AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Federal Register

6–25–01 Monday
Vol. 66 No. 122 June 25, 2001
Pages 33631–33828

The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see http://www.nara.gov/fedreg.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at http://www.access.gpo.gov/nara. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type swais, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512–1262; or call (202) 512–1530 or 1–888–293–6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is $638, or $697 for a combined **Federal Register,** Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $253. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $9.00 for each issue, or $9.00 for each group of pages as actually bound; or $2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 66 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**512–1806**
General online information	**202–512–1530; 1–888–293–6498**
Single copies/back copies:	
Paper or fiche	**512–1800**
Assistance with public single copies	**512–1803**
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	**523–5243**
Assistance with Federal agency subscriptions	**523–5243**

Printed on recycled paper.

Contents

Federal Register

Vol. 66, No. 122

Monday, June 25, 2001

Agriculture Department
See Animal and Plant Health Inspection Service
See Cooperative State Research, Education, and Extension Service
See Food and Nutrition Service
See Forest Service

Air Force Department
NOTICES
Meetings:
Global Positioning System; L2 and L5 civil signals; public forum [**Editorial Note:** This document, published at 66 FR 33237 in the **Federal Register** of June 21, 2001, was incorrectly identified in that issue's table of contents.]

Animal and Plant Health Inspection Service
RULES
Plant-related quarantine, domestic:
Citrus canker
Correction, 33740
West Indian fruit fly, 33631–33632

Bonneville Power Administration
NOTICES
New large single load policy; comment request, 33671–33672

Centers for Disease Control and Prevention
NOTICES
Grants and cooperative agreements; availability, etc.:
2002 Winter Olympic Games Public Health Preparedness, 33703
Environmental health epidemiology resource development for Mexico and Latin American countries, 33703–33704
Human immunodeficiency virus—
HIV and HIV/AIDS-related testing; quality assurance testing services in Zimbabwe, 33704
National Mass Fatalities Training and Response Center, 33704–33705
Public Health Preparedness Center Program, 33705
Surveillance of Child Maltreatment Program, 33705–33708
Vessel sanitation program:
Rodent infestation inspections and deratting and deratting exemption certificates issuance—
United States ports; list modifications, 33708–33709

Children and Families Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 33709–33710

Coast Guard
RULES
Technical amendments; organizational changes; miscellaneous editorial changes, etc., 33637–33642

Commerce Department
See International Trade Administration
See National Oceanic and Atmospheric Administration

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
Costa Rica, 33663–33664
Textile and apparel categories:
North American Free Trade Agreement—
Camel hair and cashmere yarn; short supply petition denied, 33664–33665

Cooperative State Research, Education, and Extension Service
NOTICES
Grants and cooperative agreements; availability, etc.:
Educational programs, 33825–33828

Defense Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 33665–33666
Submission for OMB review; comment request, 33666
Federal Acquisition Regulation (FAR):
Agency information collection activities—
Proposed collection; comment request, 33666–33667
Agency information collection activities:
Proposed collection; comment request, 33667–33668
Meetings:
Science Board, 33668–33669

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Cerilliant Corp., 33714–33715
Knoll Pharmaceutical Co., 33715

Education Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 33669
Proposed collection; comment request; correction, 33669
Submission for OMB review; comment request, 33669–33671

Energy Department
See Bonneville Power Administration
See Federal Energy Regulatory Commission
See Western Area Power Administration
NOTICES
Meetings:
Environmental Management Site-Specific Advisory Board—
Oak Ridge Reservation, TN, 33671
Rocky Flats, CO, 33671

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Montana; correction, 33740
Pennsylvania, 33645–33648
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Pennsylvania, 33655

NOTICES
Agency information collection activities:
Proposed collection; comment request, 33679–33682
Air pollution control:
Citizens suits; proposed settlements—
Arizona Mining Association, 33682
Grants and cooperative agreements; availability, etc.:
Chesapeake Bay Program—
Proposal request; correction, 33683
Meetings:
Clean Air Act Advisory Committee, 33683
National Strategy to Develop Regional Nutrient Criteria; stakeholders, 33683–33684
Pesticide registration, cancellation, etc.:
Tritallate; correction, 33684
Superfund; response and remedial actions, proposed settlements, etc.:
Divex Superfund Site, SC, 33684
Rocky Flats Industrial Park Site, CO, 33684–33685
Toxic and hazardous substances control:
Lead-based paint activities in target housing and child-occupied facilities; State and Indian Tribe authorization applications—
Nebraska, 33685–33687
New chemicals—
Receipt and status information, 33687–33694

Federal Aviation Administration
RULES
Procedural rules:
Flight Operational Quality Assurance programs; voluntary implementation, 33791–33808
Standard instrument approach procedures, 33632–33635
PROPOSED RULES
Airworthiness directives:
Agusta S.p.A., 33651–33653
Bell, 33649–33651
Robinson Helicopter Co., 33653–33654
NOTICES
Reports and guidance documents; availability, etc.:
All-electrical attitude, altitude, direction, and airspeed systems using battery standby power; policy statement, 33736
Seat certification; industry standards use; policy statement, 33736–33737

Federal Communications Commission
PROPOSED RULES
Radio stations; table of assignments:
Illinois, 33656–33657
New Mexico, 33655–33656
Ohio, 33656
Ohio and Kentucky, 33657
NOTICES
Agency information collection activities:
Proposed collection; comment request, 33694–33697
Reporting and recordkeeping requirements, 33697–33699
Television broadcasting:
Wireless telecommunications services—
New television stations; auction filing window; correction, 33699

Federal Emergency Management Agency
NOTICES
Disaster and emergency areas:
Louisiana, 33699
Nebraska, 33699–33700
South Dakota, 33700

Federal Energy Regulatory Commission
NOTICES
Meetings; Sunshine Act, 33676–33678
Applications, hearings, determinations, etc.:
Algonquin Gas Transmission Co., 33673
Algonquin LNG, Inc., 33673
Ameren Corp., et al., 33673–33674
Columbia Gulf Transmission Co., 33674
East Tennessee Natural Gas Co., 33674
Gulf South Pipeline Co., L.P., 33674–33675
Maritimes & Northeast Pipeline, L.L.C., 33675
New England Power Pool et al., 33675
Texas Eastern Transmission LP, 33675–33676

Federal Highway Administration
NOTICES
Environmental statements; notice of intent:
Oakland and Genesee counties, MI, 33737

Federal Reserve System
PROPOSED RULES
Transactions between banks and their affiliates (Regulation W):
Statutory restrictions combined with existing and proposed Board interpretations and exemptions
Correction, 33649
NOTICES
Banks and bank holding companies:
Change in bank control, 33700
Formations, acquisitions, and mergers, 33700–33701

Federal Trade Commission
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 33701–33703

Fish and Wildlife Service
RULES
Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):
Fish and wildlife; 2001-2002 subsistence taking, 33743–33790
Kuskokwim and Yukon Rivers drainages; emergency closures and adjustments, 33642–33645

Food and Drug Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 33710–33711

Food and Nutrition Service
RULES
Child nutrition programs:
School breakfast program—
Additional menu planning approaches; CFR correction, 33631

Forest Service
RULES
Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):
Fish and wildlife; 2001-2002 subsistence taking, 33743–33790
Alaska National Interest Lands Conversation Act; Title VIII implementation (subsistence priority):
Kuskokwim and Yukon Rivers drainages; emergency closures and adjustments, 33642–33645

General Services Administration
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities—
Proposed collection; comment request, 33666–33667
Agency information collection activities:
Proposed collection; comment request, 33667–33668

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See Health Care Financing Administration
See Substance Abuse and Mental Health Services Administration

Health Care Financing Administration
RULES
Medicaid:
State Children's Health Insurance Program; implementation, 33809–33824

Hearings and Appeals Office, Interior Department
RULES
Hearings and appeals procedures:
Trust management reform; Indian trust estates probate Correction, 33740–33741

Indian Affairs Bureau
PROPOSED RULES
Tribal government:
Certificate of degree of Indian or Alaska Native blood; documentation requirements and filing, processing, and issuing requirements and standards, 33654–33655

Interior Department
See Fish and Wildlife Service
See Hearings and Appeals Office, Interior Department
See Indian Affairs Bureau
See Land Management Bureau
See National Park Service
See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
RULES
Income taxes:
Earned income credit (EIC); eligibility requirements after denial, 33636–33637

International Trade Administration
NOTICES
Antidumping:
Cut-to-length carbon-quality steel plate products from—Indoesnia, 33661
Applications, hearings, determinations, etc.:
Rutgers University; correction, 33740

Justice Department
See Drug Enforcement Administration

Land Management Bureau
NOTICES
Opening of public lands:
Montana; correction, 33740

National Aeronautics and Space Administration
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities—
Proposed collection; comment request, 33666–33667
Agency information collection activities:
Proposed collection; comment request, 33667–33668
Meetings:
Advisory Council
Space Science Advisory Committee, 33715–33716

National Highway Traffic Safety Administration
PROPOSED RULES
Motor vehicle safety standards:
Advanced air bags performance monitoring and future air bag rulemaking data development, 33657–33660
NOTICES
Traffic safety programs:
Motorcycle safety improvement plan; comment request, 33737–33739

National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request; correction, 33740
Meetings:
Gulf of Mexico Fishery Management Council, 33661–33662
New England Fishery Management Council, 33662–33663
Stellwagen Bank National Marine Sanctuary Advisory Council, 33663

National Park Service
NOTICES
Environmental statements; notice of intent:
Research specimens collected from NPS units; information resulting in commercial value; benefits sharing agreements, 33712–33713

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
PPL Susqehanna, LLC, 33716–33717
PSEG Nuclear LLC, 33717–33718
Reports and guidance documents; availability, etc.:
Inspections, tests, analyses and acceptance criteria, 33718–33719

Personnel Management Office
NOTICES
Agency information collection activities:
Proposed collection; comment request, 33719–33720
Submission for OMB review; comment request, 33720

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Substance Abuse and Mental Health Services Administration

Securities and Exchange Commission
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 33720–33721
Investment Company Act of 1946:
Deregistration application—
Hawthorne Investment Trust, 33723–33724

Self-regulatory organizations; proposed rule changes:
American Stock Exchange LLC, 33724–33728
Chicago Board Options Exchange, Inc., 33728–33730
Chicago Stock Exchange, Inc., 33730
International Securities Exchange LLC, 33730–33731
New York Stock Exchange, Inc., 33731–33733
Pacific Exchange, Inc., 33733
Philadelphia Stock Exchange, Inc., 33734–33735
Applications, hearings, determinations, etc.:
Managers Funds and Managers Funds LLC, 33721–33722
Public utility holding company filings, 33722–33723

State Department
NOTICES
Meetings:
International Telecommunications Advisory Committee, 33735–33736

Substance Abuse and Mental Health Services Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 33711–33712

Surface Mining Reclamation and Enforcement Office
NOTICES
Agency information collection activities:
Proposed collection; comment request, 33713–33714

Surface Transportation Board
NOTICES
Rail carriers:
Cost recovery procedures—
Adjustment factor, 33739

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Thrift Supervision Office
RULES
Capital:
Individual minimum capital requirements; CFR correction, 33632
Regulatory reporting standards:
Savings associations and savings association holding companies; audit; CFR correction, 33632

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Highway Administration
See National Highway Traffic Safety Administration
See Surface Transportation Board

Treasury Department
See Internal Revenue Service
See Thrift Supervision Office

Western Area Power Administration
NOTICES
Floodplain and wetlands protection; environmental review determinations; availability, etc.:
Natrona County, WY; Casper Creek Crossing, Spence-Themopolis 230-kV and Alcova-Copper Mountain 115-kV; transmission line repairs, 33678

Separate Parts In This Issue

Part II
Department of Agriculture, Forest Service; Department of Interior, Fish and Wildlife Service, 33743–33790

Part III
Federal Aviation Administration, 33791–33808

Part IV
Department of Health and Human Services, Health Care Financing Administration, 33809–33824

Part V
Department of Agriculture, Cooperative State Research, Education, and Extension Service, 33825–33828

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
220 33631
301 (2 documents) 33631, 33740

12 CFR
562 33632
567 33632
Proposed Rules:
223 33649

14 CFR
97 (2 documents) 33632, 33634
193 33792
Proposed Rules:
39 (3 documents) 33649, 33651, 33653

25 CFR
Proposed Rules:
70 33654

26 CFR
1 33636
602 33636

33 CFR
1 33637
25 33637
54 33637
62 33637
64 33637
66 33637
67 33637
72 33637
100 33637
114 33637
117 33637
120 33637
151 33637
154 33637
159 33637
164 33637
165 33637

36 CFR
242 (2 documents) 33642, 33744

40 CFR
52 (2 documents) 33645, 33740
Proposed Rules:
52 33655

42 CFR
431 33810
433 33810
435 33810
436 33810
457 33810

43 CFR
4 33740

47 CFR
Proposed Rules:
73 (4 documents) 33655, 33656, 33657

49 CFR
Proposed Rules:
571 33657

50 CFR
100 (2 documents) 33642, 33744

Rules and Regulations

Federal Register
Vol. 66, No. 122
Monday, June 25, 2001

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

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 220

National School Breakfast Program: Additional Menu Planning Approaches

CFR Correction

In Title 7 of the Code of Federal Regulations, parts 210 to 299, revised as of January 1, 2001, on page 90, in § 220.8, the heading of paragraph (c) is revised to read as follows:

§ 220.8 What are the nutrition standards and menu planning approaches for breakfasts?

* * * * *

(c) *What are the nutrient and calorie levels for breakfasts planned under the food-based menu planning approaches?*

* * * * *

[FR Doc. C1–55519; Filed 6–22–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 00–110–3]

West Indian Fruit Fly; Removal of Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the West Indian fruit fly regulations by removing the quarantine on a portion of Cameron County, TX, and by removing the restrictions on the interstate movement of regulated articles from that area. This action is necessary to relieve restrictions that are no longer needed to prevent the spread of the West Indian fruit fly into noninfested areas of the United States. We have determined that the West Indian fruit fly has been eradicated from this portion of Cameron County, TX, and that the quarantine and restrictions are no longer necessary. This portion of Cameron County, TX, was the only area in the continental United States quarantined for the West Indian fruit fly. Therefore, as a result of this action, there are no longer any areas in the continental United States quarantined for the West Indian fruit fly.

DATES: This interim rule was effective June 1, 2001. We invite you to comment on this docket. We will consider all comments that we receive by August 24, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 00–110–3, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 00–110–3.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Robert Spaide, Assistant Director, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale MD 20737-1236; (301) 734–8247.

SUPPLEMENTARY INFORMATION:

Background

The West Indian fruit fly, *Anastrepha obliqua* (Macquart), is a very destructive pest of fruits and vegetables, including carambola, grapefruit, guava, limes, mangoes, oranges, passion fruit, peaches, and pears. This pest can cause serious economic losses by lowering the yield and quality of these fruits and vegetables and by damaging the seedlings and young plants. Heavy infestations can result in complete loss of these crops.

The West Indian fruit fly regulations, contained in 7 CFR 301.98 through 301.98–10 (referred to below as the regulations), restrict the interstate movement of regulated articles from quarantined areas to prevent the spread of West Indian fruit fly to noninfested areas of the United States. A portion of Cameron County, TX, is the only area listed in the regulations as a quarantined area. (See 66 FR 6429–6436, Docket No. 00–110–1.)

Based on trapping surveys conducted by inspectors of Texas State and county agencies and by inspectors of the Animal and Plant Health Inspection Service, we have determined that the West Indian fruit fly has been eradicated from the quarantined portion of Cameron County, TX. The last finding of West Indian fruit fly in this area was November 28, 2001.

Since then, no evidence of West Indian fruit fly infestation has been found in this area. Based on our experience, we have determined that sufficient time has passed to conclude that the West Indian fruit fly no longer exists in Cameron County, TX. Therefore, we are removing Cameron County, TX from the list of quarantined areas in § 301.98–3(c). West Indian fruit fly infestations are not known to exist anywhere else in the continental United States.

Immediate Action

Immediate action is warranted to remove an unnecessary regulatory burden on the public. A portion of Cameron County, TX, was quarantined due to the possibility that the West Indian fruit fly could be spread from this area to noninfested areas of the United States. Since this situation no longer exists, immediate action is necessary to remove the quarantine on Cameron County, TX, and to relieve the restrictions on the interstate movement of regulated articles from that area. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause

under 5 U.S.C. 553 for making this action effective less than 30 days after publication in the **Federal Register**.

We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

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

This interim rule relieves restrictions on the interstate movement of regulated articles from a portion of Cameron County, TX.

Within the previously quarantined portion of Cameron County, TX, there are approximately 22 small entities that may be affected by this rule. These include 5 fruit sellers and 17 growers. These 22 entities comprise less than 1 percent of the total number of similar entities operating in the State of Texas. Additionally, these small entities sell regulated articles primarily for local intrastate—not interstate—movement, so the effect, if any, of this rule on these entities appears to be minimal.

The effect on those few entities that do move regulated articles interstate was minimized by the availability of various treatments that, in most cases, allowed these small entities to move regulated articles interstate with very little additional cost.

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

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

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 continues 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 and Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400.

2. In § 301.98–3, paragraph (c) is revised to read as follows:

§ 301.98–3 Quarantined areas.

* * * * *

(c) The areas described below are designated as quarantined areas: There are no areas in the continental United States quarantined for the West Indian fruit fly.

Done in Washington, DC, this 19th day of June 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–15865 Filed 6–22–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 562

Regulatory Reporting Standards

CFR Correction

In Title 12 of the Code of Federal Regulations, parts 500 to 599, revised as of January 1, 2001, on page 168, § 562.4 is corrected by adding paragraph (c)(3) to read as follows:

§ 562.4 Audit of savings associations and saving association holding companies.

* * * * *

(c) * * *

(3) When the OTS requires the application of procedures agreed upon by the OTS for safety and soundness purposes, the Director shall identify the procedures to be performed. The Director shall also determine whether the agreed upon procedures were conducted and filed in a manner satisfactory to the OTS.

* * * * *

[FR Doc. C1–55510 Filed 6–22–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 567

Capital

CFR Correction

In Title 12 of the Code of Federal Regulations, parts 500 to 599, revised as of January 1, 2001, § 567.3 is corrected by removing paragraph (a)(2) on page 328.

[FR Doc. C1–55511 Filed 6–22–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30253; Amdt. No. 2055]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulation (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involved 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. For the same reason, the FAA certifies that this amendment 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 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on June 8, 2001.

Nicholas A. Sabatini,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	Subject
03/30/01	OK	Guthrie	Guthrie Muni	1/3082	GPS Rwy 16, Orig.
04/24/01	OK	Altus	Altus Muni	1/3906	GPS Rwy 17, Amdt 1A.
05/17/01	NM	Santa Fe	Santa Fe	1/4645	GPS Rwy 28, Orig–C.
05/17/01	TX	Harlingen	Valley International	1/4678	RNAV (GPS) Rwy 13, Orig.

