for round 2 (using I_2 from above):

$X_2 = 0.2 * \$1{,}000{,}000 = \$200{,}000$

iii. Minimum acceptable bid for round 2 = $1,200,000

Round 2 (3 new bids, high bid = $2,000,000)

i. Calculation of percentage increment for round 3 using the smoothing formula:

$A_2 = (0.5 * 3) + (0.5 * 1) = 2$

I_3 = The smaller of $((1 + 2) * 0.1) = 0.3$ or 0.2 (the maximum percentage increment)

ii. Calculation of dollar amount associated with the percentage increment for round 3 (using I_3 from above):

$X_3 = 0.2 * \$2{,}000{,}000 = \$400{,}000$

iii. Minimum acceptable bid for round 3 = $2,400,000

Round 3 (1 new bid, high bid = $2,400,000)

i. Calculation of percentage increment for round 4 using the smoothing formula:

$A_3 = (0.5 * 1) + (0.5 * 2) = 1.5$

I_4 = The smaller of $((1 + 1.5) * 0.1) =$ 0.25 or 0.2 (the maximum percentage increment)

ii. Calculation of dollar amount associated with the percentage increment for round 4 (using I_4 from above):

$X_4 = 0.2 * \$2{,}400{,}000 = \$480{,}000$

iii. Minimum acceptable bid for round 4 = $2,880,000

28. As stated, until a bid has been placed on a license, the minimum acceptable bid for that license will be equal to its minimum opening bid. The additional bid amounts are calculated using the difference between the minimum opening bid times one plus the minimum percentage increment, rounded as described, and the minimum opening bid. That is, I = (minimum opening bid)(1 + N){rounded}-(minimum opening bid). Therefore, when N equals 0.1, the first additional bid amount will be approximately ten percent higher than the minimum opening bid; the second, twenty percent; the third, thirty percent; etc.

29. In the case of a license for which the standing high bid has been withdrawn, the minimum acceptable bid will equal the second highest bid received for the license. The additional bid amounts are calculated using the difference between the second highest bid times one plus the minimum percentage increment, rounded, and the second highest bid.

30. The Bureau retains the discretion to change the minimum acceptable bids and bid increments if it determines that circumstances so dictate. The Bureau will do so by announcement in the Automated Auction System. We seek comment on these proposals.

D. Information Regarding Bid Withdrawal and Bid Removal

31. For Auction No. 41, we propose the following bid removal and bid withdrawal procedures. Before the close of a bidding period, a bidder has the option of removing any bid placed in that round. By using the remove selected bids function in the bidding system, a bidder may effectively ''unsubmit'' any bid placed within that round. A bidder removing a bid placed in the same round is not subject to a withdrawal payment.

32. Once a round closes, a bidder may no longer remove a bid. However, in any subsequent round, a high bidder may withdraw its standing high bids from previous rounds using the withdraw function in the bidding system. A high bidder that withdraws its standing high bid from a previous round is subject to the bid withdrawal payment provisions of the Commission rules. We seek comment on these bid removal and bid withdrawal procedures.

33. In the *Part 1 Third Report and Order,* 63 FR 2315 (January 15, 1998) the Commission explained that allowing bid withdrawals facilitates efficient aggregation of licenses and the pursuit of efficient backup strategies as information becomes available during the course of an auction. The Commission noted, however, that, in some instances, bidders may seek to withdraw bids for improper reasons. The Bureau, therefore, has discretion, in managing the auction, to limit the number of withdrawals to prevent any bidding abuses. The Commission stated that the Bureau should assertively exercise its discretion, consider limiting the number of rounds in which bidders may withdraw bids, and prevent bidders from bidding on a particular market if the Bureau finds that a bidder is abusing the Commission's bid withdrawal procedures.

34. Applying this reasoning, we propose to limit each bidder in Auction

No. 41 to withdrawing standing high bids in no more than two rounds during the course of the auction. To permit a bidder to withdraw bids in more than two rounds would likely encourage insincere bidding or the use of withdrawals for anti-competitive purposes. The two rounds in which withdrawals are utilized will be at the bidder's discretion; withdrawals otherwise must be in accordance with the Commission's rules. There is no limit on the number of standing high bids that may be withdrawn in either of the rounds in which withdrawals are utilized. Withdrawals will remain subject to the bid withdrawal payment provisions specified in the Commission's rules. We seek comment on this proposal.

E. Stopping Rule

35. For Auction No. 41, the Bureau proposes to employ a simultaneous stopping rule approach. The Bureau has discretion ''to establish stopping rules before or during multiple round auctions in order to terminate the auction within a reasonable time.'' A simultaneous stopping rule means that all licenses remain open until the first round in which no new acceptable bids, proactive waivers, or withdrawals are received. After the first such round, bidding closes simultaneously on all licenses. Thus, unless circumstances dictate otherwise, bidding would remain open on all licenses until bidding stops on every license.

36. However, the Bureau proposes to retain the discretion to exercise any of the following options during Auction No. 41:

i. Utilize a modified version of the simultaneous stopping rule. The modified stopping rule would close the auction for all licenses after the first round in which no bidder submits a proactive waiver, withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder would not keep the auction open under this modified stopping rule. The Bureau further seeks comment on whether this modified stopping rule should be used at any time or only in stage three of the auction.

ii. Keep the auction open even if no new acceptable bids or proactive waivers are submitted and no previous high bids are withdrawn. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. The activity rule, therefore, will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use a remaining activity rule waiver.

iii. Declare that the auction will end after a specified number of additional rounds (''special stopping rule''). If the Bureau invokes this special stopping rule, it will accept bids in the specified final round(s) only for licenses on which the high bid increased in at least one of the preceding specified number of rounds.

37. The Bureau proposes to exercise these options only in certain circumstances, such as, for example, where the auction is proceeding very slowly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time. Before exercising these options, the Bureau is likely to attempt to increase the pace of the auction by, for example, increasing the number of bidding rounds per day, and/or increasing the amount of the minimum bid increments for the limited number of licenses where there is still a high level of bidding activity. We seek comment on these proposals.

II. Conclusion

38. Comments are due on or before June 25, 2001, and reply comments are due on or before July 2, 2001. An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, Room TW–A325, 445 Twelfth Street, SW., Washington, DC 20554, in accordance with § 1.51 of the Commission's rules. In addition, one copy of each pleading must be delivered to each of the following locations: (i) The Commission's duplicating contractor, International Transcription Service, Inc. (ITS), 1231 20th Street, NW., Washington, DC 20036; (ii) Office of Media Relations, Public Reference Center, Room CY–A257, 445 Twelfth Street, SW., Washington, DC 20554; (iii) Rana Shuler, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Room 4–A628, 445 Twelfth Street, SW., Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Public Reference Room, Room CY–A257, 445 12th Street, SW., Washington, DC 20554.

39. This proceeding has been designated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other rules pertaining to oral and written ex parte presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules.

Federal Communications Commission.

Louis J. Sigalos,

Deputy Chief, Auctions and Industry Analysis Division, WTB.

[FR Doc. 01–15325 Filed 6–15–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Network Reliability and Interoperability Council

AGENCY: Federal Communications Commission.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons of the fourth meeting of the Network Reliability and Interoperability Council (Council) under its charter renewed as of January 6, 2000.

DATES: Tuesday, June 26, 2001 at 10:00 a.m. to 12:00 p.m.

ADDRESSES: Federal Communications Commission, 445 12th St. SW., Room TW–C305, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Kent R. Nilsson at 202–418–0845 or TTY 202–418–2989.

SUPPLEMENTARY INFORMATION: The Council was established by the Federal Communications Commission to bring together leaders of the telecommunications industry and telecommunications experts from academic, consumer and other organizations to identify and recommend measures that would enhance network reliability.

The Council will receive reports on, and discuss, the progress of its focus groups: Network Reliability, Wireline Spectrum Management and Integrity, and Interoperability. The Council may also discuss such other matters as come before it at the meeting.

Notice of this meeting was delayed because a date had to be set that would not conflict with the changing and conflicting schedules of NRIC V members. Future meetings of this Council will be held on October 30, 2001, and January 4, 2002. At each of those meetings, the Council will address

matters that have been developed by the Council's focus groups. The Council will also address any other business that comes before it during those meetings.

Members of the general public may attend the meeting. The Federal Communications Commission will attempt to accommodate as many people as possible. Admittance, however, will be limited to the seating available. The public may submit written comments before the meeting to Kent Nilsson, the Commission's Designated Federal Officer for the Network Reliability and Interoperability Council, by email (*KNILSSON@FCC.GOV*) or U.S. mail (7–B452, 445 12th St. SW., Washington, DC 20554). Real Audio and streaming video access to the meeting will be available at http://www.fcc.gov/.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–15313 Filed 6–15–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2489]

Petitions for Reconsideration of Action in Rulemaking Proceedings

June 8, 2001.

Petitions for Reconsideration have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these document are available for viewing and copying in Room CY–A257, 445 12th Street, S.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by July 3, 2001. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: Amendment FM Table of Allotments, Order to Show Cause [MM Docket No. 80–120].

Number of Petitions Filed: 1.

Subject: Amendment FM Table of Allotments, Order to Show Cause [MM Docket No. 91–352].

Number of Petitions Filed: 1.

Subject: Amendment of the FM Table of Allotments [MM Docket No. 90–195].

Number of Petitions Filed: 1.

Subject: Amendment of the FM Table of Allotments [MM Docket No. 92–214].

Number of Petitions Filed: 1.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–15317 Filed 6–15–01; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

[DA 01–1289]

Low Power Television Auction No. 81—Mutually Exclusive Proposals—60-Day Settlement Window Ending July 24, 2001

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document identified those proposals filed during the limited low power television/television translator/Class A television auction filing window that are mutually exclusive and announces a 60-day settlement window ending July 24, 2001.

DATES: Settlements must be submitted by July 24, 2001.

ADDRESSES: To submit a settlement, parties must send the requisite paperwork identified in the Public Notice to: Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Room TW–A325, Washington, DC 20054. In addition, it is requested that a courtesy copy of all such filings be delivered to Shaun Maher, Video Services Division, Mass Media Bureau, Federal Communications Commission, 445 12th Street, SW., Room 2–A820, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, Video Services Division, Mass Media Bureau at (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released May 25, 2001. It does not include the attachment. The complete text of the Public Notice, including attachment, is available for public inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW., Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.) 1231 20th Street, NW, Washington, DC 20035, (202) 857–3800. It is also available on the Commission's web site at http://www.fcc.gov.

In this Public Notice, the Mass Media Bureau identifies those proposals filed during the limited low power television, television translator, and Class A television auction filing window that are mutually exclusive. Parties have until July 24, 2001, to file a settlement if they desire to avoid going to auction.

Federal Communications Commission.

Robert H. Ratcliffe,

Deputy Chief, Mass Media Bureau.

[FR Doc. 01–15315 Filed 6–15–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 01–1288]

Low Power Television Auction No. 81—Non-Mutually Exclusive Proposals—June 25, 2001, FCC Form 346 Application Deadline

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document identified those proposals filed during the limited low power television/television translator/Class A television auction filing window that are not mutually exclusive and announces a June 25, 2001, deadline for filing an FCC Form 346.

DATES: FCC Form 346 must be filed by each party identified in the Public Notice by June 25, 2001.

ADDRESSES: To submit by mail, applicants must send an original and two copies of the FCC Form 346 application to: Federal Communications Commission, Mass Media Services, P.O. Box 358185, Pittsburgh, Pennsylvania 15251–5190. To hand carry, in person or by courier, applicants must deliver an original and two copies of the FCC Form 346 application to: Mellon Bank, Three Mellon Bank Center, 525 William Penn Way, 27th Floor, Room 153–2713, Pittsburgh, Pennsylvania. Applicants should send a courtesy copy of each FCC Form 346 application to Hossein Hashemzadeh, Video Services Division, Mass Media Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. Applicants may also file their FCC Form 346 application electronically. Instructions for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed from the electronic filing web site at: *http://www.fcc.gov/mmb.* For assistance with electronic filing, call the Mass Media Bureau Help Desk at (202) 418–2MMB.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, Video Services Division, Mass Media Bureau at (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released May 25, 2001. It does not include the attachment. The complete text of the Public Notice, including attachment, is available for public inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW., Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.) 1231 20th Street, NW., Washington, DC 20035, (202) 857–3800. It is also available on the Commission's web site at *http://www.fcc.gov.*

In this Public Notice, the Mass Media Bureau identifies those proposals filed during the limited low power television, television translator, and Class A television auction filing window that are not mutually exclusive. Parties must now file FCC Form 346 by June 25, 2001, in order to implement their proposals.

Federal Communications Commission.

Robert H. Ratcliffe,

Deputy Chief, Mass Media Bureau.

[FR Doc. 01–15316 Filed 6–15–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1368–DR]

Illinois; Amendment 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Illinois (FEMA–1368–DR), dated May 9, 2001, and related determinations.

EFFECTIVE DATE: June 2, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint David J. Fukutomi of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Robert R. Colangelo as Federal Coordinating Officer for this disaster.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 01–15264 Filed 6–15–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1368–DR]

Illinois; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Illinois, (FEMA–1368–DR), dated May 9, 2001, and related determinations.

EFFECTIVE DATE: June 6, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Illinois is hereby amended to include Categories C through G under the Public Assistance program to the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 9, 2001:

Adams, Calhoun, Carroll, Hancock, Henderson, Jo Daviess, Mercer, Pike, Rock Island, and Whiteside Counties for Categories C through G under the Public Assistance program (already designated for Categories A and B).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–15265 Filed 6–15–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1367–DR]

Iowa; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Iowa, (FEMA–1367–DR), dated May 2, 2001, and related determinations.

EFFECTIVE DATE: June 6, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Iowa is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 2, 2001:

Webster County for Individual Assistance (already designated for Public Assistance).

Pottawattamie County for Individual and Public Assistance.

Muscatine County for Public Assistance (already designated for Individual Assistance).

Grundy, Lucas, and Union Counties for Public Assistance.

Des Moines, Lee, Scott, and Wapello Counties for Categories C through G under the Public Assistance program (already designated for Categories A and B).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–15263 Filed 6–15–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1371–DR]

Maine; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Maine, (FEMA–1371–DR), dated May 16, 2001, and related determinations.

EFFECTIVE DATE: June 8, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Maine is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 16, 2001:

Kennebec, Penobscot and Washington Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–15257 Filed 6–15–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1370–DR]

Minnesota; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Minnesota, (FEMA–1370–DR), dated May 16, 2001, and related determinations.

EFFECTIVE DATE: June 8, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Minnesota is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 16, 2001:

Clearwater, Crow Wing, and Roseau for Public Assistance.

Anoka, Beltrami, Clearwater, Hennepin, Koochiching Counties and Red Lake Indian Reservation and White Earth Indian Reservation for Individual Assistance.

Brown, Carver, Chisago, Douglas, Grant, Kittson, Nicollet, Red Lake and Scott Counties for Individual Assistance (already designated for Public Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–15267 Filed 6–15–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1377–DR]

Montana; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Montana (FEMA–1377–DR), dated May 28, 2001, and related determinations.

EFFECTIVE DATE: May 28, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated May 28, 2001, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, as follows:

I have determined that the damage in certain areas of the State of Montana, resulting from severe winter storms on April 8–9, 2001, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 (Stafford Act). I, therefore, declare that such a major disaster exists in the State of Montana.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Peter J. Martinasco of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Montana to have been affected adversely by this declared major disaster:

Big Horn County and the Crow Indian Reservation for Public Assistance.

All counties within the State of Montana are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 01–15260 Filed 6–15–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1373–DR]

Nebraska; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nebraska, (FEMA–1373–DR), dated May 16, 2001, and related determinations.

EFFECTIVE DATE: June 8, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Nebraska is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 16, 2001:

Dundy County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–15258 Filed 6–15–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1376–DR]

North Dakota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of North Dakota (FEMA–1376–DR), dated May 28, 2001, and related determinations.

EFFECTIVE DATE: May 28, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated May 28, 2001, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, as follows:

I have determined that the damage in certain areas of the State of North Dakota, resulting from severe storms, flooding, and ground saturation beginning on March 1, 2001, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 (Stafford Act). I, therefore, declare that such a major disaster exists in the State of North Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Steven R. Emory of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of North Dakota to have been affected adversely by this declared major disaster:

The counties of Barnes, Benson, Bottineau, Cass, Cavalier, Dickey, Eddy, Foster, Grand Forks, Griggs, Kidder, McHenry, McLean, Nelson, Pembina, Pierce, Ramsey, Ransom, Richland, Rolette, Sheridan, Steele, Stutsman, Towner, Traill, Walsh, Wells, the Indian Reservation of the Spirit Lake Tribe, and the Indian Reservation of the Turtle Mountain Band of Chippewa for Public Assistance.

All counties within the State of North Dakota are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 01–15259 Filed 6–15–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1334–DR]

North Dakota; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Dakota (FEMA–1334–DR), dated June 27, 2000, and related determinations.

EFFECTIVE DATE: May 31, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated May 31, 2001, the President amended the cost-sharing arrangements concerning Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 51521 *et seq.*), in a letter to Joe M. Allbaugh, Director of the Federal Emergency Management Agency, as follows:

I have determined that the damage in certain areas of the State of North Dakota, due to damage resulting from severe storms, flooding and ground saturation beginning on April 5, 2000, and continuing through August 12, 2000, is of sufficient severity and magnitude that special conditions are warranted regarding the cost sharing arrangements concerning Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 (Stafford Act).

Therefore, I amend the declaration of June 27, 2000, to authorize Federal funds for Public Assistance at 90 percent of total eligible costs.

This adjustment to State and local cost sharing applies only to Public Assistance costs eligible for such adjustment under the law. The law specifically prohibits a similar adjustment for funds provided to States for the Individual and Family Grant program (Section 411), mobile home group site

development (Section 408), and the Hazard Mitigation Grant program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

Please notify the Governor of North Dakota and the Federal Coordinating Officer of this amendment to my major disaster declaration.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 01–15262 Filed 6–15–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1378–DR]

West Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of West Virginia (FEMA–1378–DR), dated June 3, 2001, and related determinations.

EFFECTIVE DATE: June 3, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 3, 2001, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, as follows:

I have determined that the damage in certain areas of the State of West Virginia, resulting from severe storms, flooding, and landslides beginning on May 15, 2001, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 (Stafford Act). I, therefore, declare that such a major disaster exists in the State of West Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas, and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Charles M. Butler of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of West Virginia to have been affected adversely by this declared major disaster:

Boone, Kanawha, Logan, Mercer, Raleigh, and Wyoming Counties for Individual Assistance.

Boone, Clay, Lincoln, Logan, Mercer, Raleigh, Wayne, and Wyoming Counties for Public Assistance.

All counties within the State of West Virginia are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 01–15261 Filed 6–15–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1369–DR]

Wisconsin; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Wisconsin, (FEMA–1369–DR), dated May 11, 2001, and related determinations.

EFFECTIVE DATE: June 8, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Wisconsin is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 11, 2001:

Bayfield County for Individual Assistance (already designated for Public Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01–15266 Filed 6–15–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL MARITIME COMMISSION

[Docket No. 01–06]

Exclusive Tug Franchises—-Marine Terminal Operators Serving the Lower Mississippi River; Order to Show Cause

Notice is given that, on June 11, 2001, the Federal Maritime Commission (''Commission'') served a Show Cause Order concerning exclusive tug franchises on the Lower Mississippi River. The Order directed certain marine terminal operators to show cause why: (1) their exclusive arrangements

with certain tug companies are not unreasonable practices in violation of section 10(d)(1) of the Shipping Act of 1984, 46 U.S.C. app. 1709(d)(1), and/or result in undue or unreasonable preference or advantage or unreasonable prejudice or disadvantage in violation of section 10(d)(4) of the Shipping Act of 1984, 46 U.S.C. app. 1709(d)(4); and (2) the Commission should not order them to cease and desist from operating under these exclusive tug assist service arrangements, including publication of any terminal tariff or schedule which attempts to enforce or implement any provision related to the provision of such tug services.

The full text of the Order may be viewed on the Commission's home page at www.fmc.gov, or at the Office of the Secretary, Room 1046, 800 N. Capitol Street, NW, Washington, DC.

The Order names the following as respondents (''Respondents''):

ADM/Growmark River Systems, Inc.
Bunge Corporation
Cargill, Incorporated
Cenex Harvest States Cooperatives
CGB Bouys
Gulf Elevator & Transfer Co.
International Marine Terminals
L&L Fleeting, Inc.
Ormet Primary Aluminum Corporation
Peavey Company
St. James Stevedoring Co., Inc.
Zen-Noh Grain Corporation

The Commission's Bureau of Enforcement (''BOE'') has also been made a party to this proceeding.

The Order provides that the proceeding is limited to the submission of affidavits of facts and memoranda of law. Persons having an interest and desiring to intervene in the proceeding (''Intervenors'') must file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR § 502.72. Intervenors' petitions must be accompanied by memoranda of law and affidavits of fact, if any, and shall be filed pursuant to the following schedule:

—Affidavits of fact and memoranda of law filed by Respondents and any Intervenors in support of Respondents must be filed no later than July 18, 2001.

—Reply affidavits and memoranda of law must be filed by BOE and Intervenors in opposition to Respondents no later than August 17, 2001.

—Rebuttal affidavits and memoranda of law must be filed by Respondents and Intervenors in support of Respondents no later than September 17, 2001.

Requests for evidentiary hearing or oral argument must be filed no later than September 17, 2001. Such a request must set forth in detail the facts to be proved, the relevance of those facts to the issues in this proceeding, a description of the evidence which would be adduced, and why such evidence cannot be submitted by affidavit and/or explain why argument by memorandum is inadequate to present the party's case.

Documents submitted in this proceeding must be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, 46 CFR 502.118, and mailed directly to all parties of record. Pursuant to the terms of Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61, the Commission's final decision in this proceeding will be issued by March 18, 2002.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–15350 Filed 6–15–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 3, 2001.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Scherrie Viola Giamanco, Springfield, Illinois; to retain voting shares of First Nokomis Bancorp, Inc., Nokomis, Illinois, and thereby indirectly retain voting shares of First National Bank of Nokomis, Nokomis, Illinois.

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Barbara M. Brown, James A Brown, Robert E. Brown, John D. Harmon, Teresa A. Harmon, Mary C. Tracy, and Richard A. Montera, all of Eaton, Colorado; to acquire voting shares of Farmers Bank, Ault, Colorado (in organization).

C. Federal Reserve Bank of San Francisco (Maria Villanueva, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105–1579:

1. Joseph Willy Edmonds, Seattle, Washington; to acquire additional voting shares of NWI Financial Corporation, Seattle, Washington, and thereby indirectly acquire additional voting shares of Northwest International Bank, Seattle, Washington.

Board of Governors of the Federal Reserve System, June 13, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–15348 Filed 6–15–00; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications

must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 13, 2001.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. First Dozier Bancshares, Inc., Dozier, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Dozier, Dozier, Alabama.

2. Trust B Created Under Item V of the Last Will and Testament of John Rufus Williams, Atlanta, Georgia; to become a bank holding company by acquiring 33.3 percent of the voting shares of FNB Newton Bankshares, Inc., Covington, Georgia, and thereby indirectly acquiring First Nation Bank, Covington, Georgia.

3. The 2000 Williams Investment Company, LLC, Atlanta, Georgia; to become a bank holding company by acquiring 82.8 percent of the voting shares of FNB Newton Bankshares, Inc., Covington, Georgia, and thereby indirectly acquiring First Nation Bank, Covington, Georgia.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Home Bancshares, Inc., Conway, Arkansas, and North Little Rock Bancshares, Inc., North Little Rock, Arkansas; to acquire over 5 percent of the voting shares of Russellville Bancshares, Inc., Jonesboro, Arkansas, and thereby indirectly acquire voting shares of First Arkansas Valley Bank, Russellville, Arkansas.

In connection with this application, Russellville Bancshares, Inc., Jonesboro, Arkansas, has applied to become a bank holding company by acquiring 86 percent of the voting shares of First Arkansas Valley Bank.

C. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Farmers State Corporation, Mankato, Minnesota; to acquire 100 percent of the voting shares of Owatonna Bancshares, Inc., Owatonna, Minnesota, and thereby indirectly acquire voting shares of Community Bank Minnesota, Owatonna, Minnesota.

D. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Farmers Bank Holding Company, Ault, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers Bank, Ault, Colorado (in organization).

E. Federal Reserve Bank of San Francisco (Maria Villanueva, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105–1579:

1. Trafalgar Holdings, LLC, Vancouver, Washington; to become a bank holding company by acquiring 60 percent of the voting shares of Regents Bancshares, Inc., Vancouver, Washington, and thereby indirectly acquire voting shares of Regents Bank, National Association, La Jolla, California (in organization).

In connection with this application, Regents Bancshares has applied to become a bank holding company.

2. YNB Financial Services Corp., Yakima, Washington; to become a bank holding company by acquiring 100 percent of the voting shares of Yakima National Bank, Yakima, Washington.

Board of Governors of the Federal Reserve System, June 13, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–15347 Filed 6–15–00; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 13, 2001.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106–2204:

1. Danvers Bancorp, Inc., Danvers, Massachusetts; to acquire Revere MHC, Revere, Massachusetts, and thereby indirectly acquire RFS Bancorp, Inc., Revere, Massachusetts, and Revere Federal Savings Bank, Revere, Massachusetts, and thereby engage in operating a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, June 13, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–15345 Filed 6–15–01; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities; Correction

This notice corrects a notice (FR Doc. 01-13815) published on pages 29805 and 29806 of the issue for Friday, June 1, 2000.

Under the Federal Reserve Bank of New York heading, the entry for Discount Bancorp, Inc., New York, New York, is revised to read as follows:

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. Israel Discount Bank Limited, Tel-Aviv, Israel, and Discount Bancorp, Inc., New York, New York; to engage *de novo* through its subsidiary, IDB Mortgage Corp., New York, New York, in residential mortgage lending activities, pursuant to § 225.28 (b)(1) and (b)(2) of Regulation Y.

Comments on this application must be received by June 29, 2001.

Board of Governors of the Federal Reserve System, June 13, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–15346 Filed 6–15–01; 8:45 am]

BILLING CODE 6210–01–S

GENERAL ACCOUNTING OFFICE

[Document Nos. JFMIP–SR–01–2]

Joint Financial Management Improvement Program (JFMIP)—Federal Financial Management System Requirements (FFMSR)

June 11, 2001.

AGENCY: Joint Financial Management Improvement Program (JFMIP).

ACTION: Notice of document availability.

SUMMARY: The JFMIP is seeking public comment on exposure draft titled JFMIP Core Financial System Requirements ''JFMIP–SR–01–02'', dated June 11, 2001. The exposure draft is being issued to update the February 1999 '' Core Financial System Requirements.'' The exposure draft incorporates new JFMIP requirements for Core Financial Systems. They are designed to provide financial managers with governmentwide mandatory requirements for financial systems in order to process and record financial events effectively and efficiently, and to provide complete, timely, reliable, and consistent information for decision-makers and the public.

DATES: Comments are due August 20, 2001.

ADDRESSES: Copies of the Core Financial System Requirements exposure draft have been mailed to Agency Senior Financial Officials and are available on the JFMIP website *http://www.jfmip.gov.* Comments should be addressed to JFMIP, 1990 K Street NW, Suite 430, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Stephen R. Balsam, (202) 219–0531, *stephen.balsam@gsa.gov,* regarding the Core Financial System Requirements.

SUPPLEMENTAL INFORMATION: The Federal Financial Management Improvement Act of 1996, (FFMIA), mandated that agencies implement and maintain systems that comply substantially with Federal financial management systems requirements, applicable Federal accounting standards, and the U.S. Government Standard General Ledger at the transaction level. The FFMIA statute codified the JFMIP financial systems requirements documents as a key benchmark that agency systems must meet in order to be substantially in compliance with systems requirements provisions under FFMIA. To support the requirements outlined in FFMIA, we are updating requirements documents that are obsolete and publishing additional requirements documents.

The Core Financial System Requirements document establishes standard requirements for the backbone modules of an agency's integrated financial management system. The major functions supported by a Core Financial System are: Core Financial System Management, General Ledger Management, Funds Management, Payment Management, Receipt Management, Cost Management, Technical and Reporting. These eight functions provide common processing routines, support common data for critical financial management functions affecting the entire agency, and maintain the required financial data integrity control over financial transactions, resource balances and other financial management systems.

This update reflects the most recent changes in laws and regulations, such as FACTS II, and clarifies previous requirements. JFMIP's Knowledgebase website can be used to obtain an electronic copy of the changes that have been made to the Core Financial System Requirements document. The Knowledgebase can be accessed through the JFMIP website *http://www.jfmip.gov.* The exposure draft contains only mandatory requirements on which the vendor software certification test will be based and value-added requirements for optional functionality.

Comments received will be reviewed and the exposure draft will be revised as necessary. Publication of the final requirements will be mailed to agency senior financial officials and will be available on the JFMIP website.

Karen Cleary Alderman,

Executive Director, Joint Financial Management Improvement Program.

[FR Doc. 01–15256 Filed 6–15–01; 8:45 am]

BILLING CODE 1610–02–U

OFFICE OF GOVERNMENT ETHICS

Proposed Collection; Comment Request: Proposed Revised Public Financial Disclosure Access Customer Service Survey

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice.

SUMMARY: This notice informs the public and executive branch agencies that, after this first round notice and comment period, OGE plans to submit an updated OGE Public Financial Disclosure Access Customer Service Survey form to the Office of Management and Budget (OMB) for review and three-year extension of approval under the Paperwork Reduction Act. This notice also identifies a couple of minor revisions proposed to one of the survey questions.

DATES: Comments by the public and agencies on this proposed information collection as proposed for revision and extension are invited and should be received by September 4, 2001.

ADDRESSES: Comments should be sent to: James V. Parle, Chief, Office of Information Resources Management, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005–3917. Comments may also be sent electronically to OGE's Internet E-mail address at usoge@oge.gov (for E-mail messages, the subject line should include the following reference—''Public Financial Disclosure Access Customer Service Survey Paperwork comment'').

FOR FURTHER INFORMATION CONTACT: Mr. Parle at the Office of Government Ethics; telephone: 202–208–8000, ext. 1113; TDD: 202–208–8025; FAX: 202–208–8037. A copy of the proposed Survey form may be obtained, without charge, by contacting Mr. Parle.

SUPPLEMENTARY INFORMATION: The Office of Government Ethics uses the Public Financial Disclosure Access Customer Service Survey form to assess requester satisfaction with the service provided by OGE in responding to requests by members of the public for access to copies of Standard Form (SF) 278 Executive Branch Personnel Public Financial Disclosure Reports on file with OGE. Most of the SF 278 reports available at OGE are those filed by executive branch Presidential appointees subject to Senate confirmation. Requests for access to SF 278 reports are made pursuant to the special public access provision of section 105 of the Ethics in Government Act of 1978 (the Ethics Act), as codified at 5 U.S.C. appendix 105, and procedures in 5 CFR 2634.603 of OGE's executive branchwide regulations thereunder, by completing an OGE Form 201, ''Request to Inspect or Receive Copies of SF 278 Executive Branch Personnel Public Financial Disclosure Report or Other Covered Record.''

The survey forms are distributed to requesters along with copies of requested SF 278 reports with instructions asking them to complete and return the survey to OGE via the self-contained postage-paid postcards (the reverse side of the survey form, when folded, becomes a pre-addressed postcard). The purpose of the survey is to determine through customer responses how well OGE is responding to such requests and how OGE can improve its customer service in this important area. The current paperwork approval for the survey form is

scheduled to expire at the end of October 2001.

The Office of Government Ethics is issuing this first round **Federal Register** notice to announce its forthcoming request to OMB for paperwork renewal of the survey form, with two proposed minor changes to survey question 4 to achieve greater clarity. That question currently asks whether OGE's requirement to fax or mail requests that involve more than six filers creates a problem for the requester. Based on an analysis of customer responses to question 4, OGE believes that the following statement should be added: ''SKIP this question if your request involved six or fewer filers.'' Additionally, one of the three requested responses to question 4, ''Not Applicable,'' is being changed to ''My request did not have to be faxed or mailed.''

Pursuant to the Paperwork Reduction Act, OGE is not including in its public burden estimate for the survey form the limited number of access requests filed by other Federal agencies or Federal employees. Nor is OGE including in that estimate the limited number of requests for copies of other records covered under the special Ethics Act public access provision (such as certificates of divestiture) since the survey is only sent to persons who request copies of SF 278 reports. As so defined, the total number of access survey forms for copies of SF 278s estimated to be filed annually at OGE over the next three years by members of the public (primarily by news media representatives, public interest group members and private citizens) is 50. This estimate is based on a calculation of the number of survey forms received at OGE between April 1999 and June 2001 (70 surveys). This number also takes into account an expected increase in the number of public requests as a result of the transition and the new Presidential administration. The estimated average amount of time to read the instructions on the proposed revised customer service survey form, and to complete the form, is three minutes. Thus, the overall estimated annual public burden for the OGE Public Financial Disclosure Access Customer Service Survey as proposed for revision will be three hours (rounded up from two and a half hours (= 50 forms × 3 minutes per form)).

Public comment is invited on all aspects of the survey form as proposed for renewal with minor revision, including specifically views on: the accuracy of OGE's public burden estimate; the potential for enhancement of quality, utility and clarity of the information to be collected; and the minimization of burden (including the possibility of use of information technology).

After this notice and comment period, OGE will submit the survey form, as revised, to OMB for review and three-year approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). At that time, OGE will also publish a second paperwork notice in the **Federal Register** to inform the public and Federal agencies. Comments received in response to this notice will be summarized for, and may be included with, the forthcoming OGE request for OMB three-year paperwork approval. They will also be explained in the second round notice. The comments will also become a matter of public record.

Approved: June 13, 2001.

Amy L. Comstock,

Director, Office of Government Ethics.

[FR Doc. 01–15324 Filed 6–15–01; 8:45 am]

BILLING CODE 6345–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality Contract Review Meeting

In accordance with section 10(a) of the Federal Advisory Committee Act as amended (5 U.S.C., Appendix 2), announcement is made of an Agency for Healthcare Research and Quality (AHRQ) Technical Review Committee (TRC) meeting. This TRC's charge is to provide review of contract proposals and recommendations to the Director, AHRQ, with respect to the technical merit of proposals submitted in response to a Request for Proposals (RFPs) regarding ''Developing Tools to Enhance Quality and Patient Safety Through Medical Informatics'', Issued on January 31, 2001. The contract will constitute AHRQ's participation in the Small Business Innovation Research program.

The upcoming TRC meeting will be closed to the public in accordance with the Federal Advisory Committee Act (FACA), section 10(d) (of 5 U.S.C., Appendix 2, implementing regulations, and procurement regulations, 41 CFR 101–6.1023 and 48 CFR 315.604(d). The discussions at this meeting of contract proposals submitted in response to the above-referenced RFP are likely to reveal proprietary information and personal information concerning individuals associated with the proposals. Such information is exempt from disclosure under the above-cited FACA provision that protects the free exchange of candid views, and under the procurement rules that prevent undue interference with Committee and Department operations.

Name of TRC: The Agency for Healthcare Research and Quality—''Developing Tools to Enhance Quality and Patient Safety Through Medical Informatics''.

Date: July 16 & 17, 2001 (Closed to the public).

Place: Sheraton Four Points Hotel, 8400 Wisconsin Avenue, Embassy I Room, Bethesda, MD 20814.

Contact Person: Anyone wishing to obtain information regarding this meeting should contact Eduardo Ortiz, Center for Primary Care Research, Agency for Healthcare Research and Quality, 6010 Executive Blvd, Suite 201, Rockville, Maryland, 20852, 301–594–6236.

Dated: June 6, 2001.

John M. Eisenberg,

Director.

[FR Doc. 01–15289 Filed 6–15–01; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

[Program Announcement No. AoA–01–08]

Fiscal Year 2001 Program Announcement; Availability of Funds and Notice Regarding Applications

AGENCY: Administration on Aging, HHS.

ACTION: Announcement of availability of funds and request for applications for innovative programs and activities of national significance under the National Family Caregiver Support Program, title III–E, sections 375 and 376, of the Older Americans Act as amended (Pub. L. 106–501). These grants and cooperative agreements are to develop services and systems which demonstrate new or improved approaches to sustaining the efforts of families and other informal caregivers of older individuals and grandparents of older individuals who are relative caregivers of children.

SUMMARY: The Administration on Aging announces that under this program announcement it will hold a competition for grants and cooperative agreements for approximately 24 to 28 projects nationwide. The projects will be approved for varying periods and amounts from one to three years and a maximum federal share of $250,000 per year. Funding after the first year is contingent on the availability of federal funds and the grantee's performance

relative to project goals and the grantee's compliance with the terms and conditions of the grant. The federal share of the costs of any of the projects will not exceed 75 percent. The purpose of these projects is to demonstrate new or improved approaches to sustaining the efforts of families and other informal caregivers.

The deadline date for the submission of applications is August 10, 2001. Eligibility for grant awards is limited to public and/or nonprofit agencies, organizations, and institutions with demonstrated expertise in aging and caregiving.

Application kits are available by writing to the Department of Health and Human Services, Administration on Aging, Office of Program Operations and Development, 330 Independence Ave., SW., Wilbur J. Cohen Building, Room 4733, Washington, DC 20201, by calling 202/619–0011, or on the web at *http://www.aoa.gov/t4/fy2001.*

Dated: June 13, 2001.

Norman L. Thompson,

Acting Principal Deputy Assistant Secretary for Aging.

[FR Doc. 01–15286 Filed 6–15–01; 8:45 am]

BILLING CODE 4154–01–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

[Program Announcement AoA–01–07]

Fiscal Year 2001 Program Announcement: Availability of Funds and Notice Regarding Applications

AGENCY: Administration on Aging, HHS.

ACTION: Request for applications for Pension Counseling and Information Projects to create new, or continue or expand a sufficient number of pension counseling and information programs to provide outreach, information, counseling, referral, and other assistance regarding pension and other retirement benefits, and rights related to such benefits.

SUMMARY: The Administration on Aging (AoA) announces that under this program announcement it will hold a competition for grant awards for two (2) to three (3) projects at a federal share of approximately $100,000 to $150,000 per year for a period of three years. Since 1993, the AoA has supported 10 model pension counseling and information projects throughout the country. This program announcement is designed to build on that effort in order to begin to expand the program into a national program of pension counseling services, as prescribed in title II, section 215 of the Older Americans Act (42 U.S.C. 3001 *et seq.*), as amended in 2000, Pub. L. 106–501.

The deadline date for submission of applications is August 3, 2001. Eligibility for grant awards is limited to State or area agencies on aging, nonprofit organizations, including faith-based organizations, with a proven record of providing services related to retirement of older individuals, services to Native Americans, or specific pension counseling.

Application kits are available by writing to the Administration on Aging, Office of Program Development, Department of Health and Human Services, 330 Independence Avenue, SW., Room 4266, Washington, DC 20201, or by calling Nancy Wartow at (202) 619–058 or on the web at http://www.aoa.gov/t4/fy2001.

Dated: June 13, 2001.

Norman L. Thompson,

Acting Principal Deputy Assistant Secretary for Aging.

[FR Doc. 01–15287 Filed 6–15–01; 8:45 am]

BILLING CODE 4154–01–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

[Program Announcement No. AoA–01–06]

Fiscal Year 2001 Program Announcement: Availability of Funds and Notice Regarding Applications

AGENCY: Administration on Aging, HHS.

ACTION: Announcement of availability of funds and request for applications to establish, or expand and improve, Statewide Senior Legal Hotlines whose purpose is to advance the quality and accessibility of the legal assistance provided to older people.

SUMMARY: The Administration on Aging announces that under this program announcement it will hold a competition for grant awards for four (4) to (5) projects that establish, or expand and improve, Statewide Senior Legal Hotlines aimed at advancing the quality and accessibility of the legal assistance provided to older people.

The deadline date for the submission of applications is August 3, 2001. Eligibility for grant awards is limited to public and/or nonprofit agencies, organizations, and institutions experienced in providing legal assistance to older persons.

Application kits are available by writing to the Department of Health and Human Services, Administration on Aging, Office of Program Development, 330 Independence Avenue, SW., Room 4264, Washington, DC 20201, by calling 202/619–2987, or on the web at *http://www.aoa.gov/t4/fy2001.*

Dated: June 12, 2001.

Norman L. Thompson,

Acting Principal Deputy Assistant Secretary for Aging.

[FR Doc. 01–15203 Filed 6–15–01; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–38–01]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project: Validation of Self-Reported Arthritis Case Definitions in a Managed Care Setting—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC). It is difficult to estimate the burden of arthritis on the American public because many patients with arthritis do not seek treatment from a health care provider for the condition. The Behavioral Risk Factor Surveillance System (BRFSS) is an ongoing telephone survey that is being used by individual states and the CDC to measure the burden of arthritis. The BRFSS collects a wide variety of self-reported health information, including 6 questions on arthritis. A BRFSS case of arthritis is defined as any person who reports chronic joint symptoms or recalls a diagnosis of arthritis by a health care provider. However, the BRFSS case definition has not been validated, meaning it is unclear if patients who report arthritis symptoms or a diagnosis of arthritis truly have arthritis based on a clinical evaluation by a health care provider. It is also not known if persons who deny chronic joint symptoms and

do not recall a diagnosis of arthritis are free of the condition. It is essential to know the validity of the BRFSS case definition because this survey is currently being used to estimate the burden of arthritis on the population.

To assess whether the BRFSS case definition of arthritis is valid, patients aged 45 and older who are enrolled in the Fallon Clinic, (a health maintenance organization in central and eastern Massachusetts), and have an upcoming annual physical examination with a primary care physician will be identified through the computerized appointment system. A letter will be sent to 2,100 patients aged 45 to 64 and 2,900 patients aged 65 and older two weeks prior to their scheduled visit informing them of this study and that a research assistant will be calling to conduct a 10 minute interview in the next few days. The telephone survey will identify patients in each age group (aged 45 to 64 and aged 65 and older), who fall into the four following categories: (1) Chronic joint symptoms without a diagnosis of arthritis from a health care provider; (2) a diagnosis of arthritis by a health care provider without chronic joint symptoms; (3) both chronic joint symptoms and a diagnosis of arthritis by a health care provider; and (4) no chronic joint symptoms and no diagnosis of arthritis by a health care provider. A standardized history and physical examination will be performed on at least 50 persons in the two age groups who fall in the 4 categories described above. Those patients who complete the examination will receive a $20.00 gift certificate. Results of this clinical evaluation will be compared to the telephone survey responses and also data derived from ambulatory encounters to assess the validity of the arthritis case definition. The total burden for this data collection is 750 hours.

Respondents	Number of respondents	Responses per respondents	Average burden (in hours)
Patients—phone survey	3,000	1	10/60
Patients—physical exam	500	1	30/60

Dated: June 11, 2001.

Chuck Gollmar,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 01–15356 Filed 6–15–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–37–01]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project: Tests and Requirements for Certification and Approval of Respiratory Protective Devices (42 CFR 84 Regulation) OMB No. 0920–0109—Extension—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC). The regulatory authority for the National Institute for Occupational Safety and Health (NIOSH) certification program for respiratory protective devices is found in the Mine Safety and Health Amendments Act of 1977 (30 U.S.C. 577a, 651 et seq., and 657(g)) and the Occupational Safety and Health Act of 1970 (30 U.S.C. 3, 5, 7, 811, 842(h), 844). These regulations have, as their basis, the performance tests and criteria for approval of respirators used by millions of American construction workers, miners, painters, asbestos removal workers, fabric mill workers, and fire fighters. In addition to benefitting industrial workers, the improved testing requirements also benefit health care workers implementing the current CDC Guidelines for Preventing the Transmission of Tuberculosis. Regulations of the Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission (NRC) also require the use of NIOSH-approved respirators. NIOSH, in accordance with implementing regulations 42 CFR 84: (1) Issues certificates of approval for respirators which have met improved construction, performance, and protection requirements; (2) establishes procedures and requirements to be met in filing applications for approval; (3) specifies minimum requirements and methods to be employed by NIOSH and by applicants in conducting inspections, examinations, and tests to determine effectiveness of respirators; (4) establishes a schedule of fees to be charged applicants for testing and certification, and (5) establishes approval labeling requirements. The total annual burden for this data collection is 97,783 hours.

Section/data type	Average number of respondents	Responses per respondent	Average burden per response (in hrs)
84.11 / Applications	61	7	64
84.33 / Labeling	61	7	2
84.35 / Modifications	61	7	79
84.41 / Reporting	61	7	23
84.43 / Record keeping	61	7	57
84.257 / Labeling	61	7	2
84.1103 / Labeling	61	7	2

Dated: June 11, 2001.

Chuck Gollmar,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 01–15357 Filed 6–15–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–32–01]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project: National Survey of STD Services Provided to U.S. College Students—New—The National Center for HIV, STD, and TB Prevention (NCHSTP), Centers for Disease Control and Prevention (CDC) plans to conduct a survey of a sample of U.S. colleges asking about health services available to students with focus on sexually transmitted disease (STD) testing and management. The sample shall include a broad range of colleges including 2 and 4 year, public and private, and rural and urban colleges to determine under what conditions, for which STDs, and how colleges educate about STDs, conduct testing and provide partner management.

STDs have a large economic and health impact throughout the United States. Most college students are within the age range with the highest rates for STDs (15–24 year olds). *Chlamydia trachomatis* is the most frequently reported infectious disease in the United States with prevalence rates of 4% to 18% in 16–24 year old women. Infections with *Chlamydia trachomatis* can result in pelvic inflammatory disease and infertility. Many STDs increase the risk of HIV transmission and acquisition. Genital infections with herpes simplex virus, human papillomavirus, and *Trichomonas vaginalis* have been reported at increasing rates over the last 10 years.

This national survey will provide data that will broaden the scientific knowledge related to STD services and management available to students at U.S. colleges. The survey is intended to (a) describe health insurance policies of colleges; (b) describe preventive services such as health education and condom availability at colleges; (c) identify characteristics of student health centers including staffing, type of care, and number of students seen; (d) identify possible obstacles to accessing STD services; (e) describe which STDs are being tested for and what testing criteria are applied; and (f) describe current partner services including partner notification practices and use of partner-delivered therapy. The total response burden is estimated at 455 hours.

Respondents	Number of respondents	Number of response per respondent (in hours)	Average burden per response (in hours)
Health Service Manager	455	1	30/60
Chief Administrative Officer	455	1	30/60

Dated: June 11, 2001.

Chuck Gollmar,

Acting Associate Direct for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 01–15358 Filed 6–15–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: State High Performance Bonus System (HPBS) Transmission File Layouts for HPBS Work Measures

OMB No. New Collection.

Description: The purpose of this collection is to obtain data upon which to base the computation for measuring State performance in meeting the legislative goals of TANF as specified in section 403(a)(4) of the Social Security Act and 45 CFR Part 270. Specifically, DHHS will use the data to award the portion of the bonus that rewards States for their success in moving TANF recipients from welfare to work. This information collection will replace Form ACF–200 in FY 2002 (Bonus Year 2002). States will not be required to submit this information unless they elect to compete on a work measure for the TANF High Performance Bonus awards.

Respondents: Respondents may include any of the 50 States, Guam, Puerto Rico, and the Virgin Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
State High Performance Bonus System (HPBS) Transmission File Layouts for HPBS Work Measures	54	2	16	1,728
Estimated Total Annual Burden Hours	.....	.....	.....	1,728

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above.

Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: June 12, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–15202 Filed 6–15–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0238]

Medical Devices; Exemptions From Premarket Notification; Class II Devices

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a notice announcing that it has received a petition requesting exemption from the premarket notification requirements for the F-Spoon device, a manual compression device that allows a radiologist to press on the abdomen during a fluoroscopic procedure without exposing his or her hand to the x-ray beam. The device is classified as an accessory to the image-intensified fluoroscopic x-ray system. FDA intends to expand the exemption to other fluoroscopic compression devices such as other types of spoons and compression paddles. FDA is publishing this notice in order to obtain comments on this petition in accordance with procedures established by the Food and Drug Administration Modernization Act of 1997 (FDAMA).

DATES: Submit written comments by July 18, 2001.

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

FOR FURTHER INFORMATION CONTACT: Heather S. Rosecrans, Center for Devices and Radiological Health (HFZ–404), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1190.

SUPPLEMENTARY INFORMATION:

I. Statutory Background

Under section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), FDA must classify devices into one of three regulatory classes: Class I, class II, or class III. FDA classification of a device is determined by the amount of regulation necessary to provide a reasonable assurance of safety and effectiveness. Under the Medical Device Amendments of 1976 (the 1976 amendments (Public Law 94–295)), as amended by the Safe Medical Devices Act of 1990 (the SMDA) (Public Law 101–629)), devices are to be classified into class I (general controls) if there is information showing that the general controls of the act are sufficient to ensure safety and effectiveness; into class II (special controls), if general controls, by themselves, are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide such assurance; and into class III (premarket approval), if there is insufficient information to support classifying a device into class I or class II and the device is a life-sustaining or life-supporting device or is for a use that is of substantial importance in preventing impairment of human health, or presents a potential unreasonable risk of illness or injury.

Most generic types of devices that were on the market before the date of the 1976 amendments (May 28, 1976) (generally referred to as preamendments devices) have been classified by FDA under the procedures set forth in section 513(c) and (d) of the act through the issuance of classification regulations into one of these three regulatory classes. Devices introduced into interstate commerce for the first time on or after May 28, 1976 (generally referred to as postamendments devices), are classified through the premarket notification process under section 510(k) of the act (21 U.S.C. 360(k)). Section 510(k) of the act and the implementing regulations (21 CFR part 807) require persons who intend to market a new device to submit a premarket notification report containing information that allows FDA to determine whether the new device is ''substantially equivalent'' within the meaning of section 513(i) of the act to a legally marketed device that does not require premarket approval.

On November 21, 1997, the President signed into law FDAMA (Public Law 105–115). Section 206 of FDAMA, in part, added a new section 510(m) to the act. Section 510(m)(1) of the act requires FDA, within 60 days after enactment of FDAMA, to publish in the **Federal Register** a list of each type of class II device that does not require a report under section 510(k) of the act to provide reasonable assurance of safety and effectiveness. Section 510(m) of the act further provides that a 510(k) will no longer be required for these devices upon the date of publication of the list in the **Federal Register**. FDA published that list in the **Federal Register** of January 21, 1998 (63 FR 3142). In the **Federal Register** of November 3, 1998 (63 FR 59222), FDA published a final rule codifying these exemptions.

Section 510(m)(2) of the act provides that, 1 day after date of publication of the list under section 510(m)(1), FDA may exempt a device on its own initiative or upon petition of an interested person, if FDA determines that a 510(k) is not necessary to provide reasonable assurance of the safety and effectiveness of the device. This section requires FDA to publish in the **Federal Register** a notice of intent to exempt a device, or of the petition, and to provide a 30-day comment period. Within 120 days of publication of this document, FDA must publish in the **Federal Register** its final determination regarding the exemption of the device that was the subject of the notice. If FDA fails to respond to a petition under this section within 180 days of receiving it, the petition shall be deemed granted.

II. Criteria for Exemption

There are a number of factors FDA may consider to determine whether a 510(k) is necessary to provide reasonable assurance of the safety and effectiveness of a class II device. These

factors are discussed in the guidance the agency issued on February 19, 1998, entitled ''Procedures for Class II Device Exemptions From Premarket Notification, Guidance for Industry and CDRH Staff.'' That guidance can be obtained through the Internet on the CDRH home page at http:// frwebgate.access.gpo. gov/cgi-bin/ leaving.cgi? from=leavingFR.html&log= linklog&to=http:// www.fda.gov/cdrh or by facsimile through CDRH Facts-on-Demand at 1–800–899–0381 or 301–827–0111. Press 1 to enter the system. At the second voice prompt press 1 to order a document. Enter the document number (159) followed by the pound sign (#). Follow the remaining voice prompts to complete the request.

III. Petition

FDA received the following petition requesting an exemption from premarket notification for a class II device: the F-Spoon device, a manual compression device that allows a radiologist to press on the abdomen during a fluoroscopic procedure without exposing his or her hand to the x-ray beam. The device is classified as an accessory to the image-intensified fluoroscopic x-ray system (21 CFR 892.1650). FDA is expanding the generic type of device being considered for exemption to other fluoroscopic compression devices such as other types of spoons and compression paddles.

IV. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding this petition by July 18, 2001. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 4, 2001.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 01–15198 Filed 6–15–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Final Notice on Increasing Income Levels Used To Identify a ''Low-Income'' Family and Announcement of New Annual ''Low-Income'' Levels for Various Health Professions and Nursing Programs Included in Titles VII and VIII of the Public Health Service Act

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: This notice provides the Department's response to comments on increasing low-income levels and announces the new ''low-income'' levels for various programs included in titles VII and VIII of the Public Health Service (PHS) Act, which use the U.S. Bureau of the Census ''low-income'' levels to determine eligibility for program participation. The Department periodically publishes in the **Federal Register** low-income levels used to determine eligibility for grants and cooperative agreements to institutions providing training for (1) disadvantaged individuals, (2) individuals from a disadvantaged background, or (3) individuals from ''low-income'' families.

SUPPLEMENTARY INFORMATION:

This notice announces the proposed increase in income levels intended for use in determining eligibility for participation in the following programs:

Advanced Education Nursing (section 811)
Allied Health Special Projects (section 755)
Basic Nurse Education and Practice (section 831)
Dental Public Health (section 768)
Faculty Loan Repayment and Minority Faculty Fellowship Program (section 738)
General and Pediatric Dentistry (section 747)
Health Administration Traineeships and Special Projects (section 769)
Health Careers Opportunity Program (section 739)
Loans to Disadvantaged Students (section 724)
Physician Assistant Training (section 747)
Primary Care Residency Training (section 747)
Public Health Traineeships (section 767)
Quentin N. Burdick Program for Rural Interdisciplinary Training (section 754)
Residency Training in Preventive Medicine (section 768)
Scholarships for Disadvantaged Students (section 737)
Public Health Training Centers (section 766)
Nursing Workforce Diversity (section 821)

These programs generally award grants to accredited schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, podiatric medicine, nursing, chiropractic, public or private nonprofit schools which offer graduate programs in behavioral health and mental health practice, and other public or private nonprofit health or education entities to assist the disadvantaged to enter and graduate from health professions and nursing schools. Some programs provide for the repayment of health professions or nursing education loans for disadvantaged students.

Response to Comments

The Department published a notice in the **Federal Register** on March 30, 2001 (66 FR 17433) requesting public comments on increasing income levels used to identify a ''low-income'' family for the purpose of providing training in the various health professions and nursing programs included in titles VII and VIII of the PHS Act. The Department received five letters. Each commenter supported the new formula that increases income levels used to identify a ''low-income'' family.

Low-Income Levels

The Secretary defines a ''low-income'' family for programs included in titles VII and VIII of the PHS Act as having an annual income that does not exceed 200 percent of the Department's poverty guidelines. The Department's poverty guidelines are based on poverty thresholds published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index.

The Secretary annually adjusts the low-income levels based on the Department's poverty guidelines and makes them available to persons responsible for administering the applicable programs. The following income figures will be used for health professions and nursing grant applications requesting FY 2002 funding.

Size of parent's family [1]	Income level [2]
1	$17,180
2	23,220
3	29,260
4	35,300
5	41,340
6	47,380
7	53,420
8	59,460

[1] Includes only dependents listed on Federal Income tax forms.
[2] Adjusted gross income for calendar year 2000.

Dated: June 7, 2001.

Elizabeth M. Duke,

Acting Administrator.

[FR Doc. 01–15199 Filed 6–15–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 Cancer Institute Special Emphasis Panel P01 Program Project Applications.

Date: June 20–22, 2001.

Time: 7 p.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Melville Marriott Long Island, 1350 Old Walt Whitman Road, Long Island, NY 11747.

Contact Person: Raymond A. Petryshyn, Phd., Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Blvd., 8th Fl., room 8133, Bethesda, MD 20892, 301/594–1216.

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.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: June 11, 2001.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15247 Filed 6–15–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 Cancer Institute Initial Review Group Subcommittee G—Education.

Date: June 26–28, 2001.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Harvey P. Stein, PhD., Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, room 8137, (301) 496–7841.

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.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Dated: June 11, 2001.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15253 Filed 6–15–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; 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 Center for Complementary and Alternative Medicine Special Emphasis Panel.

Date: June 21, 2001.
Time: 8:30 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Four Points Garden, 8400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Martin H. Goldrosen, BS, MS, PhD., Chief, National Center for Complementary and Alternative Medicine, National Institutes of Health, 6707 Democracy Blvd, Ste. 106, Bethesda, MD 20892–5475, (301) 496–4792, goldrosm@mail.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel.
Date: June 28, 2001.
Time: 2 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: 6707 Democracy Blvd., Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Cecelia Maryland, Grants Technical Assistant, National Center for Complementary and Alternative Medicine, National Institutes of Health, Building 31, Room 5B50, Bethesda, MD 20892, (301) 480–2419.

Dated: June 11, 2001.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15252 Filed 6–15–01; 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: July 16, 2001.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, 5520 Wisconsin Ave, Terrace A & B, Chevy Chase, MD 20815.
Contact Person: Tracy A Shahan, PhD, Scientific Review Administrator, National Institutes of Health/NIAMS, Natcher Bldg., Room 5AS25H, 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: June 11, 2001.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15244 Filed 6–15–01; 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 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 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 Environmental Health Sciences Special Emphasis Panel NIH ES–00–79.
Date: June 22, 2001.
Time: 11:30 a.m. to 1 p.m.
Agenda: To review and evaluate contract proposals.
Place: NIEH-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.

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. 93.113, 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: June 11, 2001.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15245 Filed 6–15–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 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 on Drug Abuse Special Emphasis Panel ''Publication of NIDA Notes and Companion Journal''.
Date: June 14, 2001.
Time: 9:30 a.m. to 5 p.m.
Agenda: To review and evaluate contract proposals.
Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.
Contact Person: Lyle Furr, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547, (301) 435–1439.

The 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. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research

Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: June 11 2001.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15246 Filed 6–15–01; 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 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 Mental Health Special Emphasis Panel.

Date: July 9, 2001.

Time: 1 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Houmam H. Araj, PhD., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6150, MSC 9608, Bethesda, MD 20892–9608, 301–443–1340.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: July 17, 2001.

Time: 3:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: David I. Sommers, PhD., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6144, MSC 9606, Bethesda, MD 20892–9606, 301–443–6470, dsommers@mail.nih.gov.

(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: June 11, 2001.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15249 Filed 6–15–01; 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 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 Mental Health Special Emphasis Panel.

Date: July 11, 2001.

Time: 12 p.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Houmam H Araj, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6150, MSC 9608, Bethesda, MD 20892–9608, 301–443–1340.

(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, HHD)

Dated: June 11, 2001.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15250 Filed 6–15–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; 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 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 Library of Medicine Special Emphasis Panel VHAM SEP (Teleconference for June 28, 2001).

Date: June 28, 2001.

Time: 12 p.m. to 1 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Library of Medicine, Building 38A, HPCC Conference Room B1N30Q, 8600 Rockville Pike, Bethesda, MD 20894, (Telephone Conference Call).

Contact Person: Merlyn M. Rodrigues, Medical Officer/SRA, National Library of Medicine, Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20894.

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. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: June 11, 2001.

Anna P. Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15248 Filed 6–15–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6). Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 12, 2001.

Time: 8 a.m. to 5 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: Anne E. Schaffner, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7850, Bethesda, MD 20892, (301) 435–1239, schaffna@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group Virology Study Section.

Date: June 12–13, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1000 29th St., NW., Washington, DC 20007.

Contact Person: Rita Anand, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7808, Bethesda, MD 20892, (301) 435–1151, anandr@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 11, 2001.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15251 Filed 6–15–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant application and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 15, 2001.

Time: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jo Pelham, BA Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892, (301) 435–1786.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 19, 2001.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Angela Y. Ng, PhD, MBA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7804, Bethesda, MD 20892, 301–435–1715, nga@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: AIDS and Related Research Integrated Review Group, AIDS and Related Research 3.

Date: June 25–26, 2001.

Time: 8:00 a.m. to 9:55 a.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Eduardo A. Montalvo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 25, 2001.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Betty Hayden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, (301) 435–1223, haydenb@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 25, 2001.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rona L. Hirschberg, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4186, MSC 7808, Bethesda, MD 20892, (301) 435–1150.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 26, 2001.

Time: 10 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Eduardo A. Montalvo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Cardiovascular Study Section.

Date: June 28–29, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Gordon L. Johnson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 4136, MSC 7802, Bethesda, MD 20892, (301) 435–1212, johnsong@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Pharmacology Study Section.

Date: June 28–29, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Jeanne N. Ketley, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435–1789.

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: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Visual Sciences A Study Section.

Date: June 28–29, 2001.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Radisson Barcello, 2121 P Street, NW., Washington, DC 20037.

Contact Person: Michael H. Chaitin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7850, Bethesda, MD 20892, (301) 435–0910, chaitinm@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Biochemical Sciences Integrated Review Group, Physiological Chemistry Study Section.

Date: June 28–29, 2001.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Sofitel, 1914 Connecticut Ave, NW., Washington, DC 20009.

Contact Person: Richard Panniers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, 7842, Bethesda, MD 20892, (301) 435–1741.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 28–29, 2001.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn–Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Tracy E. Orr, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118, Bethesda, MD 20892, (301) 435–1259, orrt@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Musculoskeletal and Dental Sciences Integrated Review Group, Geriatrics and Rehabilitation Medicine.

Date: June 28–29, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1000 29th St., NW., Washington, DC 20007.

Contact Person: Jo Pelham, BA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892, (301) 435–1786.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 28–29, 2001.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Michael Micklin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, (301) 435–1258, miclinm@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Social Sciences, Nursing, Epidemiology and Methods Integrated Review Group, Epidemiology and Disease Control Subcommittee 2.

Date: June 28, 2001.

Time: 8:30 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, Select, 480 King Street, Old Town, Alexandria, VA 22314.

Contact Person: David M. Monsees, PhD; Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7848, Bethesda, MD 20892, (301) 435–0684, monseesd@drg.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Cell Development and Function Integrated Review Group, Cell Development and Function 6.

Date: June 28–29, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Swissotel Washington, The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Richard D. Rodewald, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, Room 5142, MSC 7840, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–1024, rodewalr@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Social Sciences, Nursing, Epidemiology and Methods Integrated Review Group, Social Sciences, Nursing, Epidemiology and Methods 3.

Date: June 28–29, 2001.

Time: 9 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Old Town Alexandria, 480 King Street, Alexandria, VA 22314.

Contact Person: Robert Weller, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of health, 6701 Rockledge Drive, Room 3160, MSC 7770, Bethesda, MD 20892, (301) 435–0694.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 28–29, 2001.

Time: 9 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: St. James Hotel, 950 24th Street, NW., Washington, DC 20037.

Contact Person: Anita Miller Sostek, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892, (301) 435–1260.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 29, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel Georgetown, 3000 M Street, NW., Washington, DC 20007.

Contact Person: Sharon K. Pulfer, BA, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7804, Bethesda, MD 20892, (301) 435–1767.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 29, 2001.

Time: 8:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20852.

Contact Person: Chhanda L. Ganguly, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 5156, MSC 7842, Bethesda, MD 20892, (301) 435–1739.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 29, 2001.

Time: 8:30 a.m. to 9:30 a.m.

Agenda: To review and evaluate grant applications.

Place: Swissotel Washington, The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

Contact Person: Richard D. Rodewald, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, Room 5142, MSC 7840, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 435–1024, rodewalr@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 29, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency, Chesapeake Suites, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Karen Sirocco, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, 301–435–0676, siroccok@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due tot he timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: June 29, 2001.

Time: 9 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Spring Hill Suites, 9715 Washingtonian Blvd., Gaithersburg, MD 20878.

Contact Person: Stephen M. Nigida, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7812, Bethesda, MD 20892, (301) 435–3565.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: Jun 29, 2001.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Tracy E. Orr, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 5118, Bethedsa, MD 20892, (301) 435–1259, orrt@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientifica Review Special Emphasis Panel.

Date: June 29, 2001.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant application.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Elaine Sierra-Rivera, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7804, Bethesda, MD 20892, 301–435–1779, riverse@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93/337, 93.393–93.396, 93.837–93.844, 83.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 11, 2001.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–15254 Filed 6–15–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4653–N–07]

Notice of Proposed Information Collection for Public Comment: Interim Evaluation of Moving to Opportunity Demonstration

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* August 17, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW., Room 8226, Washington, DC 20410–5000.

FOR FURTHER INFORMATION CONTACT: Todd Richardson at, (202) 708–3700, extension 5706 for copies of the proposed forms and other relevant documents. (This is not a toll-free number). The proposed forms and other documents can also be viewed via the internet at the web site http://www.huduser.org/ research/eval.html.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Data Collection for the Interim Impact Evaluation of the Moving to Opportunity Demonstration.

Description of the need for the information and proposed use: This request is for the clearance of several survey instruments for the Interim Evaluation of the Moving to Opportunity (MTO) demonstration program. Authorized by Congress in the Housing and Community Development Act of 1992, MTO is a unique experimental research demonstration designed to learn whether moving from a high-poverty neighborhood to a low-poverty neighborhood significantly improves the social and economic prospects of poor families. Families living in high poverty public and assisted housing in Baltimore, Boston, Chicago, Los Angeles and New York who applied for MTO were randomly assigned into two treatment groups and one control group between 1994 and 1998. Families assigned to the treatment groups were provided Section 8 to allow them to move out of the high poverty

developments. Families in one of the treatment groups received intensive mobility counseling and were required to lease a unit in a neighborhood with less than ten percent poverty. The other treatment group families could lease a unit wherever they chose, but only received the normal housing authority counseling. Those families assigned to the control group did not receive any Section 8 assistance but continued to receive project-based assistance.

This data collection is necessary to measure impacts and mediators approximately 5-years after families were randomly assigned to the two treatment groups and the control group. The data are planned to be collected for six primary domains: housing mobility and assistance; adult education, employment and earnings; household income and cash assistance; adult, youth, and child physical and mental health; youth and child social well-being, including delinquency and risky behavior; and youth and child educational performance.

An estimated 3,800 adults heads of household will be interviewed using the adult interview guide. In addition to questions about themselves and their household in general, adults will be asked questions about up to two randomly selected children/youth between the ages of 5 and 19. Approximately 3,000 youth between the ages of 12 and 19 will be interviewed using the youth interview guide. An estimated 2,100 children between the ages of 8 and 11 will be interviewed using the child interview guide. Finally, the youth and children noted above plus approximately 900 children between the ages of 5 and 7 will take an educational achievement test to measure reading and math skills. All interviewers and testing will be conducted in-person by interviewers using computer-assisted personal interviewing (CAPI) software to directly input the data into a laptoop computer. The youth interviewing and testing will take place at conveniently located test centers. Incentive payments will be made to respondents participating in this survey in order to ensure a high response rate. Adult respondents will receive $10 for responding to an initial mailing seeking contact information, $50 for responding to the main adult survey instrument, and $25 for answering questions about their youth/children. Youth will receive $50 for responding to the interview and completing the achievement test. Small gifts (worth $5 or less) for children under 12 who cooperate with testing and (if 8–11) the interview. Data gathered will be used by Abt Associates and the National Bureau of Economic Research to prepare a report to HUD on the interim impacts of MTO. Subject to maintaining the privacy and confidentiality of respondents, the data collected will also be used by academics and HUD policy analysts to further explore what specific neighborhood mediating factors contribute to the neighborhood impact on outcomes for families and children. The information will be used by HUD and Congress to guide future housing policy in many areas, including housing mobility assistance and the location and concentration of assisted housing.

Members of affected public: Individuals or households.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: 3,800 adults at 65 minutes; 3,000 youth with 30 minute survey, 45 minute achievement test, and 60 minute travel time to and from test center; 2,100 children ages 8–11 with 15 minute survey and 45 minute achievement test; and 900 children ages 5–7 with 30 minute achievement test. One-time response, total 13,446 reporting burden hours.

Status of the proposed information collection: Pending OMB approval.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: June 8, 2001.

Lawrence L. Thompson,

General Deputy Assistant Secretary for Policy Development And Research.

[FR Doc. 01–15216 Filed 6–15–01; 8:45 am]

BILLING CODE 4210–62–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Extension for Public Scoping Comments for the Preparation of an Environmental Impact Statement for the Proposed Exchange of Lands With Federal Interest on South Fox Island, Leelanau County, MI, Between the State of Michigan and a Private Citizen

AGENCY: Fish and Wildlife Service, Interior, lead; National Park Service, Interior, cooperating; Michigan Department of Natural Resources, cooperating.

ACTION: Notice of intent to prepare an Environmental Impact Statement; extension of comment period.

SUMMARY: This document announces an extension of the comment period for an additional 30 days to allow further participation in the scoping process.

For additional information, the original announcement regarding the notice of intent to prepare an Environmental Impact Statement was published in the **Federal Register** on May 16, 2001, beginning on page 27154. Copies of the document can be obtained by contacting the individuals listed in the original announcement.

The notice of intent and supplementary information can also be viewed via the internet at http://midwest.fws.gov/nepa

DATES: Written comments must be received on or before COB July 15, 2001.

FOR FURTHER INFORMATION CONTACT: For the various agencies, the contacts are: Mr. Craig A. Czarnecki, U.S. Fish and Wildlife Service, East Lansing Field Office, 2651 Coolidge Road, Suite 101, East Lansing, MI 48823, telephone: (517) 351–8470, facsimile: (517) 351–1443; or Mr. Jon Parker, U.S. Fish and Wildlife Service, Division of Federal Aid, Bishop Henry Whipple Building, 1 Federal Drive, Fort Snelling, MN 55111; telephone: (612) 713–5142, facsimile: (612) 713–5290; Ms. Elyse LaForest, National Park Service, 15 State Street, Boston, MA 02109, telephone: (617) 223–5190, facsimile: (617) 223–5164; Mr. Doug Erickson, Michigan Department of Natural Resources, Wildlife Division, P.O. Box 30444, Lansing, MI 48909–7944; telephone: (517) 335–4316, facsimile: (517) 373–6705.

William F. Hartwig,

Regional Director, Region 3, Fort Snelling, Minnesota.

[FR Doc. 01–15278 Filed 6–15–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

Final Environmental Impact Statement/ Final General Management Plan, New Bedford Whaling National Historical Park, Bristol County, MA

AGENCY: National Park Service, Interior.

ACTION: Notice of availability of final environmental impact statement/ final geneal management plan.

SUMMARY: Pursuant to Council on Environmental Quality regulations and National Park Service Policy, this notice announces the availability for public review of a Final Environmental Impact Statement/ Final General Management Plan for New Bedford Whaling National Historical Park, Bristol County, Massachusetts. In accordance with the National Environmental Policy Act 102(2)(C) of 1969, the environmental

impact statement was prepared to assess the impacts of implementing the general management plan.

The Final Environmental Impact Statement/ Final General Management Plan presents a Proposal and two Management Alternatives, then assesses the potential environmental and socioeconomic effects of the actions presented on site resources, visitor experience, and the surrounding area. The Proposal and the Alternatives differ in their approaches to management. In the Proposal, the National Park Service would share stewardship responsibility for resource protection with its partners and offer visitor programs complementary to partners' activities. NPS interpretive and educational activities would promote resource stewardship. Alternative 1 (Management Option 1) is essentially the status quo, the National Park Service would bring a national voice and visibility to New Bedford through its publications and facilitate coordination of park partners' visitor-services and resource-protection programs. In Alternative 3 (Management Option 3) the National Park Service would assume the lead role among park partners, exercising intensive and extensive involvement in resource preservation, collections management, and visitor programming.

DATES: The Final Environmental Impact Statement will be made available on July 2, 2001. Following a 30-day no action period a Record of Decision documenting the agency's decision will be issued.

SUPPLEMENTARY INFORMATION: Copies of the document will be available for review at the following locations:

New Bedford Whaling National Historical Park—Visitor Center, 33 William Street, New Bedford, MA. The visitor center is open everyday from 9 a.m. to 4 p.m.

New Bedford Free Public Library, 613 Pleasant Street, New Bedford, MA. The library is open Monday through Thursday from 9 a.m. to 9 p.m.; Friday and Saturday hours are 9 a.m. to 5 p.m. The library is closed on Sundays.

To request a copy of the document, please call (508) 996–4095, fax (508) 994–8922, or write Superintendent, New Bedford Whaling National Historical Park, 33 William Street, New Bedford, Massachusetts 02740.

John Piltzecker,

Superintendent, New Bedford Whaling National Historical Park.

[FR Doc. 01–15302 Filed 6–15–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Boston National Historical Park, Suffolk County, Massachusetts; Notice of Intent To Prepare an Environmental Assessment and Notice of Public Meetings

In accordance with the National Environmental Policy Act of 1969 (Pub. L. 91–109 section 102(c)), the National Park Service (NPS) is preparing an Environmental Assessment (EA) for the rehabilitation of Bunker Hill Monument, located in the City of Boston, Suffolk County, Massachusetts. The purpose of the EA is to assess the impacts of alternative rehabilitation strategies for the Bunker Hill Monument, the adjacent Bunker Hill Lodge, the surrounding site and the Bunker Hill Museum. The project will include preservation of the 221-foot high Bunker Hill Monument, the adjacent granite Lodge and surrounding 4-acre site, as well as the rehabilitation of the neighboring Bunker Hill Museum as a site interpretive facility in partnership with the local community and the City of Boston. The NPS will hold a series of public meetings in the spring and summer of 2001 that will provide an opportunity for public input into the scoping for the EA. The date, time, and location of these meetings will be announced through local media. The purpose of these meetings is to obtain both written and verbal comments concerning the rehabilitation of Bunker Hill. Those persons who wish to comment verbally or in writing should contact Ruth Raphael, Planner, Boston National Historical Park, Charlestown Navy Yard, Boston, MA 02129–4543.

Bunker Hill is the site of the first major battle of the American Revolution and is one of the most significant historic sites in Boston. The monument was built between 1825 and 1843 and is the oldest major monument in the United States. The site, a National Historic Landmark, with annual visitation of 196,000 is in need of major rehabilitation and enhanced interpretive facilities. The Bunker Hill Museum, a three story historic brick building, is located directly across the street from the site. The project will seek to develop the museum as a primary interpretive center to convey the drama and importance of the battle as well as a place, in partnership with the community, to showcase local Charlestown history.

The draft EA is expected to be completed and available for public review in Fall 2001.

Dated: May 29, 2001.

Terry Savage,

Superintendent, Boston National Historical Park.

[FR Doc. 01–15301 Filed 6–15–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 2, 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 July 3, 2001.

Carol D. Shull,

Keeper of the National Register of Historic Places.