FDC date	State	City	Airport	FDC No.	Subject
05/23/01	TX	Harlingen	Valley International	1/4905	RNAV (GPS) Rwy 17L, Orig.
05/23/01	GA	Macon	Herbert Smart Downtown	1/4929	VOR/DME or GPS–B, Amdt 2A.
05/23/01	WI	Appleton	Outagamie County Regional.	1/4934	ILS Rwy 3, Amdt 16D.
05/24/01	TX	Mount Pleasant	Mount Pleasant Muni	1/50/04	VOR/DME or GPS–A, Amdt 4.
05/24/01	TX	Waco	Waco Regional	1/5008	GPS Rwy 1, Orig–A.
05/25/01	OH	Cleveland	Burke Lakefront	1/5015	ILS Rwy 24R, Orig–B.
05/25/01	MT	Billings	Billings Logan Intl	1/5019	HI–ILS Rwy 10L, Amdt 2.
05/25/01	MT	Billings	Billings Logan Intl	1/5020	HI/VOR/DME or TACAN Rwy 28R, Amdt 2.
05/25/01	MT	Billings	Billings Logan Intl	1/5022	ILS Rwy 10L, Amdt 24.
05/25/01	MT	Billings	Billings Logan Intl	1/5023	VOR or GPS–A, Amdt 1.
05/25/01	MT	Billings	Billings Logan Intl	1/5024	VOR/DME Rwy 28R, Amdt 13.
05/25/01	CA	Los Angeles	Los Angeles Intl	1/5030	VOR or TACAN or GPS Rwy 25L/R, Amdt 15.
05/25/01	NJ	Hammonton	Hammonton Muni	1/5040	VOR–A, Amdt 6.
05/25/01	NJ	Hammonton	Hammonton Muni	1/5041	VOR–B, Amdt 1.
05/25/01	IA	Ankeny	Ankeny Regional	1/5047	NDB–A, Orig–A.
05/25/01	IA	Ankeny	Ankeny Regional	1/5048	VOR/DME Rwy 36, Orig.
05/25/01	IA	Ankeny	Ankeny Regional	1/5049	GPS Rwy 36, Amdt 2.
05/29/01	TX	Waco	Waco Regional	1/5098	GPS Rwy 14, Orig–A.
05/29/01	FL	Bradenton	Bradenton Intl	1/5123	NDB Rwy 32, Amdt 6A.
05/29/01	VA	Abingdon	Virginia Highland	1/5132	LOC Rwy 24, Amdt 2.
05/29/01	VA	Abingdon	Virginia Highland	1/5133	VOR/DME or GPS–B, Amdt 5A.
05/30/01	MO	Kansas City	Kansas City Downtown	1/5167	VOR or GPS Rwy 19, Amdt 18B.
05/30/01	MO	Kansas City	Kansas City Downtown	1/5168	VOR or GPS Rwy 3, Amdt 16A.
05/30/01	MO	Kansas City	Kansas City Downtown	1/5169	VOR or GPS Rwy 21, Amdt 12.
05/30/01	WI	Appleton	Outagamie County Regional.	1/5170	VOR/DME Rwy 3, Amdt 8C.
05/30/01	CO	Aspen	Aspen-Pitkin County/ Sardy Field.	1/5177	VOR/DME or GPS–C, Amdt 4C.
05/30/01	IN	South Bend	South Bend Regional	1/5178	VOR or GPS Rwy 18, Amdt 7B.
05/31/01	IL	Chicago	Chicago Midway	1/5239	ILS Rwy 31C, Amdt 5D.
05/31/01	MO	Grain Valley	East Kansas City	1/5252	VOR/DME RNAV Rwy 27, Amdt 2.
05/31/01	MI	Caro	Caro Muni	1/5256	VOR/DME OR GPS–A, AMDT 4.
06/01/01	WY	Cheyenne	Cheyenne	1/5312	NDB Rwy 26, Amdt 13A.
06/01/01	WY	Cheyenne	Cheyenne	1/5313	ILS Rwy 26, Amdt 33.
06/01/01	WY	Cheyenne	Cheyenne	1/5314	GPS Rwy 26, Orig.
06/01/01	MT	Livingston	Mission Field	1/5321	VOR/DME or GPS–B, Amdt 1A.
06/01/01	ME	Augusta	Augusta State	1/5328	ILS Rwy 17, Amdt 2A.
06/04/01	LA	Natchitoches	Natchitoches Regional	1/5390	LOC Rwy 34, Amdt 3A.
06/04/01	LA	Natchitoches	Nathitoches Regional	1/5391	NDB or GPS Rwy 34, Amdt 4A.
06/04/01	LA	Winnfield	David G. Joyce	1/5392	GPS Rwy 26, Orig.
06/04/01	OK	Guthrie	Guthrie Muni	1/5408	NDB Rwy 16, Amdt 5.
06/05/01	IL	Chicago	Midway	1/5444	ILS Rwy 13C, Amdt 40A.

[FR Doc. 01–15901 Filed 6–22–01; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTIATON

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30252; Amdt. No. 2054]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register in December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination.—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents,

U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

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. For the same reason, the FAA certifies that this amendment 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 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on June 8, 2001.

Nicholas A. Sabatini,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNVA; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective July 12, 2001*

Payson, AZ, Payson, RNAV–A, Orig
Peoria, IL, Greater Peoria Regional, RNAV (GPS) RWY 22, Orig
Butte, MT, Bert Mooney, RNAV (GPS) RWY 15 Orig

** * * Effective September 6, 2001*

Birmingham, AL, Birmingham Intl, NDB RWY 6, Amdt 30C
Tucson, AZ, Tucson Intl, VOR/DME OR TACAN RWY 29R, Amdt 2B
Pompano Beach, FL, Pompano Beach Airpark, LOC RWY 15, Amdt 2
Lexington, KY, Blue Grass, GPS RWY 4, Orig, CANCELLED
Lexington, KY, Blue Grass, GPS RWY 22, Orig, CANCELLED
Alliance, NE, Alliance Muni, GPS RWY 30, Orig-A
Chadron, NE, Chadron Muni, GPS RWY 2, Orig-A
Chadron, NE, Chadron Muni, VOR/DME RWY 2, Amdt 2A
Chadron, NE, Chadron Muni, VOR/DME RWY 20, Orig-A
Winnemucca, NV, Winnemucca Muni, NDB OR GPS–A, Amdt 1A, CANCELLED
Sioux Falls, SD, Joe Foss Field, VOR/DME OR TACAN RWY 33, Amdt 12
Houston, TX, May, VOR/DME–A, Amdt 1
Cedar City, UT, Cedar City Regional, VOR RWY 20, Amdt 6
Cedar City, UT, Cedar City Regional, NDB RWY 20, Amdt 2
Cedar City, UT, Cedar City Regional, ILS RWY 20, Amdt 3
Cedar City, UT, Cedar City Regional, GPS RWY 20, Orig-A, CANCELLED
Cedar City, UT, Cedar City Regional, RNAV (GPS) RWY 20, Orig

Note: The FAA published a Instrument Approach Procedure in Docket No. 30249, Amdt No. 2052 to 14 CFR Part 97 of the Federal Aviation Regulations (Federal Register: Volume 66, Number 106 dated June 1, 2001 page 29691–29693) under Section 97.27 effective 12 July 2001 is hereby rescinded:

St. Louis, MO, Lambert-St. Louis Lambert Int'l, ILS PRM RWY 30R, Orig (Simultaneous Close Parallel)

[FR Doc. 01–15900 Filed 6–22–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[TD 8953]

RIN 1545–AV61

Eligibility Requirements After Denial of the Earned Income Credit

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations that provide guidance to taxpayers who have been denied the earned income credit (EIC) as a result of the deficiency procedures and wish to claim the EIC in a subsequent year. The temporary regulations apply to taxpayers claiming the EIC for taxable years beginning after December 31, 1997, where the taxpayer's EIC claim was denied for a taxable year beginning after December 31, 1996.

DATES: *Effective date:* These regulations are effective June 25, 2001.

Applicability dates: For dates of applicability, see § 1.32–3(f) of these regulations.

FOR FURTHER INFORMATION CONTACT: Karin Loverud at 202–622–6080 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information contained in these final regulations has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1545–1575. Responses to this collection of information are mandatory.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by the Office of Management and Budget.

The burden is reflected in the burden of Form 8862.

Comments and suggestions for reducing the burden imposed by this regulation should be sent to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, W:CAR:MP:FP, Washington, DC 20224, and to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Books or records relating to this collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

Section 32(k) was added by the Taxpayer Relief Act of 1997. Section 32(k)(2) provides that, in the case of a taxpayer who is denied the EIC as a result of the deficiency procedures, no EIC is allowed for any subsequent taxable year unless the taxpayer provides such information as the Secretary may require to demonstrate eligibility for the credit. On June 25, 1998, temporary regulations (TD 8773) relating to earned income credit eligibility requirements under section 32(k)(2) were published in the **Federal Register** (63 FR 34594). A notice of proposed rulemaking (REG–116608–97) cross-referencing the temporary regulations was published in the **Federal Register** for the same day (63 FR 34615).

No written comments responding to the notice of proposed rulemaking were received. No public hearing was requested or held.

As part of an audit pertaining to the IRS's management of the EIC eligibility program, the Treasury Inspector General for Tax Administration recommended that the Treasury and the IRS reconsider (1) the time at which the taxpayer should be required to establish eligibility to claim the EIC, and (2) whether the eligibility requirement should pertain to the reason the EIC was denied. For example, under the temporary regulations, a taxpayer who is denied the credit on the basis of a child who is determined not to be a qualifying child must establish eligibility the next time the taxpayer claims the EIC, regardless of whether the taxpayer is claiming the credit on the basis of one or more qualifying children or on the basis of no qualifying children. Treasury and the IRS believe that the purpose of the eligibility requirement (to prevent erroneous claims) is better effectuated if the taxpayer establishes eligibility the next time the taxpayer claims the credit with one or more qualifying children, rather than the next time the taxpayer claims the credit.

The IRS is currently exploring whether, and to what extent, its system is capable of undertaking such a change. If a change is made, it would not affect the method of establishing eligibility, that is, the taxpayer would continue to be required to attach a completed Form 8862 to his or her tax return. The Treasury and the IRS do not expect any change will affect returns for tax year 2001.

If a change is made, the IRS expects to inform taxpayers of the change in two specific ways. First, the IRS would revise Letter 3094, which informs the taxpayer of the eligibility requirements. Second, the IRS would revise the instructions for Form 8862 to clarify the return to which it must be attached. In addition, the IRS would include information regarding the change in all IRS taxpayer publications that deal with the EIC eligibility requirements.

The proposed regulations under section 32(k)(2) are adopted as revised by this Treasury decision. The revisions are discussed below.

Explanation of Revisions

To permit the IRS to make changes to the EIC eligibility program as indicated above, § 1.32–3(c) is revised to state that the Form 8862 instructions will instruct the taxpayer when to file Form 8862. A new sentence is added to § 1.32–3(c) to the effect that, if the taxpayer attaches Form 8862 to an incorrect return, the taxpayer will nevertheless be required to attach Form 8862 to the correct return.

The IRS and Treasury will consider written comments pertaining to these revisions. Submissions should be sent to: CC:ITA:RU (TD8953), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:ITA:RU (TD 8953), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the ''Tax Regs'' option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at *http://www.irs.gov/tax_regs/regslist.html.*

Special Analyses

It has been determined that these final regulations are not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations.

It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based upon the fact that

the underlying statute applies only to individuals. Therefore, a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required.

Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is Karin Loverud, Office of Division Counsel/Associate Chief Counsel (Tax Exempt and Government Entities). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 602 are amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805. * * *

Par. 2. Section 1.32–3 is added to read as follows:

§ 1.32–3 Eligibility requirements after denial of the earned income credit.

(a) *In general.* A taxpayer who has been denied the earned income credit (EIC), in whole or in part, as a result of the deficiency procedures under subchapter B of chapter 63 (deficiency procedures) is ineligible to file a return claiming the EIC subsequent to the denial until the taxpayer demonstrates eligibility for the EIC in accordance with paragraph (c) of this section. If a taxpayer demonstrates eligibility for a taxable year in accordance with paragraph (c) of this section, the taxpayer need not comply with those requirements for any subsequent taxable year unless the Service again denies the EIC as a result of the deficiency procedures.

(b) *Denial of the EIC as a result of the deficiency procedures.* For purposes of this section, denial of the EIC as a result of the deficiency procedures occurs when a tax on account of the EIC is assessed as a deficiency (other than as a mathematical or clerical error under section 6213(b)(1)).

(c) *Demonstration of eligibility.* In the case of a taxpayer to whom paragraph (a) of this section applies, and except as otherwise provided by the Commissioner in the instructions for Form 8862, ''Information To Claim Earned Income Credit After Disallowance,'' no claim for the EIC filed subsequent to the denial is allowed unless the taxpayer properly completes Form 8862, demonstrating eligibility for the EIC, and otherwise is eligible for the EIC. If any item of information on Form 8862 is incorrect or inconsistent with any item on the return, the taxpayer will be treated as not demonstrating eligibility for the EIC. The taxpayer must follow the instructions for Form 8862 to determine the income tax return to which Form 8862 must be attached. If the taxpayer attaches Form 8862 to an incorrect tax return, the taxpayer will not be relieved of the requirement that the taxpayer attach Form 8862 to the correct tax return and will, therefore, not be treated as meeting the taxpayer's obligation under paragraph (a) of this section.

(d) *Failure to demonstrate eligibility.* If a taxpayer to whom paragraph (a) of this section applies fails to satisfy the requirements of paragraph (c) of this section with respect to a particular taxable year, the IRS can deny the EIC as a mathematical or clerical error under section 6213(g)(2)(K).

(e) *Special rule where one spouse denied EIC.* The eligibility requirements set forth in this section apply to taxpayers filing a joint return where one spouse was denied the EIC for a taxable year prior to marriage and has not established eligibility as either an unmarried or married taxpayer for a subsequent taxable year.

(f) *Effective date.* This section applies to returns claiming the EIC for taxable years beginning after December 31, 1997, where the EIC was denied for a taxable year beginning after December 31, 1996.

§ 1.32–3T [Removed]

Par. 3. Section 1.32–3T is removed.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 4. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 5. In § 602.101, paragraph (b) is amended by:

1. Removing the entry for 1.32–3T from the table.

2. Adding an entry for 1.32–3 to read as follows:

§ 602.101 OMB Control numbers.

* * * * *

(b) * * *

CFR part or section where identified and described	Current OMB control No.
* * * * *	
1.32–3	1545–1575
* * * * *	

Approved: June 20, 2001.

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Mark A. Weinberger,

Assistant Secretary of the Treasury.

[FR Doc. 01–15907 Filed 6–22–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 1, 25, 54, 62, 64, 66, 67, 72, 100, 114, 117, 120, 151, 154, 159, 164, and 165

[USCG–2001–9286]

Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule makes editorial and technical changes throughout title 33 of the Code of Federal Regulations (CFR) to update the title before it is recodified on July 1, 2001. It corrects addresses, updates cross-references, makes conforming amendments, and makes other technical corrections. This rule will have no substantive effect on the regulated public.

DATES: This final rule is effective June 30, 2001.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the Docket Management Facility, (USCG–2001–9286), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC, 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call

Robert Spears, Project Manager, Standards Evaluation and Development Division (G–MSR–2), Coast Guard, telephone 202–267–1099. If you have questions on viewing, or submitting material to, the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5149.

SUPPLEMENTARY INFORMATION:

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. This rule consists only of corrections and editorial and conforming amendments to title 33 of the Code of Federal Regulations (CFR). These changes will have no substantive effect on the public and publishing an NPRM and providing an opportunity for public comment is unnecessary. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that, for the same reasons, good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Discussion of the Rule

Each year title 33 of the Code of Federal Regulations is recodified on July 1. This rule makes editorial changes throughout the title, corrects addresses, updates cross-references, and makes other technical and editorial corrections to be included in the recodification. It does not change any substantive requirements of existing regulations. Some editorial changes are discussed individually in the following paragraphs.

Sections 1.07–90 and 1.07–95. These sections are amended to incorporate the recent delegation to Coast Guard Area and Maintenance & Logistics Command Commanders to refer civil penalty cases to the Department of Justice.

Part 25. This part, on the procedures for the administrative settlement of claims against the Coast Guard, is amended to reference the separate set of requirements for claims against the Oil Spill Liability Trust Fund in 33 CFR part 136 and to update various addresses.

Section 64.13. The reference in paragraph (a) to ''§ 64.10–1'' is corrected to read ''§ 64.11'', because § 64.10–1 was redesignated as § 64.11 in 57 FR 43402, September 21, 1992.

Section 100.901. The entries in table 1 for ''Geneva Offshore Grand Prix,'' ''Offshore Series Grand Prix,'' ''Cleveland Charity Classic,'' and ''Cleveland Offshore Grand Prix'' are removed because these events have not been held for several years and no longer qualify for inclusion in this list of annually recurring events.

Sections 120.305, 120.307, and 120.309. The function of examining passenger vessel security plans was transferred from the National Maritime Center to the Marine Safety Center.

Section 165.903. This section lists the geographical coordinates defining the location of certain safety zones in the Cleveland, Ohio, area. In addition to listing a coordinate, this section identifies familiar structures, such as marinas or restaurants in the area to help the boater more easily locate the point. Some of the structures mentioned have been renamed. This rule incorporates the new names. The actual location of the safety zones, as identified by the coordinates, is not being changed.

Sections 159.4, 159.12, 159.15, 159.17, 159.19, and 159.97. These address changes result from the transfer of the responsibility for equipment approvals from Commmandant (G–MSE) to the Engineering Systems Division of the Marine Safety Center.

Part 165, subpart F. The heading ''Thirteenth Coast Guard District'' was incorrectly placed in the CFR so as to include §§ 165.1115 and 165.1116 in the wrong Coast Guard District. This change corrects that error.

Part 173, appendix A. Because the vessel numbering and casualty reporting systems for Alaska and the Northern Mariana Islands are now approved, their names are added to the list of State issuing and reporting authorities in appendix A.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. 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). We expect 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. As this rule involves internal agency practices and procedures, it will not impose any costs on the public.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

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 create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

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

Environment

We have considered the environmental impact of this rule and concluded that, under figure 2–1, paragraphs (34)(a) and (b) of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. These regulations are editorial or procedural and concern internal agency functions and organization. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects

33 CFR Part 1

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of information, Penalties.

33 CFR Part 25

Authority delegations (Government agencies), Claims.

33 CFR Part 54

Reporting and recordkeeping requirements, Vessels.

33 CFR Part 62

Navigation (water).

33 CFR Part 64

Navigation (water), Reporting and recordkeeping requirements.

33 CFR Part 66

Intergovernmental relations, Navigation (water), Reporting and recordkeeping requirements.

33 CFR Part 67

Continental shelf, Navigation (water), Reporting and recordkeeping requirements.

33 CFR Part 72

Government publications, Navigation (water).

33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

33 CFR Part 114

Bridges.

33 CFR Part 117

Bridges.

33 CFR Part 120

Security, Passenger vessels, Reporting and recordkeeping requirements.

33 CFR Part 151

Administrative practice and procedure, Oil pollution, Penalties, Reporting and recordkeeping requirements, Water pollution control.

33 CFR Part 154

Fire prevention, Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

33 CFR Part 159

Sewage disposal, Vessels.

33 CFR Part 164

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Seamen, Security measures, Waterways.

33 CFR Part 165

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

33 CFR Part 173

Marine safety, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 1, 25, 54, 62, 64, 66, 67, 72, 100, 114, 117, 120, 151, 154, 159, 164, 165, and 173 as follows:

PART 1—GENERAL PROVISIONS

1. The authority citation for part 1, subpart 1.07, continues to read as follows:

Authority: 14 U.S.C. 633; Sec. 6079(d), Pub. L. 100–690, 102 Stat. 4181; 49 CFR 1.46.

§ 1.07–90 [Amended]

2. In § 1.07–90, in paragraph (b) introductory text, remove the words ''the District Commander is'' and add, in their place, the words ''the Area, Maintenance & Logistics Command (MLC), and District Commanders are''; and, in paragraph (c), before the words ''District Commander'', add the words ''Area, MLC, or''.