CALIFORNIA

Butte County

Hazel Hotel,
850, 860, 880, 890 Hazel St., and 602, 608, 620 Kentuckey,
Gridley, 01000705

DISTRICT OF COLUMBIA

District of Columbia

Stevens, Thaddeus, School,
1050 Twenty-First St., NW,
Washington, 01000706

GEORGIA

Cobb County

Collins Avenue Historic District,
Collins Ave.,
Acworth, 01000707

MICHIGAN

St. Joseph County

Marantette Bridge,
Railroad St., Buckner Rd. over St. Joseph R.,
Mendon, 01000708

MISSOURI

Buchanan County

Century Apartments,
(St. Joseph, Missouri MPS)
627 N. 25th St., St. Joseph, 01000712
St. Joseph's Commerce and Banking Historic District, Roughly bounded by 3rd, 91t, Francis, and Edmonds St.,
St. Joseph, 01000709

NEBRASKA

Cedar County

Immaculate Conception Catholic Church and Rectory,
102 and 108 E 9th St.,
St. Helena, 01000711

Dawson County

Midway Ranch House,
Address Restricted,
Gothenburg, 01000715

Garden County

Rackett Grange Hall #318,
9250 NE 193,
Lewellen, 01000713

Red Willow County

Keystone Hotel,
402 Norris Ave.,
McCook, 01000710

Washington County

Old McDonald Farm,
Address Restricted,
Blair, 01000714

NEW YORK

Monroe County

Dayton's Corners School,
1363 Creek St.,
Penfield, 01000716

Ulster County

Oaterhoudt Stone House,
1880 NY 32,
Saugerties, 01000717

VIRGINIA

Albemarle County

Anchorage, The,
1864 Anchorage Farm,
Charlottesville, 01000688

Bedford County

Twin Oaks Farm,
VA 2,
Bedford County, 01000704

Fairfax County

Manassas Gap Railroad Independent Line,
7504 Royce St.,
Annandale, 01000700

Fluvanna County

Oaks, The,
5025 Tabscott Rd.,
Kents Store, 01000696

Frederick County

Frederick County Courthouse,
20 N. Loudoun St.,
Winchester, 01000690
Old Stone Church,
Approx. 1 mi. W of jct. of VA 671 and VA 739,
Whitehall, 01000689

Madison County

James City Historic District,
US 29,
Madison, 01000691
Norfolk Independent city
North Ghent,
Bounded by Princess Anne Rd., Olney Rd., Colonia Ave., and Colley Ave.,
Norfolk (Independent City), 01000693
Saint Mary's Catholic Cemetery,
3000 Church St.,
Norfolk (Independent City), 01000694
Winona,
Roughly bounded by Ashland Circle, Ashland Ave., Elmere Place, Huntington Crescent, Holland Ave., and the Lafayette,
Norfolk (Independent City), 01000702

Northumberland County

Cobbs Hall,
582 Cobbs Hall Ln.,
Kilmamock, 01000699

Orange County

Orange High School,
224 Belleview Ave.,
Orange, 01000692
Rockwood,
12225 Chicken Mountain Rd.,
Montpelier Station, 01000695

Pittsylvania County

Chatham Historic District,
Main, Payne, Pruden, Reid, Whittle Sts.; Lanier Ave., Court Place; Gilmer Dr.,
Chatham, 01000698
Richmond Independent city
Cary Street Park and Shop Center,
3120–3158 West Cary St.,
Richmond (Independent City), 01000701

Smyth County

Beatie, A.C., House,
249 W. Lee Hwy.,
Chilhowie, 01000697

Washington County

Solar Hill Historic District,
Roughly along Johnson, Solar, West, King, Cumberland, and Sycamore Sts.,
Bristol, 01000703

[FR Doc. 01–15300 Filed 6–15–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of the U.S. Department of the Interior, National Park Service, Ocmulgee National Monument, Macon, GA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of the Interior, National Park Service, Ocmulgee National Monument, Macon, GA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of these Native American human remains and associated funerary objects. The Assistant Director, Cultural Resources Stewardship and Partnerships is not responsible for the determinations within this notice.

A detailed assessment and inventory of the human remains and associated funerary objects has been made by National Park Service professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Catawba Indian Nation; Cherokee Nation, Oklahoma; Chickasaw Nation, Oklahoma; Choctaw Nation of Oklahoma; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians of North Carolina; Eastern Shawnee Tribe of Oklahoma; Jena Band of Choctaw Indians, Louisiana; Kialegee Tribal Town of the Creek Indian Nation, Oklahoma; Miccosukee Tribe of Indians of Florida; Mississippi Band of Choctaw Indians, Mississippi; Muscogee (Creek) Nation of Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; Thlopthlocco Tribal Town of the Creek Nation, Oklahoma; and United Keetoowah Band of Cherokee Indians of Oklahoma. The Shawnee Tribe, also known also as the ''Loyal Shawnee'' or ''Cherokee Shawnee,'' a non-Federally recognized Native American group at the time that they were consulted, have since been recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians under provisions of P.L. 106-568.

The human remains and associated funerary objects described in this notice were originally recovered from the Lamar Mounds site, located within the boundary of Ocmulgee National Monument, and from the Stubbs Mound site and Cowart's Landing site, located outside the monument boundary.

The human remains and associated funerary objects described in this notice are currently curated at the National Park Service's Southeast Archeological Center, in Tallahassee, FL. Other human remains and associated funerary objects from these sites are currently curated at the Smithsonian Institution, National Museum of Natural History, Washington, DC.

Between 1933 and 1938, human remains representing nine individuals

were recovered from the Lamar Mounds and Village site during legally authorized projects sponsored by the Works Progress Administration. No known individuals were identified. The 37 associated funerary objects are 25 shell beads, 1 bag of beads, 1 worked shell, 3 bone awls, 2 stone discoidals, 2 shell earplugs, 2 stone celts, and 1 tobacco pipe.

The Lamar Mounds and Village site consists of two mounds, A and B, and a palisaded village area. Archeological evidence indicates that the Lamar Mounds and Village site was occupied during the entire Middle and Late Mississippian periods (A.D. 1200-1650). The site is believed to be the town of Ichisi (Spanish) or Ochisi (Portugese) encountered by the Hernando de Soto expedition in 1540. Occupation of the site may have continued into the early 18th century.

Between 1936 and 1937, human remains representing 34 individuals were recovered from the Stubbs Mound site during a Works Progress Administration excavation. No known individuals were identified. The 55 associated funerary objects are 46 shell beads, 5 shell pins, 1 projectile point, 2 stone celts, and 1 plant specimen.

The Stubbs Mound site consists of a mound and associated village area. On the basis of the objects recovered during excavation, the site and the human remains have been dated to the Middle Mississippian period (A.D. 1200-1350).

In 1937, human remains representing 12 individuals were recovered from the Cowart's Landing site during legally authorized Works Progress Administration stratigraphic survey excavations. No known individuals were identified. The one associated funerary object is an iron chisel. Cowart's Landing is a large midden site located on a terrace approximately 1/4 mile from the Ocmulgee River. On the basis of the artifacts recovered from the site, its major occupation has been dated to the Late Mississipian period (A.D. 1350 to 1650). The iron chisel indicates that at least one of the burials may date from A.D. 1540-1821 period.

The regional manifestation of archeological resources from the Mississippian period have been identified as the Lamar Culture. The Lamar Culture has been divided into two time periods, corresponding with the distinction between the Middle and Late Mississippian periods. The Stubbs Mound site is the type site for the Stubbs Phase of the Lamar Culture (A.D. 1200-1350). The Cowart's Landing site is the type site for the Cowart Phase of the Lamar Culture (A.D. 1350-1650+). The Lamar Mounds site, Stubbs Mound site, and Cowart's Landing site are located in close proximity, with occupation of the Stubbs site overlapping the early occupation of the Lamar Mounds and Village site, and occupation of the Cowarts Landing site overlapping the late occupation of the Lamar Mounds and Village site. Archeological evidence indicates that the Lamar Culture ceramic types found at all three sites are closely related to historic Creek and Cherokee ceramic traditions.

Between A.D. 1685-1717, the English used variations of the name Ochese-hatchee or Ochese Creek to refer to the river later called the Ocmulgee River. The towns and people living along Ochese Creek during that period were referred to as the Ochese (various spellings) Creek Nation, the Ochese Creek people, and, finally, simply the Creeks. The word Ochese and its variations has been traced from middle Georgia to the Chattahooche River, then to Florida, and finally to Oklahoma. A squareground of this name existed in Oklahoma until the 1950s. There is an Ochese Street in Okmulgee, OK. Ethnohistorical information indicates that the Ichisi-Ochese were probably Hitchiti speakers, which would link them directly to Hitchiti speakers among the later Seminole and Miccosukee tribes. The Ichisi-Ochese may also be linked less directly to speakers of closely related Alabama and Koasati languages among the latter-day Alabama and Coushatta tribes.

Based on the above-mentioned information, the superintendent of Ocmulgee National Monument has determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 55 individuals of Native American ancestry. The superintendent of Ocmulgee National Monument also has determined that, pursuant to 43 CFR 10.2 (d)(2), the 93 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, the superintendent of Ocmulgee National Monument has determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and funerary objects and the Alabama-Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Cherokee Nation, Oklahoma; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians of North Carolina; Kialegee Tribal Town of the Creek Indian Nation, Oklahoma; Miccosukee Tribe of Indians of Florida; Muscogee (Creek) Nation of Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; Thlopthlocco Tribal Town of the Creek Nation, Oklahoma; and United Keetoowah Band of Cherokee Indians of Oklahoma.

This notice has been sent to officials of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Catawba Indian Nation; Cherokee Nation, Oklahoma; Chickasaw Nation, Oklahoma; Choctaw Nation of Oklahoma; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians of North Carolina; Eastern Shawnee Tribe of Oklahoma; Jena Band of Choctaw Indians, Louisiana; Kialegee Tribal Town of the Creek Indian Nation, Oklahoma; Miccosukee Tribe of Indians of Florida; Mississippi Band of Choctaw Indians, Mississippi; Muscogee (Creek) Nation of Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; Shawnee Tribe; Thlopthlocco Tribal Town of the Creek Nation, Oklahoma; and United Keetoowah Band of Cherokee Indians of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Jim David, Superintendent, Ocmulgee National Monument, 1207 Emery Highway, Macon, GA 31217, telephone (478) 752-8257, before July 18, 2001. Repatriation of the human remains and associated funerary objects to the Alabama-Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Cherokee Nation, Oklahoma; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians of North Carolina; Kialegee Tribal Town of the Creek Indian Nation, Oklahoma; Miccosukee Tribe of Indians of Florida; Muscogee (Creek) Nation of Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; Thlopthlocco Tribal Town of the Creek Nation, Oklahoma; and United Keetoowah Band of Cherokee Indians of Oklahoma.

Dated: May 7, 2001.

Frank P. Mc Manamon,

Acting Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–15311 Filed 6–15–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of the U.S. Department of the Interior, National Park Service, Gulf Islands National Seashore, Gulf Breeze, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of the Interior, National Park Service, Gulf Islands National Seashore, Gulf Breeze, FL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of these Native American human remains and associated funerary objects. The Assistant Director, Cultural Resources Stewardship and Partnerships, is not responsible for the determinations within this notice.

A detailed assessment of the human remains and associated funerary objects was made by National Park Service professional staff in consultation with the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Cherokee Nation, Oklahoma; Chickasaw Nation, Oklahoma; Chitimacha Tribe of Louisiana; Eastern Band of Cherokee Indians of North Carolina; Eastern Shawnee Tribe of Oklahoma; Jena Band of Choctaw Indians, Louisiana; Kialegee Tribal Town of the Creek Indian Nation, Oklahoma; Miccosukee Tribe of Indians of Florida; Mississippi Band of Choctaw Indians, Mississippi; Muscogee (Creek) Nation of Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; Thlopthlocco Tribal Town of the Creek Nation, Oklahoma; Tunica-Biloxi Indian Tribe of Louisiana; and United Keetoowah Band of Cherokee Indians of Oklahoma. The Shawnee Tribe, also known also as the ''Loyal Shawnee'' or ''Cherokee Shawnee,'' a non-Federally recognized Native American group at the time that they were consulted, has since been recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians under provisions of P.L. 106–568.

In 1960, human remains representing one individual were recovered during legally-authorized excavations by Charles Fairbanks at the Fort Walton Temple Mound site. Mr. Fairbanks reported the results of his excavation in The Florida Anthropologist in 1965. The Fort Walton Temple Mound site is located on land acquired by the city of Fort Walton Beach, FL, in 1959. In 1981, the human remains were donated to the National Park Service by Yulee Lazarus, curator of the Fort Walton Temple Mound Museum. No known individual was identified. No funerary objects are identified. The human remains are currently curated at the National Park Service's Southeast Archeological Center in Tallahassee, FL.

The Fort Walton Temple Mound site consists of a large platform mound and associated settlement area. Archeological evidence indicates that the Fort Walton Mound site was occupied during the Mississipian period (A.D. 900–1550), and may have served as the capital town of the Pensacola polity during the late Mississippian period (A.D. 1200 to 1550) and the early European contact period (A.D. 1550 to 1700). The first European (Spanish) contact in this area occurred in the middle to late 16th century with members of the Chatot tribe. Historical evidence indicates that between A.D. 1695 and 1707 the Creek Indians overran the Chatot tribe and took over the area around Fort Walton. Remnants of the Chatot tribe are believed to have joined the Choctaw tribe, although some Chatot probably remained with the Creeks.

Based on the above-mentioned information, the superintendent of Gulf Islands National Seashore has determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. The superintendent of Gulf Islands National Seashore also has determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Alabama-Quassarte Tribal Town, Oklahoma; Choctaw Nation of Oklahoma; Jena Band of Choctaw Indians, Louisiana; Kialegee Tribal Town, Oklahoma; Miccosukee Tribe of Indians of Florida; Mississippi Band of Choctaw Indians, Mississippi; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; and Thlopthlocco Tribal Town, Oklahoma.

This notice has been sent to officials of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama and Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Cherokee Nation of Oklahoma; Chickasaw Nation, Oklahoma; Chitimacha Tribe of Louisiana; Choctaw Nation of Oklahoma; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians of North Carolina; Eastern Shawnee Tribe of Oklahoma; Jena Band of Choctaw Indians, Louisiana; Kialegee Tribal Town, Oklahoma; Miccosukee Tribe of Indians of Florida; Mississippi Band of Choctaw Indians, Mississippi; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; Shawnee Tribe, Oklahoma; Thlopthlocco Tribal Town, Oklahoma; Tunica-Biloxi Indian Tribe of Louisiana; and United Keetoowah Band of Cherokee Indians of Oklahoma. This notice also was sent to the Independent Traditional Seminole Nation of Florida, a non-Federally recognized Indian group. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Jerry A. Eubanks, Superintendent, Gulf Islands National Seashore, 1801 Gulf Breeze Parkway, Gulf Breeze, FL 32561, telephone (850) 934–2604, before July 18, 2001. Repatriation of the human remains to the Alabama-Quassarte Tribal Town, Oklahoma; Choctaw Nation of Oklahoma; Jena Band of Choctaw Indians, Louisiana; Kialegee Tribal Town, Oklahoma; Miccosukee Tribe of Indians of Florida; Mississippi Band of Choctaw Indians, Mississippi; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; and Thlopthlocco Tribal Town, Oklahoma may begin after the date if no additional claimants come forward.

Dated: May 21, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–15308 Filed 6–15–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of the U.S. Department of the Interior, National Park Service, Gulf Islands National Seashore, Gulf Breeze, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of the Interior, National Park Service, Gulf Islands National Seashore, Gulf Breeze, FL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of these Native American human remains and associated funerary objects. The Assistant Director, Cultural Resources Stewardship and Partnerships, is not responsible for the determinations within this notice.

A detailed assessment of the human remains and associated funerary objects was made by National Park Service professional staff in consultation with the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Cherokee Nation, Oklahoma; Chickasaw Nation, Oklahoma; Chitimacha Tribe of Louisiana; Eastern Band of Cherokee Indians of North Carolina; Eastern Shawnee Tribe of Oklahoma; Jena Band of Choctaw Indians, Louisiana; Kialegee Tribal Town of the Creek Indian Nation, Oklahoma; Miccosukee Tribe of Indians of Florida; Mississippi Band of Choctaw Indians, Mississippi; Muscogee (Creek) Nation of Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; Thlopthlocco Tribal Town of the Creek Nation, Oklahoma; Tunica-Biloxi Indian Tribe of Louisiana; and United Keetoowah Band of Cherokee Indians of Oklahoma. The Shawnee Tribe, also known also as the ''Loyal Shawnee'' or ''Cherokee Shawnee,'' a non-Federally recognized Native American group at the time that they were consulted, has since been recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians under provisions of P.L. 106-568.

Between 1964-1965, human remains representing seven individuals were recovered during excavations at the Naval Live Oaks Reservation Cemetery site. No known individuals were identified. The five associated funerary objects are one copper disk, one piece of iron, one piece of worked stone, and two ceramic vessel fragments. An unpublished report by Yulee and William C. Lazaras, and Donald Sharon provides an overview of the 16 burials originally excavated. At the time of the excavation, the Naval Live Oaks Reservation Cemetery site was under jurisdiction of the State of Florida. In 1971, the Naval Live Oaks Reservation Cemetery site became part of Gulf Islands National Seashore. The human remains and associated funerary objects appear to have been curated at the Fort Walton Temple Mound Museum until 1981, when they were transferred to the National Park Service. The human remains and associated funerary objects are currently curated at the National Park Service's Southeast Archeological Center in Tallahassee, FL.

Analysis the ceramic vessel fragments indicates that the Naval Live Oaks Reservation Cemetery site was in use during the Bear Point phase of the Pensacola period (A.D. 1500 to 1700). Historical documentation places the Pensacola Indians in the area of the Naval Live Oak Reservation Cemetery site during that time period. The Pensacola Indians are known to have been assimilated into the Choctaw Indians, with whom they shared a common language and similar customs. However, some Pensacola Indians are believed to have gone west to join the Tunica-Biloxi Indians while others may have been assimilated into the Creeks who overtook this area around A.D. 1700. Thus, descendants of the Pensacola are likely to be found among the Choctaw, Tunica-Biloxi, and Creek Indians.

Based on the above-mentioned information, the superintendent of Gulf Islands National Seashore has determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of seven individuals of Native American ancestry. The superintendent of Gulf Islands National Seashore also has determined that, pursuant to 43 CFR 10.2 (d)(2), the five objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Finally, the superintendent of Gulf Islands National Seashore has determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these human remains and associated funerary objects and the Alabama-Quassarte Tribal Town, Oklahoma; Choctaw Nation of Oklahoma; Jena Band of Choctaw Indians, Louisiana; Kialegee Tribal Town, Oklahoma; Miccosukee Tribe of Indians of Florida; Mississippi Band of Choctaw Indians, Mississippi; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; Thlopthlocco Tribal Town, Oklahoma; and Tunica-Biloxi Indian Tribe of Louisiana.

This notice has been sent to officials of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama and Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Cherokee Nation of Oklahoma; Chickasaw Nation, Oklahoma; Chitimacha Tribe of Louisiana; Choctaw Nation of Oklahoma; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians of North Carolina; Eastern Shawnee Tribe of Oklahoma; Jena Band of Choctaw Indians, Louisiana; Kialegee Tribal Town, Oklahoma; Miccosukee Tribe of Indians of Florida; Mississippi Band of Choctaw Indians, Mississippi; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; Shawnee Tribe, Oklahoma; Thlopthlocco Tribal Town, Oklahoma; Tunica-Biloxi Indian Tribe of Louisiana; and United Keetoowah Band of Cherokee Indians of Oklahoma. This notice also was sent to officials of the Independent Traditional Seminole Nation of Florida, a non-Federally recognized Indian group. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Jerry A. Eubanks, Superintendent, Gulf Islands National Seashore, 1801 Gulf Breeze Parkway,

Gulf Breeze, FL 32561, telephone (850) 934–2604, before July 18, 2001. Repatriation of the human remains and associated funerary objects to the Alabama-Quassarte Tribal Town, Oklahoma; Choctaw Nation of Oklahoma; Jena Band of Choctaw Indians, Louisiana; Kialegee Tribal Town, Oklahoma; Miccosukee Tribe of Indians of Florida; Mississippi Band of Choctaw Indians, Mississippi; Muscogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; Thlopthlocco Tribal Town, Oklahoma; and Tunica-Biloxi Indian Tribe of Louisiana may begin after the date if no additional claimants come forward.

Dated: May 21, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–15309 Filed 6–15–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Control of the U.S. Department of the Interior, National Park Service, Ocmulgee National Monument, Macon, GA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the control of the U.S. Department of the Interior, National Park Service, Ocmulgee National Monument, Macon, GA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2(c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of these Native American human remains and associated funerary objects. The Assistant Director, Cultural Resources Stewardship and Partnerships is not responsible for the determinations within this notice.

A detailed assessment and inventory of the human remains and associated funerary objects has been made by National Park Service professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Catawba Indian Nation; Cherokee Nation, Oklahoma; Chickasaw Nation, Oklahoma; Choctaw Nation of Oklahoma; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians of North Carolina; Eastern Shawnee Tribe of Oklahoma; Jena Band of Choctaw Indians, Louisiana; Kialegee Tribal Town of the Creek Indian Nation, Oklahoma; Miccosukee Tribe of Indians of Florida; Mississippi Band of Choctaw Indians, Mississippi; Muscogee (Creek) Nation of Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; Thlopthlocco Tribal Town of the Creek Nation, Oklahoma; and United Keetoowah Band of Cherokee Indians of Oklahoma. The Shawnee Tribe, also known as the ''Loyal Shawnee'' or ''Cherokee Shawnee,'' a non-Federally recognized Native American group at the time that they were consulted, have since been recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians under provisions of P.L. 106–568.

Between 1957 and 1958, human remains representing eight individuals were recovered from the Trading Post area of the Macon Plateau unit of Ocmulgee National Monument. No known individuals were identified. The 16,168 associated funerary objects are 16,147 glass beads, 1 tobacco pipe, 1 axe, 2 knives, 5 gunflints, 2 gun shot, 4 balls, 1 musket ball, 1 glass fragment, 1 shell artifact, 2 spiral springs, and 1 gorget. The trading post at Macon was operated by the British from 1685–1717. The historic Creek town associated with the trading post has long been thought to have been Ocmulgee. Burials excavated at this site were identified as historic Creek on the basis of European trade goods found in association with the remains.

In 1961 and 1962, human remains representing four individuals were recovered from the Ocmulgee Bottoms Salvage site. The Ocmulgee Bottoms Salvage site is located approximately one mile from the trading post site, within the boundary of Ocmulgee National Monument. No known individuals were identified. The 14,985 associated funerary objects are 14,691 glass beads, 16 copper collar bands, 77 pieces of cloth, 91 leather fragments, 71 iron bands, 2 copper gorgets, 1 iron hoe, 1 bag of wood, 23 plant seeds, 4 pieces of charcoal, 2 vessel fragments, and 6 metal fragments. The four burials were identified as historic Creek on the basis of European trade goods and glass beads found in association with the remains, which date the burials to the years between 1600 and 1890. Due to its proximity to the trading post and the similarity of the types of objects found with the burials at the two sites, it is reasonable to conclude that the burials from the Ocmulgee Bottoms Salvage site date to the 1685–1717 period.

Residents of the Creek town of Ocmulgee moved to the Chatahoochee River after 1717. Historical documentation reflects a great deal of movement and reorganization among the Creeks and the Creek Confederacy during the 18th and 19th centuries. Ten present-day Indian tribes are thought to include Creek descendants, including Alabama-Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Coushatta Tribe of Louisiana; Kialegee Tribal Town of the Creek Indian Nation, Oklahoma; Miccosukee Tribe of Indians of Florida; Muscogee (Creek) Nation of Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; and Thlopthlocco Tribal Town of the Creek Nation, Oklahoma.

Based on the above-mentioned information, the superintendent of Ocmulgee National Monument has determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of 12 individuals of Native American ancestry. The superintendent of Ocmulgee National Monument also has determined that, pursuant to 43 CFR 10.2(d)(2), the 31,153 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, the superintendent of Ocmulgee National Monument has determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and funerary objects and the Alabama-Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Coushatta Tribe of Louisiana; Kialegee Tribal Town of the Creek Indian Nation, Oklahoma; Miccosukee Tribe of Indians of Florida; Muscogee (Creek) Nation of Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton,

Hollywood & Tampa Reservations; and Thlopthlocco Tribal Town of the Creek Nation, Oklahoma. This notice has been sent to officials of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Catawba Indian Nation; Cherokee Nation, Oklahoma; Chickasaw Nation, Oklahoma; Choctaw Nation of Oklahoma; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians of North Carolina; Eastern Shawnee Tribe of Oklahoma; Jena Band of Choctaw Indians, Louisiana; Kialegee Tribal Town of the Creek Indian Nation, Oklahoma; Miccosukee Tribe of Indians of Florida; Mississippi Band of Choctaw Indians, Mississippi; Muscogee (Creek) Nation of Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; Shawnee Tribe; Thlopthlocco Tribal Town of the Creek Nation, Oklahoma; and United Keetoowah Band of Cherokee Indians of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Jim David, Superintendent, Ocmulgee National Monument, 1207 Emery Highway, Macon, GA 31217, telephone (478) 752–8257, before July 18, 2001. Repatriation of the human remains and associated funerary objects to the Alabama-Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Coushatta Tribe of Louisiana; Kialegee Tribal Town of the Creek Indian Nation, Oklahoma; Miccosukee Tribe of Indians of Florida; Muscogee (Creek) Nation of Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; and Thlopthlocco Tribal Town of the Creek Nation, Oklahoma may begin after that date if no additional claimants come forward.

Dated: May 7, 2001.

Frank P. McManamon,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–15310 Filed 6–15–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Correction—Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Putnam Museum of History and Natural Science, Davenport, IA

AGENCY: National Park Service, Interior.

ACTION: Correction.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Putnam Museum of History and Natural Science, Davenport, IA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

This notice corrects the list of tribes to which the human remains and associated funerary objects may be repatriated in the Notice of Inventory Completion published March 26, 1997 (Federal Register Document 97-7602, pages 14441-14442).

In the sixth paragraph, the final sentence which reads ''Repatriation of the human remains and associated funerary objects to the Iowa Tribe of Oklahoma may begin after that date if no additional claimants come forward,'' is corrected to read ''**Repatriation of the human remains and associated funerary objects to the Iowa Tribe of Oklahoma; the Sac and Fox Tribe of the Mississippi in Iowa; the Sac and Fox Nation of Missouri in Kansas and Nebraska; and the Sac and Fox Nation, Oklahoma may begin after that date if no additional claimants come forward**.''

Dated: April 20, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–15303 Filed 6–15–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of the Interior, National Park Service, Rocky Mountain National Park, Estes Park, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the U.S. Department of the Interior, National Park Service, Rocky Mountain National Park, Estes Park, CO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of these Native American human remains and associated funerary objects. The Assistant Director, Cultural Resources Stewardship and Partnerships is not responsible for the determinations within this notice.

A detailed inventory and assessment of the human remains has been made by professional staff of the National Park Service in consultation with representatives of the Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; and Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico.

In 1935, human remains representing one individual were discovered near the Thompson River entrance to the park. No known individual was identified. No associated funerary objects are present.

Soils at Rocky Mountain National Park are highly acidic and not conducive to the prolonged preservation of organic materials. Most bone left in this type of soil tends to disintegrate within approximately 100 years. The human remains discovered near the Thompson River entrance to the park are in fairly good condition, suggesting that they were most likely deposited during the historic period. The Uintah or Ouray Ute, Arapaho, and Jicarilla Apache are known to have occupied the park in historic times.

Based on the above-mentioned information, the Rocky Mountain National Park superintendent has determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. The Rocky Mountain National Park superintendent also has determined that, pursuant to 43 CFR 10.2 (e), that there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and either the Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; or Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico.

This notice has been sent to officials of the Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; and Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Superintendent A. Durand Jones, Rocky Mountain National Park, Estes Park, CO 80517, telephone (970) 586-1332, before July 18, 2001. Repatriation of the human remains to the Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; and Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico may begin after that date if no additional claimants come forward.

Dated: May 10, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–15307 Filed 6–15–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of the Interior, National Park Service, Agate Fossil Beds National Monument, Harrison, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the U.S. Department of the Interior, National Park Service, Agate Fossil Beds National Monument, Harrison, NE.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of these Native American human remains and associated funerary objects. The Assistant Director, Cultural Resources Stewardship and Partnerships is not responsible for the determinations within this notice.

A detailed assessment and inventory of the human remains was made by National Park Service professional staff in consultation with the representatives of the Blackfeet Tribe of Montana; Crow Tribe of Montana; Pawnee Indian Tribe of Oklahoma; Crow Creek Sioux Tribe of South Dakota; and Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota, and Rosebud Sioux Tribe of South Dakota, representing the signatories of the Siouan Intertribal Repatriation Memorandum of Agreement (Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Oglala Sioux Tribe of South Dakota; Rosebud Sioux Tribe of South Dakota; Santee Sioux Tribe of Nebraska; and Yankton Sioux Tribe of South Dakota).

On September 15, 1901, Lakota Chief Wolf Ears presented James Cook with two scalps. According to Mr. Cook's notes, one scalp was identified as Blackfeet (AGFO 122) and the other scalp was identified as Crow (AGFO 121). Lakota warriors Blueshield and/or Little Wound and Young Man Afraid also presented Mr. Cook with two scalps (AGFO 120 and 123). According to Mr. Cook's notes, these two scalp locks were identified as Pawnee. All four scalp locks were in the Cook collection that was donated to Agate Fossil Beds National Monument in 1968. No known individuals were identified. No associated funerary objects are present.

Consultation with representatives of the Pawnee Indian Tribe of Oklahoma, Blackfeet Tribe of Montana, and Crow Tribe of Montana indicates that all three Indian tribes were traditional enemies of the Lakota. Consultation with representatives of the Siouan Intertribal Repatriation group indicates that the Lakota engaged in warfare with the Pawnee, Blackfeet, and Crow during the 19th century. It was considered an honor to take the scalp of a slain enemy, a sign of victory. The four scalp locks described in this notice have been identified by the Lakota as peco'kanyan, scalp locks. Lakota consultants state that scalp locks have a continuing spiritual significance in completion of the scalp dance (Iwa'kiciwacipe), in the final disposition of the enemy spirit associated with the physical remains.

Based on the above-mentioned information, the superintendent of Agate Fossil Beds National Monument has determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of four individuals of Native American ancestry. The superintendent of Agate Fossil Beds National Monument also has determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between two of these Native American human remains (AGFO 120 and 123) and the Pawnee Nation of Oklahoma. The superintendent of Agate Fossil Beds National Monument also has determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between one of these Native American human remains (AGFO 122) and the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana. The superintendent of Agate Fossil Beds National Monument also has determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between one of these Native American human remains (AGFO 121) and the Crow Tribe of Montana. Finally, the superintendent of Agate Fossil Beds National Monument has determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between all four of these Native American human remains (AGFO 120, 121, 122, and 123) and the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Oglala Sioux Tribe of South Dakota; Rosebud Sioux Tribe of South Dakota; Santee Sioux Tribe of Nebraska; and Yankton Sioux Tribe of South Dakota.

This notice has been sent to officials of the Pawnee Nation of Oklahoma; Blackfeet Tribe of the Blackfeet Indian Reservation of Montana; Crow Tribe of Montana; Crow Creek Sioux Tribe of South Dakota; Cheyenne River Sioux Tribe of the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Flandreau Santee Sioux

Tribe of South Dakota; Oglala Sioux Tribe of South Dakota; Rosebud Sioux Tribe of South Dakota; Santee Sioux Tribe of Nebraska; and Yankton Sioux Tribe of South Dakota. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact superintendent Ruthann Knudson, Agate Fossil Beds National Monument, 301 River Road, Harrison, NE 69346-2734, telephone (308) 668-2211, facsimile (308) 668-2318, e-mail ruthann_knudson@nps.gov, no later than July 18, 2001. Repatriation of the human remains to the Pawnee Indian Tribe of Oklahoma, Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and Crow Tribe of Montana may begin after that date if no additional claimants come forward.

Dated: May 7, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–15304 Filed 6–15–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of the Interior, National Park Service, Lake Meredith National Recreation Area, Fritch, TX

AGENCY: National Park Service, Interior

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the U.S. Department of the Interior, National Park Service, Lake Meredith National Recreation Area, Fritch, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of these Native American human remains. The Assistant Director, Cultural Resources Stewardship and Partnerships is not responsible for the determinations within this notice.

A detailed assessment and inventory of the human remains and associated funerary objects has been made by professional staff of the National Park Service in consultation with representatives of the Caddo Indian Tribe of Oklahoma; Pawnee Nation of Oklahoma; Comanche Indian Tribe, Oklahoma; Kiowa Indian Tribe of Oklahoma; Cheyenne-Arapaho Tribes of Oklahoma; and Wichita & Affilitated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma. The Cohuiltecan Nation, a non-Federally recognized Native American group, also was consulted.

In 1961, human remains representing one individual were recovered during a legally-authorized survey of State site 41P2, then under the management of the U.S. Department of the Interior, Bureau of Reclamation. No known individual was identified. No associated funerary objects are present. Items found elsewhere at the site indicate that these human remains probably were buried during the Late Prehistoric period (A.D. 900–1700).

In 1964, human remains representing a minimum of 22 individuals were recovered during legally-authorized excavation by F.E. Green of Texas Tech University at the Footprint site, then under the management of the U.S. Department of the Interior, Bureau of Reclamation. No known individuals were identified. The 83 associated funerary objects are 2 shell pendants, 68 shell beads, 3 tool fragments, 3 beveled knives, 1 triangular knife, 1 Borger cordmarked pot, 4 bone awls, and 1 fragment of burned animal bone. The associated funerary objects indicate that these human remains probably were buried during the Antelope Creek Focus of the Plains Village-Panhandle Aspect (A.D. 1100–1400).

On March 15, 1965, Lake Meredith National Recreation Area, then called Sanford National Recreation Area, came under the joint administration of the Bureau of Reclamation and the National Park Service. Control of the collections recovered prior to that date has been assumed by the National Park Service.

In 1967, human remains representing one individual were recovered during legally-authorized excavation near the Footprint site. No known individual was identified. No associated funerary objects are present. These human remains are believed to date to the same time as the Footprint site.

In June 1969, human remains representing a minimum of four individuals were recovered during legally-authorized excavations by the Texas Archeological Society at the Blue Creek site. No known individuals were identified. The 264 associated funerary objects are 253 potsherds, 3 chipped stone flakes, 1 unworked mammal bone fragment, 3 Washita type stone arrow points, 1 bison tibia digging stick, and 3 unidentified lithic specimens. The associated funerary objects indicate that these human remains probably were buried during the Plains Village-Panhandle Aspect (A.D. 1100–1400).

Archeological information indicates a continuous occupation of the Texas panhandle area from A.D. 1 through the Plains Village-Panhandle Aspect. Wichita oral tradition links these earlier populations with the Escanxaques, or Iscani people, a constituent band of the present-day Wichita & Affilitated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma. Kiowa oral tradition indicates Kiowa occupation of the Lake Meredith area during prehistoric times.

Based on the above-mentioned information, the superintendent of Lake Meredith National Recreation Area has determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 28 individuals of Native American ancestry. The superintendent of Lake Meredith National Recreation Area also has determined that, pursuant to 43 CFR 10.2 (d)(2), the 336 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of a death rite or ceremony. Lastly, the superintendent of Lake Meredith National Recreation Area has determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Wichita & Affilitated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma and the Kiowa Indian Tribe of Oklahoma.

This notice has been sent to officials of the Caddo Indian Tribe of Oklahoma; Pawnee Nation of Oklahoma; Comanche Indian Tribe, Oklahoma; Kiowa Indian Tribe of Oklahoma; Cheyenne-Arapaho Tribes of Oklahoma; and Wichita & Affilitated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma. This notice has also been sent to officials of the Cohuiltecan Nation, a non-Federally recognized Native American group. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact John C. Benjamin, Superintendent, Lake Meredith National Recreation Area, P.O. Box 1460, 419 East Broadway, Fritch, TX 79036, telephone (806) 857–3151, before July 18, 2001. Repatriation of the human remains and associated funerary objects to the Wichita & Affilitated Tribes (Wichita, Keechi, Waco & Tawakonie),

Oklahoma and the Kiowa Indian Tribe of Oklahoma may begin after that date if no additional claimants come forward.

Dated: April 5, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–15305 Filed 6–15–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of the Interior, National Park Service, Natchez Trace Parkway, Tupelo, MS

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the U.S. Department of the Interior, National Park Service, Natchez Trace Parkway, Tupelo, MS.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the National Park unit that has control or possession of these Native American human remains. The Assistant Director, Cultural Resources Stewardship and Partnerships is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by National Park Service professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Cherokee Nation, Oklahoma; Chickasaw Nation, Oklahoma; Chitimacha Tribe of Louisiana; Choctaw Nation of Oklahoma; Eastern Band of Cherokee Indians of North Carolina; Eastern Shawnee Tribe of Oklahoma; Jena Band of Choctaw Indians, Louisiana; Kialegee Tribal Town, Oklahoma; Miccosukee Tribe of Indians of Florida; Mississippi Band of Choctaw Indians, Mississippi; Muskogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; Thlopthlocco Tribal Town, Oklahoma; Tunica-Biloxi Indian Tribe of Louisiana; and the United Keetoowah Band of Cherokee Indians of Oklahoma. The Shawnee Tribe, also known also as the ''Loyal Shawnee'' or ''Cherokee Shawnee,'' a nonfederally recognized Native American group at the time that they were consulted, have since been recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians under provisions of P.L. 106–568.

The 75 human remains and 41 associated funerary objects described below were recovered from three different sites.

In 1963 and 1964, human remains representing 10 individuals were recovered from the Boyd site during an authorized National Park Service project to mitigate construction impacts from the Natchez Trace Parkway. No known individuals were identified. The 24 associated funerary objects are pieces of a single Baytown Plain ceramic jar.

The Boyd site is located in Madison County, MS, and consists of a village area and six mounds. On the basis of artifacts recovered during the excavations, the village area was occupied during the Woodland period (A.D. 300–700), while the mounds were built during the Mississippian period (A.D. 1000–1650). The human remains and associated funerary objects were associated with the Mississippian period use of the site. One burial was recovered with fragments of a Baytown Plain ceramic jar, a ceramic type often associated with the Late Woodland and Early Mississippian period (A.D. 700–1200). In 1949, human remains representing 36 individuals were recovered from the Gordon Mounds site during a legally authorized National Park Service excavation prior to the construction of the Natchez Trace Parkway. No known individuals were identified. The 17 associated funerary objects are 12 ceramic fragments representing 5 different vessels, 3 projectile points, and 1 stone celt.

The Gordon Mounds site is located in Jefferson County, MS, and consists of two mounds and a village area. On the basis of artifacts recovered during the excavations the site was occupied during the Late Woodland and Mississippian periods (A.D. 600–1750). Ceramic types include Mazique Incised and Addis Plain, ceramic types often associated with the late prehistoric occupants of the Natchez, MS, area and with the Natchez Indians.

In 1948 and 1972, human remains representing 29 individuals were recovered from the Emerald Mound site during legally authorized excavation projects. No known individuals were identified. No associated funerary objects are present.

The Emerald Mound site is located in the vicinity of Natchez, MS, and consists of two mounds and a plaza area. On the basis of artifacts recovered during excavation, the site was occupied during the late precontact phase of the Mississippian period (A.D. 1200–1650, or later). Ceramic types that have been historically associated with the Natchez Indians were found throughout the site. The cremated remains of infants were found in the mound. Infant sacrifice is a cultural trait that has been affiliated with the Natchez.

In 1542, Hernando de Soto's expedition heard of, and later encountered hostile Indians along the lower Mississippi River believed to have been the Natchez and their allies. In 1682, the de La Salle expedition specifically identified the Natchez as living along the banks of the lower Mississippi River. Following an unsuccessful rebellion against the French in 1729, the Natchez were dispersed. About 400 individuals surrendered to the French and were sent to the West Indies as slaves. The remaining Natchez withdrew among the Chickasaw and ultimately separated into two main bands, one settling among the Upper Creeks and the other uniting with the Cherokee.

After their removal to Indian Territory, Natchez descendants settled along both sides of the border between the Creek and Cherokee Nations. Consultation with tribal representatives indicates that those Natchez in the Cherokee Nation were regarded as ''Nahchee Creeks.'' The Natchez language was still spoken by some in the Creek Nation until the early 20th century and by some among the Cherokee until the 1940s. Despite the later survival of the Natchez language among the Cherokee, the Natchez survived longest as a recognizable sociocultural entity among the Creeks, where the Natchez remnant ultimately was taken in by the still-extant Ahbika ceremonial ground in the present-day Muskogee (Creek) Nation. Given territorial proximity and complexities of modern Cherokee tribal alignments in Oklahoma, both the Cherokee Nation and the United Keetowah Band of Cherokee Indians are likely to include tribal members of Natchez descent.

Based on the above mentioned information, the superintendent of Natchez Trace Parkway has determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent

the physical remains of 75 individuals of Native American ancestry. The superintendent of Natchez Trace Parkway has also determined that, pursuant to 43 CFR 10.2 (d)(2), the 41 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of a death rite or ceremony. Lastly, the superintendent of Natchez Trace Parkway has determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects recovered from the Boyd site, Gordon Mounds site, and Emerald Mound site, and the Muskogee (Creek) Nation, Oklahoma; Cherokee Nation, Oklahoma; and United Keetoowah Band of Cherokee Indians of Oklahoma.

This notice has been sent to officials of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama and Coushatta Tribes of Texas; Alabama-Quassarte Tribal Town, Oklahoma; Cherokee Nation, Oklahoma; Chickasaw Nation, Oklahoma; Chitimacha Tribe of Louisiana; Choctaw Nation of Oklahoma; Eastern Band of Cherokee Indians of North Carolina; Eastern Shawnee Tribe of Oklahoma; Jena Band of Choctaw Indians, Louisiana; Kialegee Tribal Town, Oklahoma; Miccosukee Tribe of Indians of Florida; Mississippi Band of Choctaw Indians, Mississippi; Muskogee (Creek) Nation, Oklahoma; Poarch Band of Creek Indians of Alabama; Seminole Nation of Oklahoma; Seminole Tribe of Florida, Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations; Shawnee Tribe, Oklahoma; Thlopthlocco Tribal Town, Oklahoma; Tunica-Biloxi Indian Tribe of Louisiana; and the United Keetoowah Band of Cherokee Indians of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Wendell Simpson, Superintendent, Natchez Trace Parkway, 2680 Natchez Trace Parkway, Tupelo, MS 38803, telephone (662) 680–4005, before July 18, 2001. Repatriation of the human remains and associated funerary objects to the Muskogee (Creek) Nation, Oklahoma; Cherokee Nation, Oklahoma; and United Keetoowah Band of Cherokee Indians of Oklahoma may begin after that date if no additional claimants come forward.

Dated: May 10, 2001.

Frank P. McManamon,

Acting Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–15306 Filed 6–15–01; 8:45 am]

BILLING CODE 4310–70–F]

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

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. Currently, the Employment Standards Administration is soliciting comments concerning the proposed extension of Application for Approval of a Representative's Fee in Black Lung Proceedings Conducted by the U.S. Department of Labor (CM–972); and OFCCP Complaint Form (CC–4).

DATES: Written comments must be submitted to the office listed in the addressee section below on or before August 17, 2001.

ADDRESSES: Ms. Patricia A. Forkel, U. S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0339 (this is not a toll-free number), fax (202) 693–1451.

SUPPLEMENTARY INFORMATION:

Application for Approval of a Representative's Fee in Black Lung Proceedings Conducted by the U.S. Department of Labor (CM–972)

I. Background

Individuals filing with the U.S. Department of Labor, Office of Workers' Compensation Programs (OWCP), Division of Coal Mine Workers' Compensation (DCMWC) for benefits under the Black Lung Benefits Act may elect to be represented or assisted by an attorney or other representative. For those cases that are approved, 30 U.S.C. 901 of the Black Lung Benefits Act and 20 CFR 725.365–6 established standards for the information and documentation that must be submitted to the Program for review to approve a fee for services. The CM–972 is the form used for this purpose.

II. Review Focus

The Department of Labor 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 Actions

The Department of Labor seeks the approval of this information collection in order to evaluate applications to approve fees for services rendered.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Application for Approval of a Representative's Fee in a Black Lung Claim Proceeding Conducted by the U. S. Department of Labor.

OMB Number: 1215–0171.

Agency Number: CM–972.

Affected Public: Businesses or other for-profit.

Frequency: On occasion.

Total Respondents: 500.

Time per Response: 42 minutes.

Estimated Total Burden Hours: 350.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

OFCCP Complaint Form (CC–4)

I. Background

The Office of Federal contract compliance Programs administers three equal employment opportunity

programs: Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended; and 38 U.S.C. 4212, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended. These programs require affirmative action by Federal contractors and subcontractors and prohibit discrimination on the basis of race, color, sex, religion, national origin, disability, or veteran status. All three programs give individuals the right to file complaints. It is now well established in law that no private right of action exists under the three programs and that the exclusive remedy for complainants is the administrative procedures of the U.S. Department of Labor which are initiated by a written complaint. This is done on the Complaint Form CC–4, Complaint of Discrimination in Employment Under Federal Government Contracts, which is used for all three programs. Under Executive Order 11246, as amended, the authority for collection of complaint information is found at Section 206(b). The implementing regulations which specify the content of this information collection are found at 41 CFR 60–1.23(a).

Under the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, the authority for collecting complaint information is at 38 U.S.C. 4212(b). The implementing regulations which specify the content of this information collection are found at 41 CFR 60–250.26(c).

Section 503 (b) of the Rehabilitation Act of 1973, as amended, is the authority for collecting complaint information under this statute. The implementing regulations which specify the content of this information collection are found at 41 CFR 60–741.61.

II. Review Focus

The Department of Labor 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 Actions

The Department of Labor seeks an extension of approval of this information collection in order to collect information necessary to investigate complaints of discrimination.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: OFCCP Complaint Form.

OMB Number: 1215–0131.

Agency Number: CC–4.

Affected Public: Individuals or households.

Total Respondents: 1,046.

Frequency: On 1,046.

Time per Response: 1.28 hours.

Estimated Total Burden Hours: 1,339.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $387.02.

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: June 5, 2001.

Margaret J. Sherrill,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 01–15191 Filed 6–15–01; 8:45 am]

BILLING CODE 4510–CK–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–076]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Prospective Patent License.

SUMMARY: NASA hereby gives notice that Bioque Technologies, Inc., of Blacksburg, VA, has applied for a partially exclusive license to practice the invention described and claimed in U.S. Patent No. 6,125,297, entitled ''Body Fluids Monitor,'' which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Johnson Space Center.

DATES: Responses to this notice must be received by August 17, 2001.

FOR FURTHER INFORMATION CONTACT: James Cate, Patent Attorney, NASA Johnson Space Center, Mail Stop HA, Houston, TX 77058–8452; telephone (281) 483–1001.

Dated: June 11, 2001.

Edward A. Frankle,

General Counsel.

[FR Doc. 01–15205 Filed 6–15–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–075]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Prospective Patent License.

SUMMARY: NASA hereby gives notice that Next Vital Signs, Inc., of Cleveland, Ohio, has applied for a partially exclusive license to practice the invention described and claimed in U.S. Patent No. 6,125,297, entitled ''Body Fluids Monitor,'' which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Johnson Space Center.

DATES: Responses to this notice must be received by August 17, 2001.

FOR FURTHER INFORMATION CONTACT: James Cate, Patent Attorney, NASA Johnson Space Center, Mail Stop HA, Houston, TX 77058–8452; telephone (281) 483–1001.

Dated: June 11, 2001.

Edward A. Frankle,

General Counsel.

[FR Doc. 01–15204 Filed 6–15–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–077]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Prospective Patent License.

SUMMARY: NASA hereby gives notice that Thermosurgery Technologies, Inc.,

of Phoenix, AZ, has applied for an exclusive license to practice the inventions described and claimed in NASA Case No. MSC–23049–1, entitled ''Transcatheter Microwave Antenna,'' NASA Case No. MSC–23049–2, entitled ''Method for Constructing a Microwave Antenna,'' NASA Case No. MSC–23049–3, entitled ''Method for Selective Thermal Ablation,'' and NASA Case No. MSC–23049–4 respectively, entitled ''Computer Program for Microwave Antenna,'' which are assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Johnson Space Center.

DATES: Responses to this notice must be received by August 17, 2001.

FOR FURTHER INFORMATION CONTACT: Hardie R. Barr, Patent Attorney, NASA Johnson Space Center, Mail Stop HA, Houston, TX 77058–8452; telephone (281) 483–1003.

Dated: June 11, 2001.

Edward A. Frankle,

General Counsel.

[FR Doc. 01–15206 Filed 6–15–01; 8:45 am]

BILLING CODE 7510–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–389]

Florida Power and Light Company, et al.; St. Lucie Plant, Unit No. 2; Exemption

1.0 Background

The Florida Power and Light Company, et al. (FPL, the licensee) is the holder of Facility Operating License No. NPF–16, which authorizes operation of St. Lucie Unit No. 2. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a pressurized water reactor located in St. Lucie County, Florida.

2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), Part 50, Section 55a, requires that inservice testing (IST) of certain American Society of Mechanical Engineers (ASME) Code Class 1, 2, and 3 pumps and valves be performed in accordance with Section XI of the ASME Boiler and Pressure Vessel Code. As stated in 10 CFR 50.55a(f)(4)(ii), IST programs are to be conducted in successive 120-month intervals. These programs must comply with the requirements of the latest edition and addenda of the Code incorporated by reference in 10 CFR 50.55a(b)(2) twelve months prior to the start of the 120-month interval. Section 50.55a(f)(5)(i) of 10 CFR requires that a licensee's IST program be revised in order to meet these requirements.

By letter dated November 27, 2000, the licensee requested an exemption from the requirements of 10 CFR 50.55a(f)(4)(ii) and 10 CFR 50.55a(f)(5)(i) in order to revise the IST 120-month interval dates for St. Lucie Unit 2. St. Lucie Unit 2 is currently in its second 120-month interval, which began on August 8, 1993. The licensee proposes to have the end date of the second interval for Unit 2 retroactively changed to February 10, 1998, to coincide with the end date of the second interval for Unit 1.

In summary, the second IST interval for St. Lucie Unit 2 would be shortened so that the third and future IST intervals for both units would coincide.

3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. These include the special circumstances that application of the regulation is not necessary to achieve the underlying purpose of the rule. The underlying purpose of the rule is to assure operational readiness of pumps and valves, whose function is required for safety, by conducting an IST program in accordance with the requirements of the ASME Code, and periodically updating the program to ensure that new code requirements are incorporated.

At the beginning of the third interval for Unit 1, the licensee also voluntarily updated the Unit 2 program to the then-required edition (1989) of the ASME Code. If the current schedule for Unit 2 were maintained, the second interval would end on August 7, 2003. At that time, the Unit 2 program would be updated to the 1995 edition of the ASME Code. The proposed exemption would effectively delay implementation of the 1995 edition until February 10, 2008, when the fourth interval for both units would commence if the proposed exemption is granted.

Periodic full- or substantial-flow testing of Emergency Core Cooling System pumps is one of the safety enhancements offered by the 1995 edition of the Code. This testing is currently being performed on both units during refueling outages, so the licensee already realizes this safety enhancement. Therefore, operational readiness of pumps and valves, whose function is required for safety, will be adequately assured using the existing Code requirements until February 8, 2008. At that time, the licensee will update the IST programs for both Units 1 and 2 to the latest edition and addenda.

Therefore, the staff concludes that strict adherence to the 120-month interval is not necessary to achieve the underlying purpose of 10 CFR 50.55a(f)(4)(ii) and 50.55a(f)(5)(i), and pursuant to 10 CFR 50.12(a)(2)(ii) special circumstances are present.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Also, special circumstances are present. Therefore, the Commission hereby grants FPL an exemption from the requirements of 10 CFR 50.55a(f)(4)(ii) and 10 CFR 50.55a(f)(5)(i) for St. Lucie Unit No. 2, based on the circumstances described herein.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 30236).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 12th day of June 2001.

For the Nuclear Regulatory Commission.

Cynthia A. Carpenter,

Acting Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–15271 Filed 6–15–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–1257]

Framatome ANP Richland, Inc.; Notice of Consideration of Request for Consent To Transfer of Facility License and Conforming Amendment and Opportunity for Hearing

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of consideration of request for consent to transfer of facility license and conforming amendment and opportunity for hearing.

SUMMARY: The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of a letter of consent and an amendment pursuant to Part 70 to Title 10 of the Code of Federal Regulations approving the transfer of Materials License SNM–1227 held by Framatome ANP Richland, Inc. as the owner and responsible licensee. The facility is authorized to use Special Nuclear Material (SNM) for the fabrication of nuclear fuel pellets and fuel assemblies and operates in Richland, WA. The transfer would be from Framatome ANP Richland, Inc. to its parent company, Framatome ANP, Inc.

FOR FURTHER INFORMATION CONTACT: Mohammad W. Haque, Project Manager, Fuel Cycle Licensing Branch, Division of Fuel Cycle and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 415–6640, e-mail mwh1@nrc.gov.

SUPPLEMENTARY INFORMATION: The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of a letter of consent and an amendment pursuant to Part 70 to Title 10 of the Code of Federal Regulations approving the transfer of Materials License SNM–1227, held by Framatome ANP Richland, Inc. as the owner and responsible licensee, to its parent company, Framatome ANP, Inc. The facility is authorized to use Special Nuclear Material (SNM) for the fabrication of nuclear fuel pellets and fuel assemblies and operates in Richland, WA.

The transfer is necessitated by the planned merger of Framatome ANP Richland, Inc., into its parent company Framatome ANP, Inc. Upon closing of the transaction, Framatome ANP Richland, Inc., will operate under the name Framatome ANP, Inc. The Commission is considering Framatome ANP Richland, Inc.'s application and request, dated May 31, 2001, for Commission consent to the transfer of Materials License SNM–1227 to Framatome ANP, Inc. effective upon the closing of the transaction, and a license amendment for administrative purposes to reflect the proposed transfer.

According to Framatome ANP Richland, Inc.'s application dated May 31, 2001, there will be no changes affecting the existing health and safety programs, qualifications of safety personnel, equipment and facilities, or any other existing license requirements. All the present obligations of Framatome ANP Richland, Inc., under the current license will pass unchanged to Framatome ANP, Inc., with the exception of the form of financial assurance for decommissioning. Framatome ANP Richland, Inc.'s application includes an unexecuted letter of credit and a standby third-party trust agreement, and a commitment to provide fully executed documents before the closing date.

The proposed license amendment would change the name of the licensee from Framatome ANP Richland, Inc. to Framatome ANP, Inc. for administrative purposes to reflect the proposed transfer.

Pursuant to 10 CFR 70.36, no license granted under the regulations in Part 70 and no right to possess or utilize special nuclear material granted by any license issued pursuant to the regulations in Part 70 shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the Commission gives its prior consent in writing. The Commission will approve an application for the transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By (20 days after publication), any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not, the applicant may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon: Mr. R.S. Freeman, Manager, Environmental, Health, Safety and Licensing, Framatome ANP Richland, Inc., 2101 Horn Rapids Road, Richland, WA 99352; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: *OGCLT@NRC.gov);* and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A Notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by (30 days after publication), persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of the **Federal Register** notice.

For further details with respect to this action, see the application dated May 31, 2001, available for public inspection at the Commission's Public Document Room at One White Flint North, 11555 Rockville Pike, Rockville, MD, 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 12th day of June, 2001.

For the U.S. Nuclear Regulatory Commission.

Michael Lamastra,

Acting Chief, Fuel Cycle Licensing Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–15269 Filed 6–15–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–250 and 50–251]

Florida Power and Light Company Turkey Point Units 3 and 4; Notice of Availability of the Draft Supplement 5 to the Generic Environmental Impact Statement and Public Meeting for the License Renewal of Turkey Point Units 3 and 4

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has published a draft plant-specific supplement to the Generic Environmental Impact Statement (GEIS), NUREG–1437, regarding the renewal of operating licenses DPR–31 and DPR–41 for an additional 20 years of operation at Turkey Point Units 3 and 4 (Turkey Point). Turkey Point is located in Miami-Dade County, Florida. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources.

The draft supplement to the GEIS is available electronically for public inspection in the NRC Public Document Room located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at *http://www.nrc.gov/NRC/ADAMS/index.html* (the Public Electronic Reading Room). In addition, the Homestead Branch Library, located at 700 North Homestead Boulevard, Homestead, Florida, has agreed to make the draft supplement to the GEIS available for public inspection.

Any interested party may submit comments on the draft supplement to the GEIS for consideration by the NRC staff. To be certain of consideration, comments on the draft supplement to the GEIS and the proposed action must be received by August 6, 2001. Comments received after the due date will be considered if it is practical to do so, but the NRC staff is able to assure consideration only for comments received on or before this date. Written comments on the draft supplement to the GEIS should be sent to: Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mailstop T–6D 59, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001.

Comments may be hand-delivered to the NRC at 11545 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. on Federal workdays. Submittal of electronic comments may be sent by the Internet to the NRC at TurkeyPointEIS@nrc.gov. All comments received by the Commission, including those made by Federal, State, and local agencies, Indian tribes, or other interested persons, will be made available electronically at the Commission's Public Document Room in Rockville, Maryland or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS).

The NRC staff will hold a public meeting to present an overview of the draft plant-specific supplement to the GEIS and to accept public comments on the document. The public meeting will be held at the Harris Field Complex—Homestead YMCA, 1034 Northeast 8th Street, Homestead, Florida, on July 17, 2001. There will be two sessions to accommodate interested parties. The first session will commence at 1:30 p.m. and will continue until 4:30 p.m. The second session will commence at 7:00 p.m. and will continue until 10:00 p.m. Both meetings will be transcribed and will include (1) a presentation of the contents of the draft plant-specific supplement to the GEIS, and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC staff will host informal discussions and a poster session one hour prior to the start of each session at the Homestead YMCA. Persons may pre-register to attend or present oral comments at the meeting by contacting Mr. James H. Wilson by telephone at 1–800–368–5642, extension 1108, or by Internet to the NRC at TurkeyPointEIS@nrc.gov no later than July 12, 2001. Members of the public may also register to provide oral comments within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Wilson's attention no later than July 12, 2001, to provide the NRC staff adequate notice to determine whether the request can be accommodated.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Wilson, Generic Issues, Environmental, Financial, and Rulemaking Branch, Division of Regulatory Improvement Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Mr. Wilson may be contacted at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 12th day of June, 2001.

For the Nuclear Regulatory Commission.

David B. Matthews,

Director, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 01–15270 Filed 6–15–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting of the Subcommittee on Plant License Renewal; Cancellation

The ACRS Subcommittee meeting on Plant License Renewal scheduled to be held on June 22, 2001 has been canceled. Notice of this meeting was published in the **Federal Register** on Wednesday, June 6, 2001 (66 FR 30493).

FOR FURTHER INFORMATION CONTACT: Mr. Sam Duraiswamy, cognizant ACRS staff engineer, (telephone 301/415–7364) between 7:30 a.m. and 4:15 p.m. (EDT).

Dated: June 8, 2001.

James E. Lyons,

Associate Director for Technical Support ACRS/ACNW.

[FR Doc. 01–15268 Filed 6–15–01; 8:45 am]

BILLING CODE 7590–01–P

POSTAL RATE COMMISSION

Printing Plant Tour

AGENCY: Postal Rate Commission.

ACTION: Notice of commission visit.

SUMMARY: Postal Rate Commission members and staff will tour the Martinsburg, WV, printing facility of Quebecor World Inc. on Monday, June 18, 2001.

DATES: The tour is scheduled for Monday, June 18, 2001, beginning at 11 a.m.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, Postal Rate Commission, Suite 300, 1333 H Street NW., Washington, DC 20268–0001, 202–789–6820.

Dated: June 13, 2001.

Steven W. Williams,

Acting Secretary.

[FR Doc. 01–15318 Filed 6–15–01; 8:45 am]

BILLING CODE 7710–FW–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44410; File No. SR–Amex–2001–26]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange LLC Relating To an Increase in the Exchange Regulatory Fee

June 12, 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 May 7, 2001, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission '') the proposed rule change as 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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to amend the Amex Equity Fee Schedule to increase the Regulatory Fee from .0005 × Total Value to .00075 × Total Value for orders entered electronically into the Amex Order File from off the Floor (''System Orders'') by a member or member organization trading as an agent for the account of a non-member competing market maker. Below is the text of the proposed rule change. Text in italics indicates material to be added.

* * * * *

Amex Equity Fee Schedule

I. Transaction Charges

No change

II. Regulatory Fee

.00005 × Total Value *(for all equity securities except Portfolio Depositary Receipts, Index Fund Shares and Trust Issued Receipts).*

000075 × Total Value *(for System Orders in Portfolio Depositary Receipts, Index Fund Shares and Trust Issued Receipts entered by a member or member organization trading as agent for the account of a non-member competing market maker).*

Notes:

1. All trades executed on the Exchange in Portfolio Depositary Receipts, Index Fund Shares and Trust Issued Receipts will be exempt from the regulatory fee. This provision does not apply to System Orders of a member or member organization trading as agent for the account of a non-member competing market maker.

2. System Orders for up to 2,099 shares will not be assessed a regulatory fee. This provision does not apply to System Orders of a member or member organization trading as an agent for the account of a non-member competing market maker. (Orders in Portfolio Depositary Receipts, Index Fund Shares and Trust-Issued Receipts are covered under Note 1 above.)

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of an 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 Amex 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 Amex proposes to amend the Exchange Equity Fee Schedule to increase the Regulatory Fee for certain orders in Portfolio Depositary Receipts[3] (*e.g.* SPDRs® Nasdaq 100 Index Tracking Stock (sm)), Index Fund Shares[4] (*e.g.*, iShares(sm) Select Sector SPDRs®), and Trust Issued Receipts[5] (*e.g.*, HOLDRs) (referred to collectively herein as the ''Products''). The Exchange does not assess a transaction charge for orders in the Products entered electronically into the Amex Order File from off the Exchange Floor (''System Orders'') up to 5,099 shares.[6] This provision, however, does not apply to System Orders of a member or member organization trading as an agent for the account of a non-member competing market maker.[7] The Exchange also imposes a Regulatory Fee for equities transactions of .00005 × Total Value. Transactions executed on the Amex in the Products are exempt from the Regulatory Fee, except for System Orders of a member or member organization trading as an agent for the account of a non-member competing market maker, which continue to be subject to the Regulatory Fee.

The Exchange proposes to increase the Regulatory Fee from .00005 × Total Value to .000075 × Total Value for System Orders in the Products entered by members acting as an agent for non-member competing market makers. The Exchange is undertaking the proposed revision in fees to offset increased Exchange expenses and costs associated with the continued development, listing and trading of additional Portfolio Depositary Receipts, Index Fund Shares and Trust Issued Receipts. Because the proposed revision in fees will better enable the Exchange to further develop, list, and trade new Products, the Exchange believes it is appropriate and necessary to implement a revised Regulatory Fee for the Products.

2. Statutory Basis

The proposed rule change is consistent with section 6(b) of the Act[8] in general, and furthers the objectives of section 6(b)(4) of the Act[9] in particular, in that it is intended to assure the equitable allocation of reasonable dues, fees, and other charges among its members, issuers, and other persons using the Exchange facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any 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 solicited or received with respect to 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Amex Rule 1000(b) for the definition of Portfolio Depositary Receipts.

[4] *See* Amex Rule 1000A(b) for the definition of Index Fund Shares.

[5] *See* Amex Rule 1200(b) for the definition of Trust Issued Receipts.

[6] *See* Amex Equity Fee Schedule.

[7] A ''competing market maker'' is defined in the Exchange Equity Fee Schedule as a specialist or market maker registered as such as on a registered stock exchange (other than the Amex) or a market maker bidding and offering over-the-counter in an Amex-traded security.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

(ii) as to which the Exchange 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 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 Amex. All submissions should refer to File SR–Amex–2001–26 and should be submitted by July 9, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15221 Filed 6–15–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44408; File No. SR–CBOE–2001–14]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Board Options Exchange, Inc. To Amend Its Rules Regarding Jurisdiction Over Former Members and Associated Persons for Failure To Honor an Exchange Arbitration Award

June 11, 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 March 27, 2001, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. 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 CBOE proposes to amend its rules regarding jurisdiction over former members and associated persons for failure to honor an Exchange arbitration award.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE 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 CBOE 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 Exchange proposed to amend its rules to provide that the failure to honor a CBOE arbitration award by a former Exchange member or associated person would subject such former member or associated person to the disciplinary jurisdiction of the Exchange regardless of the date of termination of membership.

Chapter 18 of the Exchange's rules governs the CBOE's arbitration process. CBOE Rule 18.37 provides that any member or person associated with a member who fails to honor an Exchange arbitration award shall be subject to CBOE disciplinary proceedings. Furthermore, CBOE Rule 18.1, Interpretation and Policy .02 states that it may be deemed conduct inconsistent with just and equitable principles of trade to fail to honor a CBOE arbitration award. Conduct inconsistent with just and equitable principles of trade is a violation of Exchange Rule 4.1, and is thus subject to CBOE disciplinary proceedings.

Chapter 17 of the Exchange's rules governs the CBOE disciplinary process. Generally, the Exchange maintains disciplinary jurisdiction over its members, and persons associated with its members, with respect to instances where members or associated persons are alleged to have violated or aided and abetted a violation of any provision of the Act, the rules and regulations promulgated thereunder, or any constitutional provisions, by-laws or rules of the Exchange or any interpretation thereof or resolution of the Board of the Exchange regulating the conduct of business on the Exchange.

Thus, a member or person associated with a member who fails to honor an Exchange arbitration award has violated CBOE Rule 18.37 and CBOE Rule 4.1 and is subject to disciplinary proceedings under Chapter 17. Currently, however, such failure to honor a CBOE arbitration award by a *former* member, or *former* person associated with a member, may not always be subject to the Exchange's disciplinary jurisdiction.

CBOE Rule 17.1(b) provides that members (or associated persons) shall continue to be subject to the disciplinary jurisdiction of the Exchange following such member's (associated person's) termination of membership (association with a member) with respect to matters that occurred prior to such termination, provided that written notice of the commencement of an inquiry into such matters is given by the Exchange to such former member (person) within one year of the Exchange's receipt of notice of such termination. This provision allows for certain anomalies in the context of failure to pay arbitration awards. For example, the following scenario is possible: A customer is involved in a trading dispute with a CBOE member. Months later, the CBOE member terminates its membership on the Exchange. Weeks after the membership termination, the customer files an arbitration claim with the CBOE Arbitration Department against the former member.[3] One and one-half years after the membership termination, the customer prevails in the arbitration proceeding, and a monetary award is

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] CBOE Rule 18.1, Interpretation and Policy .01 provides, among other things, that former members and associated persons are subject to Exchange arbitration proceedings with respect to any dispute claim or controversy arising out of the Exchange business of such former member or associated person that took place while such member or associated person was still a member or associated person.

imposed against the former member. Nevertheless, the former member subsequently fails to honor the arbitration award. Because more than one year has lapsed since the former member's termination of membership and the Exchange did not provide written notice of the commencement of an inquiry into the failure to pay the award, the Exchange could not assert disciplinary jurisdiction over the former member. The Exchange believes this is problematic given the fact that the dispute concerned Exchange-related business, and that the award was pursuant to an Exchange arbitration proceeding.

While the Exchange notes that the customer in the above example would be able to seek enforcement of the award in the court system, the inability of the Exchange to even potentially take disciplinary measures undermines the credibility of the CBOE arbitration forum. Therefore, the proposed rule change would essentially eliminate the notice requirement in Rule 17.1(b) solely with respect to instances where the Exchange seeks to take disciplinary measures with respect to a former member or person associated with a member for failure to honor an arbitration award pursuant to Chapter 18.

2. Statutory Basis

The Exchange believes that the proposed rule change will strengthen the Exchange's arbitration process and allow the Exchange to take action for non-compliance with its arbitration rules. Accordingly, the Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of sections 6(b)(1),[4] 6(b)(6),[5] 6(d)(1)[6] and 19(d) of the Act.[7]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange represents that the proposed rule change will impose no 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 solicited or received with respect to the proposed rule change.

[4] 15 U.S.C. 78f(b)(1).

[5] 15 U.S.C. 78f(b)(6).

[6] 15 U.S.C. 78f(d)(1).

[7] 15 U.S.C. 78s(d).

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 self-regulatory organization consents, the Commission will:

A. by order approve the 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 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 at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange.

All submissions should refer to File No. SR–CBOE–2001–14 and should be submitted by July 9, 2001.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15220 Filed 6–15–01; 8:45 am]

BILLING CODE 8010–01–M

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44403; File No. SR–PCX–99–45]

Self-Regulatory Organizations; Pacific Exchange, Inc.; Order Granting Approval of Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 2 Relating to Housekeeping Amendments to Rules Governing Floor Brokers

June 8, 2001.

I. Introduction

On November 5, 1999, the pacific Exchange, Inc. (''PCX'' or ''Exchange'') submitted to the Securities and Exchange Commission (''Commission'' or ''SEC'') pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change making housekeeping amendments to the Exchange's rules governing floor brokers. On March 23, 2000, the PCX filed Amendment No. 1 to the proposed rule change.[3] The proposed rule change, including Amendment No. 1, was published for comment in the **Federal Register** on June 8, 2000.[4] On January 8, 2001, the PCX filed Amendment No. 2 to the proposed rule change.[5] No comments were received on the proposal. This order approves the proposal, as amended.

II. Description Proposal

In its proposed rule change, the Exchange seeks to modify its options floor broker rules by renumbering certain Options Floor Procedure Advices (''OFPAs''),[6] clarifying existing

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Robert P. Pacileo, Senior Attorney, Regulatory Policy, PCX, to Nancy J. Sanow, Assistant Director, Division of Market Regulation (''Division''), SEC, dated March 22, 2000 (''Amendment No. 1'').

[4] Securities Exchange Act Release No. 42861 (May 30, 2000), 65 FR 36489.

[5] *See* letter from Hassan Abedi, Attorney, Regulatory Policy, PCX, to Nancy J. Sanow, Assistant Director, Division, SEC, dated January 5, 2001 (''Amendment No. 2''). In Amendment No. 2, the Exchange made technical changes to the titles of PCX Rule 6.47(b) and PCX Rule 6.47(c) Also, the Exchange revised PCX Rule 6.47(b) to indicate that subsections (4)–(6) had been added to the rule since the time the proposed rule change was filed. *See* Securities Exchange Act Release No. 42848 (May 26, 2000), 65 FR 36206 (June 7, 2000). Next, the Exchange added ''and Rule 6.73'' to the last sentence of PCX Rule 6.47(d). Finally, the Exchange deleted the last two sentences of Commentary .05 to PCX Rule 6.47.

[6] The following OFPAs are proposed to be renumbered as PCX rules: OFPA A–10, Subject: Broker Responsibility on Print-Throughs, as PCX Rule 6.46(d). In addition, the Exchange seeks to

provisions, eliminating superfluous provisions, and incorporating current policies and procedures into the text of PCX Rule 6.

Specifically, the Exchange proposes to change PCX Rule 6.44 governing the registration of floor brokers. As proposed, the Exchange will post, for at least 10 days on the bulletin board located on the Exchange floor, the name of each applicant for registration as a floor broker that has successfully passed the prescribed floor broker examination.[7]

The Exchange also proposes to add a provision to PCX Rule 6.45 requiring floor brokers that act as such in respect of FLEX Options contracts to have one or more Letter(s) of Authorization on behalf of such Floor Brokers issued by a Clearing Member in accordance with Rule 8.115(b).

The Exchange also proposes to clarify the types of orders referred to in OFPA D–4, which is proposed to be renumbered as PCX Rule 6.46(f). Specifically, where floor brokers may accept orders that bid for or offer a specified number of contracts and no less, the Exchange proposes to codify that these orders include orders designated as ''fill or kill,'' ''all or none,'' or ''immediate or cancel,'' (including such orders specifying that any unfilled portion of a multiple order is to be immediately canceled). However, floor brokers must assure that all such orders (including the contingency) are vocalized in the trading crowd, and that the bid or offer is not disseminated.

Next, the Exchange proposes to change PCX Rule 6.46, Commentary .02. Currently, the Commentary states that a floor broker's use of diligence requires that he make all persons in the trading crowd aware of his request for a quotation. The PCX proposes to require that a floor broker make only reasonable attempts to make all persons in the crowd aware of each request for a quote.

The Exchange proposes to add PCX Rule 6.47(c)(5), relating to crossing of solicited orders, to permit a floor broker to step out of a trading crowd to solicit interest after announcing an order, and then return to the crowd without re-announcing the order if he remained within hearing distance while outside the crowd.

Finally, the Exchange proposes to adopt PCX Rule 6.49(a) to provide that floor brokers who are required to establish and maintain error accounts pursuant to PCX Rule 4.21 may only use such accounts for the purpose of correcting bona fide errors.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange,[8] and, in particular, with the requirements of section 6(b) of the Act.[9] The proposal would modify certain rules relating to floor brokers by clarifying existing provisions, eliminating unnecessary provisions, and codifying current policies and procedures. By clarifying and updating its rules and obligations for its members, the Commission believes the proposal will promote just and equitable principles of trade in accordance with section 6(b)(5) of the Act.[10]

The Commission believes that the Exchange's proposal to eliminate the current requirement that the Option Floor Trading Commission review and approve each floor broker application, and instead require only that an applicant's name be posted on the bulletin board for an extended ten calendar day period is appropriate and consistent with the Act. The Commission believes that posting each applicant's name on the floor of the Exchange for ten days will provide ample opportunity for members to bring any concerns they have regarding an applicant to the attention of the Exchange's Membership Committee before the floor broker's application for membership becomes effective. Further, the Commission notes that the Exchange's rule governing registration of floor brokers continues to require that all applicants pass an examination prescribed by the Exchange, thus imposing an objective standard that must be met for registration as a floor broker.[11]

The Commission also finds that the Exchange's proposal to eliminate the current requirement that floor brokers make all persons in the trading crowd aware of each request for a quote is consistent with the Act. The Exchange represented that the current rule is not feasible for floor brokers dealing with large, active trading crowds. Thus, the Exchange proposed to require floor brokers to make reasonable attempts to notify all persons in the crowd of such requests. The Commission recognizes that it can be difficult to ensure that in fact every person in a large, active crowd is in a position to hear requests for quotes, and finds that it is appropriate and consistent with the Act to allow floor brokers to meet their obligation by making reasonable attempts to make all persons in the crowd aware of requests for quotes. However, the Commission expects that the Exchange will monitor actions taken by floor brokers under this rule to ensure that good faith and reasonable efforts are made to reach all persons in the crowd regardless of the size of the crowd. Further, floor brokers remain obligated under PCX Rule 6.46 to use due diligence in executing orders at the best price or prices available, which includes ascertaining whether a better price than that which is displayed at the time is being quoted by another floor broker or market maker.