§ 1.07–95 [Amended]

3. In § 1.07–95, in paragraph (a), remove the words ''the District Commander is'' and add, in their place, the words ''the Area, MLC, and District Commanders are'' and, in paragraph (b), before the words ''District Commander'', add the words ''Area, MLC, or''.

PART 25—CLAIMS

4. The authority citation for part 25 continues to read as follows:

Authority: 14 U.S.C. 633; 49 CFR 1.45(a); 49 CFR 1.45(b); 49 CFR 1.46(b), unless otherwise noted.

5. Revise § 25.101 to read as follows:

§ 25.101 Purpose.

This subpart prescribes the requirements for the administrative settlement of claims against the United States, other than claims against the Oil Spill Liability Trust Fund under part 136 of this chapter and contract claims, but including claims arising from acts or omissions of employees of non-appropriated fund activities within the United States, its territories, and possessions.

§ 25.103 [Amended]

6. In § 25.103, after the words ''Atlantic'' and ''Pacific'', add ''(lc)''.

7. In § 25.111, in paragraph (b) introductory text, after the words ''Atlantic'' and ''Pacific'', add ''(lc)''; and revise paragraph (b)(3) to read as follows:

§ 25.111 Action by claimant.

(b) * * *

(3) Chief, Office of Claims and Litigation, Chief Counsel, United States Coast Guard, 2100 Second Street, SW., Washington, DC, 20593.

* * * * *

§ 25.131 [Amended]

8. In § 25.131(b), remove the word ''Comptroller'' and add, in its place, the words ''Director of Finance and Procurement''.

PART 54—ALLOTMENTS FROM ACTIVE DUTY PAY FOR CERTAIN SUPPORT OBLIGATIONS

9. The authority citation for part 54 continues to read as follows:

Authority: 42 U.S.C. 665(c).

§ 54.07 [Amended]

10. In § 54.07, remove ''(913) 295–2520'' and add, in its place, ''telephone 785–339–3595, facsimile 785–339–3788''.

PART 62—UNITED STATES AIDS TO NAVIGATION SYSTEM

11. The authority citation for part 62 continues to read as follows:

Authority: 14 U.S.C. 85; 33 U.S.C. 1233; 43 U.S.C. 1333; 49 CFR 1.46.

12. In § 62.21, revise paragraph (c)(4) as set forth below and, in paragraph (h), remove the first sentence:

§ 62.21 General.

* * * * *

(c) * * *

(4) The Notice to Mariners is a national publication, similar to the Local Notice to Mariners, published by the National Imagery and Mapping Agency. The notice may be obtained free of charge from commercial maritime sources and, upon request, to Defense Logistics Agency, Defense Supply Center Richmond, ATTN: JNB, 8000 Jefferson Davis Highway, Richmond, VA 23297–5100 or FAX 804–279–6510, ATTN: Accounts Manager, RMF. A letter of justification should be included in the request. This publication provides ocean going vessels significant information on national and international navigation and safety.

* * * * *

§ 62.51 [Amended]

13. In § 62.51(b)(3), remove ''USATONS'' and add, in its place, ''U.S. Aids to Navigation System''.

§ 62.65 [Amended]

14. In § 62.65(c)(1), remove the word ''four'' and add, in its place, the word ''three''.

PART 64—MARKING OF STRUCTURES, SUNKEN VESSELS AND OTHER OBSTRUCTIONS

15. The authority citation for part 64 continues to read as follows:

Authority: 14 U.S.C. 633; 33 U.S.C. 409, 1231; 42 U.S.C. 9118; 43 U.S.C. 1333; 49 CFR 1.46.

§ 64.13 [Amended]

16. In § 64.13(a), remove ''§ 64.10–1'' and add, in its place, ''§ 64.11''.

PART 66—PRIVATE AIDS TO NAVIGATION

17. The authority citation for part 66 continues to read as follows:

Authority: 14 U.S.C. 83, 85; 43 U.S.C. 1333; 49 CFR 1.46.

§ 66.05–30 [Amended]

18. In § 66.05–30(b), remove the words ''U.S. Coast and Geodetic Survey'' and add, in their place, the words ''National Ocean Service''.

PART 67—AIDS TO NAVIGATION ON ARTIFICIAL ISLANDS AND FIXED STRUCTURES

19. The authority citation for part 67 continues to read as follows:

Authority: 14 U.S.C. 85, 633; 43 U.S.C. 1333; 49 CFR 1.46.

20. Revise § 67.50–25(e) to read as follows:

§ 67.50–25 Eighth Coast Guard District.

* * * * *

(e) *Applications.* All applications for private aids to navigation and all correspondence dealing with private aids to navigation and obstruction lighting must be addressed to Commander (oan), Eighth Coast Guard District, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, Louisiana 70130–3396.

* * * * *

PART 72—MARINE INFORMATION

21. The authority citation for part 72 continues to read as follows:

Authority: 14 U.S.C. 93, 49 CFR 1.46.

22. Revise § 72.01–10(c) to read as follows:

§ 72.01–10 Notice to Mariners.

* * * * *

(c) This notice may be obtained free of charge from commercial maritime sources and upon request to the Defense Logistics Agency, Defense Supply Center Richmond, ATTN: JNB, 8000 Jefferson Davis Highway, Richmond, VA 23297–5100 or FAX 804–279–6510, ATTN: Accounts Manager, RMF. Request should be based on affirmative need for the information.

23. In § 72.01–25, in paragraph (a), remove ''publication 117A and 117B'' and add, in its place, ''Publication 117'' and revise paragraph (b) to read as follows:

§ 72.01–25 Marine broadcast notice to mariners.

* * * * *

(b) Any person may purchase ''Radio Navigational Aids'' online from the U.S. Government Online Bookstore at http://bookstore.gpo.gov, by Fax at 202–521–2250, or by telephone at 202–512–1800. Send mail orders including payment to U.S. Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–1954.

* * * * *

24. Revise § 72.05–1(a)(1), (a)(2), and (a)(3) to read as follows:

§ 72.05–1 Purpose.

(a) * * *

(1) Volume I, Atlantic Coast, from St. Croix River, Maine, to Shrewsbury River, New Jersey.

(2) Volume II, Atlantic Coast, from Shrewsbury River, New Jersey, to Little River, South Carolina.

(3) Volume III, Atlantic and Gulf Coasts, from Little River, South Carolina, to Econfina River, Florida, including Puerto Rico and the U.S. Virgin Islands.

* * * * *

25. Revise § 72.05–5 to read as follows:

§ 72.05–5 Sales agencies.

Each volume of the Light List is for sale by the Superintendent of Documents, Government Printing Office, and can be ordered online from the U.S. Government Online Bookstore at http://bookstore.gpo.gov, by Fax at 202–521–2250, or by telephone at 202–512–1800. Send mail orders including payment to U.S. Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–1954. Notification of publication of a new edition of the Light List is published in the ''Local Notices to Mariners'' and ''Notice to Mariners'' for the particular area that is covered as soon as the edition is available for distribution.

PART 100—MARINE EVENTS

26. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46.

§ 100.901 [Amended]

27. In § 100.901, in table 1—

a. Under ''*Group Buffalo, NY:*'', remove the entries for ''Geneva Offshore Grand Prix'' and ''Offshore Series Grand Prix''; and

b. Under ''*Group Detroit, MI:*'', remove the entries for ''Cleveland Charity Classic'' and ''Cleveland Offshore Grand Prix''.

PART 114—GENERAL

28. The authority citation for part 114 continues to read as follows:

Authority: 33 U.S.C. 401, 491, 499, 521, 525, and 535; 14 U.S.C. 633; 49 U.S.C. 1655(g); 49 CFR 1.46(c).

§ 114.05 [Amended]

29. In § 114.05, in paragraph (d), following the word ''his'', add the words ''or her''; and, in paragraph (i), remove the words ''has delegated his'' and add, in their place, the words ''or she has delegated his or her''.

§ 114.40 [Amended]

30. In § 114.40, remove the word ''pretection'' and add, in its place, the word ''protection''.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

31. 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.

§ 117.447 [Amended]

32. In § 117.447, following the word ''hours'', add the word ''notice''.

§ 117.609 [Amended]

33. In § 117.609(a), remove the word ''small'' and add, in its place, the word ''shall''.

§ 117.697 [Amended]

34. In § 117.697(a), remove the words ''by the National Oceanic and Atmospheric Administration'' and add, in their place, the words ''published by private entities using data provided by the National Ocean Service''.

§ 117.793 [Amended]

35. In § 117.793(c), remove the words ''the National Oceanic and Atmospheric Administration (NOAA)'' and add, in their place, the words ''private entities using data provided by the National Ocean Service''.

§ 117.795 [Amended]

36. In § 117.795(b), remove the words ''the National Oceanic and Atmospheric Administration'' and add, in their place, the words ''private entities using data provided by the National Ocean Service''.

PART 120—SECURITY OF PASSENGER VESSELS

37. The authority citation for part 120 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

§ 120.305 [Amended]

38. In § 120.305—

a. In paragraph (a), remove ''National Maritime Center (NMC), 4200 Wilson Blvd., Suite 510, Arlington, Virginia 22203'' and add, in its place, ''Marine Safety Center (MSC), 400 Seventh Street, SW., room 6302, Nassif Building, Washington, DC 20590–0001''; and

b. In paragraphs (b), (c), and (d), remove ''of the NMC'' and add, in its place, '', Marine Safety Center''.

§ 120.307 [Amended]

39. In § 120.307(a), (b), and (c), remove ''of the NMC'' and add, in its place, '', Marine Safety Center''.

§ 120.309 [Amended]

40. In § 120.309, remove ''of the NMC'' and add, in its place, '', Marine Safety Center''.

PART 151—VESSELS CARRYING OIL, NOXIOUS LIQUID SUBSTANCES, GARBAGE, MUNICIPAL OR COMMERCIAL WASTE, AND BALLAST WATER

41. The authority citation for part 151, subpart A, continues to read as follows:

Authority: 33 U.S.C. 1321 and 1903; Pub. L. 104–227 (110 Stat. 3034), E.O. 12777, 3 CFR, 1991 Comp. p. 351; 49 CFR 1.46.

§ 151.1000 [Amended]

42. In § 151.1000, remove the word ''shore'' and add, in its place, the word ''Shore''.

§ 151.1006 [Amended]

43. In § 151.1006, remove the words ''*Coastal Waters*'' and add, in their place, the words ''*Coastal waters*''.

PART 154—FACILITIES TRANSFERRING OIL OR HAZARDOUS MATERIAL IN BULK

44. The authority citation for part 154 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j)(1)(C), (j)(5), (j)(6), and (m)(2); sec. 2, E.O. 12777, 56 FR 54757; 49 CFR 1.46. Subpart F is also issued under 33 U.S.C. 2735.

§ 154.1035 [Amended]

45. In § 154.1035(b)(4)(ii)(B), remove the word ''protest'' and add, in its place the word ''protect''.

PART 159—MARINE SANITATION DEVICES

46. The authority citation for part 159 continues to read as follows:

Authority: Sec. 312(b)(1), 86 Stat. 871 (33 U.S.C. 1322(b)(1)); 49 CFR 1.45(b) and 1.46(l) and (m).

§ 159.4 [Amended]

47. In § 159.4(a), remove ''U.S. Coast Guard Office of Design and Engineering Standards (G–MSE), 2100 Second Street, SW., Washington, DC 20593–0001'' and add, in its place, ''Engineering Division, U.S. Coast Guard Marine Safety Center, 400 Seventh Street, SW., Washington, DC 20590''.

§§ 159.12, 159.15, 159.17, and 159.19 [Amended]

48. In §§ 159.12(c), 159.15(a) introductory text and (c), 159.17(a), and 159.19(a), remove ''Commandant (G–MSE), U.S. Coast Guard, Washington, DC 20593–0001'' and add, in its place, ''Commanding Officer, USCG Marine Safety Center, 400 Seventh Street, SW., Washington, DC 20590''.

§ 159.97 [Amended]

49. In § 159.97, remove ''Commandant'' and add, in its place, ''Commanding Officer, USCG Marine Safety Center,''.

PART 164—NAVIGATION SAFETY REGULATIONS

50. The authority citation for part 164 continues to read as follows:

Authority: 33 U.S.C. 1223, 1231; 46 U.S.C. 2103, 3703; 49 CFR 1.46. Sec. 164.13 also issued under 46 U.S.C. 8502. Sec. 164.61 also issued under 46 U.S.C. 6101.

§ 164.33 [Amended]

51. In § 164.33, in paragraphs (a)(3)(i) and (a)(3)(ii), following the word ''by'', add the words ''private entities using data provided by''; and in paragraph (c), remove the words ''Defense Mapping Agency Hydrographic/Topographic Center'' and add, in their place, the words ''the National Imagery and Mapping Agency''.

§ 164.72 [Amended]

52. In § 164.72, in paragraph (b)(2)(ii)(B), remove the words '' Defense Mapping Agency'' and add, in their place, the words ''National Imagery and Mapping Agency''; and, in paragraphs (b)(2)(ii)(C) and (b)(2)(ii)(D), remove the words ''by the NOS'' and add, in their place, the words ''private entities using data provided by the NOS''.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

Subpart F—[Amended]

54. In subpart F, immediately following § 165.1114, remove the undesignated heading ''Thirteenth Coast Guard District'' and add the undesignated heading ''Thirteenth Coast Guard District'' immediately preceding § 165.1301.

§ 165.754 [Amended]

55. In § 165.754(b)(3), remove ''(787) 729–6800 ext. 140'' and add, in its place, ''787–706–2444 or 787–289–2048''.

§ 165.903 [Amended]

56. In § 165.903, in paragraph (a)(1), remove the words ''the end of the lot adjacent to Fagan's'' and add, in their place, the words ''the Holy Moses Water Taxi Landing at Fado's''; in paragraph (a)(4), remove the word ''Tiffany's'' and add, in its place, the words ''Christie's Cabaret''; and in paragraph (a)(11), remove the word ''Aqua'' and add, in its place, the word ''Mega''.

§ 165.1101 [Redesignated]

57. Redesignate § 165.1101 as § 165.1151.

§§ 165.1102 through 165.1108 [Redesignated]

58. Redesignate §§ 165.1102 through 165.1108, as §§ 165.1101 through 165.1107, respectively.

§ 165.1109 [Redesignated]

59. Redesignate § 165.1109, as § 165.1152.

§ 165.1111 [Redesignated]

60. Redesignate § 165.1111 as § 165.1131.

§ 165.1112 [Redesignated]

61. Redesignate § 165.1112 as § 165.1191.

§ 165.1113 [Redesignated]

62. Redesignate § 165.1113 as § 165.1153.

§§ 165.1114 and 165.1115 [Redesignated]

63. Redesignate §§ 165.1114 and 165.1115 as §§ 65.1181 and 165.1182, respectively.

§ 165.1116 [Redesignated]

64. Redesignate § 165.1116 as § 165.1171.

§ 165.1403 [Amended]

65. In § 165.1403(a), in the note, remove ''DMA'' and add, in its place, ''NOAA''.

PART 173—VESSEL NUMBERING AND CASUALTY AND ACCIDENT REPORTING

66. The authority citation for part 173 continues to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2110, 6101, 12301, 12302; OMB Circular A–25; 49 CFR 1.46.

Appendix A to Part 173—[Amended]

67. In appendix A to part 173—

a. In paragraph (a), add, in alphabetical order, the entry ''Alaska-AK'' and the entry ''Northern Mariana Islands-CM'' and remove the entry ''Guam-GM'' and add, in its place, the entry ''Guam-GU''; and

b. In paragraph (b), remove the entry ''Alaska-AK''.

Dated: June 15, 2001.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 01–15657 Filed 6–22–01; 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 in-season management actions 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. 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 closures and regulatory adjustments are effective June 3, 2001, through June 5, 2001, for District 1 alone and June 10, 2001, through June 12, 2001, for Districts 1 and 2. The Yukon River drainage closures are effective May 31, 2001, through July 30, 2001, for District 1; June 3, 2001, through July 30, 2001, for District 2; and June 6, 2001, through July 30, 2001, for District 3.

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 (restricted subsistence fishing schedules) 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 both spawning escapement objectives and 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 3 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. That closure was 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 (66 FR 32750, June 18, 2001). This is the period of the greatest chinook and chum salmon run strength in the river. The effect of that action was 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. Additionally, any chinook or summer 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. 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. Should the runs come in stronger than expected with spawning escapements and subsistence needs being met, the delegated field manager, as authorized by the Federal Subsistence Board, may remove this restriction.

On June 1, 2001, the Federal Subsistence Board, acting through the delegated field official and in concert with ADF&G managers initiated a second closure on Federal waters for the period from June 3, 2001, through June 5, 2001, in the Kuskokwim River drainage District 1 for the subsistence gillnet and fishwheel fisheries. This reduced the subsistence salmon fishing schedule to four days that week. In Kuskokwim River drainage District 1, fishing for whitefish, suckers and other non-salmon species during closed salmon fishing periods continues to be allowed seven days per week with gillnets of 4 inches or less stretch mesh that are 60 feet or less in length. Salmon caught incidentally in those nets can be kept for subsistence uses.

On June 8, 2001, the Federal Subsistence Board, acting through the delegated field official and in concert with ADF&G managers initiated a third closure on Federal waters for the period from June 10, 2001, through June 12, 2001, in the Kuskokwim River drainage Districts 1 and 2 for the subsistence gillnet and fishwheel fisheries. In Kuskokwim River drainage District 1 and 2, fishing for whitefish, suckers and other non-salmon species during closed salmon fishing periods continues to be allowed seven days per week with gillnets of 4 inches or less stretch mesh that are 60 feet or less in length. Salmon caught incidentally in those nets can be kept for subsistence uses.

These regulatory actions are necessary to assure the continued viability of the chinook and chum salmon runs and provide a long-term subsistence priority during a period of limited harvest opportunity. These closures and adjustments brought the Federal subsistence fishing regulations in line with the similar ADF&G action for unified management and minimized confusion under the dual management system.

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 subsistence users (66 FR 32750, June 18, 2001). The effect of that action was 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 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 action was 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 escapements and subsistence needs being met, the delegated field manager, as authorized by the Federal Subsistence Board, 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.

On May 31, 2001, the Federal Subsistence Board, acting through the delegated field official and in concert with ADF&G managers initiated a set of closures on Federal waters in Districts 1–3 of the Yukon River drainage for the subsistence fisheries. In Districts 1–3 the take of salmon is closed except for two 36-hour periods each week as follows. In Yukon River drainage District 1, salmon fishing is open for two 36-hour periods per week from Thursday 8:00 p.m. through Saturday 8:00 a.m. and Monday 8:00 p.m. through Wednesday 8:00 a.m. For District 2 the open periods are from Sunday 8:00 p.m. through Tuesday 8:00 a.m. and Wednesday 8:00 p.m. through Friday 8:00 a.m. For District 3 the open periods are from Wednesday 8:00 p.m. through Friday 8:00 a.m. and Sunday 8:00 p.m. through Tuesday 8:00 a.m.

This regulatory action is necessary to assure the continued viability of the chinook and chum salmon runs and provide a long-term subsistence priority during a period of limited harvest opportunity. These reduced subsistence fishing schedules brought the Federal subsistence fishing regulations in line with the similar ADF&G action for unified management and minimized confusion under the dual management system.

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 as indicated in the **DATES** section.

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), Executive Order 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: June 11, 2001.

Kenneth E. Thompson,

Subsistence Program Leader, USDA-Forest Service.

Dated: June 12, 2001.