The Commission finds that the Exchange's proposed rule that would allow a floor broker, when crossing solicited orders, to step out of a crowd to solicit interest after announcing an order, and then return to the crowd without re-announcing the order if he remained within hearing distance of the crowd is consistent with the Act. If there is no expressed interest within the trading crowd for an order, this rule will allow floor brokers to attempt to solicit interest from outside the crowd, *i.e.,* via telephone, without requiring the floor broker to re-announce the order if he remained within hearing distance. The Commission believes that this may facilitate the execution of orders in a more efficient manner.

The Exchange proposed a new rule to require that floor brokers that are required to establish error accounts only use such accounts for the purpose of correcting bona fide errors. The Commission finds that this new rule should prevent manipulative acts and practices because it prohibits all other types of transactions from being executed in these account. Floor brokers are limited in the types of transactions that they may execute. Thus, this rule should add another level of oversight to ensure that floor brokers do not engage in improper transactions.

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eliminate superfluous language currently contained in the OFPA. OFPA A–11, Subject: Broker Responsibility to Cancel Best Bid or Offer, as PCX Rule 6.46(e); OFPA D–4 Subject: Use of Orders Which Specify More than One Contract, as PCX Rule 6.46(f); OFPA A–6, Subject: Responsibility of Floor Brokers in Effecting a Cross Transaction, as PCX Rules 6.47(d), (e) and (f); OFPA A–9, Subject: Discretionary Transactions (Floor Brokers), as PCX Rule 6.48(b); OFPA B–10, Subject: Discretionary Transactions by Market Makers, as PCX Rule 6.48(c); OFPA A–2, Subject: Floor Broker Acting As Both Principal and Agent in the Same Transaction, as PCX Rule 6.50.

[7] Similar changes are proposed for registration of market makers under PCX Rule 6.33. *See* Securities Exchange Act Release No. 42035 (Oct. 19, 1999), 64 FR 57681 (Oct. 26, 1999) (File No. SR–PCX–99–13).

[8] In approving this proposal, the Commission has considered its impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] *See* PCX Rule 6.44(a).

Finally, by consolidating rules affecting floor brokers in one section of the PCX rules, the Commission believes that PCX members and other interested parties will have easier access to relevant information. The Commission believes that the rule consolidation will assist floor brokers in understanding their obligations, and thus facilitate their compliance with the rules.

IV. Amendment No. 2

The Commission finds good cause for approving Amendment No. 2 prior to the thirtieth day after the date of publication of notice in the **Federal Register**. Amendment No. 2 makes technical, non-substantive changes to the proposal, such as changing the titles of two subparagraphs of PCX Rule 6.47 to better reflect their purpose; reflecting that additional subparagraphs were added to PCX Rule 6.47(b); and deleting language in a commentary that duplicates language proposed in PCX Rule 6.47(d).

The Commission finds that PCX's proposed changes in Amendment No. 2 clarify the proposed rule change and raises no new regulatory issues. Further, the Commission believes that Amendment No. 2 does not significantly alter the original proposal, which was subject to a full notice and comment period. Therefore, the Commission finds that granting accelerated approval to Amendment No. 2 is appropriate and consistent with section 19(b)(2) of the Act.[12]

V. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 2, including whether Amendment No. 2 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 at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–PCX–99–45 and should be submitted by July 9, 2001.

[12] 15 U.S.C. 78s(b)(2).

VI. Conclusion

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[13] that the proposed rule change (SR–PCX–99–45), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15218 Filed 6–15–01; 8:45 am]

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[13] 15 U.S.C. 78s(b)(2).

[14] 17 U.S.C. 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44402; File No. SR–PCX–2001–19]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Exchange, Inc. Relating to Exchange Rules Under the Minor Rule Plan

June 8, 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 4, 2001, the Pacific Exchange, Inc. (''PCX''or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. 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 Exchange proposes to increase the fines imposed on ETP Holders, ETP Firms or associated persons of an ETP Firm of its wholly-owned subsidiary, PCX Equities, Inc. (''PCXE'' or ''Cooperation'') for violating the Exchange rules under the Minor Rule Plan.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange 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 Exchange 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 Exchange proposes to amend PCXE's rules governing Minor Rule Plan violations to increase most fines because the Exchange believes that: (1) the current fines are too low to deter violations of PCXE rules; and (2) an increase in the current fines will more adequately sanction violations of the PCXE's order-handling and investigating rules. Many of these violations are processed under the Minor Rule Plan.[3]

Disruptive conduct on the quality floor is currently not fined for a first violation, fined $250 for a second violation and $500 for a third. Multiple violations are calculated on a running two-year basis. Under the proposed increases, these fines will be $500 for a first violation, $2,000 for a second and $3,500 for a third calculated on the same two-year basis.

More serious violations such as a member's failure to cooperate with a PCX examination of its financial responsibility or operational condition, will be fined $2,000 for a first violation, $4,000 for a second violation, and $5,000 for a third violation. A member that impedes or fails to cooperate in an Exchange investigation will be fined $3,500 for a first violation, $4,000 for a second and $5,000 for a third. Less serious violations such as fines or improper dress under the PCXE dress code remains the same at $100 for the first violation, $250 for the second and $500 for the third. Under the proposed rule, the Enforcement Department would continue to exercise its discretion under PCXE Rule 10.12(j) and takes cases out of the Minor Rule Plan to pursue them as formal disciplinary matters if the facts or circumstances warrant such action. The Exchange's proposal also includes amendments to PCXE's Equity Floor Procedure Advices

[1] 15 U.S.C. 78s(b)(1)

[2] 17 CFR 240.19b–4.

[3] The Exchange notes that when it imposes a sanction in excess of $2,500, it must comply with Rule 19d–1 under the Act. 17 CFR 240.19d–1. Telephone conversation between Cindy Sink, Senior Attorney, Regulatory Policy, PCX, and Jennifer Colihan, Special Counsel, Division of Market Regulation, Commission, on June 8, 2001.

(''EFPA'') that correspond to the increased Minor Rule Plan fines.

The Exchange believes that adoption of the proposed rule change will serve to significantly strengthen the ability of the Exchange to carry out its oversight responsibilities as a self-regulatory organization. The rule also should aid the Exchange in carrying out its compliance and surveillance functions.

2. Basis

The Exchange believes that this proposal is consistent with section 6(b)[4] of the Act, in general, and furthers the objectives of section 6(b)(5)[5] and 6(b)(6),[6] in particular, in that it is designed to facilitate transactions in securities, to prevent fraudulent and manipulative acts and practices, and to promote just and equitable principles of trade and provides that Exchange members shall be appropriately disciplined for violations of the rules of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

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 self-regulatory organization 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 it 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, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–2001–19 and should be submitted by July 9, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15219 Filed 6–15–01; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78f(b)(6).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44404; File No. SR–Phlx–2001–51]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Increasing the Maximum Guaranteed AUTO–X Size to 100 Contracts

June 11, 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 May 21, 2001, the Philadelphia Stock Exchange, Inc. (''Exchange'' or ''Phlx'') 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 proposed rule change has been filed by the Phlx as a ''non-controversial'' rule change under Rule 19b–4(f)(6) under the Act.[3] 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.

[3] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposed to amend Phlx Rule 1080(c) to increase to 100 contracts the maximum order size of option contracts that are eligible to be executed on the Exchange's automatic execution system (''AUTO–X''), which is part of the Exchange's Automated Options Market (''AUTOM'') System.[4] Currently, customer market and marketable limit orders of up to 75 contracts are eligible for AUTO–X.[5]

Phlx also proposed to delete a section of Phlx Rule 1080(c) that states that orders for OTC Prime Index (''OTX'') options are eligible for AUTO–X execution for up to 100 contracts.

Below is the text of the proposed rule change. Proposed new language is *italicized* and proposed deletions are in brackets.

* * * * *

Rule 1080. Philadelphia Stock Exchange Automated Options Market (AUTOM) and Automatic Execution System (AUTO–X)

(a)–(b) No change.

(c) AUTO–X–AUTO–X is a feature of AUTOM that automatically executes public customer market and marketable limit orders up to the number of contracts permitted by the Exchange for certain strike prices and expiration months in equity options and index options, unless the Options Committee determines otherwise. AUTO–X automatically executes eligible orders using the Exchange disseminated quotation and then automatically routes execution reports to the originating member organization. AUTOM orders not eligible for AUTO–X are executed manually in accordance with Exchange rules. Manual execution may also occur when AUTO–X is not engaged. An order may also be executed partially by AUTO–X and partially manually.

The Options Committee may for any period restrict the use of AUTO–X on the Exchange in any option or series. Currently, orders up to [75] *100* contracts, subject to the approval

[4] AUTOM is the Exchange's electronic order delivery and reporting system, which provides for the automatic entry and routing of equity option and index option orders to the Exchange trading floor. Orders delivered through AUTOM may be executed manually or routed to AUTOM's automatic execution feature, AUTO–X, if they are eligible for execution on AUTO–X. Equity option and index option specialists are required by the Exchange to participate in AUTOM and its features and enhancements. Option orders entered by Exchange members into AUTOM are routed to the appropriate specialist unit on the Exchange trading floor.

[5] *See* Securities Exchange Act Release No. 43515 (November 3, 2000), 65 FR 69114 (November 15, 2000) (File No. SR–Phlx–99–32) (order approving maximum order size eligibility of 75 contracts for AUTO–X).

of the Options Committee, are eligible for AUTO–X. [With respect to OTC Prime Index (''OTX'') options, orders of up to 100 contracts are eligible for AUTO–X.] The Options Committee may, in its discretion, increase the size of orders in one or more classes of multiply-traded equity options eligible for AUTO–X to the extent necessary to match the size of orders in the same options eligible for entry into the automated execution system of any other options exchange, provided that the effectiveness of any such increase shall be conditioned upon its having been filed with the Securities and Exchange Commission pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934.

(c)(i)(A)–(E) No change.

(d)–(j) No change.

Commentary. No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the propose 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 Items 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 Phlx proposes to increase the maximum order size for eligibility for AUTO–X from 75 contracts to 100 contracts.[6] Under the rules of the Exchange, through AUTOM, orders are routed from member firms directly to the appropriate specialist on the trading floor. Of the public customer market and marketable limit orders routed through AUTOM, certain orders are eligible for AUTOM's automatic execution feature, AUTO–X. These orders are automatically executed at the disseminated quotation price on the Exchange and reported back to the originating firm.[7]

The Exchange represents that AUTO–X affords prompt and efficient automatic executions at the disseminated quotation price on the Exchange. Therefore, the Exchange believes that increasing automatic execution levels should provide the benefits of automatic execution to a larger number of customer orders. Further, the Exchange notes that this increase from 75 contracts to 100 contracts is consistent with similar Commission-approved increases to the automatic executions levels on other options exchanges.[8]

The Exchange notes that there are many safeguards incorporated into Exchange rules to ensure the appropriate handling of AUTO–X orders. For example, Phlx Rule 1080(f)(iii) states that the specialist is responsible for the remainder of an AUTOM order where a partial execution has occurred. Phlx Rule 1015 governs execution guarantees and requires the trading crowd to ensure that public orders are filled at the best market to a minimum of the disseminated size. In addition, Options Floor Procedure Advice F–7 provides that the size of any disseminated bid or offer shall be equal to the AUTO–X guarantee for the quoted options and shall be firm, except that the disseminated size of bids and offers of limit orders on the book shall be 10 contracts and shall be firm. Violations of any of these provisions could be referred to the Business Conduct Committee for disciplinary action.

The Wheel is a mechanism that allocates AUTO–X trades among specialists and Registered Options Traders (''ROTs'').[9] An ROT has discretion to participate on the Wheel to trade any option class to which he is assigned. An increase in the maximum AUTO–X order size does not prevent an ROT from declining to participate on the Wheel.[10] Because the Wheel rotates in 2-lot to 10-lot increments depending upon the size of the order, no single ROT will be allocated the entire 100 contracts.

The Exchange also has procedures that permit a specialist to suspend AUTO–X in extraordinary circumstances.[11] AUTOM users are notified of such circumstances.

With respect to financial responsibility issues, the Exchange notes that it has a minimum net capital requirement respecting ROTs.[12] Furthermore, an ROT's clearing firm performs risk management functions to ensure that the ROT has sufficient financial resources to cover positions throughout the day. In this regard, the function includes real-time monitoring of positions. The Exchange believes that clearing firm procedures address the issue of whether an ROT has the financial capability to support trading of options orders as large as 100 contracts.

The Exchange believes that the increase in order size eligibility for AUTO–X orders should provide customers with quicker executions for a larger number of orders, by providing automatic rather than manual executions, thereby reducing the number of orders subject to manual processing. The Exchange also believes that increasing the AUTO–X maximum order size should not impose a significant burden on operation or capacity of the AUTOM System and will give the Exchange better means of competing with other options exchanges for order flow.

Additionally, the Exchange proposes to delete a section of Phlx Rule 1080(c) that sates that orders for OTX options are eligible for AUTO–X execution for up to 100 contracts, in order to eliminate any potential for confusion over the permissible parameters applicable to AUTO–X eligible orders for both equity and index options.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with section 6(b) of the Act[13] in general, and furthers the objectives of section 6(b)(5) of the act[14] in particular, because it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, as well as to protect investors and the public interest by enhancing efficiency by providing automatic executions to a larger number of options orders.

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 that is not necessary in furtherance of the purposes of the Act.

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[6] *Id.*

[7] *See* Phlx Rule 1080(c).

[8] The Exchange notes that the Commission has approved increases in the automatic execution levels from 75 contracts to 100 contracts on the American Stock Exchange, LLC (''Amex''); the Pacific Exchange, Inc. (''PCX''); and the Chicago Board Options Exchange, Inc. (''CBOE''). *See* Securities Exchange Act Release Nos. 43887 (January 25, 2001), 66 FR 8831 (February 2, 2001) (order jointly approving File Nos. SR–Amex–00–57 and SR–PCX–00–18); 44008 (February 27, 2001), 66 FR 13599 (March 6, 2001) (order approving File No. SR–CBOE–01–03).

[9] Unlike ROTs, specialists are required to participate on the Wheel. *See* Phlx Rule 1080(g).

[10] *See* Exchange Options Floor Procedure Advice F–24(e)(i).

[11] *See* Phlx Rule 1080(e) and Options Floor Procedure Advice A–13.

[12] *See* Phlx Rule 703.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

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

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days after the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest,[15] the proposed rule change has become effective pursuant to section 19(b)(3)(A)[16] of the Act and Rule 19b–4(f)(6)[17] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Phlx seeks to have the proposed rule change become operative immediately in order to remain competitive with other exchanges with similar rules in effect.[18]

The Commission, consistent with the protection of investors and the public interest, has determined to make the proposed rule change operative immediately upon filing as of May 21, 2001, to allow the Phlx to compete with other options exchanges that currently have a maximum automatic execution eligibility limit of 100 contracts.[19] 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.[20]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–2001–51 and should be submitted by July 9, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[21]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15222 Filed 6–15–01; 8:45 am]

BILLING CODE 8010–01–M

[15] As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the filing date or such shorter period as designated by the Commission.

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6).

[18] *See supra* note 8.

[19] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[20] *See* Section 19(b)(3)(C) of the Act, 15 U.S.C. 78(b)(3)(C).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44405; File No. SR–Phlx–2001–08]

Self-Regulatory Organizations; Order Approving and Notice of Filing and Other Granting Accelerated Approval of Amendment No. 1 to the Proposed Rule Change of the Philadelphia Stock Exchange, Inc. Concerning the Maintenance, Retention, and Furnishing of Records and Other Information Related to Payment for Order Flow Arrangements

June 11, 2001.

On January 19, 2001, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (Act)[1] and Rule 19b–4 thereunder,[2] the Philadelphia Stock Exchange, Inc. (Phlx) filed with the Securities and Exchange Commission a proposed rule change to amend Phlx Rule 760 to require Phlx members and member organizations to make, keep current, and preserve records relating to payment for order flow arrangements and, upon request, to make those records available to the Phlx for inspection and review. The proposed change was published for comment in the **Federal Register** on April 2, 2001.[3] The Commission received no comments on the proposal.

On May 22, 2001, the Phlx filed Amendment No. 1 to the proposed rule change, which replaced the original filing in its entirety. Amendment No. 1 added supplemental language to Phlx Rule 760 to clarify that the recordkeeping requirement apply only to Phlx specialists and specialist units that participate in the Phlx's payment for order flow program, and not to all Phlx members generally. The text of the proposed rule change is available at the principal offices of the Phlx and at the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended by Amendment No. 1, and is issuing this Order approving the proposed amended rule change.

Pursuant to Section 19(b)(2) of the Act,[4] the Commission has determined to accelerate approval of the proposed rule change. The Commission notes that, prior to the filing of Amendment No. 1, the proposed rule change was noticed for public comment and did not attract any comments. Because Amendment No. 1 to the proposed rule change simply clarifies that the proposed recordkeeping requirements apply only to Phlx specialists and Phlx specialist units and not to Phlx members generally, the Commission finds good cause to approve the proposed rule change prior to the thirtieth day after the date of publication of notice of this filing in the **Federal Register**. The Commission believes that the proposed rule change, as amended, will assist the Phlx to review and verify that its payment for order flow program is being administered pursuant to the terms that the Phlx has established.

The Commission finds that the proposed rule change, as amended by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, particularly Section 6 of the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 44102 (March 26, 2001), 66 FR 17591 (April 2, 2001).

[4] 15 U.S.C. 78s(b)(2).

Act[5] and the rules and regulations thereunder.[6] The Commission also finds that the proposed rule change, as amended, will promote just and equitable principles of trade consistent with Section 6(b)(5) of the Act.[7]

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submission 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 submissions should refer to File No. SR–Phlx–2001–08 and should be submitted by July 9, 2001.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (File No. SR–Phlx–2001–08), as amended, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15223 Filed 6–15–01; 8:45 am]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

Notice of Changes in Magnetic Media Filing Requirements for Form W–2 Wage Reports

AGENCY: Social Security Administration (SSA).

ACTION: Notice.

SUMMARY: Notice is hereby given that SSA will incorporate a change to its Magnetic Media Reporting and Electronic Filing (MMREF) publication under which SSA will no longer accept annual Form W–2 wage reports filed using value added networks (VANs) or dial-up networking, beginning with calendar year 2002. Instead, such wage reports shall be filed by employers or third-party preparers using SSA's Employer Services Online (ESO), 3 ½ inch diskettes, ½ inch tapes, or 3480/3490 cartridges. The MMREF publication and additional information on wage report filing can be obtained by accessing SSA's employer reporting web site at *www.ssa.gov/employer* or by calling 800–772–6270.

DATES: Comments must be received on or before July 15, 2001.

ADDRESSES: Comments on this change should be mailed or delivered to Norman Goldstein, Senior Financial Executive, Social Security Administration, Room 834, Altmeyer Building, Baltimore, MD 21235; or sent by telefax to (410) 966–8753.

FOR FURTHER INFORMATION CONTACT: Mark Ruley, Financial Management Analyst, Social Security Administration, Room 834, Altmeyer Building, Baltimore, MD 21235; telefax (410) 966–8753.

Dated: June 12, 2001.

Richard Harron,

Director, Division of Coverage and Support.

[FR Doc. 01–15351 Filed 6–15–01; 8:45 am]

BILLING CODE 4191–02–U

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 June 8, 2001

SUMMARY: 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–1995–969.

Date Filed: June 5, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 26, 2001.

Description: Application of Northwest Airlines, Inc., pursuant to 49 U.S.C. Section 41101 and Subpart B, requesting that the Department renew Segment 2 of Northwest's Route 378 Certificate of Public Convenience and Necessity. Northwest also requests that the Department integrate this certificate authority with all of Northwest's existing certificate and exemption authority to the extent consistent with U.S. bilateral agreements and DOT policy.

Docket Number: OST–2001–9855.

Date Filed: June 7, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 28, 2001.

Description: Application of Delta Air Lines, Inc., pursuant to 49 U.S.C. Sections 41102 and 41108 and Subpart B, requesting renewal of its authority to engage in foreign air transportation of persons, property and mail between the United States and Athens, Greece, which is a foreign point named on segments 3 and 9 of its certificate of public convenience and necessity for Route 616.

Docket Number: OST–1995–869.

Date Filed: June 8, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 29, 2001.

Description: Application of Continental Micronesia, Inc., pursuant to 49 U.S.C. Section 41102 and Subpart B, requesting renewal of its Segment 10 (Guam-Tokyo) Route 171 certificate authority for a period of no less than five years.

Docket Number: OST–1996–1318.

Date Filed: June 8, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 29, 2001.

Description: Application of Continental Airlines, Inc., pursuant to 49 U.S.C. Section 41102, requesting renewal of its Route 645 certificate authorizing Continental to provide scheduled air transportation of persons, property and mail between Houston and the coterminal points Barranquilla, Bogota and Cali, Colombia, via the intermediate point San Jose, Costa Rica, and to combine services on Route 645 with other Continental services authorized by certificate and exemption for a period of no less than five years.

Docket Number: OST–2001–9880.

Date Filed: June 8, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 29, 2001.

[5] 15 U.S.C. 78f.

[6] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 200.30–3(a)(12).

Description: Application of Biz Jet Services, Inc., pursuant to 49 U.S.C. Section 41102 and Subpart B, requesting a certificate of public convenience and necessity authorizing interstate charter air transportation of persons, property and mail.

Docket Number: OST–2001–9881.

Date Filed: June 8, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: June 29, 2001.

Description: Application of Biz Jet Services, Inc., pursuant to 49 U.S.C. Section 41102 and Subpart B, requesting a certificate of public convenience and necessity, authorizing foreign charter air transportation of persons, property and mail.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–15326 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Procedures Advisory Committee

AGENCY: Federal Aviation Administration (FAA), DOT.

SUMMARY: The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

DATES: The meeting will be held from July 9–12, 2001, from 9 a.m. to 5 p.m. each day.

ADDRESSES: The meeting will be held at the San Francisco Airport Airfield Development Bureau, 245 South Spruce Avenue, South San Francisco, CA 94080.

FOR FURTHER INFORMATION CONTACT: Mr. Eric Harrell, Executive Director, ATPAC, Terminal and En Route Procedures Division, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–3725.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App.2), notice is hereby given of a meeting of the ATPAC to be held July 9 through July 12, 2001, at the San Francisco Airport Airfield Development Bureau, 245 South Spruce Avenue, South San Francisco, CA 94080. The agenda for this meeting will cover: a continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of Minutes.
2. Submission and Discussion of Areas of Concern.
3. Discussion of Potential Safety Items.
4. Report from Executive Director.
5. Items of Interest.
6. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify the person listed above not later than July 6, 2001. The next quarterly meeting of the FAA ATPAC is planned to be held from October 10–12, 2001, in Washington, DC.

Any member of the public may present a written statement to the Committee at any time at the address given above.

Issued in Washington, DC, on June 1, 2001.

Eric Harrell,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 01–15342 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Pellston Regional Airport of Emmet County, Pellston, Michigan

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Pellston Regional Airport of Emmet County under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before July 18, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111. The application may be reviewed in person at this location.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Kelley Atkins, Airport Manager of the Pellston Regional Airport of Emmet County at the following address: Pellston Regional Airport of Emmet County, US 31, Pellston, Michigan 49769.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Pellston Regional Airport of Emmet County under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Arlene B. Draper, Program Manager, Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111 (734–487–7282). The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Pellston Regional Airport of Emmet County under the provisions of the Airport and Airway Improvement Act of 1982, as amended, and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On May 7, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by Pelleston Regional Airport of Emmet County was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, not later than August 8, 2001.

The following is a brief overview of the application.

PFC application number: 01–09–C–00–PLN.

Level of the proposed PFC: $3.00.

Proposed charge effective date: June 1, 2001.

Proposed charge expiration date: June 30, 2011.

Total estimated PFC revenue: $790,634.00.

Brief Description of Proposed Project

Impose and Use: Rehabilitate runway 5/23 lighting, design for terminal expansion, PFC application, wildlife study, terminal building expansion, new parking lot and entrance road

renovation, perimeter road environmental assessment, aircraft apron rehabilitation, aircraft apron expansion.

Use: Replace snow removal equipment blower, acquire airfield sweeper and land acquisition.

Impose Only: Replace snow removal equipment plow truck and aircraft deicing equipment.

Class or classes of air carriers which the public agency has requested to be required to collect PFCs: Air Taxi/Commercial Operators filing FAA Form 1800–31 be exempt from collecting PFC.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.** In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Pellston Regional Airport of Emmet County.

Issued in Des Plaines, Illinois on June 12, 2001.

Robert Benko,

Acting Manager, Planning and Programming Branch, Aircraft Division, Great Lakes Region.

[FR Doc. 01–15344 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 01–01–C–00–PIT to Impose and Use Revenue from a Passenger Facility Charge (PFC) at the Pittsburgh International Airport, Pittsburgh, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on application to impose and use the revenue from a PFC at the Pittsburgh International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before July 18, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Harrisburg Airports District Office, Slate Hill Business Park, Camp Hill, PA 17911.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Kent George, Executive Director, Allegheny County Airport Authority at the following address: 1000 Airport Boulevard, Suite 4000, Pittsburgh, PA 15231–0370.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Allegheny County Airport Authority under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sullivan, Team Leader, Airports District Office, 3911 Hartzdale Drive, 717–730–2832. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at the Pittsburgh International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On June 11, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Allegheny County Airport Authority was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than September 26, 2001.

The following is a brief overview of the application.

PFC Application No.: 01–01–C–00–PIT.

Level of the proposed PFC: $3.00.

Proposed charge effective date: August 1, 2001.

Proposed charge expiration date: August 1, 2006.

Total estimated PFC revenue: $121,093,050.

Brief description of proposed project(s):

—Runway 10L Rehabilitation and Safety Area Improvement
—Expand and Upgrade Deicing Facilities
—Install Non-exclusive Baggage Devices
—Residential Sound Insulation-Phases 5 and 6
—Rehabilitate Taxiways F and P
—Relocate Electrical Vault-R/W 10R–28L
—Install R/W 14–32 Lighting and Miscellaneous Airfield Lighting
—Asphalt/Concrete Rehabilitation Program-Taxiways and Aprons
—Asphalt/Concrete Rehabilitation Program-Terminal Roadway
—Master Plan Update
—Acquire Snow Removal Equipment
—Acquire ARFF Equipment
—Acquire Part 107 Police Equipment
—Acquire Part 139 Airfield Equipment
—Construct Part 139 Command Center Phase 1
—Command Center and Equipment—Phase 2
—Widen Taxiway Y
—Design Relocation of Taxiway E
—Construct Snow Removal Equipment Storage Building
—Replace Airfield Sand/Chemical Storage Dome
—Install Midfield HVAC Uninterrupted Power Supply
—Construct Moving Walkway Concourse D
—Mineral Estates Condemnation Program
—Install Public Roadway Signage
—Install Public Walkway Canopies
—Install Public Information Center
—Improve Runway Safety Areas—R/W 10L–28R, 10R–28L
—Acquire Airfield Driving Training Simulator
—Environmental Assessment Mitigation
—Upgrade and Expand Surface Sensor System
—Replace Security Fence
—Improve Fire System Pumphouse Facilities and Systems
—FAA Competition Plan
—PFC Application Development

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Non-scheduled, on-demand air carriers filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional airports office located at: FAA, Airports Division, AEA–610, 1 Aviation Plaza, Jamaica, New York, 11434–4809.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Allegheny County Airport Authority.

Issued in Camp Hill, Pennsylvania, on June 11, 2001.

Sharon A. Daboin,

Manager, HAR ADO, Eastern Region.

[FR Doc. 01–15343 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Controlled Substances and Alcohol Testing Management Information System (MIS) Statistical Data

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice.

SUMMARY: The FMCSA announces the motor carrier industry's 1999 controlled substances and alcohol usage rates based on testing data submitted by a random sample of motor carriers. The positive rate for controlled substances was 1.3 percent in calendar year 1999. The alcohol ''violation'' rate was 0.2 percent in 1999. Because the positive rate from controlled substances testing has remained above 1.0 percent during this same period, the FMCSA will maintain the random controlled substances testing rate for calendar year 2001 at 50 percent, in accordance with FMCSA regulations. Because the alcohol testing violation rate has remained below 0.5 percent for 1999, the FMCSA announces that it is maintaining the random alcohol testing rate for calendar year 2001 at 10 percent, in accordance with the provisions of the testing regulations. This lowered rate continues the DOT policy set in 1998 when data supported the same policy decision. This notice continues the existing policy. It is effective until further notice.

FOR FURTHER INFORMATION CONTACT: For enforcement questions: Mr. Kenneth Rodgers, Office of Enforcement and Compliance (MC–ECE), 202–366–4016; for substance questions: Mr. David M. Lehrman, Office of Policy, Plans and Regulations (MC–PRR), 202–366–0994; for statistical questions: Mr. Richard Gruberg, Office of Data Analysis and Information Systems (MC–RIA), 202–366–2959; for legal questions, Mr. Michael Falk, Office of the Chief Counsel (MC–CC), 202–366–1384, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Background

On December 23, 1993 (58 FR 68220), the FHWA (the predecessor agency to the FMCSA) announced it would require motor carriers subject to 49 CFR part 391, later replaced by part 382, to implement and maintain specific controlled substance testing data, and submit an appropriate annual report when requested. All motor carriers must maintain this information. The FHWA randomly selected a sample of motor carriers annually and asked those selected to submit their data.

On February 15, 1994 (59 FR 7484), the FHWA promulgated new controlled substances and alcohol testing rules in 49 CFR part 382. These rules combined the controlled substances annual report with a similar alcohol rule ''violation'' annual report. Alcohol rule violations for purposes of the annual report are alcohol concentrations of 0.04 or greater and refusals to submit to alcohol testing.

On March 13, 1995, the FHWA amended the rules to reduce the information collection burden on all respondents, including small entities (60 FR 13369).

The current rule at § 382.403, formerly at 49 CFR 391.87(h), is essential for the accomplishment of the following four goals:

1. Collection of controlled substances and alcohol testing statistical data.

2. Using the data to analyze the FMCSA's current approach to deterring and detecting illegal controlled substances use and alcohol misuse in the motor carrier industry.

3. Determining each calendar year's random selection rates for alcohol and controlled substances testing under the rule.

4. Providing for a more efficient and effective regulatory program.

In 1995, the FHWA requested a sample of motor carriers to report data collected in 1994. The FHWA determined the random positive controlled substances usage rate for commercial motor vehicle (CMV) drivers subject to 49 CFR part 391, subpart H, for the period of January 1, 1994, through December 31, 1994, was 2.6 percent. Based on data collected in subsequent years, this rate was determined to be 2.8 percent in 1995 and 2.2 percent in 1996.

Estimates of positive usage rates for alcohol were first produced for calendar year 1995. The alcohol testing ''violation'' rate was 0.14 percent in 1995, and 0.18 percent in 1996.

The criteria for raising or lowering the random testing rates are established by regulation. Under 49 CFR § 382.305(d)(1), when the minimum annual percentage rate for random alcohol testing is 25 percent or more, the FMCSA Administrator may lower the rate to 10 percent of all driver positions if the Administrator determines that the data received under the reporting requirements of § 382.403 for two consecutive years indicate that the violation rate is less than 0.5 percent.

Based upon this authority, and because the violation rate was below 0.5 percent for two consecutive years, the FHWA announced it was lowering the random alcohol testing rate for calendar year 1998 to 10 percent. The random controlled substances testing rate remained 50 percent. On January 14, 1998 (63 FR 2172) the agency published this policy in a notice including an extensive appendix C explaining the methodology used to estimate the controlled substances positive and alcohol violation rates.

The controlled substances usage rate based on 1998 survey data was 1.5 percent. The alcohol violation rate for 1998 was 0.4 percent.

This notice announces the results of data collected for the 1999 FMCSA Drug and Alcohol Surveys. These surveys, conducted annually, measure the percentage of CDL drivers testing positive for controlled substances (as defined in 49 CFR § 40.21) and/or alcohol, based on both random and nonrandom testing. The survey data are collected from a random sample of motor carrier annual drug and alcohol testing summaries. Because the positive rate from random controlled substances testing has remained above 1.0 percent during this period, the FMCSA is maintaining the random controlled substances testing rate for calendar year 2001 at 50 percent, in accordance with 49 CFR § 382.305(g). The FMCSA is also maintaining the random alcohol testing rate for calendar year 2001 at 10 percent, in accordance with 49 CFR 382.305(d)(1).

Issued on: June 11, 2001.

Stephen E. Barber,

Acting Deputy Administrator.

[FR Doc. 01–15332 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Inspection, Repair, and Maintenance; Periodic Inspection of Commercial Motor Vehicles

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Acceptance of State of Ohio bus inspection programs and republication of accepted State programs.

SUMMARY: The FMCSA announces it accepts the State of Ohio's periodic inspection program for buses. The FMCSA previously accepted Ohio's inspection program for church buses and added it to the list of programs that are comparable to, or as effective as, the Federal periodic inspection requirements contained in the Federal Motor Carrier Safety Regulations (FMCSRs). The state has since expanded its program and now requires that all buses undergo an annual inspection by the Ohio State Patrol. This notice also publishes the list of all inspection programs that meet the FMCSR requirement.

DATES: This action is effective on June 18, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Larry W. Minor, Office of Bus and Truck Standards and Operations, MC–PSV, (202) 366–4009; Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Section 210 of the Motor Carrier Safety Act of 1984 (49 U.S.C. 31142) (the Act) requires the Secretary of Transportation (the Secretary) to prescribe standards for annual, or more frequent, inspection of commercial motor vehicles (CMVs) unless the Secretary finds another inspection system is as effective as an annual or more frequent inspection. In 1988, the Federal Highway Administration (FHWA) published a final rule amending 49 CFR part 396 (53 FR 49402, December 7, 1988) to require CMVs operated in interstate commerce to be inspected at least once a year. Under section 396.17 the inspection is to be based on Federal inspection standards, or a State inspection program determined by the FMCSA to be comparable to, or as effective as, the Federal standards. Accordingly, if the agency determines a State's periodic inspection program is comparable to, or as effective as, the requirements of part 396, then a motor carrier must ensure that all of its commercial motor vehicles which are required by that State to be inspected through the State's inspection program are inspected. If a State does not have such a program, the motor carrier is responsible for ensuring its vehicles are inspected using one of the alternatives included in section 396.17.

In 1989, the FHWA (the DOT agency with responsibility for motor vehicle safety until the establishment of the FMCSA in 2000), published a notice in the **Federal Register** that requested States and other interested parties to identify and provide information on the commercial motor vehicle inspection programs in their respective jurisdictions as contemplated by section 396.17 (54 FR 11020, March 16, 1989). Upon review of the information submitted, the FHWA published a list of State inspection programs that were determined to be comparable to the Federal requirements (54 FR 50726, December 8, 1989). This initial list included 15 States and the District of Columbia. In 1991 the list was revised to include the inspection programs of the Alabama Liquefied Petroleum Gas (LPG) Board, California, Hawaii, Louisiana, Minnesota, all of the Canadian Provinces, and the Yukon Territory (56 FR 47982, September 23, 1991). In 1992, the list was revised to include the Wisconsin bus inspection program (57 FR 56400, November 27, 1992). In 1994, the list was revised to include the Texas CMV inspection program (59 FR 17829, April 14, 1994). In 1995, the list was revised to include the Connecticut bus inspection program (60 FR 56183, November 7, 1995). In 1998 the most recent revision was made to include the Ohio inspection program for church buses (63 FR 8516, February 19, 1998).

Including Ohio, there are 23 States, the Alabama Liquefied Petroleum Gas Board, the District of Columbia, 10 Canadian Provinces, and one Canadian Territory that have periodic inspection programs which have been determined to be comparable to, or as effective as, the Federal requirements.

Determination: State of Ohio Bus Inspection Program

The State of Ohio (the State) has implemented mandatory annual inspection requirements for all buses as part of its program to improve the safety of operation of motor carriers of passengers. Beginning July 1, 2001, the State prohibits any person from operating buses that are originally designed to transport 16 or more passengers, including the driver, or that have a gross vehicle weight rating of 4,536 kilograms (10,001 pounds) or more, unless the vehicle displays a valid safety inspection decal issued by the State Highway Patrol (§ 4513.51 of the Ohio Revised Code). The state continues to require that a church using a bus registered as a ''hurch bus'' (in accordance with § 4503.7 of the Ohio Revised Code), and that transports members to and from church services or functions, submit an application for the registration of the bus to the Bureau of Motor Vehicles. As part of the annual registration application, the church must include a certificate from the State Highway Patrol as proof the bus has been inspected and is safe for operation in accordance with the standards prescribed by the Superintendent of the State Highway Patrol. The requirement for the safety certificate is applicable to church buses that are originally designed to transport 16 or more passengers, including the driver, or that have a gross vehicle weight rating of 4,536 kilograms (10,001 pounds) or more. The bus inspections required by §§ 4503.7 and 4513.51 of the Ohio Revised Code are performed by the State Highway Patrol at State facilities or the bus owner's garage.

The FMCSA has determined that both the Ohio church bus inspection program in effect as of March 31, 1997, and the inspection program for buses (other than church buses) effective July 1, 2001, are comparable to, or as effective as, the Federal periodic inspection requirements. Therefore, motor carriers of passengers operating buses which are subject to the State's programs and which are subject to the FMCSRs must use the State's programs to satisfy the Federal requirements under 49 CFR 396.17.

In accepting the State's periodic inspection programs, the FMCSA also approves the recordkeeping requirements associated with the inspection program. The inspection report used to record the church bus inspection is a two-part form. If the vehicle passes the inspection, the bottom portion of the form is given to the bus operator to submit to the Bureau of Motor Vehicles as part of the application for vehicle registration (e.g., purchasing the annual church bus license plate). The top portion of the inspection report is maintained by the State Highway Patrol. The State church bus license plate (with a current validation sticker) is considered by the FMCSA as satisfying the Federal requirement for proof of inspection on the commercial motor vehicle.

For buses other than church buses inspection decals are issued and must be displayed on the commercial motor vehicle.

States with Equivalent Periodic Inspection Programs

The following is a complete list of States, and one Board, which performs the periodic inspection function of a State, with inspection programs which the FMCSA has determined are comparable to, or as effective as, the Federal requirements.

Alabama (LPG Board)
Arkansas
California
Connecticut
District of Columbia
Hawaii
Illinois
Louisiana
Maine
Maryland
Michigan
Minnesota
New Hampshire
New Jersey
New York
Ohio
Oklahoma
Pennsylvania
Rhode Island

Texas
Utah
Vermont
Virginia
West Virginia
Wisconsin

In addition to the States listed above, the FMCSA has determined the inspection programs of the 10 Canadian Provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan) and the Yukon Territory are comparable to, or as effective as, the Federal periodic inspection requirements.

All other States either have no periodic inspection programs for CMVs or their programs have not been determined by the FMCSA to be comparable to, or as effective as, the Federal requirements. If any of these States wish to establish a program or modify their programs in order to make them comparable to the Federal requirements, the State should contact the appropriate FMCSA division office.

Issued on: June 11, 2001.

Stephen E. Barber

Acting Deputy Administrator.

[FR Doc. 01–15331 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Major Investment Study/Draft Environmental Impact Statement for the Bergen-Passaic Cross County Corridor, Bergen and Passaic Counties, New Jersey

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of intent to prepare a major investment study/draft environmental impact statement (MIS/DEIS).

SUMMARY: The Federal Transit Administration (FTA) and the New Jersey Transit Corporation (NJ TRANSIT) intend to prepare a Major Investment Study/Draft Environmental Impact Statement (MIS/DEIS) to study transportation access improvements along the Bergen-Passaic Cross County Corridor (also known as the NYS&W corridor) in Bergen and Passaic Counties, New Jersey. The MIS/DEIS is being prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500–1508), the FTA/Federal Highway Administration's Environmental Impact regulations (23 CFR part 771), and the FTA/FHWA Statewide Planning/Metropolitan Planning regulations (23 CFR part 450). This study will also comply with the requirements of the National Historic Preservation Act of 1966, as amended, section 4(f) of the 1966 U.S. Department of Transportation Act, the 1990 Clean Air Act Amendments, the Executive Order 12898 on Environmental Justice, and other applicable rules, regulations, and guidance documents.

The purpose of the Bergen-Passaic Cross County Corridor MIS/DEIS is to examine solutions for improving mobility in Bergen and Passaic Counties, New Jersey and to document the social, economic, and environmental impacts of implementing identified study alternatives. The MIS/DEIS will identify a preferred alternative that will improve mobility within that region. The MIS/DEIS will evaluate a Baseline Alternative and a Build Alternative. The Build Alternative under consideration was selected as a result of the findings of the West Shore Region Alternatives Analysis Report (December 1999). The Alternatives Analysis Report recommended an alternative for advancement to the MIS/DEIS phase of the project made up of the following components: West Shore corridor commuter rail service via the Meadowlands Sports Complex; Northern Branch corridor light rail service via Hudson Bergen Light Rail Transit (HBLRT); and NYS&W corridor light rail service via HBLRT. All three of these proposed new rail services would involve construction of new transportation infrastructure, including tracks, stations and yards. This MIS/DEIS will examine the Bergen-Passaic Cross County Corridor (NYS&W) light rail service via HBLRT.

DATES: *Comment Due Date:* Written comments on the scope of the MIS/DEIS should be sent to NJ TRANSIT by August 15, 2001. See **ADDRESSES** below.

Scoping Meeting: Public scoping meetings for the Bergen-Passaic Cross County Corridor MIS/DEIS will be held on:

- Tuesday, July 10, 2001

3 p.m. to 5 p.m. and 7 p.m. to 9 p.m., Bergen County Administration Building, Freeholders Room, 5th Floor, 1 Bergen County Plaza, Hackensack, New Jersey 07601

- Tuesday, July 17, 2001

3 p.m. to 5 p.m. and 7 p.m. to 9 p.m., Passaic County Administration Building, Freeholders Room, Room 223, 401 Grand Street, Paterson, New Jersey 07505

Registration to speak will begin at 2:30 p.m. and will remain open until 4:30 for the afternoon session; registration to speak will begin at 6:30 p.m. and will remain open until 8:30 p.m. for the evening session. The scoping meeting will conclude at 4:30 p.m. and 8:30 p.m., respectively, if there are no remaining registered speakers.

People with special needs should contact Steven Jurow at NJ TRANSIT at the address below or call the study toll-free information line at 1–866–658–9874. The buildings are accessible to people with disabilities. A sign language interpreter will be made available for the hearing impaired by calling the study toll-free information line at 1–866–658–9874.

Scoping material will be available at the meetings and may also be obtained in advance of the meetings by contacting Steven Jurow at the address below or by calling the study toll-free information line above. Oral and written comments may be given at the scoping meetings; a stenographer will record all comments.

ADDRESSES: Written comments on the project scope should be sent to Steven Jurow, Project Manager, NJ TRANSIT, One Penn Plaza East, Newark, NJ 07105–2246. The scoping meetings will be held at the locations identified above.

FOR FURTHER INFORMATION CONTACT: If you wish to be placed on the mailing list to receive further information as the study develops, contact Steven Jurow at the above address or call the study toll-free information line at 1–866–658–9874. For further information, you may also contact: Mr. Irwin B. Kessman, Director, Office of Planning and Program Development, Federal Transit Administration, Region II, One Bowling Green, Room 429, New York, New York, 10004–1415; phone: 212–668–2170, fax: 212–668–2136.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and NJ TRANSIT invite all interested individuals and organizations, and federal, state, and local agencies to provide comments on the scope of the study. During the scoping process, comments should focus on identifying specific social, economic, or environmental issues to be evaluated and suggesting alternatives, which may be less costly or have less environmental impacts, while achieving the similar transportation objectives. Comments should focus on the issues and alternatives for analysis and not on a preference for a particular alternative.

Scoping materials will be available at the meetings or in advance of the meetings by contacting Steven Jurow at NJ TRANSIT, as indicated above. The Bergen-Passaic Cross County Corridor MIS/DEIS will be closely coordinated with major regional initiatives and studies that are related to this effort, including:

- Secaucus Transfer Station, a NJ TRANSIT project currently under construction that will create a connection between the existing Main, Bergen County, and Pascack Valley Lines with the Northeast Corridor Line, improving access to Midtown Manhattan and other destinations;
- Hudson-Bergen Light Rail Transit (HBLRT), a NJ TRANSIT project currently under construction that will create a new light rail line operating from the Vince Lombardi Park-and-Ride to Bayonne. The initial segment in Jersey City and Bayonne opened in April 2000;
- Newark Airport Station/Monorail Extension, a NJ TRANSIT project currently under construction that will connect the Northeast Corridor Line and the Newark Airport Monorail;
- West Shore Corridor MIS/DEIS, a study by NJ TRANSIT that will examine the potential benefits, costs, and impacts of alternatives for improving access in the West Shore study area, including a potential commuter rail service via the Meadowlands Sports Complex;
- Northern Branch Corridor MIS/DEIS, a study by NJ TRANSIT that will examine the potential benefits, costs, and impacts of alternatives for improving access in the Northern Branch study area, including a potential light rail service via the Hudson Bergen Light Rail;
- West Haverstraw Extension Study, a study by Rockland County and NJ TRANSIT examining the potential to extend the West Shore Commuter Rail service to West Haverstraw, New York;
- Access to the Region's Core Study (ARC), a joint study by NJ TRANSIT, Port Authority of New York and New Jersey, and the Metropolitan Transportation Authority (MTA). The ARC study continues to study access to Midtown Manhattan from points east and west;
- Penn Station Access MIS/DEIS, a study by Metro-North to examine improving access to Penn Station to/from the Metro-North service area; and
- Conrail/CSX/Norfolk Southern Merger, a change in the ownership of the freight network, dividing the former Conrail holdings between CSX and Norfolk Southern.

Following the public scoping process, public outreach activities will include meetings with a Community Liaison Committee (CLC) established for the study and comprised of community leaders; public meetings and hearings; distribution of study newsletter(s); and use of other outreach mechanisms. Every effort will be made to ensure that the widest possible range of public participants has the opportunity to attend general public meetings (e.g., scoping meetings and public hearing(s)) held by NJ TRANSIT to solicit input on the Bergen—Passaic Cross County Corridor MIS/DEIS. Attendance will be sought through mailings, notices, advertisements, and press releases.

II. Description of Study Area and Transportation Needs

The study area includes the NYS&W corridor through Ridgefield, Ridgefield Park, Bogota, Hackensack, Maywood, Rochelle Park, Saddle Brook, Elmwood Park, Paterson and Hawthorne in New Jersey. The purpose of the Bergen—Passaic Cross County Corridor MIS/DEIS is to examine solutions for addressing mobility issues in Bergen and Passaic Counties, New Jersey, and to identify a preferred alternative that will improve mobility within that region. The MIS/DEIS will be conducted in coordination with other major network expansion proposals under study or construction within the region. The MIS/DEIS will examine and document the social, economic, and environmental impacts of implementing identified study alternatives.

Provision of new transportation service in the Bergen—Passaic Cross County corridor would address:

- Commuting to New York City (trans-Hudson), from Bergen and Passaic Counties;
- Inter- and intra-corridor commuting, both to employment centers within the study corridors, and from the study corridors to employment locations in other areas of New Jersey; and,
- Non-work trips including business, shopping, recreational, and education to New York City, within the corridor, and to destinations outside the corridor in New Jersey.

III. Alternatives

The alternatives proposed for evaluation include:

(1) The Baseline Alternative, which includes no-build conditions, plus any cost-effective transit improvements that can be implemented, short of the proposed new start alternative. The no-build conditions involve the current infrastructure of highways, trains, and bus services, in addition to all ongoing, committed and funded roadway and transit projects outlined in the State Transportation Improvement Program (STIP) including projects under construction such as the Secaucus Transfer Station and the Hudson-Bergen Light Rail Transit (HBLRT). Transit improvements lower in cost than the proposed new start alternative were also identified for inclusion in the Baseline Alternative, including a bus component, from Bergen County to the East Midtown Manhattan; and a rail component, a new rail station in Saddle Brook on the Bergen County Line.

(2) The Build Alternative, Bergen—Passaic Cross County Corridor light rail service via HBLRT. The Build Alternative will involve construction of new transportation infrastructure, including tracks, stations and yards. Additional reasonable Build alternatives suggested during the scoping process, including those involving other modes, may be considered.

IV. Probable Effects

The FTA and NJ TRANSIT will evaluate all potential changes to the social, economic, and physical environment, including air quality, noise and vibration, traffic, parking, transit, pedestrians and freight rail, energy and potential for conservation, electric and magnetic fields, safety and security, water quality, wetlands, flooding, navigable waterways and coastal zones, ecologically sensitive areas, endangered species, hazardous waste, land acquisition and displacements, land use, zoning and economic development, consistency with local plans, historic properties and resources, parkland, archaeology, aesthetics, community disruption, environmental justice, construction impacts, and cumulative impacts. Key areas of environmental concern would be in the areas of potential new construction (e.g. new stations, new track, etc.). The impacts will be evaluated both for the construction period and for the long-term period of operation of each alternative. Measures to mitigate any significant adverse impacts will be identified.

V. FTA Procedures

The DEIS will be prepared in conjunction with a major investment study and will document the results of that study, including an evaluation of the potential social, economic, and environmental impacts of the alternatives. Upon completion, the MIS/DEIS will be available for public and agency review and comment. Public hearing(s) will be held within the study area. On the basis of the MIS/DEIS and

the public and agency comments received, a locally preferred alternative will be selected, to be further detailed in the final EIS.

Issued on: June 13, 2001.

Letitia Thompson,

Regional Administrator, TRO–II, Federal Transit Administration.

[FR Doc. 01–15328 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Major Investment Study/Draft Environmental Impact Statement for the Northern Branch Corridor, Bergen County, New Jersey

AGENCY: Federal Transit Administration (FTA)

ACTION: Notice of intent to prepare a major investment study/draft environmental impact statement (MIS/DEIS).

SUMMARY: The Federal Transit Administration (FTA) and the New Jersey Transit Corporation (NJ TRANSIT) intend to prepare a Major Investment Study/Draft Environmental Impact Statement (MIS/DEIS) to study transportation access improvements along the Northern Branch corridor in Bergen County, New Jersey. The MIS/DEIS is being prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500–1508), the FTA/Federal Highway Administration's Environmental Impact regulations (23 CFR part 771), and the FTA/FHWA Statewide Planning/Metropolitan Planning regulations (23 CFR part 450). This study will also comply with the requirements of the National Historic Preservation Act of 1966, as amended, section 4(f) of the 1966 U.S. Department of Transportation Act, the 1990 Clean Air Act Amendments, the Executive Order 12898 on Environmental Justice, and other applicable rules, regulations, and guidance documents.

The purpose of the Northern Branch Corridor MIS/DEIS is to examine solutions for improving mobility in Bergen County, New Jersey and to document the social, economic, and environmental impacts of implementing identified study alternatives. The MIS/DEIS will identify a preferred alternative that will improve mobility within that region. The MIS/DEIS will evaluate Baseline Alternative and a Build Alternative. The Build Alternative under consideration was selected as a result of the findings of the West Shore Region Alternatives Analysis Report (December 1999). The Alternatives Analysis Report recommended an alternative for advancement to the MIS/DEIS phase of the project made up of the following components: West Shore corridor commuter rail service via the Meadowlands Sports Complex; Northern Branch corridor light rail service via Hudson Bergen Light Rail Transit (HBLRT); and NYS&W corridor light rail service via HBLRT. All three of these proposed new rail services would involve construction of new transportation infrastructure, including tracks, stations and yards. This MIS/DEIS will examine the Northern Branch corridor light rail service via HBLRT.

DATES: *Comment Due Date:* Written comments on the scope of the MIS/DEIS should be sent to NJ TRANSIT by August 15, 2001. See **ADDRESSES** below.

Scoping Meeting: Public scoping meetings for the Northern Branch Corridor MIS/DEIS will be held on:

- Wednesday, July 11, 2001

3 p.m. to 5 p.m. and 7 p.m. to 9 p.m., John Harms Center for the Arts, Theater 30 North Van Brunt Street, Englewood, New Jersey 07631.

Registration to speak will begin at 2:30 p.m. and will remain open until 4:30 for the afternoon session; registration to speak will begin at 6:30 p.m. and will remain open until 8:30 p.m. for the evening session. The scoping meeting will conclude at 4:30 p.m. and 8:30 p.m., respectively, if there are no remaining registered speakers.

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Scoping material will be available at the meetings and may also be obtained in advance of the meetings by contacting Joseph Lombardi at the address below or by calling the study toll-free information line above. Oral and written comments may be given at the scoping meetings; a stenographer will record all comments.

ADDRESSES: Written comments on the project scope should be sent to Joseph Lombardi, Project Manager, NJ TRANSIT, One Penn Plaza East, Newark, NJ 07105–2246. The scoping meetings will be held at the locations identified above.

FOR FURTHER INFORMATION CONTACT: If you wish to be placed on the mailing list to receive further information as the study develops, contact Joseph Lombardi at the above address or call the study toll-free information line at 1–866–658–9874. For further information, you may also contact: Mr. Irwin B. Kessman, Director, Office of Planning and Program Development, Federal Transit Administration, Region II, One Bowling Green, Room 429, New York, New York, 10004–1415; phone: 212–668–2170, fax: 212–668–2136.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and NJ TRANSIT invite all interested individuals and organizations, and federal, state, and local agencies to provide comments on the scope of the study. During the scoping process, comments should focus on identifying specific social, economic, or environmental issues to be evaluated and suggesting alternatives, which may be less costly or have less environmental impacts, while achieving the similar transportation objectives. Comments should focus on the issues and alternatives for analysis and not on a preference for a particular alternative. Scoping materials will be available at the meetings or in advance of the meetings by contacting Joseph Lombardi at NJ TRANSIT, as indicated above. The Northern Branch Corridor MIS/DEIS will be closely coordinated with major regional initiatives and studies that are related to this effort, including:

- Secaucus Transfer Station, a NJ TRANSIT project currently under construction that will create a connection between the existing Main, Bergen County, and Pascack Valley Lines with the Northeast Corridor Line, improving access to Midtown Manhattan and other destinations;
- Hudson-Bergen Light Rail Transit (HBLRT), a NJ TRANSIT project currently under construction that will create a new light rail line operating from the Vince Lombardi Park-and-Ride to Bayonne. The initial segment in Jersey City and Bayonne opened in April 2000;
- Newark Airport Station/Monorail Extension, a NJ TRANSIT project currently under construction that will connect the Northeast Corridor Line and the Newark Airport Monorail;
- West Shore Corridor DEIS, a study by NJ TRANSIT that will examine the potential benefits, costs, and impacts of alternatives for improving access in the West Shore study area, including a potential commuter rail service via the Meadowlands Sports Complex;

• Bergen—Passaic Cross County Corridor DEIS, a study by NJ TRANSIT that will examine the potential benefits, costs, and impacts of alternatives for improving access in the NYS&W study area, including a potential light rail service via the Hudson Bergen Light Rail;

• West Haverstraw Extension Study, a study by Rockland County and NJ TRANSIT examining the potential to extend the West Shore Commuter Rail service to West Haverstraw, New York;

• Access to the Region's Core Study (ARC), a joint study by NJ TRANSIT, Port Authority of New York and New Jersey, and the Metropolitan Transportation Authority (MTA). The ARC study continues to study access to Midtown Manhattan from points east and west;

• Penn Station Access MIS/DEIS, a study by Metro-North to examine improving access to Penn Station to/from the Metro-North service area; and

• Conrail/CSX/Norfolk Southern Merger, a change in the ownership of the freight network, dividing the former Conrail holdings between CSX and Norfolk Southern.

Following the public scoping process, public outreach activities will include meetings with a Community Liaison Committee (CLC) established for the study and comprised of community leaders; public meetings and hearings; distribution of study newsletter(s); and use of other outreach mechanisms. Every effort will be made to ensure that the widest possible range of public participants has the opportunity to attend general public meetings (e.g., scoping meetings and public hearing(s)) held by NJ TRANSIT to solicit input on the Northern Branch Corridor MIS/DEIS. Attendance will be sought through mailings, notices, advertisements, and press releases.

II. Description of Study Area and Transportation Needs

The study area includes the Northern Branch corridor, through Fairview, Ridgefield, Palisades Park, Leonia, Englewood, and Tenafly in New Jersey. The purpose of the Northern Branch MIS/DEIS is to examine solutions for addressing mobility issues in Bergen County, New Jersey, and to identify a preferred alternative that will improve mobility within that region. The MIS/DEIS will be conducted in coordination with other major network expansion proposals under study or construction within the region. The MIS/DEIS will examine and document the social, economic, and environmental impacts of implementing identified study alternatives.

Provision of new transportation service in the Northern Branch Corridor would address:

• Commuting to New York City (trans-Hudson), from Bergen County;

• Inter- and intra-corridor commuting, both to employment centers within the study corridors, and from the study corridors to employment locations in other areas of New Jersey; and,

• Non-work trips including business, shopping, recreational, and education to New York City, within the corridor, and to destinations outside the corridor in New Jersey.

III. Alternatives

The alternatives proposed for evaluation include:

(1) The Baseline Alternative, which includes no-build conditions, plus any cost-effective transit improvements that can be implemented, short of the proposed new start alternative. The no-build conditions involve the current infrastructure of highways, trains, and bus services, in addition to all ongoing, committed and funded roadway and transit projects outlined in the State Transportation Improvement Program (STIP) including projects under construction such as the Secaucus Transfer Station and the Hudson-Bergen Light Rail Transit (HBLRT). Transit improvements lower in cost than the proposed new start alternative were also identified for inclusion in the Baseline Alternative, including a bus component, from Bergen County to the East Midtown Manhattan.

(2) The Build Alternative, Northern Branch light rail service via HBLRT. The Build Alternative will involve construction of new transportation infrastructure, including tracks, stations and yards. Additional reasonable Build alternatives suggested during the scoping process, including those involving other modes, may be considered.

IV. Probable Effects

The FTA and NJ TRANSIT will evaluate all potential changes to the social, economic, and physical environment, including air quality, noise and vibration, traffic, parking, transit, pedestrians and freight rail, energy and potential for conservation, electric and magnetic fields, safety and security, water quality, wetlands, flooding, navigable waterways and coastal zones, ecologically sensitive areas, endangered species, hazardous waste, land acquisition and displacements, land use, zoning and economic development, consistency with local plans, historic properties and resources, parkland, archaeology, aesthetics, community disruption, environmental justice, construction impacts, and cumulative impacts. Key areas of environmental concern would be in the areas of potential new construction (e.g. new stations, new track, etc.). The impacts will be evaluated both for the construction period and for the long-term period of operation of each alternative. Measures to mitigate any significant adverse impacts will be identified.

V. FTA Procedures

The DEIS will be prepared in conjunction with a major investment study and will document the results of that study, including an evaluation of the potential social, economic, and environmental impacts of the alternatives. Upon completion, the MIS/DEIS will be available for public and agency review and comment. Public hearing(s) will be held within the study area. On the basis of the MIS/DEIS and the public and agency comments received, a locally preferred alternative will be selected, to be further detailed in the final EIS.

Issued on: June 13, 2001.

Letitia Thompson,

Regional Administrator, TRO–II, Federal Transit Administration.

[FR Doc. 01–15329 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Major Investment Study/Draft Environmental Impact Statement for the West Shore Corridor, Bergen County, New Jersey and Rockland County, New York

AGENCY: Federal Transit Administration (FTA).

ACTION: Notice of Intent to prepare a Major Investment Study/Draft Environmental Impact Statement (MIS/DEIS).

SUMMARY: The Federal Transit Administration (FTA) and the New Jersey Transit Corporation (NJ TRANSIT) intend to prepare a Major Investment Study/Draft Environmental Impact Statement (MIS/DEIS) to study transportation access improvements along the West Shore corridor in Bergen County, New Jersey and Rockland County, New York. The MIS/DEIS is being prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and implemented by the Council on Environmental Quality (CEQ)

regulations (40 CFR parts 1500–1508), the FTA/Federal Highway Administration's Environmental Impact regulations (23 CFR part 771), and the FTA/FHWA Statewide Planning/Metropolitan Planning regulations (23 CFR part 450). This study will also comply with the requirements of the National Historic Preservation Act of 1966, as amended, section 4(f) of the 1966 U.S. Department of Transportation Act, the 1990 Clean Air Act Amendments, the Executive Order 12898 on Environmental Justice, and other applicable rules, regulations, and guidance documents.

The purpose of the West Shore Corridor MIS/DEIS is to examine solutions for improving mobility in Bergen County, New Jersey and Rockland County, New York and to document the social, economic, and environmental impacts of implementing identified study alternatives. The MIS/DEIS will identify a preferred alternative that will improve mobility within that region. The MIS/DEIS will evaluate a Baseline Alternative and a Build Alternative. The Build Alternative under consideration was selected as a result of the findings of the West Shore Region Alternatives Analysis Report (December 1999). The Alternatives Analysis Report recommended an alternative for advancement to the MIS/DEIS phase of the project made up of the following components: West Shore corridor commuter rail service via the Meadowlands Sports Complex; Northern Branch corridor light rail service via Hudson Bergen Light Rail Transit (HBLRT); and NYS&W corridor light rail service via HBLRT. All three of these proposed new rail services would involve construction of new transportation infrastructure, including tracks, stations and yards. This MIS/DEIS will examine the West Shore commuter rail service via the Meadowlands Sports Complex.

DATES: *Comment Due Date:* Written comments on the scope of the MIS/DEIS should be sent to NJ TRANSIT by August 15, 2001. See **ADDRESSES** below.

Scoping Meeting: Public scoping meetings for the West Shore Corridor MIS/DEIS will be held on:

- Thursday July 12, 2001, 3 p.m. to 5 p.m. and 7 p.m. to 9 p.m., Orangetown Town Hall, Courtroom, 26 Orangeburg Road, Orangeburg, New York 10962
- Wednesday July 18, 2001, 3 p.m. to 5 p.m. and 7 p.m. to 9 p.m., Teaneck Recreation Center, 2nd Floor Multi-Purpose Room, 250 Colonial Court, Teaneck, New Jersey 07666

Registration to speak will begin at 2:30 pm and will remain open until 4:30 for the afternoon session; registration to speak will begin at 6:30 pm and will remain open until 8:30 pm for the evening session. The scoping meeting will conclude at 4:30 pm and 8:30 pm, respectively, if there are no remaining registered speakers.

People with special needs should contact Joseph Lombardi at NJ TRANSIT at the address below or call the study toll-free information line at 1–866–658–9874. The buildings are accessible to people with disabilities. A sign language interpreter will be made available for the hearing impaired by calling the study toll-free information line at 1–866–658–9874.

Scoping material will be available at the meetings and may also be obtained in advance of the meetings by contacting Joseph Lombardi at the address below or by calling the study toll-free information line above. Oral and written comments may be given at the scoping meetings; a stenographer will record all comments.

ADDRESSES: Written comments on the project scope should be sent to Joseph Lombardi, Project Manager, NJ TRANSIT, One Penn Plaza East, Newark, NJ 07105–2246. The scoping meetings will be held at the locations identified above.

FOR FURTHER INFORMATION CONTACT: If you wish to be placed on the mailing list to receive further information as the study develops, contact Joseph Lombardi at the above address or call the study toll-free information line at 1–866–658–9874. For further information, you may also contact: Mr. Irwin B. Kessman, Director, Office of Planning and Program Development, Federal Transit Administration, Region II, One Bowling Green, Room 429, New York, New York, 10004–1415; phone: 212–668–2170, fax: 212–668–2136.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA and NJ TRANSIT invite all interested individuals and organizations, and federal, state, and local agencies to provide comments on the scope of the study. During the scoping process, comments should focus on identifying specific social, economic, or environmental issues to be evaluated and suggesting alternatives, which may be less costly or have less environmental impacts, while achieving the similar transportation objectives. Comments should focus on the issues and alternatives for analysis and not on a preference for a particular alternative. Scoping materials will be available at the meetings or in advance of the meetings by contacting Joseph Lombardi at NJ TRANSIT, as indicated above. The West Shore Corridor MIS/DEIS will be closely coordinated with major regional initiatives and studies that are related to this effort, including:

- Secaucus Transfer Station, a NJ TRANSIT project currently under construction that will create a connection between the existing Main, Bergen County, and Pascack Valley Lines with the Northeast Corridor Line, improving access to Midtown Manhattan and other destinations;
- Hudson-Bergen Light Rail Transit (HBLRT), a NJ TRANSIT project currently under construction that will create a new light rail line operating from the Vince Lombardi Park-and-Ride to Bayonne. The initial segment in Jersey City and Bayonne opened in April 2000;
- Newark Airport Station/Monorail Extension, a NJ TRANSIT project currently under construction that will connect the Northeast Corridor Line and the Newark Airport Monorail;
- Northern Branch Corridor DEIS, a study by NJ TRANSIT that will examine the potential benefits, costs, and impacts of alternatives for improving access in the Northern Branch study area, including a potential light rail service via the Hudson Bergen Light Rail;
- Bergen—Passaic Cross County Corridor DEIS, a study by NJ TRANSIT that will examine the potential benefits, costs, and impacts of alternatives for improving access in the NYS&W study area, including a potential light rail service via the Hudson Bergen Light Rail;
- West Haverstraw Extension Study, a study by Rockland County and NJ TRANSIT examining the potential to extend the West Shore Commuter Rail service to West Haverstraw, New York;
- Access to the Region's Core Study (ARC), a joint study by NJ TRANSIT, Port Authority of New York and New Jersey, and the Metropolitan Transportation Authority (MTA). The ARC study continues to study access to Midtown Manhattan from points east and west;
- Penn Station Access MIS/DEIS, a study by Metro-North to examine improving access to Penn Station to/from the Metro-North service area; and
- Conrail/CSX/Norfolk Southern Merger, a change in the ownership of the freight network, dividing the former Conrail holdings between CSX and Norfolk Southern.

Following the public scoping process, public outreach activities will include meetings with a Community Liaison Committee (CLC) established for the study and comprised of community

leaders; public meetings and hearings; distribution of study newsletter(s); and use of other outreach mechanisms. Every effort will be made to ensure that the widest possible range of public participants has the opportunity to attend general public meetings (*e.g.,* scoping meetings and public hearing(s)) held by NJ TRANSIT to solicit input on the West Shore Corridor MIS/DEIS. Attendance will be sought through mailings, notices, advertisements, and press releases.

II. Description of Study Area and Transportation Needs

The study area includes the West Shore corridor, through East Rutherford, Carlstadt, Ridgefield, Ridgefield Park, Bogota, Teaneck, Bergenfield, Dumont, Haworth, Closter, Harrington Park, Norwood, and Northvale in New Jersey and Orangetown and Clarkstown in New York. The purpose of the West Shore corridor MIS/DEIS is to examine solutions for addressing mobility issues in Bergen County, New Jersey and Rockland County, New York, and to identify a preferred alternative that will improve mobility within that region. The MIS/DEIS will be conducted in coordination with other major network expansion proposals under study or construction within the region. The MIS/DEIS will examine and document the social, economic, and environmental impacts of implementing identified study alternatives.

Provision of new transportation service in the West Shore corridor would address:

- Commuting to New York City (trans-Hudson), from Bergen and Rockland Counties;
- Inter- and intra-corridor commuting, both to employment centers within the study corridors, and from the study corridors to employment locations in other areas of New Jersey; and,
- Non-work trips including business, shopping, recreational, and education to New York City, within the corridor, and to destinations outside the corridor in New Jersey.

III. Alternatives

The alternatives proposed for evaluation include: (1) the Baseline Alternative, which includes no-build conditions, plus any cost-effective transit improvements that can be implemented, short of the proposed new start alternative. The no-build conditions involve the current infrastructure of highways, trains, and bus services, in addition to all ongoing, committed and funded roadway and transit projects outlined in the State Transportation Improvement Program (STIP) including projects under construction such as the Secaucus Transfer Station and the Hudson-Bergen Light Rail Transit (HBLRT). Transit improvements lower in cost than the proposed new start alternative were also identified for inclusion in the Baseline Alternative, including a bus component from Bergen and Rockland Counties to the East Midtown Manhattan; enhanced rail service including new hourly off-peak service on the Pascack Valley Line; and additional ferry service from Congers in Rockland County to Midtown Manhattan. (2) the Build Alternative, West Shore commuter rail service via the Meadowlands Sports Complex. The Build Alternative will involve construction of new transportation infrastructure, including tracks, stations and yards. Additional reasonable Build alternatives suggested during the scoping process, including those involving other modes, may be considered.

IV. Probable Effects

The FTA and NJ TRANSIT will evaluate all potential changes to the social, economic, and physical environment, including air quality, noise and vibration, traffic, parking, transit, pedestrians and freight rail, energy and potential for conservation, electric and magnetic fields, safety and security, water quality, wetlands, flooding, navigable waterways and coastal zones, ecologically sensitive areas, endangered species, hazardous waste, land acquisition and displacements, land use, zoning and economic development, consistency with local plans, historic properties and resources, parkland, archaeology, aesthetics, community disruption, environmental justice, construction impacts, and cumulative impacts. Key areas of environmental concern would be in the areas of potential new construction (e.g. new stations, new track, etc.). The impacts will be evaluated both for the construction period and for the long-term period of operation of each alternative. Measures to mitigate any significant adverse impacts will be identified.

V. FTA Procedures

The DEIS will be prepared in conjunction with a major investment study and will document the results of that study, including an evaluation of the potential social, economic, and environmental impacts of the alternatives. Upon completion, the MIS/DEIS will be available for public and agency review and comment. Public hearing(s) will be held within the study area. On the basis of the MIS/DEIS and the public and agency comments received, a locally preferred alternative will be selected, to be further detailed in the final EIS.

Issued on: June 13, 2001.

Letitia Thompson,

Regional Administrator, TRO–II, Federal Transit Administration.

[FR Doc. 01–15330 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2001–9882]

Decision That Certain Nonconforming Motor Vehicles Are Eligible for Importation

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

ACTION: Notice of decision by NHTSA that certain nonconforming motor vehicles are eligible for importation.

SUMMARY: This document announces decisions by NHTSA that certain motor vehicles not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and/or sale in the United States and certified by their manufacturers as complying with the safety standards, and they are capable of being readily altered to conform to the standards.

DATES: These decisions are effective as of the date of their publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

NHTSA received petitions from registered importers to decide whether the vehicles listed in Annex A to this notice are eligible for importation into the United States. To afford an opportunity for public comment, NHTSA published notice of these petitions as specified in Annex A. The reader is referred to those notices for a thorough description of the petitions. No comments were received in response to these notices. Based on its review of the information submitted by the petitioners, NHTSA has decided to grant the petitions.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. Vehicle eligibility numbers assigned to vehicles admissible under this decision are specified in Annex A.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that each motor vehicle listed in Annex A to this notice, which was not originally manufactured to comply with all applicable Federal motor vehicle safety standards, is substantially similar to a motor vehicle manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. 30115, as specified in Annex A, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: June 13, 2001.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

ANNEX A—Nonconforming Motor Vehicles Decided To Be Eligible for Importation

1. Docket No. NHTSA–2000–7964
   Nonconforming Vehicle: 2000 BMW 3 Series passenger cars
   Substantially similar U.S.- certified vehicle: 2000 BMW 3 Series passenger cars
   Notice of Petition Published at: 65 FR 63911 (October 25, 2000)
   Vehicle Eligibility Number: VSP–356
2. Docket No. NHTSA–2000–7963
   Nonconforming Vehicles: 1998 Mercedes-Benz CLK320 passenger cars
   Substantially similar U.S.- certified vehicles: 1998 Mercedes-Benz CLK320 passenger cars
   Notice of Petition Published at: 65 FR 63910 (October 25, 2000)
   Vehicle Eligibility Number: VSP–357
3. Docket No. NHTSA–2000–7966
   Nonconforming Vehicles: 1996 Plymouth Voyager multi-purpose passenger vehicles
   Substantially similar U.S.- certified vehicles: 1996 Plymouth Voyager multi-purpose passenger vehicles
   Notice of Petition Published at: 65 FR 63909 (October 25, 2000)
   Vehicle Eligibility Number: VSP–353
4. Docket No. NHTSA–2000–8242
   Nonconforming Vehicles: 1994–2000 Honda VFR 400 and RVF 400 motorcycles
   Substantially similar U.S.- certified vehicles: 1994–2000 Honda CBR 600 motorcycles
   Notice of Petition Published at: 65 FR 77690 (December 12, 2000)
   Vehicle Eligibility Number: VSP–358
5. Docket No. NHTSA–2000–8241
   Nonconforming Vehicles: 1991–1995 BMW 8 Series passenger cars
   Substantially similar U.S.- certified vehicles: 1991–1995 BMW 8 Series passenger cars
   Notice of Petition Published at: 65 FR 69989 (November 21, 2000)
   Vehicle Eligibility Number: VSP–361
6. Docket No. NHTSA–2000–8294
   Nonconforming Vehicle: 1998–2001 BMW R1200C motorcycles
   Substantially similar U.S.- certified vehicle: 1998–2001 BMW R1200C motorcycles
   Notice of Petition Published at: 65 FR 77691 (December 12, 2000)
   Vehicle Eligibility Number: VSP–359
7. Docket No. NHTSA–2000–8281
   Nonconforming Vehicles: 2000 Yamaha R1 motorcycles
   Substantially similar U.S.- certified vehicles: 2000 Yamaha R1 motorcycles
   Notice of Petition Published at: 65 FR 77692 (December 12, 2000)
   Vehicle Eligibility Number: VSP–360
8. Docket No. NHTSA–2000–8699
   Nonconforming Vehicles: 2001 Harley Davidson FX, FL and XL motorcycles
   Substantially similar U.S.- certified vehicles: 2001 Harley Davidson FX, FL and XL motorcycles
   Notice of Petition Published at: 66 FR 7841 (January 25, 2001)
   Vehicle Eligibility Number: VSP–362

[FR Doc. 01–15327 Filed 6–15–01; 8:45 am]
BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2000–7312; Notice 2]

General Motors Corporation; Grant of Application for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) has determined that some of its vehicles do not comply with requirements contained in Federal Motor Vehicle Safety Standard (FMVSS) No. 108, ''Lamps, Reflective Devices, and Associated Equipment,'' and has filed an appropriate report pursuant to 49 CFR part 573, ''Defect and Noncompliance Reports.'' GM has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—''Motor Vehicle Safety'' on the basis that the noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the application was published in the **Federal Register** (65 FR 31207) on May 16, 2000. Opportunity was afforded for public comment until June 15, 2000.

FMVSS No. 108 establishes the requirements for signaling to enable safe operation in darkness and other conditions of reduced visibility. Under S5.5.4 of FMVSS No. 108, the center high-mounted stop lamp (CHMSL) on each vehicle shall be activated only upon application of the service brakes.

During Model Year 1995–1999, GM produced 3,375,393 vehicles with a CHMSL that could briefly illuminate if the hazard warning lamp switch is depressed to its limit of travel. The vehicles that may have this condition are 1995–1999 model year GMC and Chevrolet trucks and some 1997–1999 Pontiac Grand Prix cars.