Peggy Fox,

Acting Chair, Federal Subsistence Board.

[FR Doc. 01–15811 Filed 6–22–01; 8:45 am]

BILLING CODE 3410–11–P; 4310–55–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA155–4114a; FRL–6998–6]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Control of Volatile Organic Compounds (VOCs) for Aerospace Operations and Miscellaneous VOC Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Commonwealth of Pennsylvania State Implementation Plan (SIP) submitted on March 6, 2000, by the Pennsylvania Department of Environmental Protection (PADEP). These revisions adopt new volatile organic compound (VOC) regulations for the aerospace industry and add new definitions for terms used in regulations containing standards for VOC sources. These revisions also modify the approval process for the use of alternative compliance methods for certain VOC control requirements. EPA is approving these revisions to the Commonwealth of Pennsylvania SIP in accordance with the requirements of the Clean Air Act. (CAA).

DATES: This rule is effective on August 24, 2001, without further notice, unless EPA receives adverse written comment by July 25, 2001. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning & Information Services Branch, mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Janice Lewis, (215) 814–2185, or Ellen Wentworth, (215) 814–2034, at the EPA Region III address above, or by e-mail at *lewis.janice@epa.gov* or *wentworth.ellen@epa.gov*

SUPPLEMENTARY INFORMATION:

I. Description of the SIP Revision and EPA's Action

The information in this section is organized as follows:

A. What Action Is EPA Taking Today?
B. To What Facilities/Operations Do These Revisions Apply?
C. What Are the Provisions of the New and Revised Regulations?
D. Why Is EPA Approving the SIP Revisions?
E. What Is the Process for EPA Approval of This Action?

What Action Is EPA Taking Today?

EPA is approving revisions to the Commonwealth of Pennsylvania SIP which were submitted on March 6, 2000 by PADEP. This SIP revision adds a new section, 129.73, Aerospace Manufacturing and Rework, to 25 PA Code, Chapter 129, Standards For Sources, establishing requirements to control VOC emissions from coatings and solvents used in the aerospace industry. In addition, we are approving revisions to 25 PA Code, Chapter 129, Standards for Sources, section 129.51, General. These revisions remove the requirement that alternative compliance methods for meeting the VOC requirements contained in Chapter 129, sections 129.52, and 129.54–129.73 be submitted to EPA as a SIP revision. The revisions now allow an alternative compliance method to be incorporated into a plan approval or operating permit or both, subject to review by EPA. We are also approving a SIP revision that amends 25 PA Code, Chapter 121, General Provisions, section 121.1, Definitions, to include the addition of the definition of terms used in the substantive sections of Chapter 129.

To What Facilities/Operations Do These Revisions Apply?

The aerospace industry includes all manufacturing facilities that produce an aerospace vehicle or component and all facilities that repair these aerospace products. An aerospace vehicle or

component is defined as, but not limited to, any fabricated part, processed part, assembly of parts, or completed unit of any aircraft including, but not limited to airplanes, helicopters, missiles, rockets, and space vehicles. In addition to manufacturing and repair facilities, some shops may specialize in providing a service, such as chemical milling, rather than actually producing a component or assembly. The new regulations are applicable to all sources with the potential to emit 25 tons of VOC per year. If a facility which is involved in the manufacture or rework of aerospace vehicles or components has potential VOC emissions of 25 tons per year or more, it is subject to the requirements of section 129.73. If a facility coats or cleans a variety of products in addition to aerospace products, the operations could be subject to other requirements, including the surface coating limitations in section 129.52. Facilities which are solely involved in aerospace coating operations and have the potential to emit less than the applicability thresholds would not be subject to the aerospace coating limitations.

What Are the Provisions of the New and Revised Regulations?

As mentioned previously, this SIP revision adds a new section 129.73, Aerospace Manufacturing and Rework, to 25 PA Code, Chapter 129, Standards For Sources, which establishes requirements to control VOC emissions from coatings and solvents used in the aerospace industry. Section 129.73(1) defines the exemptions to the cleaning and coating of aerospace components and vehicles. Section 129.73(2) specifies that the exemption for touch-up, aerosol, and Department of Defense (DOT) classified coatings, coatings of space vehicles, and small volume coatings is only from the VOC content limits of the coatings, and not the other provisions of the aerospace regulation. Section 129.73(3) requires that the specific coatings listed in the regulation meet specified allowable VOC limits. All other coatings are subject to the SIP's general coating VOC limits. Section 129.73(4) establishes the methodology for calculating the VOC content of coatings. Section 129.73(5) establishes the application techniques for applying aerospace coatings, and section 129.73(6) establishes exceptions to those coating technique requirements. Section 129.73(7) establishes limitations for hand-wipe cleaning of aerospace vehicles or components, and section 129.73(8) establishes exceptions to the hand-wipe requirements. Sections 129.73(9), (10), and (11) establish requirements for cleaning solvent containers, spray gun cleaning and housekeeping. Section 129.73(12) authorizes compliance through the use of approved air pollution control equipment. Section 129.73(13) establishes the record keeping requirements for aerospace manufacturing and rework facilities.

The SIP revision also revises the VOC equivalency provisions of Chapter 129, Standards for Sources, Chapter 129, section 129.51, General, to authorize compliance with Chapter 129 by the use of an alternative method if that method is incorporated by the Department into an applicable plan approval or operating permit, or both, subject to review by EPA. Specifically, section 129.51(a), Equivalency, and section129.51(a)(3) have been revised to add the new section, 129.73, relating to aerospace manufacturing and rework. The change to 129.51(a)(6) removes the requirement that alternative compliance methods for meeting the VOC requirements contained in sections 129.52, and 129.54–129.73 be submitted to EPA as a SIP revision. The amendment requires, instead, that alternative compliance methods be incorporated into an applicable plan approval or operating permit, or both, subject to EPA review.

The changes to Chapter 121, General Provisions, section 121.1, Definitions, adds definitions of terms used in the substantive provisions of Chapter 129, Pennsylvania's regulations which contain VOC emission standards.

Additional definitions are provided for the following:

Ablative coating
Adhesion promoter
Adhesive bonding primer
Adhesive primer
Aerosol coating
Aerospace coating operation
Aerospace coating unit
Aerospace primer
Aerospace surface preparation
Aerospace topcoat
Aerospace vehicle or component
Aircraft fluid systems
Aircraft transparency
Antichafe coating
Antique aerospace vehicle or component
Aqueous cleaning solvent
Bonding maskant
CARC-chemical agent resistant coating
Chemical milling maskant
Cleaning operation
Cleaning solvent
Closed-cycle depainting system
Commercial exterior aerodynamic structure primer
Commercial interior adhesive
Compatible epoxy primer
Compatible substrate primer
Confined space
Corrosion prevention system
Critical use and line sealer maskant
Cryogenic flexible primer
Cyoprotective coating
Cyanoacrylate adhesive
Electric or radiation-effect coating
Electrostatic discharge and electromagnetic interference (EMI) coating
Elevated temperature skydrol resistant commercial primer
Epoxy polyamide topcoat
Exempt solvent
Fire-resistant (interior) coating
Flexible primer
Flight test coating
Flush cleaning
Fuel tank adhesive
Fuel tank coating
Hand-wipe cleaning operation
High temperature coating
Insulation covering
Intermediate release coating
Lacquer
Limited access space
Metalized epoxy coating
Mold release
Nonstructural adhesive
Operating parameter value
Optical antireflection coating
Part marking coating
Pretreatment coating
Radome
Rain erosion resistant coating
Rocket motor bonding adhesive
Rocket motor nozzle coating
Rubber-based adhesive
Scale inhibitor
Screen print ink
Sealant
Seal coat maskant
Self-priming topcoat
Semiaqueous cleaning solvent
Silicone insulation material
Solids
Solid film lubricant
Space vehicle
Specialty coating
Specialized function coating
Spray gun
Structural autoclavable adhesive
Structural nonautoclavable adhesive
Temporary protective coating
Thermal control coating
Touch-up and repair operation (also known as Aerospace touch-up and repair operation)
Type I chemical etchant
Type I chemical milling maskant
Type II chemical etchant
Type II chemical milling maskant
VOC composite vapor pressure
Waterborn (water-reducible) coating
Wet fastener installation coating
Wing coating

The definition of Miscellaneous metal parts and products has been revised.

Why Is EPA Approving The SIP Revisions?

The addition of section 129.73 to 25 PA Code Chapter 129, Standards for Sources, establishes specific allowable VOC content requirements for aerospace coatings. The CAA requires that SIPS for certain ozone nonattaiment areas be revised to require the implementation of reasonably available control technology (RACT) to control VOC emissions. Section 183(b)(3) of the CAA requires the EPA Administrator to issue a control techniques guideline (CTG) for the control of VOC emissions from coatings and solvents used in the aerospace industry. EPA is approving Pennsylvania's regulations because they are based upon EPA's CTG for the aerospace industry as well as the applicable Maximum Achievable Control Technologies (MACT) to control hazardous air pollutants. They also appropriately allow Pennsylvania's aerospace manufacturers to utilize coatings specified by the United States Department of Defense (DOD), the United States Department of Transportation (DOT), and the National Aeronautics and Space Administration (NASA).

EPA is also approving the revisions to Chapter 129, Standards for Sources, section 129.51 as described above. The revision requires the alternative compliance method to be incorporated into a plan approval or operating permit, or both, subject to EPA review. This action will streamline the process for establishing alternative compliance methods. EPA is approving this revision because any alternative compliance method would be reviewed by EPA to ensure that it produced results equivalent to the method specified in the regulations, thereby not jeopardizing progress towards attainment of the ozone standard.

EPA is approving the addition of the definitions to Chapter 121, section 121.1, Definitions, because they are terms used in the substantive sections of Chapter 129 and satisfy all applicable federal requirements and policies.

What Is the Process for EPA Approval of This Action?

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, 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 on August 24, 2001, without further notice unless EPA receives adverse comment by July 25, 2001. If EPA receives adverse comment, 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. 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.

II. Final Action

EPA is approving as revisions to the Commonwealth of Pennsylvania SIP the amendments to Chapter 121, General Provisions, section 121.1, Definitions; the revisions to Chapter 129, Standards for Sources, section 129.51, General; and the addition of section 129.73, Aerospace Manufacturing and Rework to Chapter 129 pertaining to VOC control requirements for the aerospace industry. These revisions were submitted by the Commonwealth of Pennsylvania on March 6, 2000.

III. What Are the Administrative Requirements?

A. General 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.*).

B. 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. EPA will submit a report containing this rule and other

required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. 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 24, 2001. Filing a petition for reconsideration by the Administrator of this final rule approving revisions to Pennsylvania's volatile organic compounds regulations and the adoption of new regulations for the aerospace industry 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: May 31, 2001.

Elaine B. Wright,

Acting Regional Administrator, Region III.

40 CFR part 52 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 NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(155) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(155) Revisions to the Pennsylvania Regulations pertaining to certain VOC regulations submitted on March 6, 2000 by the Pennsylvania Department of Environmental Protection:

(i) *Incorporation by reference.*

(A) Letter of March 6, 2000 from the Pennsylvania Department of Environmental Protection transmitting the revisions to VOC regulations.

(B) Addition of definitions to 25 PA Code Chapter 121, General Provisions, at section 121.1, Definitions; addition of new section to 25 PA Code, Chapter 129, Standards For Sources, section 129.73, Aerospace manufacturing and rework; and revisions to Chapter 129, Standards For Sources, section 129.51, General. These revisions became effective on April 10, 1999.

(ii) *Additional material.* Remainder of March 6, 2000 submittal.

[FR Doc. 01–15751 Filed 6–22–01; 8:45 am]

BILLING CODE 6560–50–U

Proposed Rules

Federal Register
Vol. 66, No. 122
Monday, June 25, 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.

FEDERAL RESERVE SYSTEM

12 CFR Part 223

[Regulation W; Docket No. R–1103]

Transactions Between Banks and Their Affiliates; Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This document supplements the preamble to a proposed Regulation W published in the **Federal Register** of May 11, 2001, regarding sections 23A and 23B of the Federal Reserve Act (66 FR 24186). This supplement seeks comment on whether the Board should exempt extensions of credit by a bank to any person that are secured by shares of a mutual fund for which the bank or an affiliate of the bank acts as investment adviser.

DATES: Comments on this supplement, along with any other comments on the proposed Regulation W, must be submitted on or before August 15, 2001.

FOR FURTHER INFORMATION CONTACT: Pamela G. Nardolilli, Senior Counsel (202/452–3289), or Mark E. Van Der Weide, Counsel (202/452–2263), Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION: On May 2, 2001, the Board approved, in connection with its approval of the proposed Regulation W, seeking public comment on whether to grant an exemption from section 23A of the Federal Reserve Act for transactions in which a bank takes proprietary mutual fund shares as collateral for a loan. The preamble to the proposed Regulation W inadvertently did not contain a request for comment on this issue. The following supplement to the Regulation W preamble presents this comment request.

Correction

In proposed rule FR Doc. 01–11610, beginning on page 24186 in the **Federal Register** issue of May 11, 2001, make the following correction in the **SUPPLEMENTARY INFORMATION** section. On page 24201 in the first column, add at the end of the first full paragraph the following:

''L. Additional Exemptions

Section 23A(b)(7)(D) includes as a covered transaction a bank's acceptance of securities issued by an affiliate as collateral for an extension of credit to any person. Section 23A(b)(1)(D)(ii) defines as an affiliate of a bank any mutual fund for which a bank or an affiliate of the bank acts as an investment adviser (''proprietary mutual fund''). Several commenters have requested that the Board exempt from section 23A transactions in which a bank accepts proprietary mutual fund shares as collateral for an extension of credit. The Board asks for comment on whether granting such an exemption would be consistent with the purposes of section 23A. The Board also specifically seeks comment on whether to condition the availability of the exemption, if granted, on any of the following requirements: (i) The borrower does not use the proceeds of the loan to purchase shares of proprietary mutual funds; (ii) the borrower is not an executive officer of the bank or its affiliates; (iii) the price of the mutual fund shares is quoted routinely in a widely disseminated news source; (iv) the shares of the mutual fund are widely held by the public; or (v) the bank and its affiliates do not own in the aggregate more than 5 percent of the shares of the mutual fund.

The Board also invites comment on whether additional exemptions from section 23A are in the public interest and consistent with the purposes of the statute.''

By order of the Board of Governors of the Federal Reserve System, June 20, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–15869 Filed 6–22–01; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–37–AD]

Airworthiness Directives; Bell Helicopter Textron Canada Model 206L–4 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes adopting a new airworthiness directive (AD) for Bell Helicopter Textron Canada (BHTC) Model 206L–4 helicopters. This proposal would require installing a high altitude tail rotor static stop yield indicator (indicator) to allow operators to detect excessive bending loads sustained by the tail rotor yoke. A preflight check of the indicator would also be required. This proposal is prompted by a determination that a tail rotor yoke with a high altitude rotor system is susceptible to a static and dynamic overload. Static overload could occur after the tail rotor yoke sustains an excessive bending load due to a strike from a ground vehicle. Dynamic overload could occur as a result of a hard landing. The actions specified by the proposed AD are intended to prevent failure of the tail rotor yoke in flight and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before August 24, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–37–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: *9-asw-adcomments@faa.gov.* Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Marc Belhumeur, Aviation Safety Engineer, FAA, Rotorcraft Certification Office, Rotorcraft Directorate, Fort Worth, Texas 76193–0170, telephone (817) 222–5177, fax (817) 222–5783.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2000–SW–37–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–37–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

Transport Canada, the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on BHTC Model 206L–4 helicopters. Transport Canada advises that the tail rotor yoke is susceptible to static and dynamic overloads. The use of a previously overloaded yoke creates a safety hazard since the airworthiness of the overloaded yoke has been seriously compromised. There are a number of events that can lead to overloading the yoke. Installing an indicator will allow for timely detection of the overload condition.

BHTC has issued Alert Service Bulletin No. 206L–96–104, Revision B, dated July 24, 1998 (ASB), which specifies immediate review of all installed and spare tail rotor yoke assembly, part number (P/N) 406–012–102–107, historical records for any static or dynamic incident. The ASB gives instructions to install a new indicator, P/N 206–011–752–101, to detect excessive bending loads sustained by the tail rotor yoke. The ASB also provides helicopter mooring and pre-flight check information. Transport Canada classified this ASB as mandatory and issued AD No. CF–98–11, dated June 16, 1998, to ensure the continued airworthiness of these helicopters in Canada.

This helicopter model is manufactured in Canada and is type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, Transport Canada has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

We have identified an unsafe condition that is likely to exist or develop on other BHTC Model 206L–4 helicopters of the same type design registered in the United States. The proposed AD would require installing an indicator, P/N 206–011–752–101, within 100 hours time-in-service. The actions would be required to be accomplished in accordance with the ASB described previously. A preflight visual check for damage to the indicator is also required.

An owner/operator (pilot) may perform the visual check required by this AD and must enter compliance with paragraph (b) of this AD in accordance with 14 CFR 43.11 and 91.417(a)(2)(v)). This AD allows a pilot to perform this check because it involves only a visual check for damage to the indicator and can be performed equally well by a pilot or a mechanic.

The FAA estimates that 16 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 0.5 work hour per helicopter to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $1753. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $28,528.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bell Helicopter Textron Canada: Docket No. 2000–SW–37–AD.

Applicability: Model 206L–4 helicopters, with High Altitude Tail Rotor Kit, part number (P/N) 206–704–722–101 (BHT–206–SI–2054), installed, certificated in any category.

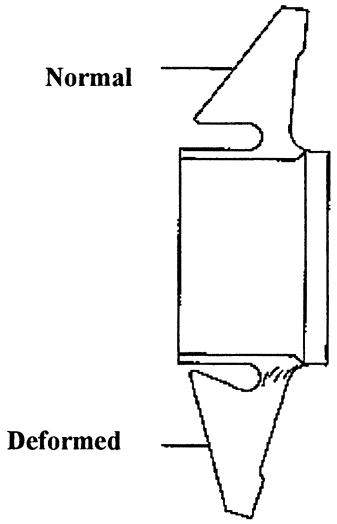
Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the tail rotor yoke in flight and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 100 hours time-in-service, install a high altitude tail rotor static stop yield indicator (indicator), P/N 206–011–752–101, in accordance with the Accomplishment Instructions, Part II, Bell Helicopter Textron Alert Service Bulletin No. 206L–96–104, Revision B, dated July 24, 1998.

(b) Before each engine start, check the indicator for damage in accordance with Figure 1 of this AD. If damage is found, before further flight, replace the damaged indicator with an airworthy indicator, and replace the tail rotor yoke, P/N 406–012–102–107, with an airworthy tail rotor yoke.



Normal and Deformed (damaged) Indications of the High Altitude Tail Rotor Static Stop Yield Indicator (P/N 206-011-752-101)

Figure 1

(c) An owner/operator (pilot) holding at least a private pilot certificate may perform the visual check required by paragraph (b) of this AD, and must record compliance in the helicopter maintenance records in accordance with 14 CFR 43.11 and 91.417(a)(2)(v)).

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

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

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

Note 3: The subject of this AD is addressed in Transport Canada (Canada) AD CF–98–11, dated June 16, 1998.

Issued in Fort Worth, Texas, on June 15, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–15797 Filed 6–22–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–SW–09–AD]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes the adoption of a new airworthiness directive (AD) for Agusta S.p.A. Model A109E helicopters. The proposed AD would require modifying the passenger compartment sliding doors by installing certain locking mechanism kits. The proposed AD is prompted by accidental opening of a passenger compartment sliding door (door) inflight due to a door locking mechanism that is too easy to accidentally open. The actions specified by the proposed AD are intended to prevent accidental opening of a door in flight and subsequent loss of objects that could damage the rotor system.

DATES: Submit any comments on this proposal by August 24, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2001–SW–09–AD, 2601 Meacham Blvd., Room

663, Forth Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: *9-asw-adcomments@faa.gov.* Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Richard Monschke, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0110, telephone (817) 222–5116, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2001–SW–09–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2001–SW–09–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

Ente Nazionale per l'Aviazione Civile (ENAC), the airworthiness authority for Italy, notified us that an unsafe condition might exist on Agusta S.p.A. Model A109E helicopters. ENAC advises modifying the doors installed on Agusta S.p.A. Model A109E helicopters up to serial number (S/N) 11099 inclusive.

Agusta S.p.A. has issued Bolletino Tecnico No. 109EP–16, dated December 21, 2000 (BT). This BT specifies modifying the opening/closing mechanism of the doors with the double-action (pull and turn) system to avoid accidental actuation of the internal handles. ENAC classified this BT as mandatory and issued AD No. 2001–019, dated January 5, 2001, to ensure the continued airworthiness of these helicopters in Italy.

This helicopter model is manufactured in Italy and is type certified for operation in the United States under the provisions 14 CFR 21.29 and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, ENAC has kept the FAA informed of the situation described above. The FAA has examined the findings of ENAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

We have identified an unsafe condition that is likely to exist or develop on other Agusta S.p.A. Model A109E helicopters of this same type design registered in the United States. Unintentional door opening could allow items to be lost from the passenger compartment, and subsequent impact with the main or tail rotors. The proposed AD would require modifying the doors installed on Agusta S.p.A. Model A109E helicopters up to an including S/N 11099 by installing door-locking mechanism kits, part number 109–0823–03–101 and –102, within 90 days. The actions would have to be accomplished in accordance with the BT described previously.

Regulatory Impact

We estimate that 11 helicopters of U.S. registry would be affected by this proposed AD and that it would take approximately 8 work hours per helicopter to modify the doors. The average labor rate is $60 per work hour. The manufacturer states in its ASB that it will reimburse 8 work hours at $40 per work hour. The manufacturer also states in its ASB that the parts will be supplied to modify the locking mechanism on the doors. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1760.

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. You can get a copy obtained by contacting the Docket at the mailing address listed under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Agusta S.p.A: Docket No. 2001–SW–09–AD.

Applicability: Model A109E helicopters, up to and including serial number 11099, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters 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. Your 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 within 90 days, unless accomplished previously.

To prevent accidental opening of a passenger compartment (door) during flight, accomplish the following:

(a) Modify each passenger compartment sliding door by installing locking mechanism kits, part number (P/N) 109–0823–03–101 and –102, in accordance with the Compliance Instruction of Agusta Bollettino Tecnico No. 109EP–16, dated December 21, 2000 (BT).

(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, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

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

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

Note 3: The subject of this AD is addressed in Ente Nazionale per l'Aviazione Civile (Italy) AD 2001–019, dated January 5, 2001.

Issued in Fort Worth, Texas, on June 12, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–15796 Filed 6–22–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–67–AD]

RIN 2120–AA64

Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes adopting a new airworthiness directive (AD) for Robinson Helicopter Company (RHC) Model R44 helicopters. This proposal would require establishing a life limit of 2200 hours time-in-service (TIS) for affected horizontal stabilizers. This proposal is prompted by engineering analysis, which indicates that certain vertical-to-horizontal stabilizer attach channels (channels) will crack sooner than the original life limit of the horizontal stabilizer. The actions specified by the proposed AD are intended to prevent a crack through a channel, separation of the stabilizers, and subsequent loss of directional control of the helicopter.

DATES: The FAA must receive any comments on this proposal by August 24, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–67–AD, Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: *9-asw-adcomments@faa.gov.* Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Fred Guerin, Aviation Safety Engineer, FAA, Los Angeles Aircraft Certification Office, Airframe Branch, 3960 Paramount Blvd., Lakewood, California 90712, telephone (562) 627–5232, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this proposal must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2000–SW–67–AD.'' The postcard will be date stamped and returned to the commenter.

Discussion

This document proposes adopting a new AD for RHC Model R44 helicopters to require establishing a life limit of 2200 hours TIS for affected horizontal stabilizers and removing, inspecting, and replacing certain channels with airworthy channels. This proposal is prompted by engineering analysis which indicates that a fatigue crack may develop through the inboard attachment hole for the nutplate, part number (P/N) NAS697A4, on channels, P/N D283–1 and –2, sooner than the original life limit of 4,000 hours TIS. This condition, if not corrected, could result in a fatigue crack on the channels, P/N D283–1 and –2, that attach the vertical and horizontal stabilizers, separation of the vertical and horizontal stabilizers after 2200 hours TIS, and subsequent loss of directional control of the helicopter.

The FAA has reviewed RHC Service Bulletin No. SB–39, dated September 12, 2000 (SB), which specifies replacing affected channels during overhaul at 2200 hours TIS. The FAA agrees that channels, P/N D283, with nutplate, P/N NAS697A4, are considered unairworthy after 2200 hours TIS.

We have identified an unsafe condition that is likely to exist or develop on other RHC Model R44 helicopters of these same type designs. The proposed AD would require the following before 2200 hours TIS:

- Removing the vertical stabilizer to inspect the nutplate on channels, P/N D283–1 and –2.
- Replacing channels installed with nutplate, P/N NAS697A4, with channels, P/N D296–1 and –2.

This proposal would revise the Limitations section of the maintenance manual by establishing a life limit of 2200 hours TIS for stabilizer, P/N CO44–1, with channels, P/N D283–1 or –2, installed.

Regulatory Impact

We estimate that 3 helicopters of U.S. registry would be affected by this proposed AD and that it would take approximately ½ work hour per helicopter to inspect the horizontal stabilizer and replace channels. The average labor rate is $60 per work hour. The manufacturer states in the SB that there will be no charge for the parts. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $90.

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the

various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new airworthiness directive:

Robinson Helicopter Company: Docket No. 2000–SW–67–AD.

Applicability: Model R44 helicopters, with horizontal stabilizer assembly (assembly), part number (P/N) C044–1; horizontal stabilizer serial number (S/N) 0009 through 0224, except S/N 0018, 0090, 0094, 0111, 0129, 0144, 0161, 0178, 0201, and 0223, installed, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent a crack through a vertical-to-horizontal stabilizer attach channel (channel), which can cause separation of the stabilizers and subsequent loss of control of the helicopter, accomplish the following:

(a) Before accumulating 2200 hours time-in-service (TIS) on the assembly:

(1) Remove the vertical stabilizer to inspect the nutplate on channels, P/N D283–1 and –2.

(2) If the nutplates are P/N MS21086L4, no further action is required by this AD.

(3) If the nutplates are P/N NAS697A4, replace the channels with airworthy channels, P/N D296–1 or –2.

Note 2: Robinson Helicopter Company Service Bulletin SB–39, dated September 12, 2000, pertains to the subject of this AD.

(b) This AD revises the Limitations section of the maintenance manual by establishing a retirement life of 2200 hours TIS for assembly, P/N CO44–1, with channels, P/N D283–1 or –2, with nutplates, P/N NAS697A4, installed.

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

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

(d) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

Issued in Fort Worth, Texas, on June 12, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–15795 Filed 6–22–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 70

RIN 1076–AD98

Certificate of Degree of Indian or Alaska Native Blood

AGENCY: Bureau or Indian Affairs, Interior.

ACTION: Proposed rule; reopening of comment period and additional public meetings.

SUMMARY: In keeping with Executive Order 13175, ''Government-to-Government Consultation with Indian Tribes,'' the Bureau of Indian Affairs (BIA) is scheduling several additional regional public sessions for representatives of Indian tribes to provide us with their comments and suggestions (dates, times and locations to be announced). The topic of discussion will be the proposed Certificate of Degree of Indian or Alaska Native Blood (CDIB) rules as published in the **Federal Register** on April 18, 2000. In order to provide sufficient time for submission of written comments, we are extending the comment period.

DATES: The comment period is extended from December 20, 2000, to the close of business on December 31, 2001, Central Standard Time.

ADDRESSES: You may mail your comments to Karen Ketcher, Branch of Tribal Operations, Eastern Oklahoma Region, Bureau of Indian Affairs, 101 North 5th Street, Muskogee, Oklahoma 74401.

FOR FURTHER INFORMATION CONTACT: Karen Ketcher, Branch of Tribal Operations, Eastern Oklahoma, Department of the Interior, Bureau of Indian Affairs, 215 State Street, Muskogee, Oklahoma 74401. You may also hand-deliver comments to us at this address in Room 408. For information about filing comments electronically, see the **SUPPLEMENTARY INFORMATION** section in the April 18, 2000, **Federal Register** notice.

SUPPLEMENTARY INFORMATION: On April 18, 2000, the BIA published a proposed rule, 25 CFR part 70 (65 FR 20775) which is to establish documentation requirements and standards for filing, processing, and issuing a CDIB. The purpose of this notice is to reopen the comment period and to provide additional public meetings. This reopening is in response to requests from Indian tribes and participants at our earlier public sessions. The previous December 20, 2000, deadline for receipt of comments was announced in the **Federal Register** notice of October 30, 2000 (65 FR 64643). The new deadline is close of business, Central Standard Time, on December 31, 2001. Each BIA regional office will notify the tribes within its respective jurisdiction of the dates, times, and locations of the public sessions, will publish notice of these public sessions in at least one newspaper of general circulation, and will post notices in appropriate public locations.

Dated: June 1, 2001.

James H. McDivitt

Deputy Assistant Secretary—Indian Affairs (Management).

[FR Doc. 01–15827 Filed 6–22–01; 8:45 am]

BILLING CODE 4310–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA155–4114b; FRL–6998–7]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Control of Volatile Organic Compounds (VOCs) for Aerospace Operations and Miscellaneous VOC Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. This action proposes to approve new volatile organic compound (VOC) regulations for the aerospace industry, and to add new definitions for terms used in regulations containing standards for VOC sources. This action also proposes to modify the approval process for the use of alternative compliance methods for certain VOC control requirements. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comment. A more detailed description of the state submittal and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should 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 by July 25, 2001.

ADDRESSES: Written comments should be addressed to David Arnold, Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103, and the Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Janice Lewis, (215) 814–2185 or Ellen Wentworth, (215) 814–2034 at the EPA Region III address above, or by e-mail at *lewis.janice@epa.gov* or *wentworth.ellen@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: May 31, 2001.

Elaine B. Wright,

Acting Regional Administrator, Region III.

[FR Doc. 01–15752 Filed 6–22–01; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–1388; MM Docket No.01–118; RM–10106]

Radio Broadcasting Services; Grants, Milan, Shiprock, New Mexico.

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition for rule making filed by KXXQ Radio Partners, Inc., licensee of station KXXQ(FM), Grants, new Mexico, requesting the substitution of Channel 264C0 for Channel 264A at Grants, New Mexico, reallotment of Channel 264C0 from Grants to Milan, New Mexico, and the substitution of Channel 299C1 for Channel 265C1 at Shiprock, New Mexico, to accommodate the change. Petitioner is asked to provide additional information in support of the requested reallotment, specifically the relative population gains and losses. Channel 264C0 can be allotted at Milan with a site restriction of 21.2 kilometers (13.2 miles) north of the community. Channel 299C1 can be allotted at Shiprock at the original allotment site. Coordinates for Channel 264C0 at Milan are 35–2–19 NL and 107–56–52 WL. Coordinates for Channel 299C1 at Shiprock are 36–46–12 NL and 108–42–49 WL.

DATES: Comments must be filed on or before July 30, 2001, and reply comments on or before August 14, 2001.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Robert Lewis Thompson, Hiemann Aitken & Vohra, LLC, 908 King Street, Suite 300, Alexandria, VA 22314 (Counsel to Petitioner).

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, and (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–118 adopted May 30, 2001 and released June 8, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by removing Channel 264A at Grants, adding Milan, Channel 264C0, removing Channel 265C1 and adding Channel 299C1 at Shiprock.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–15785 Filed 6–22–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–1388; MM Docket No. 01–119; RM–10127]

Radio Broadcasting Services; Van Wert, Columbus Grove, Ohio

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition for rule making filed by Clear Channel Broadcasting Licenses, Inc., requesting the substitution of Channel 230B1 for Channel 230A, the reallotment of Channel 230B1 from Van Wert to Columbus Grove, Ohio, as the community's first local aural transmission service. Petitioner is asked to provide additional information in support of the requested reallotment, specifically the relative population gains and losses. Channel 230B1 can be allotted at Columbus Grove with a site restriction of 8.1 kilometers (5.0 miles) northwest of the community. Coordinates for Channel 230B1 at Columbus Grove are 40–57–33 NL and 84–08–14 WL. Canadian concurrence has been requested for this allotment.

DATES: Comments must be filed on or before July 30, 2001, and reply comments on or before August 14, 2001.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Marissa G. Repp, F. William LeBeau, Hogan & Hartson, 555 Thirteen Street, NW., Washington, DC 20004–1109.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, and (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–119 adopted May 30, 2001 and released June 8, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Ohio, is amended by removing Channel 230A at Van Wert, and adding Columbus Grove, Channel 230B1.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–15784 Filed 6–22–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–1388; MM Docket No.01–120, RM–10126]

Radio Broadcasting Services; Lincoln, Sherman, Illinois

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition for rule making filed by Saga Communications of Illinois, Inc., requesting the reallotment of Channel 230B1 from Lincoln to Sherman, Illinois, as the community's first local aural transmission service. Petitioner is asked to provide additional information in support of the requested reallotment, specifically the relative population gains and losses. Channel 230B1 can be allotted at Sherman with a site restriction of 13 kilometers (8.1 miles) north of the community. Coordinates for Channel 230B1 at Sherman, Illinois are 40–00–09 NL and 89–39–35 WL.

DATES: Comments must be filed on or before July 30, 2001, and reply comments on or before August 14, 2001.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Gary S. Smithwick, Smithwick and Belendiuk, 5028 Wisconsin Ave., NW., Suite 301,Washington, DC 20016.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, and (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–120 adopted May 30, 2001 and released June 8, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to

Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by removing Lincoln, Channel 230B1 and adding Sherman, Channel 230B1.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–15783 Filed 6–22–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–1388; MM Docket No. 01–122; RM–10130]

Radio Broadcasting Services; Hamilton, Lebanon, Ohio, Fort Thomas, Kentucky

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a joint petition for rule making filed by Infinity Radio License, Inc., and Caron Broadcasting, requesting the reallotment of Channel 247A from Lebanon, Ohio to Fort Thomas Kentucky, as the community's first local aural transmission service, and the reallotment of Channel 243B from Hamilton to Lebanon, Ohio, to retain the community's first local aural transmission service. Petitioner is asked to provide additional information in support of the requested reallotment, specifically the independence of Fort Thomas from the Cincinnati urbanized Area and relative population gains and losses. We also seek comment on petitioners' claim that the proposal is fully spaced based on Section 73.213(a) of the Commission's Rules regarding ''pre-1964'' grandfathered short-spaced stations under Section 73.207 of the rules. Channel 247A can be allotted at Fort Thomas at petitioner's requested site 14.7 kilometers (9.1 miles) north of Fort Thomas. Channel 243B can be reallotted from Hamilton to Lebanon at Station WYGY(FM)'s existing site 13.9 kilometers (8.6 miles) southwest of the community. Coordinates for Channel 247A at Fort Thomas, Kentucky, are 39–11–51 NL and 84–22–56 WL. Coordinates for Channel 243B at Lebanon, Ohio, are 39–21–11 NL and 84–19–30 WL.

DATES: Comments must be filed on or before July 30, 2001, and reply comments on or before August 14, 2001.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, as follows: John D. Poutasse, 2000 K Street, NW., Suite 600, Washington, DC 20006–1809 (Counsel for Infinity Radio License, Inc.); James P. Riley, Fletcher, Heald and Hildreth, 1300 N 17th Street, 11th Floor, Arlington, VA 22209–3801 (Counsel for Caron Broadcasting).

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Mass Media Bureau, and (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–122 adopted May 30, 2001 and released June 8, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Ohio, is amended by removing Channel 247A at Lebanon, adding Channel 243B at Lebanon, removing Channel 243B at Hamilton.

3. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by adding Fort Thomas, Channel 247A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 01–15782 Filed 6–22–01; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA 2001–8953]

Monitoring the Performance of Advanced Air Bags and Developing Data for Potential Future Air Bag Rulemakings

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

ACTION: Request for comments.

SUMMARY: This document requests comments on NHTSA's plan for monitoring the performance of advanced air bags and developing data for potential future air bag rulemakings. The document presents the agency's proposed actions in monitoring the real-world crash performance of advanced air bags, performing compliance testing, conducting research to evaluate the performance of advanced air bags, and evaluating the costs of advanced air bag systems. NHTSA seeks public review and comment on the planning document. Comments received will be evaluated and incorporated, as

appropriate, into the planned agency activities.

DATES: Comments must be received no later than August 9, 2001.

ADDRESSES: Submit written comments to the Docket Management System, U.S. Department of Transportation, PL 401, 400 Seventh Street, SW., Washington, DC 20590–0001. Comments should refer to the Docket Number (NHTSA 2001–8953) and be submitted in two copies. If you wish to receive confirmation of receipt of your written comments, include a self-addressed, stamped postcard.

Comments may also be submitted to the docket electronically by logging onto the Docket Management System website at *http://dms.dot.gov.* Click on ''Help & Information'' to obtain instructions for filing the comment electronically. In every case, the comment should refer to the docket number.

The Docket Management System is located on the Plaza level of the Nassif Building at the Department of Transportation at the above address. You can review public dockets there between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. You can also review comments on-line at the DOT Docket Management System website at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: William H. Walsh, Office of Plans and Policy, NPP–01, National Highway Traffic Safety Administration, Room 5208, 400 Seventh Street, SW, Washington, DC 20590. Telephone: 202–366–2550.

SUPPLEMENTARY INFORMATION:

Background

The Final Rule and Interim Final Rule for Advanced Air Bags (65 FR 30680, May 12, 2000), amended our occupant crash protection standard to require that future air bags be designed to create less risk of serious air bag-induced injuries than current air bags, particularly for small statured adults and young children; and provide improved frontal crash protection for all occupants, by means that include advanced air bag technology. To achieve these goals, it added a wide variety of new requirements, test procedures, and injury criteria, using an assortment of new dummies. The rule will ensure that advanced air bag technologies are installed across the full spectrum of future fleets of motor vehicles. As a result, we expect that the air bags in these newer vehicles will be even more effective than the current redesigned air bags in saving lives. At the same time, we also expect that these newer air bags will be much less likely than those redesigned air bags to cause deaths or serious injuries.

The provisions of this rule, particularly the maximum test speed for the unbelted rigid barrier test, reflect the uncertainty associated with simultaneously achieving the twin goals of the Transportation Equity Act for the 21st Century (TEA–21). This uncertainty led us to take an approach that best assures improved air bag protection for occupants of all sizes, without compromising efforts to reduce the risks of injury to vulnerable occupants, including children and small statured adults seated very close to air bags and out-of-position occupants. In light of that uncertainty, we selected the lower of two proposed speeds as the maximum test speed for the unbelted rigid barrier crash test and issued that part of the rule as an interim final rule. To resolve that uncertainty, we are planning a multi-year effort to obtain additional data.