GM supports its application for inconsequential noncompliance with the following statements:

The possibility of unintended CHMSL illumination is very low, for several reasons. Hazard flashers are infrequently used in service. The condition can occur only when the hazard flasher switch is at the extreme bottom of travel. To turn the hazard flashers on or off, one need merely push the hazard flasher switch. It is not necessary to push the switch all the way to its limit of travel. Even when the switch is depressed all the way to its limit of travel, CHMSL illumination may not occur. In approximately 50% of the switches it would be moderately difficult to get a CHMSL activation. With these switches, it is also necessary to apply a side force to the hazard flasher switch (in addition to having the switch at its bottom of travel) before the CHMSL might illuminate.

Even if the condition does occur, the duration of unintended CHMSL illumination would be very brief. The hazard flasher switch requires less than a second in total to turn the flashers on or off, and only for a fraction of this total time would the switch be all the way to its limit of travel.

About one-third of the affected vehicles have incandescent CHMSLs. In these vehicles, visible illumination of the CHMSL would not occur unless the hazard switch were depressed to its full limit of travel and held there long enough for the incandescent bulb filaments to heat and become visible. Therefore, unless the hazard switch was deliberately held at its limit of travel, and possibly with a side force, any unintended CHMSL illumination would be momentary and as a practical matter virtually imperceptible.

Even if a visible CHMSL illumination occurs upon hazard flasher activation, it would almost certainly have no adverse effect on safety. Hazard flasher lights are typically used when the vehicle is off the road or out of traffic. However, if a CHMSL illuminated due to this condition when the vehicle was on the road, a following driver would likely see a brief single flash of the CHMSL. As a practical matter, the following driver might not notice this flash at all. Even if he or she did, there would seem to be no likelihood of driver confusion or inappropriate responses. In reaching this view, we have considered the following situations and would invite the agency's consideration of them as well:

A driver who turns on the hazard flasher switch does so in order to alert others to some situation that the driver judges to be a highway safety hazard. Indeed, the owner's manual in each of these vehicles states as much: Your hazard warning flashers let you warn others. They also let police know you have a problem.

When the driver turns them on, the hazard lamps on these vehicles commence flashing immediately after the driver releases the switch. In this situation, any momentarily illuminated CHMSL would augment the hazard alert to following drivers.

If the hazard flasher switch is being turned off, the CHMSL could be illuminated momentarily while the hazard lamps are flashing. A following driver is unlikely to react inappropriately to a momentary CHMSL illumination when two hazard lamps are already flashing.

In many situations, it seems likely that a driver suddenly approaching a hazard situation might want to slow down, and therefore the service brakes would be applied when the hazard switch is depressed. In this case, the CHMSL would remain illuminated by the service brakes as required by FMVSS 108. This situation would pose no safety or compliance issue because the CHMSL would already be on.

The CHMSL (and the remainder of the vehicle lighting) otherwise meets all of the requirements of FMVSS 108.

GM is not aware of any accidents, injuries, owner complaints or field reports for the subject vehicles related to this condition.

NHTSA has previously granted inconsequential treatment for a similar condition. In 1995, General Motors applied for inconsequential treatment for a noncompliance while the hazard switch was being used (reference Mr. Milford Bennett letter to Dr. Ricardo Martinez dated June 16, 1995). The agency subsequently granted inconsequential treatment for this condition (reference Docket 95–57, Notice 2 published in the **Federal Register**, 61 Fed. Reg. 2865, January 29, 1996). No one opposed the application. NHTSA found in that situation that ''the transient activation of the CHMSL, a false signal, is highly unlikely to mislead a following driver,'' at 2865–2866.

The current situation would appear to be even less of a highway safety issue, because (a) the previous condition could occur at various positions within the normal operating travel of the hazard switch, while the current condition can only occur at the extreme bottom of travel of the hazard switch; and (b), the previous condition could involve up to three momentary flashes of the CHMSL, while the current condition only has the potential for a single momentary illumination of the CHMSL.

No public comments were received in the docket designated for this action. However, there was a comment submitted to a related application submitted by GM. Notice of receipt of this application was published on August 7, 2000 (65 FR 48280). There has been no agency decision yet on whether to grant or deny this application. In this application, GM states that activating the hazard warning lamps on the same subject vehicles could also enable the power windows to be operated. This is a noncompliance with FMVSS No. 118, ''Power-operated Window, Partition, and Roof Panel Systems.'' In its comments urging denial of GM's power window-related application, the Center for Auto Safety (CAS) also states that the agency should deny GM's application regarding FMVSS No. 108. CAS offered no rationale to support this assertion except to state ''[b]oth of these problems suggest the need for the swift implementation of an actual remedy, not the broad exemption GM suggests it should receive.''

We have reviewed the application and agree with GM that the noncompliance is inconsequential to motor vehicle safety. We can foresee no negative effects on motor vehicle safety if a vehicle's CHMSL is briefly illuminated as described upon activation of the hazard warning lamps. The intended use of a hazard warning lamp and the momentary activation of a CHMSL do not provide a conflicting message. The illumination of the CHMSL is intended to signify that the vehicles brakes are being applied and that the vehicle might be decelerating. Hazard warning lamps are intended as a more general message to nearby drivers that extra attention should be given to the vehicle. A brief illumination of the CHMSL while activating the hazard warning lamps would not confuse the intended general message, nor would the brief illumination in the absence of the other brake lamps cause confusion that the brakes were unintentionally applied.

In consideration of the foregoing, we do not deem this noncompliance to be a serious safety problem warranting notification and remedy. Accordingly, we have decided that the applicant has met its burden of persuasion that the noncompliance described above is inconsequential to motor vehicle safety. Therefore, its application is granted and the applicant is exempted from providing the notification of the noncompliance that is required by 49 U.S.C. 30118 and from remedying the noncompliance as required by 49 U.S.C. 30120.

(49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: June 12, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–15275 Filed 6–15–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Indexing the Annual Operating Revenues of Railroads

This Notice sets forth the annual inflation adjusting index numbers which are used to adjust gross annual operating revenues of railroads for classification purposes. This indexing methodology will insure that regulated carriers are classified based on real business expansion and not from the effects of inflation. Classification is important because it determines the extent of reporting for each carrier.

The railroad's inflation factors are based on the annual average Railroad's Freight Price Index. This index is

developed by the Bureau of Labor Statistics (BLS). This index will be used to deflate revenues for comparison with established revenue thresholds.

The base year for railroads is 1991. The inflation index factors are presented as follows:

RAILROAD FREIGHT INDEX

Year	Index	Deflator percent
1991	409.50	[1] 100.00
1992	411.80	99.45
1993	415.50	98.55
1994	418.80	97.70
1995	418.17	97.85
1996	417.46	98.02
1997	419.67	97.50
1998	424.54	96.38
1999	423.01	96.72
2000	428.64	95.45

[1] Ex Parte No. 492, *Montana Rail Link, Inc., and Wisconsin Central Ltd., Joint Petition For Rulemaking With Respect To 49 CFR 1201,* 8 I.C.C. 2d 625 (1992), raised the revenue classification level for Class I railroads from $50 million to $250 million (1991 dollars), effective for the reporting year beginning January 1, 1992. The Class II threshold was also revised to reflect a rebasing from $10 million (1978 dollars) to $20 million (1991 dollars).

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Scott Decker (202) 565–1531. (TDD for the hearing impaired: 1–800–877–8339)

By the Board.

Vernon A. Williams,

Secretary.

[FR Doc. 01–15322 Filed 6–15–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34055]

Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

The Burlington Northern and Santa Fe Railway Company (BNSF) has agreed to grant overhead trackage rights to Union Pacific Railroad Company (UP) over BNSF's rail lines as follows: (1) between Shawnee Jct., WY, BNSF milepost 117.1 and Bridger Jct., WY, BNSF milepost 127.3 (Orin Subdivision); (2) between Bridger Jct., BNSF milepost 133.2 and East Guernsey, WY, BNSF milepost 91.7 (Canyon Subdivision); (3) between East Guernsey, BNSF milepost 91.7 and Northport, NE, BNSF milepost 0.0 (Valley Subdivision); and (4) between Northport, BNSF milepost 33.8 and Sidney, NE, BNSF milepost 75.4 (Angora Subdivision), a distance of approximately 175 miles.[1]

The transaction is scheduled to be consummated on June 13, 2001.

The purpose of the trackage rights is to permit UP to use the BNSF trackage when UP's trackage is out of service for scheduled maintenance.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34055 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Robert T. Opal, 1416 Dodge Street, Room 830, Omaha, NE 68179.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: June 11, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–15321 Filed 6–15–01; 8:45 am]

BILLING CODE 4915–00–P

UTAH RECLAMATION MITIGATION AND CONSERVATION COMMISSION

Notice of Availability for the Pioneer Irrigation Diversion Final Environmental Assessment and Finding of No Significant Impact

AGENCY: Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission).

ACTION: Notice of Availability.

SUMMARY: The Duchesne River in Duchesne County, Utah, provides both irrigation water and quality sport and native non-sport fisheries. However, some diversion structures impact fish habitat or inhibit fish passage and delivery of instream flows. The Mitigation Commission committed to work with Central Utah Water Conservancy District, Duchesne County Water Conservancy District and other local water users to modify or replace selected diversion structures on the Duchesne River above the confluence with Strawberry River that are causing the greatest problem for fish and wildlife resources.

Diversion structures were evaluated based on their potential adverse impacts on fish and wildlife resources. Diversions to be repaired or replaced were prioritized in an order most beneficial to fish and wildlife. The Mitigation Commission selected Pioneer Canal Diversion as one of the first diversions for modification or replacement.

Two alternatives were fully evaluated in the environmental assessment (EA): The ''Proposed Action,'' which is to reconstruct the Pioneer Diversion, and ''No Action.'' However, while only two alternatives were fully evaluated in the EA, other approaches were considered in developing the Proposed Action.

Proposed Action elements include: Realign about 1,000 feet of existing channel into a more stable pattern as it approaches and passes the diversion location; construct a new diversion, to include concrete wingwalls, fish passage notch, two flush bottom gates, and de-sanding structure; install rock weirs to increase downstream bed elevation for fish passage through the fish passage notch; remove and dispose of old diversion works; and, cooperate with U.S. Fish and Wildlife Service by contributing toward completion of an agency and public review draft status review report of the Ute ladies'-tresses orchid.

Two issues were raised regarding the proposed action during public and agency scoping for the EA: Potential for entrainment of fish into the Pioneer Canal and potential for effects on Ute ladies'-tresses (ULT) a threatened plant species.

The Mitigation Commission conducted field sampling in July 1999 to assess occurrence of fish in the Pioneer Canal. Based on sampling results, there does not appear to be a significant loss of fish into the canal system. Also, because the proposed action is designed to avoid most nearby ULT plants and suitable habitat, and because of the Mitigation Commission's

[1] On June 6, 2001, UP and BNSF filed a petition for exemption in STB Finance Docket No. 34055 (Sub-No. 1), *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company,* wherein UP and BNSF request that the Board permit the proposed overhead trackage rights arrangement described in the present proceeding to expire on June 22, 2001. That petition will be addressed by the Board in a separate decision.

involvement in completing a draft status review report, the proposed action may affect, but is not likely to adversely affect, Ute ladies'-tresses orchid. The U.S. Fish and Wildlife Service concurred with this determination via letter dated May 24, 2001.

Based on information contained in the EA and supporting documentation, the proposed action will not significantly affect the quality of human environment, under the meaning of Section 102(2)(C) of the National Environmental Policy Act. The Mitigation Commission consulted the U.S. Fish and Wildlife Service and determined the proposed action will not affect endangered species. No historic properties will be impacted by the project. And, based on consultation with the U.S. Corps of Engineers, reconstruction of Pioneer Diversion will be permitted under a General Permit issued to the State of Utah.

Therefore, after considering the EA analyses of environmental effects and public comments received during scoping and agency consultation, the proposed action has been selected for implementation.

DATES: Implementation of this decision may occur immediately upon signing of the Final Decision Notice and FONSI.

ADDRESSES: The final EA and FONSI is available at the Utah Reclamation Mitigation and Conservation Commission; 102 West 500 South, Suite #315, Salt Lake City, Utah 84101.

FOR FURTHER INFORMATION CONTACT: Joan Degiorgio, Planning Manager, 801–524–3146.

Dated: June 5, 2001.

Michael C. Weland,

Utah Reclamation Mitigation and Conservation Commission Executive Director.

[FR Doc. 01–15201 Filed 6–15–01; 8:45 am]

BILLING CODE 4310–05–P

Corrections

Federal Register

Vol. 66, No. 117

Monday, June 18, 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 HOUSING AND URBAN DEVELOPMENT

24 CFR Part 966

[Docket No. FR–4495–F–02]

RIN 2501–AC63

Screening and Eviction for Drug Abuse and Other Criminal Activity

Correction

In rule document 01–12840, beginning on page 28776 in the issue of Thursday, May 24, 2001 make the following correction:

§966.4 [Corrected]

On page 28802, in the third column, in the fourth line from the bottom, ''(1)***'' should read ''(l)*** ''.

[FR Doc. C1–12840 Filed 6–15–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Customs Service

Announcement of a National Customs Automation Program Test; The International Trade Data System (ITDS)

Correction

In notice document 01–14061 beginning on page 30265 in the issue of Tuesday, June 5, 2001, make the following corrections:

1. On page 30268, in the first column, in the first paragraph, in the last line, insert ''www.nmfta.org'' at the end of the sentence ''Further information and an application form are available at''.

2. On the same page, in the same column, in the second paragraph, in the fifth line, insert ''www.dnb.com'' at the end of the sentence ''In order to obtain one, ITDS participants may call 800–333–0505 or go to''.

3. On page 30271, in the first column, the document number in the file line ''01–14601'' should read ''01–14061''.

[FR Doc. C1–14061 Filed 6–15–01; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,

June 18, 2001

Part II

Department of Education

Office of Special Education and Rehabilitative Services; Special Education—Research and Innovation To Improve Services and Results for Children With Disabilities Program; Notice

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Special Education—Research and Innovation To Improve Services and Results for Children With Disabilities Program

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for fiscal year (FY) 2001.

SUMMARY: This notice provides closing dates and other information regarding the transmittal of applications for two FY 2001 competitions under one program authorized by the Individuals with Disabilities Education Act (IDEA), as amended: Special Education—Research and Innovation to Improve Services and Results for Children with Disabilities.

National Education Goals

The eight National Education Goals focus the Nation's education reform efforts and provide a framework for improving teaching and learning.

This priority addresses the National Education Goals that promote new partnerships to strengthen schools and expand the Department's capacities for helping communities to exchange ideas and obtain information needed to achieve the goals.

This priority would address the National Education Goals by helping to improve results for children with disabilities.

Waiver of Rulemaking

It is generally our practice to offer interested parties the opportunity to comment on proposed priorities. However, section 661(e)(2) of IDEA makes the Administrative Procedure Act (5 U.S.C. 553) inapplicable to the priorities in this notice.

General Requirements

(a) The projects funded under this notice must make positive efforts to employ and advance in employment qualified individuals with disabilities in project activities (see section 606 of IDEA).

(b) Applicants and grant recipients funded under this notice must involve individuals with disabilities or parents of individuals with disabilities in planning, implementing, and evaluating the projects (see section 661(f)(1)(A) of IDEA).

(c) The projects funded under these priorities must budget for a two-day Project Directors' meeting in Washington, DC during each year of the project.

(d) In a single application, an applicant must address only one absolute priority in this notice.

(e) Part III of each application submitted under a priority in this notice, the application narrative, is where an applicant addresses the selection criteria that are used by reviewers in evaluating the application. You must limit Part III to the equivalent of no more than the number of pages listed in the table at the end of this notice for each applicable priority, using the following standards:

- A ''page'' is 8.5″ x 11″ (on one side only) with one-inch margins (top, bottom, and sides).
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, and captions, as well as all text in charts, tables, figures, and graphs.
- If using a proportional computer font, use no smaller than a 12-point font, and an average character density no greater than 18 characters per inch. If using a nonproportional font or a typewriter, do not use more than 12 characters per inch.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography or references, or the letters of support. However, you must include all of the application narrative in Part III.

We will reject without consideration or evaluation any application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

Research and Innovation To Improve Services and Results for Children With Disabilities [CFDA 84.324]

Purpose of Program: To produce, and advance the use of, knowledge to: (a) Improve services provided under IDEA, including the practices of professionals and others involved in providing those services to children with disabilities; and (b) improve educational and early intervention results for infants, toddlers, and children with disabilities.

Eligible Applicants: For absolute priority 1, eligible applicants are: Institutions of higher education (IHEs), Local educational agencies (LEAs), and private nonprofit organizations. For absolute priority 2, eligible applicants are: IHEs and private nonprofit organizations.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 85, 86, 97, 98, and 99; (b) The selection criteria for the priorities under this program are drawn from the EDGAR general selection criteria menu. The specific selection criteria for each priority are included in the funding application packet for the applicable competition.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Priority

Under 34 CFR 75.105(c)(3), we consider only applications that meet one of the following priorities:

Absolute Priority 1—Centers for Implementing K–3 Behavior and Reading Intervention Models (CFDA 84.324X)

Background: Effective strategies that intervene early in a child's development are well recognized in improving results for children with disabilities. Unfortunately, approximately sixty percent of the children currently being served under IDEA are typically identified too late to receive full benefit from those interventions. This problem is most prominent with two specific populations of children—those identified for special education and related services under the categories ''emotional disturbance'' (ED) and ''specific learning disabilities'' (LD). These children are often not identified as being eligible for special education and related services until after their disabilities have reached severe proportions. These are children who, very early in their education, experience marked difficulties learning to read or exhibit behaviors that lead to discipline problems as they get older.

There currently exists a substantial and compelling body of research describing how to assess, identify, and help these children. For instance, research indicates that both populations of children:

(a) Can be assessed and identified early with relative ease and accuracy;

(b) Are at high risk for dropping out of school, becoming discipline problems, and failing in school;

(c) Often fall behind because they do not receive appropriate interventions earlier;

(d) Can make tremendous gains when provided with effective services during early childhood; and

(e) May need individually tailored interventions because one approach may not fit all children.

A key feature of promising schoolwide programs is their emphasis on the inclusion of all students in the

school. Effective support for reading and behavior begins by attending to all students. Providing such support, in turn, requires understanding the range of reading difficulties and behavioral problems students present in schools and a knowledge of the research-based strategies and practices for addressing those difficulties and challenges. To meet these varied needs, interventions need to be systemic and address a range of needs across three groups, representing three levels of intervention intensity:

(a) Primary prevention involves universal instruction to avert the onset of behavioral problems and reading deficits such as research-based schoolwide reading and behavior programs.

(b) Secondary prevention refers to strategies and procedures that address small groups of students who need additional support or assistance to successfully acquire new skills in reading and behavior.

(c) Tertiary prevention involves more intense, specialized interventions, such as one-on-one interventions, for individual students who despite previous instruction and intervention efforts experience chronic behavioral problems or marked difficulties in learning to read.

Although previous research and model demonstration projects have evaluated many aspects of the reading process and approaches to behavior management, model demonstration projects have not been implemented and sustained extensively in LEAs to systematically evaluate—

(a) Professional development for regular and special education teachers related to intervening early with children with marked difficulties in reading and behavior;

(b) A continuum of varied interventions for children with reading and behavior difficulties;

(c) Scaffolding or support in all curriculum areas for children in K–3 with reading and behavior difficulties while providing specialized or intensive interventions in reading or behavior;

(d) Continuous assessment to determine and predict progress;

(e) Systemic changes to ensure sustainability of the model;

(f) Simultaneous reading and behavior interventions that target the interdependence of reading and behavior.

Priority

The purpose of this priority is to support six centers (two centers for reading, two centers for behavior, and two centers for reading and behavior) that will demonstrate school-based models of effective programs and practices to serve children grades K–3 who are identified as having marked difficulty learning to read or who exhibit serious behaviors that lead to discipline problems as they get older. The goals for these projects include:

(a) To implement systemic improvements in the provision of effective reading (tertiary) and behavior interventions (primary, secondary, and tertiary) in K–3, including systems for professional development and technical assistance;

(b) To improve reading and behavior results for children in grades K–3; and

(c) To implement effective models which are cost effective.

A coordination center will be funded separately to collect and analyze data from the six reading and behavior centers funded under this priority to determine the effectiveness across the three types of models—reading only, behavior only, and reading and behavior, and the cost effectiveness of the models. The reading and behavior centers and the coordination center must work together to decide on common measures. The reading and behavior centers must submit data to the coordination center according to a schedule that will be established during the first three months of the projects.

Projects funded under this priority must:

(a) Select schools for implementation in conjunction with the coordination center and subject to OSEP approval after the awards have been made.

(b) Implement reading or behavior model demonstrations in at least seven elementary schools (K–5 or K–6) that are representative of schools across the nation, including, but not limited to, schools having multiple classes at each grade level K–3 and students with a variety of cognitive and behavioral abilities.

(c) Provide comprehensive technical assistance to each of the schools.

(d) Collect data requested by the coordination center, using the methods and instruments that will be determined during the first three months, for both reading and behavior as well as detailed budgets for the cost of implementation of the model at each school.

(e) Cooperate with the coordination center and OSEP's evaluation efforts throughout the project period to determine core measures and instruments to use for assessment across projects, collect data on project challenges and progress throughout the project, and comply with the data collection procedures established with the coordination center and approved by OSEP.

For the application process, applicants must demonstrate organizational capacity in each of the areas below, and once awards are made, applicants are expected to successfully implement the following requirements within the targeted schools:

(a) Identifying students to participate who have a marked difficulty learning to read or who exhibit behaviors that lead to discipline problems later;

(b) Ensuring the provision of effective research-based instruction as part of primary and secondary intervention strategies;

(c) For a schoolwide focus on behavior, projects must demonstrate experience and success with developing the following components of schoolwide models:

(i) A mission or purpose statement;

(ii) A list of positively stated behavioral expectations or rules;

(iii) Procedures for directly teaching these expectations to students;

(iv) A continuum of strategies for encouraging these expectations;

(v) A continuum of strategies for discouraging rule violations; and

(vi) Procedures for record keeping and evaluation;

(d) All projects must demonstrate experience and success in identifying schools with a commitment of the faculty to address behavior or reading as a schoolwide priority;

(e) Establishing sustainable linkages, partnerships, and collaboration between local educational agencies (LEAs) and research and training programs at institutions of higher education (IHEs) or nonprofit educational organizations in the design, implementation, and evaluation of projects;

(f) Ensuring the designation of an implementation coordinator and the establishment of a committee, including the principal in each school, to support the project;

(g) Collaboration and linkages with Federally supported researchers and technical assistance providers;

(h) Evaluations that address the following—

(1) Providing information about how children at highest risk are identified;

(2) Monitoring each child's progress on a frequent basis, including both formative and summative evaluations; and

(3) Establishing criteria for a successful program;

(i) For reading projects—

(1) Identifying and describing the social, environmental, and cultural characteristics of each child; and

(2) Developing comprehensive case studies of each child to determine

factors associated with risk, how they perform in other areas, how they performed in preschool, and characteristics related to reading (e.g., prereading development; language, speech and articulation; primary and secondary language);

(j) For behavior projects—

(1) Describing the social, environmental and cultural characteristics of participating groups of children or individual children; and

(2) Developing comprehensive case studies of groups of children or individual children to determine risk factors and possible causes, how the children perform in other areas, how they performed in preschool, and characteristics related to behavior;

(k) Establishing a school and family link related to reading or behavior;

(l) Describing a process for evaluating the needs at the school level (including school size and number of target students) and the amount of money requested; and

(m) Describing how an effective model will be sustained when the grant ends.

Projects funded under this priority must schedule three trips to Washington, D.C. the first year and two trips to Washington, DC each subsequent year: (1) One trip annually (as specified in the ''General Requirements'' section of this notice); (2) one trip annually to collaborate with the Federal project officer and the other projects funded under this priority, to share information and discuss model development, evaluation, and project implementation issues; and (3) one trip by the end of the first month of the project for a planning meeting with the coordination center and the other reading and behavior centers.

In deciding whether to continue this project for the fourth and fifth years, we will consider the requirements of 34 CFR 75.253(a), and in addition—

(a) The recommendation of a review team consisting of experts selected by the Secretary, which review will be conducted during the last half of the project's second year in Washington, DC. Projects must budget for the travel associated with this review;

(b) The timeliness and effectiveness with which all requirements of the negotiated cooperative agreement have been or are being met by the project; and

(c) The degree to which the project's design and methodology demonstrate the potential for advancing significant new knowledge.

Competitive Preference

Within this absolute priority, we will give the following competitive preference under section 606 of IDEA and 34 CFR 75.105(c)(2)(i), to applications that are otherwise eligible for funding under this priority:

Up to ten (10) points based on the effectiveness of the applicant's strategies for employing and advancing in employment qualified individuals with disabilities in project activities as required under paragraph (a) of the ''General Requirements'' section of this notice. In determining the effectiveness of those strategies, we may consider the applicant's past success in pursuit of this goal.

Therefore, for purposes of this competitive preference, applicants can be awarded up to a total of 10 points in addition to those awarded under the published selection criteria for this priority. That is, an applicant meeting this competitive preference could earn a maximum total of 110 points.

Project Period: Under this priority, we will make two reading, two behavior and two reading and behavior for six cooperative agreements with project periods of up to 60 months.

Maximum Award: The maximum award amount is $900,000 for one component or $1,250,000 for two components for any single budget period of 12 months. Consistent with EDGAR 34 CFR 75.104(b), we will reject any application that proposes a budget funding level for any year that exceeds the stated maximum award amount for that year.

Page Limits: The maximum page limits for this focus are 70 double-spaced pages for one component (reading or behavior) and 100 double-spaced pages for two components (reading and behavior).

Note: Applications must meet the required page limit standards that are described in the ''General Requirements'' section of this notice.

Absolute Priority 2—Coordination Center for the K–3 Reading and Behavior Intervention Models (84.324Y)

Background: A priority (CFDA 84.324X) for six centers (two centers for reading, two centers for behavior, and two centers for reading and behavior) is being announced concurrently with this priority for a coordination center. The six centers will implement demonstrations of school-based models of effective programs and practices to serve children grades K–3 who are identified as having marked (i.e., tertiary) difficulty learning to read or who exhibit behaviors that may lead to discipline problems as they get older.

Priority

The purpose of this priority is to fund one cooperative agreement that will coordinate with the reading and behavior projects to conduct an evaluation of the six reading and behavior centers, as implemented by the entities receiving grants under the competition (CFDA 84.324X).

(a) The project must systematically evaluate:

(1) Professional development for regular and special education teachers related to intervening early with children with marked difficulties in reading and behavior;

(2) A continuum of varied interventions for children with reading and behavior difficulties;

(3) Scaffolding or support in all curriculum areas for children in K–3 with reading and behavior difficulties while providing specialized or intensive interventions in reading or behavior;

(4) Continuous assessment to determine and predict progress;

(5) Sustainability of the model; and

(6) Simultaneous reading and behavior interventions that target the interdependence of reading and behavior.

(b) The evaluation must provide information and recommendations regarding the extent to which the reading and behavior centers are meeting, and are likely to meet in the future, their fundamental goals individually and across the three types of centers (i.e., reading, reading and behavior, and behavior):

(1) To implement systemic improvements in the provision of effective reading and behavior interventions in K–3, including systems for professional development and technical assistance;

(2) To improve reading and behavior results for children in grades K–3; and

(3) To implement effective models that are cost effective.

(c) At a minimum, this project must—

(1) Propose a design for the evaluation that includes:

(i) An initial set of evaluation questions based on the purposes of the evaluation as stated previously;

(ii) A description of the overall approach or type of evaluation to be conducted, ensuring that the design effectively controls for competing explanations of treatment effects;

(iii) A description of how control groups, which are representative of schools across the nation, having, for example, multiple classes at each grade level K–3, and a variety of cognitive and behavioral abilities, have been established in prior work and how they

will be established for the evaluation of the reading and behavior projects;

(iv) A matrix of potential sources of evaluation data for reading and behavior projects receiving funds during the term of this cooperative agreement, the methods of data collection, the suggested instruments to be used, and other measurement issues related to each of the evaluation questions. Qualitative or quantitative data collection methods may be proposed, however, the methods chosen must allow data to be collected with precision, maximize validity and reliability, and include measures that are sufficiently robust to assess effects of alternative interventions across all grants; and

(v) A plan that outlines the type of data to be gathered and the specific analyses to be conducted, including appropriate statistical or valuational criteria to be applied to these data. The plan should also indicate how best to communicate the results of the analyses to OSEP and other interested parties.

(2) Demonstrate knowledge of research-based practices and prior experience with schoolwide reading and behavior programs;

(3) Propose a timeline for implementing the design over the 5 years of the project period that allows for refining the evaluation design with the reading and behavior centers in the first year, determining testing instruments, and initiating human subjects clearance, as needed;

(4) Submit a final design report at the end of 3 months from the start date;

(5) Propose a communication plan with OSEP that describes:

(i) Methods for providing consistent and timely updates regarding the progress of this project and for identifying any constraints or barriers that arise in implementing the final evaluation design, budget changes, preliminary findings, and reports. The communication plan should include the annual Grant Performance Report for Continuation Funding and trips to Washington, DC as described elsewhere in this priority;

(ii) A series of interim reports containing study findings relative to the research questions and consistent with the timeline for implementing the design; and

(iii) A final technical report of the evaluation (due 60 months following the start date of the project). A detailed outline of the final report must be submitted for review by the project officer 57 months after the start date of the project. In addition, the project officer shall have an opportunity to provide input on a draft version of the final report 59 months after the start date. The report is due 60 months after the start date of the project and must contain, at minimum, the following sections:

(A) Executive Summary;

(B) Background information on the reading and behavior programs;

(C) Description of the evaluation study;

(D) Results;

(E) Discussion of results; and

(F) Conclusions, recommendations, and options; and

(iv) Implement the evaluation consistent with the design, timeline, and communication plan;

(6) Collaborate with the reading and behavior centers in the selection of schools subject to OSEP approval;

(7) Disseminate the best practices to other schools and LEAs in consultation with OSEP; and

(d) The project funded under this priority must schedule three trips to Washington, DC the first year and two trips to Washington, DC each subsequent year: (1) One trip, annually (as specified in the ''General Requirements'' section of this notice); (2) one trip, annually to collaborate with the Federal project officer and the projects funded under the Centers for Implementing K–3 Schoolwide Behavior and Reading Intervention Models (84.324X), to share information and discuss model development, evaluation, and project implementation issues; and (3) one trip by the end of the first month of the project for: (i) A planning meeting with the reading and behavior centers, and (ii) a meeting with the OSEP project officer and other OSEP staff to review and revise, if necessary, the proposed evaluation design (including the evaluation questions and analysis plan), the timeline and communication plan. The final versions of these documents, including any changes resulting from this meeting, will be incorporated into the requirements of the cooperative agreement.

In deciding whether to continue this project for the fourth and fifth years, we will consider the requirements of 34 CFR 75.253(a), and in addition—

(a) The recommendation of a review team consisting of experts selected by the Secretary, which review will be conducted during the last half of the project's second year in Washington, D.C. Projects must budget for the travel associated with this review;

(b) The timeliness and effectiveness with which all requirements of the negotiated cooperative agreement have been or are being met by the project; and

(c) The degree to which the project's design and methodology demonstrate the potential for advancing significant new knowledge.

Competitive Preference

Within this absolute priority, we will give the following competitive preference under section 606 of IDEA and 34 CFR 75.105(c)(2)(i), to applications that are otherwise eligible for funding under this priority:

Up to ten (10) points based on the effectiveness of the applicant's strategies for employing and advancing in employment qualified individuals with disabilities in project activities as required under paragraph (a) of the ''General Requirements'' section of this notice. In determining the effectiveness of those strategies, we may consider the applicant's past success in pursuit of this goal.

Therefore, for purposes of this competitive preference, applicants can be awarded up to a total of 10 points in addition to those awarded under the published selection criteria for this priority. That is, an applicant meeting this competitive preference could earn a maximum total of 110 points.

Project Period: Under this priority, we will make one award for a cooperative agreement with a project period of 60 months subject to the requirements of 34 CFR 75.253(a) for continuation awards.

Maximum Award: The maximum award amount is $1,200,000 for any single budget period of 12 months. Consistent with EDGAR 34 CFR 75.104(b), we will reject any application that proposes a budget funding level for any year that exceeds the stated maximum award amount for that year.

Page Limits: The maximum page limit for this priority is 100 double-spaced pages.

Note: Applications must meet the required page limit standards that are described in the ''General Requirements'' section of this notice.

For Applications Contact: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, Maryland 20794–1398. Telephone (toll free): 1–877–4ED–Pubs (1–877–433–7827). FAX: 301–470–1244. Individuals who use a telecommunications device for the deaf (TDD) may call (toll free) 1–877–576–7734.

You may also contact Ed Pubs via its Web site (*http://www.ed.gov/pubs/edpubs.html*) or its E-mail address (edpubs@inet.ed.gov).

If you request an application from ED Pubs, be sure to identify these competitions as follows: CFDA 84.324X and CFDA 84.324Y.

FOR FURTHER INFORMATION CONTACT: Grants and Contracts Services Team,

U.S. Department of Education, 400 Maryland Avenue, S.W., room 3317, Switzer Building, Washington, DC 20202–2550. Telephone: (202) 260–9182.

If you use a TDD you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact persons listed in the preceding paragraph.

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting the Department as listed above. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT APPLICATION NOTICE FOR FISCAL YEAR 2001

CFDA No. and name	Application available	Application deadline date	Deadline for intergovernmental review	Maximum award (per of year) [1]	Project period	Page Limit [2]	Estimated No. awards
84.324X Centers for Implementing K–3 Behavior and Reading Intervention Models.	06/22/01	08/03/01	10/02/01	.....	Up to 60 mos	.....	6
1 component	.....	.....	.....	$900,000	.....	70	.....
2 components	.....	.....	.....	1,250,000	.....	100	.....
84.324Y Coordination Center for Implementing K–3 Behavior and Reading Intervention Models.	06/22/01	08/03/01	10/02/01	1,200,000	Up to 60 mos	100	1

[1] Consistent with EDGAR 34 CFR 75.104(b), we will reject any application that proposes a project funding level for any year that exceeds the stated maximum award amount for that year.

[2] Applicants must limit the Application Narrative, Part III of the Application, to the page limits noted. Please refer to the ''Page Limit'' requirements included under each priority description and the page limit standards described in the ''General Requirements'' section. We will reject and will not consider an application that does not adhere to this requirement.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (PDF) on the internet at the following site: *www.ed.gov/legislation/FedRegister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at the previous site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo/nara/index.html.*

Program Authority: 20 U.S.C. 1472.

Dated: June 13, 2001.

Francis V. Corrigan,

Deputy Director, National Institute on Disability and Rehabilitation Research.

[FR Doc. 01–15349 Filed 6–15–01; 8:45 am]

BILLING CODE 4000–01–P

Federal Register

Monday,
June 18, 2001

Part III

Department of the Interior

Office of Hearings and Appeals

43 CFR Part 4

Trust Management Reform: Probate of Indian Trust Estates; Interim Final Rule

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

RIN 1090–AA78

Trust Management Reform: Probate of Indian Trust Estates

AGENCY: Office of Hearings and Appeals, Office of the Secretary, Interior.

ACTION: Interim rule with request for comments.

SUMMARY: The Department of the Interior, Office of Hearings and Appeals (OHA), is revising its regulations regarding hearings and appeals involving the probate of property and funds held in trust or restricted status for individual Indians and Alaska Natives. These revisions are meant to further the Secretary's trust responsibility to these individuals. The revisions make OHA's probate regulations consistent with those recently adopted by the Bureau of Indian Affairs (BIA) to accommodate BIA's re-assumption of responsibility for some probate cases. OHA's revisions will ensure that BIA and OHA apply the same standards and criteria for determining heirs and paying claims and coordinate their procedures to expedite the probate process for Indian decedents' estates. Because of this need for consistency, OHA is making the revisions immediately effective, although OHA is also requesting comments on these revisions and will consider them prior to issuing a final rule.

DATES: This rule is effective June 18, 2001. Comments must be submitted in writing and received by us no later than August 17, 2001.

ADDRESSES: Comments should be addressed to Charles E. Breece, Principal Deputy Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203, or by electronic mail to probate_comments@ios.doi.gov. Comments will also be accepted by telefax at the following telephone number: 703–235–9014.

FOR FURTHER INFORMATION CONTACT: Charles E. Breece, Principal Deputy Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203, telephone 703–235–3810.

SUPPLEMENTARY INFORMATION:

I. Background

In an effort to improve the services provided by the Secretary of the Interior to individual Indians and Alaska Natives,[1] and in recognition of its trust responsibility to such individuals, the Department's ''Trust Management Improvement Project—High Level Implementation Plan,'' as revised and updated on February 29, 2000, identified certain changes in the Department's procedures that are necessary in order to eliminate the current backlog in processing Indian probates and to promptly and efficiently process future Indian probates. Addressing the severe backlog in the Department's disposition of Indian decedents' estates was identified as essential to assuring the orderly transfer of Indian trust funds and lands. These revised procedures grew out of the Department's Indian Probate Reinvention Lab (IPRL), which was chartered in 1999. The IPRL examined the Department's Indian probate process from a multi-agency perspective, including the Bureau of Indian Affairs (BIA) and the Office of Hearings and Appeals (OHA). Based on its analysis, which included reviewing reports from previous studies of Indian probate matters, site visits, and interviews of customers and employees, the IPRL recommended numerous changes to the probate process. The Department's High Level Implementation Plan and the reports of the IPRL are available at *http://www.doi.gov/bia/probates/index.htm.*

After the IPRL issued its reports, BIA developed regulations in consultation with OHA and the Office of the Special Trustee for American Indians (OST) to implementation the IPRL's recommendations and to improve the administration and management of individual Indian trust resources. BIA developed its probate rules through informal consultation with affected tribal governments and Indian individuals. Drafts of the various parts were initially developed through the use of in-house teams within BIA. These teams consisted of federal personnel from headquarters and the field, and included program officers and Departmental attorney's possessing extensive knowledge and experience with the particular subject matter.