Monitoring Approach

In the Preamble for the Final Rule and Interim Final Rule, NHTSA discussed monitoring the performance of advanced air bags and potential future rulemakings. The overall goal is to monitor the performance of advanced air bags: (1) in low speed crashes with at-risk populations and (2) in high speed crashes (particularly those involving unbelted front seat occupants) to support future decision making on the high speed unbelted test requirement. This paper provides a general discussion of the agency's plans for accomplishing these tasks.

In the Preamble, NHTSA identified the following approaches:

- Evaluate real-world crash performance of advanced air bags in both low and high speed crashes.
- Perform compliance testing to assure safe performance of advanced systems and consider publishing an annual compliance margin report.
- Conduct research to:

(1) Evaluate the performance of advanced systems, including unbelted barrier tests at various speeds;

(2) Continue research into the technology of advanced air bags; and

(3) Conduct biomechanics research on the correlation between Injury Assessment Research Values (IARV) and real world injuries.

- Monitor the introduction, public acceptance, and effectiveness of technology to encourage seat belt use.
- Evaluate the costs of advanced air bag systems.

I. Real World Performance of Advanced Air Bags

We are considering various approaches to monitor how well advanced air bags are protecting occupants of different sizes and ages, at different speeds, belted/child restraint and unbelted. The approach will be to compare the performance of advanced air bag systems with the performance of previous generation air bag systems. It is important to understand that significant introduction of vehicles certified to the advanced air bag standard will not occur until Model Year 2004 when 35% of the new vehicle fleet must be so equipped. At the end of that model year, less than 5% of the on-road fleet will be equipped with advanced air bag systems. At the end of the phase-in Model Year 2006 less than 20% of the on-road fleet will be equipped with advanced air bag systems. Unless there are significant changes in the effectiveness of the advanced air bag systems, it will be several years later before any statistical understanding of system effectiveness will be possible. In the interim, NHTSA will continue to support special studies of crash experience and rely on anecdotal and engineering analysis to address real world performance issues.

Data Sources

- We are planning to develop a database that describes air bag design features by make/model/model year; registration data; and key performance attributes (e.g., dual speed inflators, occupant position sensors, deployment thresholds) of advanced air bag systems. Manufacturers that submit information to the agency and wish to seek confidential treatment for the information must submit a request for confidential treatment in accordance with the procedures set forth in the agency's regulations governing Business Confidential Information, 49 CFR Part 512. Any information contained in this database that is entitled to confidential treatment will not be released to the public.
- In-depth crash data will be available from the National Automotive Sampling System (NASS), the Special Crash Investigation (SCI) Program, and the Crash Injury Research and Engineering Network (CIREN). These databases can be used for statistical analysis and engineering analysis of air bag system performance. A key initiative under development is to work with manufacturers to secure data from on-board crash recorders, which would improve our understanding of crash severity and pre-crash maneuvers.

• NHTSA has already instituted two special studies related to air bags. The Redesigned Air Bag Special Study was begun in October 1997 to collect data on crashes involving depowered air bags (air bags which have been redesigned in response to an amendment to FMVSS 208 in 1997 that authorized certification through use of a sled test rather than a crash test into a rigid barrier). The objective of this study is to collect data on crashes of high interest (children, out of position occupants, high damage severity, and multiple injured occupants) involving vehicles equipped with a redesigned air bag system in which the air bag has deployed. In September 1999, the NHTSA initiated the Advanced Occupant Protection Special Study to collect data on crashes involving MY 2000 (and later) vehicles equipped with air bag systems with certain advanced design features (e.g., dual speed inflators, weight sensors, seat position sensors).

• Databases, without in-depth crash investigation data, such as the Fatality Analysis Reporting System (FARS) and the Crash Outcome Data Evaluation System (CODES) will be evaluated for statistical analysis of system performance.

• Industry data will be used as it becomes available. The automobile manufacturers have stated their intention to supplement NHTSA data with a significant investment in crash reconstruction data. Insurance industry data will also be used as available.

Analytic Agenda

• *Low Speed Crashes* (*0–25 mph delta V*): The primary interest in low speed crashes will be focused on out-of-position occupants. We will try to understand how dual speed air bags, low risk deployment air bags, various occupant position/size sensors, deployment thresholds, restraint use and overall system designs affect the occurrence and severity of injuries at different crash severities under 25 mph delta V. We will be looking at drivers and passengers considering their size and age and restraint usage. We will also be looking at small children and the type of child restraint used. We will also be evaluating in-position occupants in a similar fashion.

• *Higher Speed Crashes* (*25 mph delta V and greater*): The analytic approach will be similar in the high speed regime, but the focus will be different. We will attempt to understand how the deployment threshold design, the ''power'' in the second stage of dual speed advanced air bags, the position of the driver/passenger, and restraint usage contribute to system performance. A key issue will be how advanced air bags protect unrestrained occupants in higher speed crashes. Again, we will be looking at drivers and passengers considering their size and age.

II. Compliance Testing

NHTSA will conduct a significant amount of compliance testing of vehicles certified to the advanced air bag requirements (Model Year 2004 when 35% of the new vehicle fleet must be certified). Data from this testing program will be integrated with research tests to monitor the performance of advanced air bag systems. We will consider publishing an annual report, using manufacturer test data as well as NHTSA compliance tests, indicating the extent to which vehicles exceed the performance requirements in the standard. We will first evaluate whether consumers could effectively use this information as an indicator of the relative performance of restraint systems in different vehicles along with other consumer information distributed by this agency, such as results from the New Car Assessment Program (NCAP).

Data Sources

NHTSA routinely tests vehicles to the test procedures specified in the federal motor vehicle safety standards. We also routinely receive certification data from manufacturers as we develop our test program for each year. We can also request information about other testing conducted by manufacturers, in addition to the tests used for certification purposes. Manufacturers that submit information to the agency and wish to seek confidential treatment for the information must submit a request for confidential treatment in accordance with the procedures set forth in the agency's regulations governing Business Confidential Information, 49 CFR Part 512. Specific tests include:

• Low speed tests (Static Out-of-Position, Static Suppression).

• High speed tests (25 mph Offset Deformable Barrier—Belted 5th female, 25 mph Rigid Barrier—Unbelted 5th female and 50th male, 30 mph Rigid Barrier—Belted 5th female, 35 mph Rigid Barrier—Belted 50th male starting in MY 2007).

III. Research Related to Advanced Air Bag Systems

a. Research Testing

We plan to conduct research to evaluate advanced air bag systems introduced into the fleet.

Tests on newly introduced systems will be performed to provide data for potential future rulemakings and to provide information that will help monitor the progress of the industry in maximizing occupant protection. A coordinated research program will be developed which is complementary to the testing conducted in our New Car Assessment Program (NCAP) and our compliance program. We plan to evaluate how well advanced air bags are protecting occupants of different sizes, at different speeds, belted/child restraint and unbelted in both passenger cars and light trucks. Key issues include: (1) the appropriate speed for the unbelted rigid barrier test, which is currently set at 25 mph; (2) raising the speed for restrained testing with the 5% dummy to 35 mph; and (3) evaluating design approaches for achieving low risk deployments for out-of-position occupants. This research effort will complement the analysis of real world performance of air bags described in Section I.

Data Sources

Tests being considered include:

• 15–20 mph Rigid Barrier Tests—Unbelted 5th female and possibly 3 and 6 year old.

• 25–35 mph Rigid Barrier—Unbelted 5th female and 50th male.

• 35 mph Rigid Barrier—Belted 5th female.

• 37.5–40 mph Offset Deformable Barrier—Belted 5th female and 50th male.

• A variety of tests with the 95th male dummy.

B. Research Into the Technology of Future Advanced Air Bags

The agency plans to conduct research on advanced air bag technology that would be considered for installation 3–5 years into the future.

• Survey suppliers for ideas about long range enhancements to air bag technologies and their willingness to participate in cooperative research agreements

• Select technologies of interest and appropriate vendors to develop technology; e.g. advanced sensors, dynamic suppression, advanced algorithms, tailored belt loading, etc.

• Test and evaluate advanced technology and compare it to the performance of advanced air bag systems evaluated in testing described in Section IIIa.

C. Biomechanics Research on Injury Assessment Research Values (IARV)

The agency will conduct biomechanics research to confirm the relationship between IARVs and real world injuries. We also will conduct

additional validation of dummies/injury criteria (especially neck). We also plan to do further work on pediatric injury criteria through scaling for the full range of child dummies. Data sources include CIREN, NASS and computer modeling.

IV. Monitor Education Programs and Technology To Increase Seat Belt Use

The agency will continue its public education campaigns. We will monitor the effectiveness of the campaign that children 12 years of age and younger should ride in the back seat. Educational information will be developed and disseminated on how different advanced air bag systems work. Consumer information will continue to be disseminated through a variety of media (e.g. Internet, Hotline, consumer advisories, etc.). We will also monitor the introduction by manufacturers of technology to encourage belt use.

Data Sources

- Use the National Occupant Protection Use Survey (NOPUS) and analyses of various crash data sources to evaluate seating position of children by age and air bag system;
- Monitor attitudes toward advanced air bag systems and misconceptions on their performance using telephone surveys, Hotline contacts, news articles and focus groups;
- Identify, using an industry survey, those seat belt systems designed to encourage belt use. Monitor seat belt use for these systems using observation studies and crash data.

V. Evaluate Costs of Advanced Air Bag Systems

We plan to monitor the cost of air bag systems using market surveys, information from manufacturers, and special engineering cost studies. These data will be used in subsequent analysis of the costs and benefits of the advanced air bag rule.

How Do I Prepare and Submit Comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the Docket number of this document (NHTSA 2001–8953) in your comments.

Please send two paper copies of your comments to Docket Management or submit them electronically. The mailing address is U.S. Department of Transportation Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. If you submit your comments electronically, log onto the Docket Management System website at *http://dms.dot.gov* and click on ''Help & Information'' or ''Help/Info'' to obtain instructions.

How Can I Be Sure That My Comments Were Received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How Do I Submit Confidential Business Information?

If you wish to submit any information under a claim of confidentiality, send three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NCC–01, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW., Washington, DC 20590. Include a cover letter supplying the information specified in our confidential business information regulation (49 CFR Part 512).

In addition, send two copies from which you have deleted the claimed confidential business information to Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590.

Will the Agency Consider Late Comments?

In our response, we will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES.** To the extent possible, we will also consider comments that Docket Management receives after that date.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

How Can I Read the Comments Submitted by Other People?

You may read the comments by visiting Docket Management in person at Room PL–401, 400 Seventh Street, SW., Washington, DC from 10:00 a.m. to 5:00 p.m., Monday through Friday.

You may also see the comments on the Internet by taking the following steps:

1. Go to the Docket Management System (DMS) Web page of the Department of Transportation (*http://dms.dot.gov*).
2. On that page, click on ''search.''
3. On the next page (*http://dms.dot.gov/search*) type in the four-digit Docket number shown at the beginning of this document (8953). Click on ''search.''
4. On the next page, which contains Docket summary information for the Docket you selected, click on the desired comments. You may also download the comments.

Authority: 49 U.S.C. 30111, 30117, 30168; delegation of authority at 49 CFR 1.50 and 501.8.

William H. Walsh,

Associate Administrator for Plans and Policy.

[FR Doc. 01–15814 Filed 6–22–01; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register

Vol. 66, No. 122

Monday, June 25, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–805, C–560–806]

Certain Cut-To-Length Carbon-Quality Steel Plate Products From Indonesia: Notice of Rescission of Antidumping and Countervailing Duty New Shipper Reviews

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

ACTION: Notice of Rescission of New Shipper Antidumping and Countervailing Duty New Shipper Reviews.

SUMMARY: In response to a timely request from the respondent, PT. Gunung Raja Paksi (''Gunung''), on March 27, 2001, the Department of Commerce published a notice of initiation of new shipper reviews of the antidumping and countervailing duty orders on certain cut-to-length carbon-quality steel plate products (''CTL Plate'') from Indonesia with respect to Gunung, covering the period February 1, 2000, through January 31, 2001, and January 1, 2000, through December 31, 2000, respectively. *See Initiation of Antidumping and Countervailing Duty New Shipper Reviews*, 66 FR 16655—16657 (March 27, 2001). On May 2, 2001, Gunung timely withdrew its request for these reviews.

In accordance with 19 CFR 351.213(d)(1), the Department of Commerce is now rescinding these reviews because Gunung has withdrawn its request for these reviews and no other interested party had requested the reviews.

EFFECTIVE DATE: June 25, 2001.

FOR FURTHER INFORMATION CONTACT: Barbara Wojcik-Betancourt or Brian Smith, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0629 or (202) 482–1766, respectively. Stephanie Moore or Tipten Troidl, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3692 or (202) 482–1767, respectively, (Antidumping Duty Order), (Countervailing Duty Order).

SUPPLEMENTARY INFORMATION:

Applicable Statute

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

Background

On February 1, 2001, the respondent, Gunung, requested new shipper reviews of the above-referenced antidumping and countervailing duty orders for the periods from February 1, 2000, through January 31, 2001, and January 1, 2000, through December 31, 2000, respectively. On March 27, 2001, the Department published a notice of initiation of new shipper reviews of the antidumping and countervailing duty orders on CTL Plate from Indonesia with respect to Gunung (66 FR 16655–16657).

Rescission of Reviews

On May 2, 2001, the respondent, Gunung, timely withdrew its request for reviews. Section 19 CFR 351.214(f) of the Department's regulations stipulates that the Secretary may permit a party that requests a review to withdraw the request no later than 60 days after the date of publication of the notice of initiation of the requested review. In this case, the respondent has withdrawn its request for the reviews within the 60-day period. No other interested party requested a review and we have received no other submissions regarding Gunung's withdrawal of its request for the reviews. Therefore, we are rescinding these reviews of the antidumping and countervailing duty orders on CTL Plate from Indonesia.

This notice is published in accordance with section 751 of the Act and 19 CFR 351.214(f).

Dated: June 15, 2001.

Richard W. Moreland,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–15893 Filed 6–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061501B]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene public meetings.

DATES: The meetings will be held on July 9-13, 2001.

ADDRESSES: These meetings will be held at the Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, FL 33050; telephone: 305–743–7000.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 228–2815.

SUPPLEMENTARY INFORMATION:

Council

July 11

8:30 a.m.—Convene.

8:45 a.m.–12 noon—Receive public testimony on Draft Reef Fish Amendment 18/Draft Supplemental Environmental Impact Statement (DSEIS).

1:30 p.m.–5 p.m.—Continue public testimony on Draft Reef Fish Amendment 18/DSEIS, if necessary.

5 p.m.–6 p.m.—CLOSED SESSION—Receive a report of the Advisory Panel (AP) Selection Committee.

July 12

8:30 a.m.–12 noon—Receive a report of the Reef Fish Management Committee.

1:30 p.m.–4 p.m.—Continue report of the Reef Fish Management Committee, if necessary.

4 p.m.–5 p.m.—Receive a report of the Shrimp Management Committee.

July 13

8:30 a.m.–8:45 a.m.—Receive a report of the Habitat Protection Committee.

8:45 a.m.–9 a.m.—Receive a report of the Council Chairmen's Meeting.

9 a.m.–9:15 a.m.—Receive a report of the NMFS Sustainable Fisheries Act Workshop.

9:15 a.m.–9:30 a.m.—Receive a report of the NMFS Observer Workshop.

9:30 a.m–9:45 a.m.—Receive a report of the South Atlantic Fishery Management Council meeting.

9:45 a.m.–10 a.m.—Receive a report of the Audit Exit meeting.

10 a.m.–10:15 a.m.—Receive the NMFS Regional Administrator's Report.

10:15 a.m.–10:30 a.m.—Receive Enforcement Reports.

10:30 a.m.–11 a.m.—Receive Director's Reports.

11 a.m.—Other Business

July 9

10 a.m.–12 noon—CLOSED SESSION—Convene the AP Selection Committee to develop recommendations for appointments to the Ad Hoc Red Snapper AP and the Deep-Water Crab AP.

1:30 p.m.–5:30 p.m.—Convene the Reef Fish Management Committee to review Draft Reef Fish Amendment 18 and DSEIS and to make their recommendations to the Council for final action. The full Council will consider those recommendations on Thursday morning.

July 10

8:30 a.m.–12 p.m.—Continue the meeting of the Reef Fish Management Committee, if necessary.

1 p.m.–4 p.m.—Convene the Shrimp Management Committee to approve Draft Amendment 10/Environmental Assessment for public hearings, receive a report on the status of shrimp stocks, and a report on compliance within the Tortugas Shrimp Sanctuary.

4:30 p.m.–5:30 p.m.—Convene the Habitat Protection Committee to hear a report on freshwater inflow to the Gulf of Mexico.

Although non-emergency issues not contained in the agenda may come before the Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Act), those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson Act, provided the public has been notified of the Council's intent to take final action to address the emergency. A copy of the Committee schedule and agenda can be obtained by calling (813) 228–2815.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by July 2, 2001.

Dated: June 20, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–15895 Filed 6–22–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061901E]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Advisory Panel, Scallop Oversight Committee and Groundfish Oversight Committee in July, 2001 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will be held on July 9–11, 2001. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held in Warwick, RI and Wakefield, MA. See **SUPPLEMENTARY INFORMATION** for specific locations.

FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465–0492.

SUPPLEMENTARY INFORMATION

Meeting Dates and Agendas

Monday, July 9, 2001, 10 a.m.—Scallop Advisory Panel Meeting.

Location: Radisson Airport Hotel, 2081 Post Road, Warwick, RI 02886; telephone: (401) 732–3000.

The Advisory Panel will review the Plan Development Team, (PDT) recommendations for Amendment 10 to the Atlantic Sea Scallop Fishery Management Plan (FMP). They will report to the Scallop Oversight Committee at their meeting on July 10–11, 2001 and provide advice on these recommendations for management alternatives or make other recommendations.

Monday, July 9, 2001, 9:30 a.m.—Groundfish Oversight Committee Meeting.

Location: Sheraton Colonial Hotel, One Audubon Road Wakefield, MA 01880; telephone: (781) 245–9300.

The Oversight Committee will meet to consider management options for Framework Adjustment 36 to the Northeast Multispecies FMP. Framework 36 was initiated by the Council in January, 2001, to address the following issues: reducing excessive regulatory discards of Gulf of Maine cod resulting from a trip limit, meeting the fishing mortality objectives for Gulf of Maine cod, extending and/or adjusting the Western Gulf of Maine closure (currently scheduled to open May 1, 2002), considering allowing access to groundfish closures by tuna purse seine vessels, and expanding the area for the northern shrimp exempted fishery. At this meeting, the Committee will identify alternative management measures to meet these objectives. They may also consider recommending to the full Council that other objectives be addressed by the framework. The recommendations of the Committee will be considered by the Council at the July 24–26, 2001 Council meeting. While the meeting will focus on Framework 36, if time permits, the Committee may consider issues related to the ongoing development of Amendment 13 and may plan how to address remaining issues for this amendment.

Tuesday, July 10, 2001 at 9:30 a.m. and Wednesday, July 11, 2001 at 8:30 a.m.—Scallop Oversight Committee Meeting.

Location: Radisson Airport Hotel, 2081 Post Road, Warwick, RI 02886; telephone: (401) 732–3000.

The Scallop Oversight Committee will review the package of management alternatives developed by the PDT,

consider advice from the July 9, 2001 Advisory Panel meeting, and advise the Council on which alternatives should be further analyzed and described in the Amendment 10 public hearing document. The oversight committee's recommendations may be that some alternatives need to be changed or omitted from the developing Amendment 10 document. The committee will also discuss consideration of a control date for vessels that target sea scallops while not on a scallop day-at-sea; a control date is needed because the Council is considering whether to limit general category vessel access in Amendment 10; (the control date could apply to any vessel with or without a general category permit and/or to vessels that have a limited access scallop permit and that fish for sea scallops while not on a day-at-sea). The Advisory Panel or Oversight Committee may also recommend adding alternatives to Amendment 10 that were not proposed by the Plan Development Team. The formal Draft Supplemental Environmental Impact Statement (DSEIS) and public hearing document will be reviewed and approved by the Council at the November 6–8 meeting, before public hearings on the proposals.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically 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 Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: June 20, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–15896 Filed 6–22–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Stellwagen Bank National Marine Sanctuary Advisory Council

AGENCY: National Marine Sanctuary System (NMSS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice and request for applications; extension of deadline.

SUMMARY: The Stellwagen Bank National Marine Sanctuary (SBNMS or Sanctuary) is seeking applicants for the following fifteen vacant seats on its Sanctuary Advisory Council (Council): Research (2); Conservation (2); Education (2); Marine Transportation (1); Fixed Gear Fishing (1); Mobile gear Fishing (1); Recreation (1); Whale Watching Industry (1); Business/Industry (1); and Citizen-at-Large (3). Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the conservation and management of marine resources; and the length of residence in the area affected by the Sanctuary. Applicants who are chosen as members should expect to serve two or three-year terms, pursuant to the Council's Charter. Alternates to the fifteen members will also be chosen from the same pool of applicants.

DATES: The due date for applications has been extended to by June 30, 2001.

ADDRESSES: Application kits may be obtained from Sandi Dentino at Stellwagen Bank National Marine Sanctuary, 175 Edward Foster Road, Scituate, MA 02066. Completed applications should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Sandi Dentino, Stellwagen Bank National Marine Sanctuary, 175 Edward Foster Road, Scituate, MA 02066.

SUPPLEMENTARY INFORMATION: The SBNMS Advisory Council was established in 1998 to assure continued public participation in the management of the Sanctuary. The past Council was dissolved in 2000 and this recruitment will establish a new Council to advise the new Superintendent. Since its establishment, the original Council has played a vital role in the decisions affecting the Sanctuary and surrounding waters.

The Council's fifteen voting members represent a variety of local user groups, as well as the general public. Six ex-officio members will represent state and federal governmental jurisdictions.

The Council represents the coordination link between the Sanctuary and the state and federal management agencies, user groups, researchers, educators, policy makers, and other various groups that help to focus efforts and attention on Sanctuary issues.

The Council functions in an advisory capacity to the Sanctuary Superintendent and is instrumental in helping to develop policies and program goals, and to identify education, outreach, research, long-term monitoring, resource protection and revenue enhancement priorities. The Council works in concert with the Sanctuary Superintendent by keeping him informed about issues of concern throughout the Sanctuary, offering recommendations on specific issues, and aiding the Superintendent in achieving the goals of the Sanctuary program within the context of SBNMS programs and policies.

Authority: 16 U.S.C. Section 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Margaret A. Davidson,

Acting Assistant Administrator for Oceans and Coastal Zone Management.

[FR Doc. 01–15837 Filed 6–22–01; 8:45 am]

BILLING CODE 3510–08–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increase of a Guaranteed Access Level for Certain Wool Textile Products Produced or Manufactured in Costa Rica

June 14, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing a guaranteed access level.

EFFECTIVE DATE: June 25, 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 this level, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. 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.

Upon a request from the Government of Costa Rica, the U.S. Government has agreed to increase the current guaranteed access level for Category 447.

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 79343, published on December 19, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 14, 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 13, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Costa Rica and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on June 25, 2001, you are directed to increase the guaranteed access level (GAL) for Category 447 to 14,000 dozen.

The Committee for the Implementation of Textile Agreements has determined that this action falls 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. 01–15854 Filed 6–22–01; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Denial of Short Supply Request under the North American Free Trade Agreement (NAFTA)

June 20, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA)

ACTION: Denial of the petition for modification of the NAFTA rules of origin for products made from yarn of cashmere and yarn of camel hair.

FOR FURTHER INFORMATION CONTACT: Martin Walsh, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Section 202(q) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3332(q)); Executive Order 11651 of March 3, 1972, as amended.

SUMMARY:

On February 28, 2001 the Chairman of CITA received a petition from Amicale Industries, Inc. alleging that yarn of cashmere and yarn of camel hair, classified in heading 5108.10.60 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim a modification of the NAFTA rules of origin. Such a proclamation may be made only after reaching agreement with the other NAFTA countries on the modification. As a result, CITA published a Federal Register Notice on March 12, 2001 (66 FR 14358)) requesting public comments on the petition. These comments were due April 11, 2001. Based on current available information, CITA has determined that these products can be supplied by the domestic industry in commercial quantities in a timely manner and therefore denies the petition.

BACKGROUND: Under the North American Free Trade Agreement (NAFTA), NAFTA countries are required to eliminate customs duties on textile and apparel goods that qualify as originating goods under the NAFTA rules of origin, which are set out in Annex 401 to the NAFTA. The NAFTA provides that the rules of origin for textile and apparel products may be amended through a subsequent agreement by the NAFTA countries. In consultations regarding such a change, the NAFTA countries are to consider issues of availability of supply of fibers, yarns, or fabrics in the free trade area and whether domestic producers are capable of supplying commercial quantities of the good in a timely manner. The Statement of Administrative Action (SAA) that accompanied the NAFTA Implementation Act stated that any interested person may submit to CITA a request for a modification to a particular rule of origin based on a change in the availability in North America of a particular fiber, yarn or fabric and that the requesting party would bear the burden of demonstrating that a change is warranted. The SAA provides that CITA may make a recommendation to the President regarding a change to a rule of origin for a textile or apparel good. The NAFTA Implementation Act provides the President with the authority to proclaim modifications to the NAFTA rules of origin as are necessary to implement an agreement with one or more NAFTA country on such a modification.

On February 28, 2001 the Chairman of CITA received a petition from Amicale Industries, Inc. alleging that yarn of cashmere and yarn of camel hair, classified in HTSUS heading 5108.10.60, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim a modification of the NAFTA rules of origin. Amicale Industries requests that the NAFTA rules of origin for fabrics of HTSUS heading 5111 and for woven apparel of Chapter 62 be modified to permit the use of non-North American yarns of cashmere or yarns of camel hair classified in HTS heading 5108.10.60.

CITA solicited public comments regarding this request (66 FR 14358, published on March 12, 2001) particularly with respect to whether yarn of cashmere and yarn of camel hair, classified in HTSUS heading 5108.10.60, can be supplied by the domestic industry in commercial quantities in a timely manner.

On the basis of currently available information, CITA has determined that yarn of cashmere and yarn of camel hair is spun in the United States and is available from U.S. producers in commercial quantities in a timely manner. Two companies in their submissions claim that they currently spin the yarns in question. Two other companies in their submissions claim to have the spinning capacity to produce these yarns. One company in its submission claims it supplies cashmere and camel hair fibers to companies that spin it into yarn and claims that three additional companies are capable of supplying cashmere and camel hair yarn to the petitioner.

Based on currently available information, CITA has determined that Amicale's petition should be denied. Amicale has not established that these yarns cannot be supplied by the domestic industry in commercial quantities in a timely manner. Currently available information indicates that the

domestic industry is able to supply these yarns in commercial quantities in a timely manner.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.01–15866 Filed 6–22–01; 8:45 am]

BILLING CODE 3510–DR–S

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection: Comment Request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness).

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 24, 2001.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Office of System Accountability, Attn: Dr. Janet Rope, Department of Defense Education Activity, 4040 N. Fairfax Drive, Arlington, VA 22003.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call the Office of System Accountability at (703) 696–4471.

Title and OMB Control Number: DoDEA Customer Satisfaction Survey for Parents and Students, OMB Control Number [to be determined].

Needs and Uses: The DoDEA Customer Satisfaction Survey is a tool used to measure the satisfaction level of parents, students, and teachers with the programs and services provided by the DoD Education Activity (DoDEA), in order to meet DoD Reform Initiative Directive #23: Defense Agency Performance Contracts which states: ''The Directors of the specified Agencies and Field Activities will submit a performance contract covering the period of the Future Years Defense Plan (FYDP) FY 2000 through FY 2005. Each performance contract shall include measures of customer satisfaction with the goods and services provided by the Agency or Field Activity, including the timeliness of deliveries of products and services''.

Affected Public: Individuals or households.

Annual Burden Hours: 21,125 hours.

Number of Respondents: 169,000.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: Biennially.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The DoDEA Customer Satisfaction Survey is a tool used to measure the satisfaction level of parents, students, and teachers with the programs and services provided by the DoD Education Activity (DoDEA), in order to meet DoD Reform Initiative Directive #23: Defense Agency Performance Contracts which states: ''The Directors of the specified Agencies and Field Activities will submit a performance contract covering the period of the Future Years Defense Plan (FYDP) FY 2000 through FY 2005. Each performance contract shall include measures of customer satisfaction with the goods and services provided by the Agency or Field Activity, including the timeliness of deliveries of products and services''.

The DoDEA Customer Satisfaction Survey will be administered to all parents and teachers within the DoDEA school system, as well as students in grades 4–12. The survey is completely voluntary and will be administered through an on-line, web-based technology. The survey questions were adapted from the Phi Delta Kappa/Gallup Poll of the Public's Attitudes Toward Schools in order to have national comparison data. Some questions were altered slightly so that the wording more closely matched the DoDEA experience, however, any alterations should not affect the interpretation and comparison to the national data. The survey will give parents, students and teachers an opportunity to comment on their level of satisfaction with programmatic issues related to DoD schools. Some of the topics included on the survey are curriculum, communication, and technology. The surveys will be administered biennially.

The information derived from this survey will be used in the improvement planning efforts at all levels throughout DoDEA. Schools, districts and areas will use the results to gain insight into the satisfaction levels of their parents, students, and teachers which will be one of many measures used for further planning of programs and services offered to DoDEA's students. DoDEA system results will be used to monitor the strategic plan as well as be a part of the Director's performance contract with the DoD.

June 18, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–15788 Filed 6–22–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness).

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 24, 2001.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Office of the Under Secretary of Defense (Personnel and Readiness) (Force Management Policy/Military Community and Family Policy/MWR

Policy), ATTN: Colonel Marcus Beauregard, 4000 Defense Pentagon, Washington, DC 20301–4000.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call at (703) 602–4994.

Title, Associated Form, and OMB Control Number: ''Application for Discharge of Member or Survivor of Member of Group Certified to Have Performed Active Duty with the Armed Forces of the United States.'' DD Form 2168, 0704–0100.

Needs and Uses: This information collection requirement is necessary to implement Public Law 95–202, Section 401, which directs the Secretary of Defense to determine if civilian employment or contractual service rendered by groups to the Armed Forces of the United States shall be considered active duty. This information is collected on DD Form 2168, ''Application for Discharge of Member or Survivor of Member of Group Certified to Have Performed Active Duty with the Armed Forces of the United States,'' which provides the necessary data to assist each of the Military Departments in determining if an applicant was a member of a group which has performed active military service. Those individuals who have been recognized as a member of an approved group are eligible for benefits provided for by laws administered by the Veteran's Administration.

Affected Public: Individuals or households.

Annual Burden Hours: 1,500 hours.

Number of Respondents: 3,000.

Responses per Respondent: 1.

Average Burden per Response: .5 hours.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Public Law 95–202 directed the Secretary of Defense to determine if civilian employment or contractual service rendered by groups to the Armed Forces of the United States shall be considered active duty. Individuals recognized as a member of an approved group will be eligible for benefits provided for by the laws of the Veteran's Administration. The information collected on DD Form 2168, ''Application for Discharge of Member or Survivor of Member of Group Certified to Have Performed Active Duty with the Armed Forces of the United States,'' is necessary to assist each of the Military Departments in determining if an applicant was a member of a group which has been found to have performed active military service and to assist in issuing an appropriate certificate of service. Information provided by the applicant will include: the name of the group served with; dates and place of service; highest grade/rank/rating held during service; highest pay grade; military installation where ordered to report; specialty/job title(s). If the information requested on the DD Form 2168 is compatible with that of a corresponding approved group, and the applicant can provide supporting evidence, he or she will receive veteran's status in accordance with provisions of DoD Directive 1000.20. Information from the DD Form 2168 will be extracted and used to complete the DD Form 214, ''Certificate for Release or Discharge from Active Duty.''

Dated: June 18, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–15789 Filed 6–22–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review: Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Number: Customer Satisfaction Survey—Generic Clearance; OMB Number 0704–0403.

Type of Request: Reinstatement, with change, of a previously approved collection for which approval has expired.

Number of Respondents: 1,246.

Responses Per Respondent: 2.

Annual Responses: 2,492.

Average Burden Per Response: 10 minutes.

Annual Burden Hours: 415.

Need and Uses: The purpose of these surveys is to assess the level of service the Defense Technical Information Center (DTIC) provides to its current customers. The surveys will provide information on the level of overall customer satisfaction, and on customer satisfaction with several attributes of service that impact the level of overall satisfaction. These customer satisfaction surveys are required to implement Executive Order 12862, ''Setting Customer Service Standards.'' Respondents are DTIC registered users who are components of the Department of Defense, military services, other Federal Government Agencies, U.S. Government contractors, universities involved in federally-funded research, and participants in the Historically Black Colleges and Universities (HBCU) and the small Business Innovative Research (SBIR) programs. The information obtained by these surveys will be used to assist agency senior management in determining agency business policies and processes that should be selected for examination, modification, and reengineering from the customer's perspective. These surveys will also provide statistical and demographic basis for the design of follow-on surveys. Future surveys will be used to assist monitoring of changes in the level of customer satisfaction over time.

Affected Public: Business or Other For-Profit; Not-For-Profit Institutions.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer. Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing. Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: June 18, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–15790 Filed 6–22–01; 8:45 am]

BILLING CODE 5001–01–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0097]

Federal Acquisition Regulation; Proposed Collection; Information Reporting to the Internal Revenue Service (IRS) (Taxpayer Identification Number)

AGENCIES: Department of Defense (DOD), General Services Administration (GSA),

and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance (9000–0097).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Information Reporting to the Internal Revenue Service (IRS) (Taxpayer Identification Number). The clearance currently expires on September 30, 2001.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before August 24, 2001.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Laura Smith, Acquisition Policy Division, GSA (202) 208–7279.

SUPPLEMENTARY INFORMATION:

A. Purpose

Subpart 4.9, Information Reporting to the Internal Revenue Service (IRS), and the provision at 52.204–3, Taxpayer Identification, implement statutory and regulatory requirements pertaining to taxpayer identification and reporting.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows:

Respondents: 250,000.
Responses Per Respondent: 12.
Total Responses: 3,000,000.
Hours Per Response: .10.
Total Burden Hours: 300,000.

Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVP), Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0097, Information Reporting to the Internal Revenue Service (IRS) (Taxpayer Identification Number), in all correspondence.

Dated: June 4, 2001.

Al Matera,

Director, Acquisition Policy Division.

[FR Doc. 01–15777 Filed 6–22–01; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0025]

Federal Acquisition Regulation; Proposed Collection; Buy American Act-Trade Agreements Act-Balance of Payments Program Certificate

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding extension to an existing OMB clearance (9000–0025).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Buy American Act-Trade Agreements Act-Balance of Payments Program Certificate. The clearance currently expires on September 30, 1998.

Public comments are particularly invited on: whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before August 24, 2001.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Cecelia Davis, Acquisition Policy Division, GSA (202) 219–0202.

SUPPLEMENTARY INFORMATION:

A. Purpose

Under the Trade Agreements Act of 1979, unless specifically exempted by statute or regulation, agencies are required to evaluate offers over a certain dollar limitation not to supply an eligible product without regard to the restrictions of the Buy American or the Balance of Payments program. Offerors identify excluded end products on this certificate.

The contracting officer uses the information to identify the offered items which are domestic end products. Items having components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or a designated country of the Act.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows:

Respondents: 1,140.
Responses Per Respondent: 10.
Total Responses: 11,400.
Hours Per Response: .167.
Total Burden Hours: 1,904.

Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0025, Buy American Act-Trade Agreements Act-Balance of Payments Program Certificate, in all correspondence.

Dated: June 1, 2001.

Gloria Sochon,

Acting Director, Acquisition Policy Division.

[FR Doc. 01–15778 Filed 6–22–01; 8:45 am]

BILLING CODE 6820–34–U

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0033]

Federal Acquisition Regulation; Proposed Collection; Contractor's Signature Authority

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance (9000–0033).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Contractor's Signature Authority. The clearance currently expires on September 30, 2001.

Public comments are particularly invited on: whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Submit comments on or before August 24, 2001.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Laura Smith, Acquisition Policy Division, GSA, (202) 208–7279.

SUPPLEMENTARY INFORMATION:

A. Purpose

Entities doing business with the Government must identify those persons who have the authority to bind the principal. This information is needed to ensure that Government contracts are legal and binding. The information is used by the contracting officer to ensure that authorized persons sign contracts.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows:

Respondents: 4,800.
Responses Per Respondent: 1.
Total Responses: 4,800.
Hours Per Response: .017.
Total Burden Hours: 82.

Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0033, Contractor's Signature Authority, in all correspondence.

Dated: June 4, 2001.

Al Matera,

Director, Acquisition Policy Division.

[FR Doc. 01–15779 Filed 6–22–01; 8:45 am]

BILLING CODE 6820–34–U

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on E-Commerce will meet in closed session on September 25–26, 2001, and October 23, 2001, at SAIC, Inc., 4001 N. Fairfax Drive, Arlington, VA. This Task Force will review the DoD's current implementation status of e-commerce tools and make any appropriate recommendations that might enhance opportunities for cost reduction, capital and manpower efficiency.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will review and evaluate the Department's new procurement approaches and its current implementation status in light of the fact that the Department has one of the largest acquisition systems in the world for both goods and services.

In accordance with Section 10(d) of the Federal Advisory Committee Act, P.L. No. 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings concern matters listed in 5 U.S.C. § 552b(c)(4), and that accordingly these meetings will be closed to the public.

Dated: June 18, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–15786 Filed 6–22–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board (DSB) Summer Study will meet in closed session August 13–24, 2001, at the Beckman Center, Irvine, CA. At these meetings, the Defense Science Board will discuss interim findings and recommendations resulting from two ongoing Task Force activities: Defense Science & Technology (S&T) and Precision Targeting.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Board will address the issues involved in assuring that the U.S. continues to gain access to and develop technology from which to gain military advantage. They will consider future technologies that should be developed and exploited for military applications, particularly potential technologies that provide the U.S. military an asymmetric advantage in conflict, in deployment, and at home; the appropriate mix of in-house, contractor, university and commercial providers of basic and applied research and of advanced development; how DoD can leverage technology that is under development and produced globally in commercial industry, as well as that which is being discovered and demonstrated in the S&T programs funded by both other U.S. agencies and other nations; the situation of and the contribution of the DoD laboratories in

this changing world; and how to maintain excellence in in-house S&T endeavors.

The Board will also examine the full range of the precision weapons targeting in tactical military operations, from target execution, location, and identification through mission execution and damage assessment. Specifically, all planned precision weapons programs and procurements will be examined to determine the degree to which these weapons are compatible with targeting requirements for different target classes; the degree to which existing and planned reconnaissance and surveillance assets are used to effectively develop target sets, real time targeting data and perform battle damage assessment under varied degrees of cover, concealment and deception; our ability to identify and precisely locate targets while minimizing false alarms using automatic target recognition techniques and precision location technologies; and our ability to attack moving targets.