BIA then shared these drafts with tribal entities and national tribal organizations for their input and recommendations. In many cases, the draft regulations were further expanded to respond to tribal concerns about clarity and ease of administration. BIA also invited tribal participation by contacting the National Congress of American Indians, which represents a number of tribes. The National Congress of American Indians established a working group to assist in the development of the regulations. BIA also secured input from tribes by requesting that BIA field personnel contact their respective tribes on a regional basis and transmit drafts of the proposed rules to them for discussion and comment. In addition, in accordance with the government-to-government relationship with tribes, BIA scheduled consultations with the tribes during the comment period on the proposed rule to facilitate an informed final rule. The recently adopted regulations at 25 CFR part 15 implementation for BIA procedural aspects of the IPRL's recommendations. OHA is now amending its regulations to make them consistent with BIA's newly adopted regulations governing these probate cases, and to ensure that BIA and OHA are applying the same standards and criteria for determining heirs and paying claims. OHA is requesting comments on its revised procedures and anticipates issuing a final rule in October 2001.

In this interim rule, OHA is making those changes to its regulations that are necessary to avoid inconsistencies in the processing of Indian probate cases between BIA and OHA deciding officials. BIA and OHA are both contemplating further revisions to the probate process, and will ensure that such future changes are coordinated to avoid any gaps or inconsistencies.

II. Section-by-Section Analysis

The purpose of the changes to 43 CFR part 4, subpart D, is to make the policies

[1] Throughout the remainder of this preamble, the term ''Indian'' will be used as a shorthand to refer to both individual Indians and Alaska Natives.

and procedures that OHA uses to probate an Indian decedent's trust estate consistent with those recently adopted by BIA to ensure uniformity of treatment within the Department. The various provisions of subpart D address the purpose and scope of the Indian probate procedures; the mechanics of initiating the probate process; the disposition of claims against an estate; the ultimate distribution of the decedent's assets to the determined heirs or beneficiaries; and an appeals process to follow should disputes arise during any stage of the probate process. Cross references have been made to the BIA hearings procedures, including the determination of heirs, approval of wills, and the approval of claims.

Authority Citation

The authority citation for 43 CFR part 4, subpart D is revised to add 25 U.S.C. 410.

Cross Reference

The Cross Reference in subpart D is revised to refer to BIA's probate regulations at 25 CFR part 15.

Section 4.201 Definitions

This section is revised to add several new definitions taken from the new BIA regulations in 25 CFR 15.2, including definitions for the terms ''attorney decision maker,'' ''BIA,'' ''BIA deciding official,'' ''beneficiary,'' ''day,'' ''decedent,'' ''estate,'' ''heir,'' ''IIM account,'' ''intestate,'' ''OTFM,'' ''probate specialist,'' ''testate,'' and ''will.'' Other definitions from the existing § 4.201 have been retained, although they have been rearranged in alphabetical order with the added terms.

The definition of ''administrative law judge'' is revised, for purposes of this subpart only, to include both judges appointed under 5 U.S.C. 3105 and other OHA deciding officials designated by the Director. Although the latter (GS–15 attorney-advisers who serve as probate judges) have not been appointed under 5 U.S.C. 3105 and are therefore not administrative law judges for purposes of the Administrative Procedure Act, they have been delegated the authority to handle the probate of Indian trust estates under this subpart. Rather than revising all of subpart D at this time to substitute the phrase ''administrative law judge or other OHA deciding official'' wherever the term ''administrative law judge'' presently appears, the interim rule redefines the term ''administrative law judge'' for this limited purpose to include other OHA deciding officials. As explained above, OHA is contemplating further revisions to its probate process and will consider revising all of subpart D in the future to use the longer phrase. As used in the remainder of this preamble, the term ''administrative law judge'' will carry the same expanded meaning as the revised definition in § 4.201.

The definition of ''agency'' is revised to include any office of a tribe which has contracted or compacted the BIA probate function under 25 U.S.C. 450f or 458cc. The definition of ''Board'' is revised to include the non-probate functions of the Interior Board of Indian Appeals, which are also set forth in subpart D. The definition of ''Commissioner'' is revised to include the Deputy Commissioner and his or her authorized representatives. The definition of ''minor'' is revised to conform to the definition of the same term in 25 CFR 15.2. The definition of ''trust property'' is revised to conform more closely to the definition of the term ''trust land'' in 25 CFR 15.2 and to remove its parenthetical definition of ''restricted property''; the latter has been made a separately defined term.

Section 4.202 General Authority of Administrative Law Judges

This section is revised to provide administrative law judges with the authority to review probate decisions issued by BIA deciding officials and to provide that such review is to be conducted de novo.

Section 4.210 Commencement of Probate

This section is revised to incorporate the provisions of BIA's comparable rules at 25 CFR 15.202.

Section 4.234 Witnesses, Interpreters and Fees

Section 4.234 is revised to recognize that it is no longer the Superintendent who actually pays the costs of administration, pursuant to orders of the administrative law judge. Rather, the Superintendent initiates payment by providing appropriate documentation to OST's Office of Trust Fund Management (OTFM) for such payment, as set forth in the BIA rules at 25 CFR 15.312(b). Section 4.234 is further revised to reflect 25 CFR 15.308, under which estates will not be held open to pay claims.

Section 4.241 Rehearing

Under the previous version of § 4.241(a), a petition for rehearing was to be filed with the Superintendent, who then forwarded it to the adminsitrative law judge. Since the petition is asking the administrative law judge to change his or her prior decision in some way, it makes more sense to have the petition go to the administrative law judge in the first instance, and provide that the administrative law judge will forward a copy to the Superintendent. The interim rule adopts this latter approach.

Section 4.243 Appeals From BIA

A new section 4.243 is added to set forth procedures to be followed when a probate matter is appealed from the decision of a BIA deciding official to an administrative law judge.

Section 4.250 Filing and Proof of Creditor Claims; Limitations

Paragraph (a) of this section is revised to provide that all claims must be filed within 60 days from the date BIA receives verification of the decedent's death, in accordance with 25 CFR 15.303(c). A new paragraph (b) is added to adopt the BIA rule set forth at 25 CFR 15.304(b) that claims will not be paid from trust assets when non-trust assets are available for that purpose.

Section 4.251 Allowance of Administrative Expenses and Claims

This section is revised by adding a new paragraph (a), authorizing the payment of the costs of administering the estate as they arise, and by replacing the existing provisions with provisions comparable to BIA's regulations at 25 CFR 15.305 through 15.309. The BIA regulations do not mention costs of administration, which may potentially include such items as witness or interpreter fees under 43 CFR 4.234 and attorney fees chargeable against the estate under 43 CFR 4.281. Such costs are not expected to arise in the more informal probate proceedings handled by BIA under 25 CFR part 15, but they may arise in some cases under the more formal proceedings handled by administrative law judges under 43 CFR part 4, subpart D.

In adopting the BIA's list of priority claims in 25 CFR 15.305, OHA is adding to its current rules priorities for nursing home or other care facility expenses and for claims reduced to judgment by a court of competent jurisdiction, while removing from its current rules the priority for claims of the United States. OHA specifically invites comments from tribes, other federal agencies, and the public on these changes to the claims priorities set forth in the existing 43 CFR 4.25(a). OHA also invites comments on the potential impact to the Department's efficient administration of Indian probates if OHA were to adopt a different list of priorities from those adopted by BIA and set forth in this interim rule.

Section 4.270 Custody and Control of Trust Estates

Section 4.270 is revised to add a reference to BIA's rules at 25 CFR 15.311, which give the BIA deciding official authority to issue decisions and orders in appropriate probate cases. Section 4.270 is also revised to provide that expenses chargeable against the estate may be paid with the approval of the administrative law judge or BIA deciding official assigned to adjudicate the estate.

Section 4.271 Summary Distribution

This section is removed in its entirety because BIA's new regulations at 25 CFR 15.206 adequately govern this procedure. If a formal hearing before an administrative law judge is requested under 25 CFR 15.206(a), the BIA probate specialist will forward the probate package to the administrative law judge, who will then proceed in accordance with 43 CFR 4.210 *et seq.*

Section 4.273 Distribution of Estates

This section (4.274 in the previous version of these rules) is renumbered and revised to reflect the Superintendent's role of directing his or her staff and providing appropriate documentation to OTFM for the payment of claims and distribution of the estate, in accordance with the final order of the administrative law judge.

Section 4.320 Who May Appeal

Pending the adoption of probate regulations by BIA, OHA had revised its appeal regulation at section 4.320 to add a provision for an appeal to the Board of Indian Appeals from BIA decisions in summary distribution cases. See 65 FR 25449 (May 2, 2000). Now that BIA has adopted regulations providing that appeals in such cases, as well as appeals from all other probate decisions issued by BIA deciding officials, are to be referred to an administrative law judge for de novo review, that addition to the introductory paragraph of section 4.320 can be removed.

III. Public Comments

A. Determination To Issue Interim Rule

The Department has determined that the public notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(b), do not apply to this rulemaking because, for the most part, these regulations are procedural in nature and do not alter the substantive rights of the affected parties. They therefore satisfy the exemption from notice and comment rulemaking in 5 U.S.C. 553(b)(A). To the extent any provisions of the regulation might alter the substantive rights of affected parties, they would not satisfy that exemption from notice and comment rulemaking. However, the Department believes there is also good cause for dispensing with the notice and comment requirements as unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B). Notice and comment are unnecessary for these provisions because the substantive changes have already been subject to advance notice and comment during the promulgation of BIA's probate regulations that were published on January 22, 2001, and became effective on March 23, 2001. Requiring the Department to engage in further notice and comment would be contrary to the public interest because BIA and OHA would be operating under inconsistent probate regulatory schemes during the interim period, and this may result in inconsistent adjudication of probate estates.

B. Determination To Make Rule Immediately Effective

Because, for the most part, these revisions do not impact the substance of the regulations, and because of the need to avoid inconsistent adjudication of probate estates, the Department has determined that there is good cause to waive the requirement of publication 30 days in advance of the rule's effective date under 5 U.S.C. 553(d). The Department further concludes that his rule should be effective immediately because it eliminates delays in having certain probate cases adjudicated by BIA decision makers and increases opportunities for the efficient distribution of trust estates. Accordingly, this amendment is issued as an interim rule effective on the date of publication in the **Federal Register** for good cause shown under 5 U.S.C. 553(d)(3).

C. Request for Public Comments

Even though the Department is making these revisions to OHA's probate procedures immediately effective as an interim rule, OHA will consider comments on the revisions for a period of 60 days after the effective date of this rule. The public is invited to offer substantive comments on any of these changes, whether with respect to the organization or substance of the interim rule.

Comments should be submitted in writing to the address indicated in the **ADDRESSES** section of this notice. Comments may also be telefaxed to the following number: 703–235–9014. Electronic mail comments will be accepted at probate__comments@ios.doi.gov. All comments received will be available for public inspection at the Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203. All written comments received by the date indicated in the **DATES** section of this notice and all other relevant information in the record will be carefully assessed and fully considered prior to publication of the final rule. Any information considered to be confidential must be so identified and submitted in writing. We will not consider comment submitted anonymously. However, if you wish us to withhold your name and/or address form public inspection or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. Such requests will be honored to the extent allowed by law. The Department reserves the right to determine the confidential status of the information and to treat it according to our determination (see 10 CFR 1004.11).

The Department will hold consultation meetings with interested tribes, individual Indians, and tribal entities as requested to discuss the regulations and receive input from interested persons.

IV. Procedural Requirements

A. Review Under Executive Order 12866 (Regulatory Planning and Review)

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Department must determine whether a regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This interim rule describes how the federal government will administer its trust responsibility in probating the trust and restricted property interests of

individual Indians. Thus, the impact of the rule is confined to the federal government and Indian trust beneficiaries and does not impose a compliance burden on the economy generally. Accordingly, it has been determined that this rule is not a ''significant regulatory action'' from an economic standpoint, and that it does not otherwise create any inconsistencies or budgetary impacts to any other agency or federal program.

B. Review Under Executive Order 12988 (Civil Justice Reform)

With respect to both the review of existing regulations and the promulgation of new regulations, subsection 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction.

With regard to the review of new regulations, subsection 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulations (1) clearly specify the preemptive effect, if any; (2) clearly specify any effect on existing Federal law or regulation; (3) provide a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specify the retroactive effect, if any; (5) adequately define key terms; and (6) address other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General.

Subsection 3(c) of Executive Order 12988 requires agencies to review new regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. The Department has determined that this interim rule meets the relevant standards of Executive Order 12988.

C. Review Under the Regulatory Flexibility Act

This interim rule was also reviewed under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities.

This rule streamlines the Department's policies and procedures that apply to certain Indian trust resources. Indian tribes are not small entities under the Regulatory Flexibility Act. Any impacts on identified small entities affected by this rulemaking are minimal, as they would concern a small number of farmers, ranchers, and individuals doing business on Indian lands (e.g., convenience stores, gasoline stations, sundry shops). Accordingly, the Department has determined that this interim rule will not have a significant economic impact on a substantial number of small entities, and, therefore, no regulatory flexibility analysis has been prepared.

D. Review Under the Small Business Regulatory Enforcement Fairness Act of 1996

This interim rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more. The revised subpart represents programs that are going within the Department, and no new monies are being introduced into the stream of commerce. This rule will not result in a major increase in costs or prices. The effect of this rulemaking will be to streamline ongoing policies, procedures, and management operations of the Department in probating individual Indian trust and/or restricted property. No increase in costs for administration will be realized, and no prices would be affected through these minor revisions to existing practice.

This interim rule will not result in any significant adverse effects on competition, employment, investment, productivity, or innovation, nor on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets. The impact of the rule will be realized primarily by individual Indians having a protected trust resource. These administrative revisions to departmental policy and procedure will not otherwise have a significant impact any small businesses or enterprises.

E. Review Under the Paperwork Reduction Act

This interim rule is exempt from the requirements of the Paperwork Reduction Act, since it applies to the conduct of agency administrative proceedings involving specific individuals and entities. 44 U.S.C. 3518(c); 5 CFR 1320.4(a)(2). An OMB form 83–1 is not required.

F. Review Under Executive Order 13132 (Federalism)

This interim rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. While this rule may be of interest to tribes, there is no Federalism impact on the trust relationship or balance of power between the Untied States government and the various tribal governments affected by this rulemaking. Therefore, in accordance with executive Order 13132, it is determined that this rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

G. Review Under the National Environmental Policy Act of 1969

This interim rule does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is necessary for this rule.

H. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995, Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. Under section 202 of the Act, the Department generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to state, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. This interim rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year.

I. Review Under Executive Order 12630 (Takings)

In accordance with Executive Order 12630, this interim rule does not have significant taking implications. This rule does not involve the ''taking'' of private property interests.

J. Review under Executive Order 13175 (Tribal Consultation)

The Department determined that, because this interim rule may have tribal Implications, it would consult with tribal governments on this rulemaking. These consultations are in keeping with Executive Order 13175,

''Consultation and Coordination with Indian Tribal Governments.'' In promulgating its probate regulations, BIA consulted extensively with tribal governments. Because OHA is effectively incorporating certain BIA regulations into its regulations, tribal governments will already be aware of the substance of these regulations. However, the Department has begun an additional consultation process by providing a draft of this rule to all the tribes and to the National Congress of American Indians and by soliciting their comments. No comments were received from any tribe or tribal organization during this pre-prosal comment period.

In addition, tribal governments will be notified of the substance of this rulemaking through the publication of this rule in the **Federal Register** and through direct mailings to tribal leaders. OHA will also meet with tribes and tribal organizations as requested to discuss the rule. This will enable tribal officials and the affected tribal constituency throughout Indian Country to have meaningful and timely input in the development of the final rule.

K. Review Under Executive Order 13211 (Energy Impacts)

The Department has determined that this interim rule is not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 18, 2001), because it is not a significant regulatory action under Executive Order 12866 (as discussed above), nor is it likely to have a significant adverse effect on the supply, distribution, or use of energy.

List of Subjects in 43 CFR Part 4

Administrative practice and procedure, Civil rights, Claims, Estates, Hearing and appeal procedures, Indians Lawyers, Penalties.

Dated: June 11, 2001.

Robert J. Lamb,

Deputy Assistant Secretary—Budget and Finance.

PART 4—[AMENDED]

For the reasons stated in the preamble, the Department of the Interior, Office of Hearings and Appeals, amends 43 CFR part 4, subpart D as follows:

1. Revise the authority citation for part 4, subpart D to read as follows:

Authority: Secs. 1, 2, 36 Stat. 855, as amended, 856, as amended, sec. 1, 38 Stat. 586, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; R.S. 463, 465; 5 U.S.C. 301; 25 U.S.C. secs. 2, 9, 372, 373, 374, 373a, 373b, 410, 100 Stat, 61, as amended by 101 Stat. 886 and 101 Stat. 1433, 25 U.S.C. 331 note.

2. Revise the Cross Reference following the authority citation to read as follows:

Cross Reference: See 25 CFR part 15 for rules setting forth the responsibilities and practices of the Bureau of Indian Affairs in the probate of Indian estates. See subpart A of this part for the authority, jurisdiction, and membership of the Board of Indian Appeals within the Office of Hearings and Appeals. For general rules applicable to proceeding before the Hearings Division, Board of Indian Appeals, and other Appeals Boards of the office of Hearings and Appeals, see subpart B of this part.

3. Revise § 4.201 to read as follows;

§ 4.201 Definitions.

As used in this subpart:

Administrative law judge means any employee of the Office of Hearings and Appeals appointed pursuant to the Administrative Procedure Act, 5 U.S.C. 3105, or any other OHA deciding official designated by the Director, Office of Hearings and Appeals.

Agency means the agency office or any other designated office in BIA having jurisdiction over trust or restricted property and money. This term also means any office of a tribe which has contracted or compacted the BIA probate function under 25 U.S.C. 450f or 458cc.

Attorney decision maker means an attorney with BIA who reviews a probate package, determines heirs, approves wills and beneficiaries of the will, determines creditors' claims, and issues a written decision to the extent authorized by 25 CFR part 15.

Beneficiary means any individual who receives trust or restricted property or money in a decedent's will.

BIA means the Bureau of Indian Affairs within the Department of the Interior.

BIA deciding official means the official with the delegated authority to make a decision on a probate matter pursuant to 25 CFR part 15, and may include a BIA regional director, agency superintendent, field representative, or attorney decision maker.

Board means the Board of Indian Appeals in the Office of Hearings and Appeals, Office of the Secretary, authorized by the Secretary to hear, consider, and determine finally for the Department appeals taken by aggrieved parties from actions by administrative law judges on petitions for rehearing or reopening, and allowance of attorney fees, and from actions of BIA officials as provided in § 4.1(b)(2).

Child or *children* includes an adopted child or children.

Commissioner includes the Deputy Commissioner of Indian Affairs and his or her authorized representatives.

Day means a calendar day, unless otherwise stated.

Decedent means a person who is deceased.

Department means the Department of the Interior.

Estate means the trust cash assets and restricted or trust property owned by the decedent at the time of his death.

Heir means any individual who receives trust or restricted property or money from a decedent in an intestate proceeding.

IIM account means funds held in an individual Indian monies account by OTFM or a tribe performing this function under a contract or compact.

Intestate means the decedent dies without a will.

Minor means an individual who has not reached the age of majority as defined by the applicable tribal or state law.

OTFM means the Office of Trust Funds Management within the Office of the Special Trustee for American Indians, Department of the Interior, or its authorized representative.

Party in interest means any presumptive or actual heir, any beneficiary under a will, any party asserting a claim against a deceased Indian's estate, and any Tribe having a statutory option to purchase interests of a decedent.

Probate means the legal process by which applicable tribal law, state law, or federal law that affects the distribution of the decedent's estate is applied to:

(1) Determine the heirs,

(2) Approve wills and beneficiaries, and

(3) Transfer any funds or property held in trust by the Secretary for a decedent to their heirs, beneficiaries, or other persons or entities.

Probate specialist means a BIA or tribal employee who is trained in Indian probate matters.

Restricted property means real or personal property held by an Indian which he or she cannot alienate or encumber without the consent of the Secretary or his or her authorized representative. In this subpart, restricted property is treated as if it were trust property. The term ''restricted property'' as used in this subpart does not include the restricted lands of the Five Civilized Tribes and Osage Tribe of Indians.

Secretary means the Secretary of the Interior or his or her authorized representative.

Solicitor means the Solicitor of the Department of the Interior or his or her authorized representative.

Superintendent means the BIA Superintendent or other BIA officer having jurisdiction over an estate, including area field representatives or one holding equivalent authority.

Testate means the decedent executed a will before his death.

Trust property means real or personal property, or an interest therein, which the United States holds in trust for the benefit of an individual Indian.

Will or *last will and testament* means a written testamentary document, including any properly executed written changes, called codicils, which was signed by the decedent and was attested by two disinterested adult witnesses, that states who will receive the decedent's trust or restricted property.

4. Revise § 4.202 to read as follows:

§ 4.202 General authority of administrative law judges.

Administrative law judges will, except as otherwise provided in § 4.205(b) and 25 CFR part 15, determine the heirs of Indians who die intestate possessed of trust property; approve or disapprove wills of deceased Indians disposing of trust property; accept or reject full or partial renunciations of interest in both testate and intestate proceedings; allow or disallow creditors' claims against estates of deceased Indians; and decree the distribution of trust property to heirs and devisees, including the partial distribution to known heirs or devicees where one or more potential heirs or devisees are missing but not presumed dead, after attributing to and setting aside for such missing person or persons the share or shares such person or persons would be entitled to if living. Administrative law judges will determine the right of a tribe to take inherited interests and the fair market value of the interests taken in appropriate cases as provided by statute. They will review cases de novo, hold hearings as necessary or appropriate, and issue decisions in matters appealed from decisions of BIA deciding officials. Administrative law judges appointed under 5 U.S.C. 3105 will also hold hearings and issue recommended decisions in matters referred to them by the Board in the Board's consideration of appeals from administrative actions of BIA officials.

5. Revise § 4.210 to read as follows:

§ 4.210 Commencement of probate.

The probate of a trust estate before an administrative law judge will commence when the probate specialist or BIA deciding official files with the administrative law judge all information shown in the records relative to the family of the deceased and his or her property. The information must include the complete probate package described in 25 CFR 15.202 and any other relevant information. The agency or BIA deciding official must promptly transmit to the administrative law judge any creditor's or other claims that are received after the case is transmitted to the administrative law judge, for a determination of their timeliness, validity, priority, and allowance under §§ 4.250 and 4.251.

6. Revise the final sentence to § 4.234 to read as follows:

§ 4.234 Witnesses, interpreters, and fees.

* * * Upon receipt of such order, the Superintendent must immediately initiate payment of such sums from the estate account, or if such funds are insufficient, then out of funds as they are received in such account prior to closure of the estate, with the proviso that such costs must be paid in full with a later allocation against the interest of a party, if the administrative law judge has so ordered.

7. Revise § 4.241(a) to read as follows:

§ 4.241 Rehearing.

(a) Any person aggrieved by the decision of the administrative law judge may, within 60 days after the date on which notice of the decision is mailed to the interested parties, file with the administrative law judge a written petition for rehearing. Such petition must be under oath and must state specifically and concisely the grounds upon which it is based. If the petition is based on newly-discovered evidence, it must be accompanied by affidavits or declarations of witnesses stating fully what the new testimony is to be. It must also state justifiable reasons for the failure to discover and present that evidence, tendered as new, at the hearings held prior to the issuance of the decision. The administrative law judge, upon receiving a petition for rehearing, must promptly forward copies to the Superintendent. The Superintendent must not initiate payment of claims or distribute the estate while such petition is pending, unless otherwise directed by the administrative law judge.

8. Add § 4.243 under the undesignated center heading ''Appeals from Decisions of BIA Deciding Officials'' to read as follows: Appeals From Decisions of BIA Deciding Officials

§ 4.243 Appeals from BIA.

Any appeal filed pursuant to 25 CFR part 15, subpart E, will be referred to the administrative law judge pursuant to § 4.210. The administrative law judge will review the merits of the case de novo and conduct a hearing as necessary or appropriate pursuant to the regulations in this subpart. The BIA deciding official must forward to the administrative law judge the entire file upon which the BIA deciding official's decision was based.

9. In § 4.250, redesignate paragraphs (b) through (g) as paragraphs (c) through (h), and revise paragraph (a) and add new paragraph (b) to read as follows:

§ 4.250 Filing and proof of creditor claims; limitations.

(a) All claims against the estate of a deceased Indian held by creditors chargeable with notice of the decedent's death must be filed with the agency within 60 days from the date BIA receives verification of the decedent's death under 25 CFR 15.101.

(b) No claim will be paid from trust or restricted assets when the administrative law judge is aware that the decedent's non-trust estate may be available to pay the claim.

* * * * *

10. Revise § 4.251 to read as follows:

§ 4.251 Allowance of administrative expenses and claims.

(a) Upon motion of the Superintendent or a party in interest, the administrative law judge many authorize payment of the costs of administering the estate as they arise and prior to the allowance of any claims against the estate.

(b) After the costs of administration, the administrative law judge may authorize payment of priority claims as follows:

(1) Claims for funeral expenses (including the cemetery marker);

(2) Claims for medical expenses for the last illness;

(3) Claims for nursing home or other care facility expenses;

(4) Claims for an Indian tribe; and

(5) Claims reduced to judgment by a court of competent jurisdiction.

(c) After the priority claims, the administrative law judge may authorize payment of all remaining claims, referred to as general claims.

(d) The administrative law judge has the discretion to decide that part or all of an otherwise valid claim is unreasonable, reduce the claim to a reasonable amount, or disallow the claim in its entirely.

(1) If a claim is reduced, the administrative law judge will order payment only of the reduced amount.

(2) An administrative law judge may reduce or disallow both priority claims and general claims.

(e) If there is not enough money in the IIM account to pay all claims, the administrative law judge will order payment of allowed priority claims first, either in the order identified in paragraph (b) of this section or on a pro rata (reduced) basis.

(f) If less than $1,000 remains in the IIM account after payment of priority claims is ordered, the general claims may be ordered paid on a pro rata basis or disallowed in their entirety.

(g) The unpaid balance of any claims will not be enforceable against the estate after the estate is closed.

(h) Interest or penalties charged against either priority or general claims after the date of death will not be paid.

11. Revise § 4.270 to read as follows:

§ 4.270 Custody and control of trust estates.

The Superintendent may assume custody or control of all tangible trust personal property of deceased Indian, and he or she may take such action, including sale thereof, as in his or her judgment is necessary for the benefit of the estate, the heirs, legatees, and devises, pending entry of the decision provided for in 25 CFR 15.311 or in §§ 4.240, 4.241, or 4.312. All expenses, including expenses of roundup, branding, care, and feeding of livestock, are chargeable against the estate and may be paid from those funds of the deceased that are under the Department's control, or from the proceeds of a sale of the property or a part thereof. If an administrative law judge or BIA deciding official has been assigned to adjudicate the estate, his or her approval is required prior to such payment.

§ 4.271 [Removed and Redesignated]

12. Remove § 4.271 in its entirety and redesignate §§ 4.272 and 4.273 as §§4.271 and 4.272, respectively.

13. Redesignate § 4.274 as § 4.273 and revise it to read as follows:

§ 4.273 Distribution of estates.

(a) Unless the Superindent has received a copy of a petition for rehearing filed pursuant to the requirements of § 4.241(a) or a copy of a notice of appeal filed pursuant to the requirements of § 4.320(b), he or she shall initiate payment of allowed claims, distribution of the estate, and all other actions required by the administrative law judge's final order.

(b) The Superintendent must not initiate the payment of claims or distribution of the estate during the pendency of proceedings under §4.241 or §4.242, unless the administrative law judge orders otherwise in writing. The Board may, at any time, authorize the administrative law judge to issue interim orders for payment of claims or for partial distribution during the pendency of proceeding on appeal.

14. In § 4.320, redesignate paragraphs (a) through (c) as paragraphs (b) through (d), remove the undesignated introductory paragraph, and add new paragraph (a) to read as follows:

§ 4.320 Who may appeal.

(a) A party in interest has a right to appeal to the Board from and order of an administrative law judge on a petition for rehearing, a petition for reopening, or regarding tribal purchase of interests in a deceased Indian's trust estate.

* * * * *

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30–39	(869–044–00090–3)	37.00	Apr. 1, 2001
40–49	(869–044–00091–1)	25.00	Apr. 1, 2001
50–299	(869–042–00092–7)	23.00	Apr. 1, 2000
300–499	(869–042–00093–5)	43.00	Apr. 1, 2000
500–599	(869–044–00094–6)	12.00	[5]Apr. 1, 2001
600–End	(869–042–00095–1)	12.00	Apr. 1, 2000
27 Parts:			
1–199	(869–042–00096–0)	59.00	Apr. 1, 2000

Title	Stock Number	Price	Revision Date
*200–End	(869–044–00097–1)	26.00	Apr. 1, 2001
28 Parts:			
0-42	(869–042–00098–6)	43.00	July 1, 2000
43-end	(869-042-00099-4)	36.00	July 1, 2000
29 Parts:			
0–99	(869–042–00100–1)	33.00	July 1, 2000
100–499	(869–042–00101–0)	14.00	July 1, 2000
500–899	(869–042–00102–8)	47.00	July 1, 2000
900–1899	(869–042–00103–6)	24.00	July 1, 2000
1900–1910 (§§ 1900 to 1910.999)	(869–042–00104–4)	46.00	[6]July 1, 2000
1910 (§§ 1910.1000 to end)	(869–042–00105–2)	28.00	[6]July 1, 2000
1911–1925	(869–042–00106–1)	20.00	July 1, 2000
1926	(869–042–00107–9)	30.00	[6]July 1, 2000
1927–End	(869–042–00108–7)	49.00	July 1, 2000
30 Parts:			
1–199	(869–042–00109–5)	38.00	July 1, 2000
200–699	(869–042–00110–9)	33.00	July 1, 2000
700–End	(869–042–00111–7)	39.00	July 1, 2000
31 Parts:			
0–199	(869–042–00112–5)	23.00	July 1, 2000
200–End	(869–042–00113–3)	53.00	July 1, 2000
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–042–00114–1)	51.00	July 1, 2000
191–399	(869–042–00115–0)	62.00	July 1, 2000
400–629	(869–042–00116–8)	35.00	July 1, 2000
630–699	(869–042–00117–6)	25.00	July 1, 2000
700–799	(869–042–00118–4)	31.00	July 1, 2000
800–End	(869–042–00119–2)	32.00	July 1, 2000
33 Parts:			
1–124	(869–042–00120–6)	35.00	July 1, 2000
125–199	(869–042–00121–4)	45.00	July 1, 2000
200–End	(869–042–00122–5)	36.00	July 1, 2000
34 Parts:			
1–299	(869–042–00123–1)	31.00	July 1, 2000
300–399	(869–042–00124–9)	28.00	July 1, 2000
400–End	(869–042–00125–7)	54.00	July 1, 2000
35	(869–042–00126–5)	10.00	July 1, 2000
36 Parts			
1–199	(869–042–00127–3)	24.00	July 1, 2000
200–299	(869–042–00128–1)	24.00	July 1, 2000
300–End	(869–042–00129–0)	43.00	July 1, 2000
37	(869–042–00130–3)	32.00	July 1, 2000
38 Parts:			
0–17	(869–042–00131–1)	40.00	July 1, 2000
18–End	(869–042–00132–0)	47.00	July 1, 2000
39	(869–042–00133–8)	28.00	July 1, 2000
40 Parts:			
1–49	(869–042–00134–6)	37.00	July 1, 2000
50–51	(869–042–00135–4)	28.00	July 1, 2000
52 (52.01–52.1018)	(869–042–00136–2)	36.00	July 1, 2000
52 (52.1019–End)	(869–042–00137–1)	44.00	July 1, 2000
53–59	(869–042–00138–9)	21.00	July 1, 2000
60	(869–042–00139–7)	66.00	July 1, 2000
61–62	(869–042–00140–1)	23.00	July 1, 2000
63 (63.1–63.1119)	(869–042–00141–9)	66.00	July 1, 2000
63 (63.1200–End)	(869–042–00142–7)	49.00	July 1, 2000
64–71	(869–042–00143–5)	12.00	July 1, 2000
72–80	(869–042–00144–3)	47.00	July 1, 2000
81–85	(869–042–00145–1)	36.00	July 1, 2000
86	(869–042–00146–0)	66.00	July 1, 2000
87-135	(869–042–00146–8)	66.00	July 1, 2000
136–149	(869–042–00148–6)	42.00	July 1, 2000
150–189	(869–042–00149–4)	38.00	July 1, 2000
190–259	(869–042–00150–8)	25.00	July 1, 2000
260–265	(869–042–00151–6)	36.00	July 1, 2000
266–299	(869–042–00152–4)	35.00	July 1, 2000
300–399	(869–042–00153–2)	29.00	July 1, 2000
400–424	(869–042–00154–1)	37.00	July 1, 2000
425–699	(869–042–00155–9)	48.00	July 1, 2000
700–789	(869–042–00156–7)	46.00	July 1, 2000
790–End	(869–042–00157–5)	23.00	[6]July 1, 2000
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–042–00158–3)	15.00	July 1, 2000
101	(869–042–00159–1)	37.00	July 1, 2000
102–200	(869–042–00160–5)	21.00	July 1, 2000
201–End	(869–042–00161–3)	16.00	July 1, 2000
42 Parts:			
1–399	(869–042–00162–1)	53.00	Oct. 1, 2000
400–429	(869–042–00163–0)	55.00	Oct. 1, 2000
430–End	(869–042–00164–8)	57.00	Oct. 1, 2000
43 Parts:			
1–999	(869–042–00165–6)	45.00	Oct. 1, 2000
1000–end	(869–042–00166–4)	55.00	Oct. 1, 2000
44	(869–042–00167–2)	45.00	Oct. 1, 2000
45 Parts:			
1–199	(869–042–00168–1)	50.00	Oct. 1, 2000
200–499	(869–042–00169–9)	29.00	Oct. 1, 2000
500–1199	(869–042–00170–2)	45.00	Oct. 1, 2000
1200–End	(869–042–00171–1)	54.00	Oct. 1, 2000
46 Parts:			
1–40	(869–042–00172–9)	42.00	Oct. 1, 2000
41–69	(869–042–00173–7)	34.00	Oct. 1, 2000
70–89	(869–042–00174–5)	13.00	Oct. 1, 2000
90–139	(869–042–00175–3)	41.00	Oct. 1, 2000
140–155	(869–042–00176–1)	23.00	Oct. 1, 2000
156–165	(869–042–00177–0)	31.00	Oct. 1, 2000
166–199	(869–042–00178–8)	42.00	Oct. 1, 2000
200–499	(869–042–00179–6)	36.00	Oct. 1, 2000
500–End	(869–042–00180–0)	23.00	Oct. 1, 2000
47 Parts:			
0–19	(869–042–00181–8)	54.00	Oct. 1, 2000
20–39	(869–042–00182–6)	41.00	Oct. 1, 2000
40–69	(869–042–00183–4)	41.00	Oct. 1, 2000
70–79	(869–042–00184–2)	54.00	Oct. 1, 2000
80–End	(869–042–00185–1)	54.00	Oct. 1, 2000
48 Chapters:			
1 (Parts 1–51)	(869–042–00186–9)	57.00	Oct. 1, 2000
1 (Parts 52–99)	(869–042–00187–7)	45.00	Oct. 1, 2000
2 (Parts 201–299)	(869–042–00188–5)	53.00	Oct. 1, 2000
3–6	(869–042–00189–3)	40.00	Oct. 1, 2000
7–14	(869–042–00190–7)	52.00	Oct. 1, 2000
15–28	(869–042–00191–5)	53.00	Oct. 1, 2000
29–End	(869–042–00192–3)	38.00	Oct. 1, 2000
49 Parts:			
1–99	(869–042–00193–1)	53.00	Oct. 1, 2000
100–185	(869–042–00194–0)	57.00	Oct. 1, 2000
186–199	(869–042–00195–8)	17.00	Oct. 1, 2000
200–399	(869–042–00196–6)	57.00	Oct. 1, 2000
400–999	(869–042–00197–4)	58.00	Oct. 1, 2000
1000–1199	(869–042–00198–2)	25.00	Oct. 1, 2000
1200–End	(869–042–00199–1)	21.00	Oct. 1, 2000
50 Parts:			
1–199	(869–042–00200–8)	55.00	Oct. 1, 2000
200–599	(869–042–00201–6)	35.00	Oct. 1, 2000

Title	Stock Number	Price	Revision Date
600–End	(869–042–00202–4)	55.00	Oct. 1, 2000
*CFR Index and Findings Aids	(869–044–00047–4)	56.00	Jan. 1, 2001
Complete 2000 CFR set		1,094.00	2000
Microfiche CFR Edition:			
Subscription (mailed as issued)		290.00	1999
Individual copies		1.00	1999
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2000, through January 1, 2001. The CFR volume issued as of January 1, 2000 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2001. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1999, through July 1, 2000. The CFR volume issued as of July 1, 1999 should be retained..