In accordance with Section 10(d) of the Federal Advisory Committee Act, P.L. No. 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. § 552b(c)(1), and that accordingly these meetings will be closed to the public.

Dated: June 18, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–15787 Filed 6–22–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Correction notice.

SUMMARY: On June 8, 2001, a 60-day notice inviting comment from the public was inadvertently published for the Applications for Grants under the Smaller Learning Communities Program in the **Federal Register** (66 FR 111) dated June 8, 2001. The Department will provide a public comment period once the Notice of Proposed Priority (NPP) is published. This will allow for sufficient time for the public to comment not only on the NPP but also on the information collection activity.

FOR FURTHER INFORMATION CONTACT: Kathy Axt at her internet address Kathy.Axt@ed.gov.

Dated: June 19, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

[FR Doc. 01–15803 Filed 6–22–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 24, 2001.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 20, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of the Chief Financial Officer

Type of Review: New.

Title: Application for Federal Education Assistance (ED Form 424) Clearance Package.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Businesses or other for-profit; Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 17,000.

Burden Hours: 4,250.

Abstract: The Application for Federal Education Assistance (AFEA) is used for numerous Department of Education (ED) discretionary, formula, and fellowship grant programs. The AFEA is necessary in that it identifies applicants and provides important descriptive information which facilitates the grant-making process. The proposed information collection instrument is based on current legislation and regulations published to implement the legislation.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, D.C. 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Jacqueline Montague at (202) 708–5359 or via her internet address Jackie.Montague@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–15891 Filed 6–22–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office

of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 25, 2001.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Lauren_Wittenberg@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: June 19, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Bilingual Education and Minority Language Affairs

Type of Review: Reinstatement.

Title: Biennial Report Form for the Emergency Immigrant Education Program (EIEP).

Frequency: Biennially.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 1,313.

Burden Hours: 7,828.

Abstract: This form is used by State Educational agencies to submit a bilingual report to the Secretary concerning expenditures of EIEP funds by their local educational agencies as well as national origin of immigrant children served under the Emergency Immigrant Education Act (Title VI of Public Law 98–511, 20 U.S.C. 4101–4108, as amended by Pub. L. 103–382, 20 U.S.C. 7549).

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila.Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–15804 Filed 6–22–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 25, 2001.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Lauren_Wittenberg@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: June 19, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Reinstatement.

Title: Annual Performance Report and Report to the Secretary Under the Infants and Toddlers with Disabilities Program (Part C, IDEA).

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 57.

Burden Hours: 855.

Abstract: The State Interagency Coordinating Committee is required under Section 641 of Part C of the Individuals with Disabilities Education Act (IDEA) to submit an annual report to the Secretary and the State's governor on the status of the early intervention program for infants and toddlers with disabilities. States are also required to submit a performance report to the Secretary under Section 80.40 of the Education Department General Administrative Regulations. This collection serves both of these functions.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese,

Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the omplete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila.Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–15805 Filed 6–22–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, July 11, 2001, 6 p.m.–9:30 p.m.

ADDRESSES: Garden Plaza Hotel, 215 South Illinois Avenue, Oak Ridge, TN 37830.

FOR FURTHER INFORMATION CONTACT: Pat Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–922, Oak Ridge, TN 37831. Phone (865) 576–4025; Fax (865) 576–5333 or e-mail: *halseypj@oro.doe.gov.*

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: 1. An ''Overview of the Department of Energy/Oak Ridge Operation's Environmental Management Program'' will be presented by Mr. Rod Nelson, Assistant Manager for Environmental Management, DOE/ORO.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Pat Halsey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments at the end of the meeting.

Minutes: Minutes of this meeting will be available for public review and copying at the Department of Energy's Information Resource Center at 105 Broadway, Oak Ridge, TN between 7:30 a.m. and 5:30 p.m. Monday through Friday, or by writing to Pat Halsey, Department of Energy, Oak Ridge Operations Office, P.O. Box 2001, EM–922, Oak Ridge, TN 37831, or by calling her at (865) 576–4025.

Issued at Washington, DC on June 19, 2001.

Belinda Hood,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 01–15845 Filed 6–22–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Rocky Flats. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, July 12, 2001, 6 p.m. to 9:30 p.m.

ADDRESSES: Broomfield City Hall, One DesCombes Drive, Broomfield, CO.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO, 80021; telephone (303) 420–7855; fax (303) 420–7579.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Quarterly update by the Defense Nuclear Facilities Safety Board.
2. Recommendation on Environmental Restoration RFCA Standard Operating Protocal (RSOP) document.
3. Radionuclide Soil Action Level Review, Board recommendation development, Part I: Presentation and discussion on sensitivity analysis for identifying parameters.
4. Other Board business may be conducted as necessary.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Public Reading Room located at the Office of the Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminister, CO 80021; telephone (303) 420–7855. Hours of operations for the Public Reading Room are 9 a.m. to 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be made available by writing or calling Deb Thompson at the address or telephone number listed above.

Issued at Washington, DC on June 19, 2001.

Belinda Hood,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 01–15846 Filed 6–22–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Opportunity for Public Comment Regarding Issues Arising Under Bonneville Power Administration's New Large Single Load Policy

AGENCY: Bonneville Power Administration (BPA), Department of Energy.

ACTION: Notice of policy issue review.

SUMMARY: This notice announces an opportunity for public comment on three specific issues relating to BPA's existing policy on New Large Single Loads (NLSL). BPA's NLSL policy is statutorily based and has been developed and refined over the past twenty years, since enactment in 1980 of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), 16 U.S.C. 839. This notice limits review to three issues arising under BPA's NLSL policy. These issues are: (1) BPA preference customer service to direct service industrial (DSI) load; (2) the transfer of ''contracted for, committed to'' (CFCT) load determinations between preference customers; and (3) whether BPA should close the class of CFCT load served by BPA customers.

DATES: Public meeting date: July 10, 2001. Close of comment date: July 27, 2001.

ADDRESSES: If you are interested in commenting on these New Large Single Load Policy issues, you have several options.

1. You may send written comments to Bonneville Power Administration, P.O. Box 12999, Portland, OR 97212, or fax comments to (503) 230–3285. If you wish to send your comments electronically, email comments to: *comment@bpa.gov.* Comments must be received by close of business on July 27, 2001.

2. You may also attend a public comment meeting that will be held in Portland, Oregon, on Tuesday, July 10, 2001, at the Sheraton Portland Airport Hotel, 8235 N.E. Airport Way, beginning at 1 p.m. If any additional meetings are scheduled, the information will be posted on the web site listed below: *http://www.bpa.gov/Power/subscription*

FOR FURTHER INFORMATION CONTACT: Bryan Crawford, Public Involvement and Information Specialist, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, telephone (503) 230–5130. Information can also be obtained from your BPA Account Executive.

SUPPLEMENTARY INFORMATION: BPA is directed by section 3(13) of the Northwest Power Act to determine whether large retail loads of consumer facilities served by a public body, cooperative, investor-owned utility, or federal agency customer, whose power requirements increase or are in excess of 10 aMWs in any consecutive 12-month period, fall within the definition of New Large Single Loads. For purposes of BPA's sales of electric power to a utility or Federal agency customer, the designation of a consumer's facility as a NLSL does not affect the amount or quality of electric service which BPA provides. BPA treats these loads as any other load in terms of its supply of power and quality of service obligations under its utility power sales contracts. Designation of a load as a NLSL, however, does affect the price of the electric power sold for service to that load. BPA may not sell electric power at the Priority Firm (PF) rate to utilities for service to NLSLs. Rather, electric power sold by BPA for utility service to NLSLs is sold at the New Resources (NR) rate, which historically has been a higher rate than the PF rate.

There is an exception to the rate treatment for NLSLs. Any load for which service by the utility customer was ''committed to or contracted for'' prior to September 1, 1979, is served at the lower PF rate. The BPA Administrator determines whether a consumer facility is a CFCT load and the amount of load that was to be served. The load may be a CFCT if, prior to September 1, 1979, the load was being served under a contract; the BPA customer had made a contract for future service; or a commitment to provide a power supply had been made. This determination is based on customer information and documents contemporaneous to the September 1, 1979, date.

The development and implementation of BPA's NLSL policy began with BPA's initial long-term (20-year) power sales contracts offered to BPA's customers in 1981 in accordance with section 5(g) of the Northwest Power Act. BPA has also made several case-by-case decisions regarding service to new large single loads. In 1991, BPA published and made available to its customers the ''Guide to Bonneville Power Administration New Large Single Load Determinations.'' DOE/BP–1370 (March 1991). The Guide provided background information on the NLSL policy, an overview of decisions involved in service to new large single loads, and descriptions of the three principal types of BPA determinations affecting those loads: (1) CFCT determinations; (2) facility determinations; and (3) new large single load determinations. In 1993, the Administrator issued a Record of Decision entitled ''New Large Single Load Treatment of Utility Service to Direct Service Industry Expansions; Initiating a Northwest Power Act Section 5(d)(3) Process to Increase Direct Service Industry Contract Demand.''

BPA's NLSL policy is a combination of contract and policy decisions recorded in several documents. Those decisions have been consolidated into one document, and it is available on BPA's web site listed below: *http://www.bpa.gov/Power/subscription*

BPA seeks public comment on only three issues arising under the NLSL policy. The first issue is whether BPA should change its NLSL policy to allow current and former DSI customer production load served at BPA's Industrial Firm (IP) rate, or any other rate, to transfer and receive service from a public body, cooperative, or federal agency customer at BPA's PF rate. BPA's policy has been that if a DSI takes service from a utility for its load, which is or was previously served by BPA, then the load would be served by that utility customer as a NLSL at the NR rate.

The second issue is whether a load at a facility that has previously been determined a CFCT load should be allowed to receive service from a different BPA preference customer and retain its CFCT status. BPA's policy has been that a CFCT load is only eligible for PF service as a CFCT when served by the preference utility that made the contract or commitment before September 1, 1979. Service from a new utility provider would cause the load to lose its CFCT status and thereby be served at the NR rate if the load is more than 10 aMWs over a 12-month period.

The third issue is whether, after twenty years, BPA should close the class of future CFCT loads after providing customers one last opportunity to identify and request, if any, a CFCT load determination by BPA. Current policy enables BPA to perform a CFCT review based on documents contemporaneous to 1979, at any time a utility identifies a load it believes may be eligible.

Responsible Official: Dave Fitzsimmons, Account Executive, Power Business Line, is the official responsible for the review of these issues arising under BPA's NLSL policy.

Issued in Portland, Oregon, on June 15, 2001.

Steven G. Hickok,

Chief Operating Officer.

[FR Doc. 01–15843 Filed 6–22–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–407–001]

Algonquin Gas Transmission Company; Notice of Compliance Filing

June 19, 2001.

Take notice that on June 14, 2001, Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheet, to be effective on June 4, 2001:

Fourth Revised Volume No. 1
Sub Original Sheet No. 718

Algonquin states that the purpose of this filing is to comply with the directives of the Commission's Letter Order dated May 30, 2001, in Docket No. RP01–407 (May 30 Order).

Algonquin states that, on May 4, 2001, revised tariff sheets were filed in this docket in order to add a new Section 47 to its General Terms and Conditions that provides for transportation and storage services using off-system capacity acquired by Algonquin on other pipelines and requested a waiver of the Commission's ''shipper must have title'' policy with respect to off-system capacity.

Algonquin states that the May 30 Order accepted Algonquin's May 4 tariff filing, effective June 4, 2001, subject to the condition that Algonquin file, within fifteen days of the May 30 Order, a revised tariff sheet to reflect the changes required by the May 30 Order.

Algonquin 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, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 01–15857 Filed 6–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–410–001]

Algonquin LNG, Inc.; Notice of Compliance Filing

June 19, 2001.

Take notice that on June 14, 2001, Algonquin LNG, Inc. (ALNG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet, to be effective on June 4, 2001:

Sub Original Sheet No. 84

ALNG states that the purpose of this filing is to comply with the directives of the Commission's Letter Order dated May 30, 2001, in Docket No. RP01–410 (May 30 Order).

ALNG states that on May 4, 2001, revised tariff sheets were filed in this docket in order to add a new Section 35 to its General Terms and Conditions that provides for transportation and storage services using off-system capacity acquired by ALNG on other pipelines and requested a waiver of the Commission's ''shipper must have title'' policy with respect to off-system capacity.

ALNG states that the May 30 Order accepted ALNG's May 4 tariff filing, effective June 4, 2001, subject to the condition that ALNG file, within fifteen days of the May 30 Order, a revised tariff sheet to reflect the changes required by the May 30 Order.

ALNG 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, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 01–15858 Filed 6–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RT01–88–003, ER99–3144–011 and EC99–80–011]

Notice of Filing

June 19, 2001.

In the matter of: Ameren Corporation on behalf of: Union Electric Company, Central Illinois Public Service Company; American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company; Consumers Energy and Michigan Electric Transmission Company; Detroit Edison Company and International Transmission Company; Exelon Corporation on behalf of: Commonwealth Edison Company, Commonwealth Edison Company of Indiana, Inc.; FirstEnergy Corp. on behalf of: American Transmission Systems, Inc., The Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company, The Toledo Edison Company, Illinois Power Company; Northern Indiana Public Service Company; The Dayton Power and Light Company; Virginia Electric and Power Company.

Take notice that on June 15, 2001, Alliance Companies tendered for filing with the Federal Energy Regulatory Commission (Commission) an amendment to its May 15, 2001 supplemental compliance filing in the above-referenced proceedings.

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 26, 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, protest 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. 01–15863 Filed 6–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–389–024]

Columbia Gulf Transmission Company; Notice of Negotiated Rate Filing

June 19, 2001.

Take notice that on June 13, 2001, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing to the Commission the following contract for disclosure of a recently negotiated rate transaction:

FTS–1 Service Agreement No. 70692 between Columbia Gulf Transmission Company and Warren Power, LLC, dated June 6, 2001

Columbia Gulf requests that the Commission accept the FTS–1 service agreement to be effective within thirty (30) days of the filing date of such service agreement.

Columbia Gulf states that copies of the filing have been served on all parties on the official service list created by the Secretary in this proceeding.

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, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See. 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15860 Filed 6–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–408–001]

East Tennessee Natural Gas Company; Notice of Compliance Filing

June 19, 2001.

Take notice that on June 14, 2001, East Tennessee Natural Gas Company (East Tennessee) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet, to be effective on June 4, 2001:

Second Revised Volume No. 1
Sub Third Revised Sheet No. 177

East Tennessee states that the purpose of this filing is to comply with the directives of the Commission's Letter Order dated May 30, 2001, in Docket No. RP01–408 (May 30 Order).

East Tennessee states that, on May 4, 2001, revised tariff sheets were filed in this docket in order to add a new Section 46 to its General Terms and Conditions that provides for transportation and storage services using off-system capacity acquired by East Tennessee on other pipelines and requested a waiver of the Commission's ''shipper must have title'' policy with respect to off-system capacity.

East Tennessee states that the May 30 Order accepted East Tennessee's May 4 tariff filing, effective June 4, 2001, subject to the condition that East Tennessee file, within fifteen days of the May 30 Order, a revised tariff sheet to reflect the changes required by the May 30 Order.

East Tennessee 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, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests will be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15855 Filed 6–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–320–046]

Gulf South Pipeline Company, LP; Notice of Negotiated Rate Filing

June 19, 2001.

Take notice that on June 15, 2001, Gulf South Pipeline Company, LP (Gulf South) filed with the Commission a contract between Gulf South and the following company for disclosure of a recently negotiated rate transaction. As shown on the contract, Gulf South requests an effective date of June 12, 2001.

Special Negotiated Rate Between Gulf South Pipeline Company, LP and Trunkline Gas Company Contract No. 29007

Gulf South states that copies of the filing has served copies of this filing upon all parties on the official service list created by the Secretary in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance

with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell/htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15861 Filed 6–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–409–001]

Maritimes & Northeast Pipeline, L.L.C.; Notice of Compliance Filing

June 19, 2001.

Take notice that on June 14, 2001, Maritimes & Northeast Pipeline, L.L.C. (Maritimes) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet, to be effective on June 4, 2001:

First Revised Volume No. 1
Sub Original Sheet No. 309

Maritimes states that the purpose of this filing is to comply with the directives of the Commission's Letter Order dated May 30, 2001, in Docket No. RP01–409 (May 30 Order).

Maritimes states that, on May 4, 2001, revised tariff sheets were filed in this docket in order to add a new Section 34 to its General Terms and Conditions that provides for transportation and storage services using off-system capacity acquired by Maritimes on other pipelines and requested a waiver of the Commission's ''shipper must have title'' policy with respect to off-system capacity.

Maritimes states that the May 30 Order accepted Maritimes' May 4 tariff filing, effective June 4, 2001, subject to the condition that Maritimes file, within fifteen days of the May 30 Order, a revised tariff sheet to reflect the changes required by the May 30 Order.

Maritimes 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, N.E., Washington, D.C. 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 of the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15856 Filed 6–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–2329–000]

New England Power Pool and ISO New England Inc.; Notice of Filing

June 19, 2001.

Take notice that on June 19, 2001, the New England Power Pool Participants Committee and ISO New England Inc. (the Joint Filers) made a joint filing requesting the Commission accept as a rate schedule for the New England Markets the substance of the standard market design (SMD Document).

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 July 3, 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. 01–15862 Filed 6–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–394–001]

Texas Eastern Transmission LP; Notice of Compliance Filing

June 19, 2001.

Take notice that on June 14, 2001, Texas Eastern Transmission, LP (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheet, to be effective on June 1, 2001:

Sub First Revised Sheet No. 543

Texas Eastern states that the purpose of this filing is to comply with the directives of the Commission's Letter Order dated May 30, 2001, in Docket No. RP01–394 (May 30 Order).

Texas Eastern states that, on May 1, 2001, revised tariff sheets were filed in this docket in order to add a new Section 3.16 to its General Terms and Conditions that provides for transportation and storage services using off-system capacity acquired by Texas Eastern on other pipelines and requested a waiver of the Commission's ''shipper must have title'' policy with respect to off-system capacity.

Texas Eastern states that the May 30 Order accepted Texas Eastern's May 1 tariff filing, effective June 1, 2001, subject to the condition that Texas Eastern file, within fifteen days of the May 30 Order, a revised tariff sheet to reflect the changes required by the May 30 Order.

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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–15859 Filed 6–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Meetings

June 20, 2001.

The following notice of meeting is published pursuant to section 3(A) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: June 27, 2001, 10:00 a.m.

PLACE: Room 2C, 888 First Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note: Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: David P. Boergers, Secretary, Telephone (202) 208–0400 for a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

770th—Meeting, June 27, 2001; Regular Meeting, 10:00 a.m.

Consent Agenda—Markets, Tariffs and Rates—Electric

CAE–1.
DOCKET# ER01–1900, 000, AMERICAN ELECTRIC POWER SERVICE CORPORATION
CAE–2.
DOCKET# ER01–1945, 000, AMEREN ENERGY MARKETING COMPANY
CAE–3.
DOCKET# ER01–1940, 000, ARIZONA INDEPENDENT SCHEDULING ADMINISTRATOR ASSOCIATION
CAE–4.
DOCKET# ER01–1928, 000, CENTRAL MAINE POWER COMPANY
CAE–5.
DOCKET# ER01–1966, 000, CINERGY SERVICES, INC.
OTHER#S ER00–2998, 001, SOUTHERN COMPANY SERVICES, INC.
ER00–2999, 001, SOUTHERN COMPANY SERVICES, INC.
ER00–3000, 001, SOUTHERN COMPANY SERVICES, INC.
ER00–3001, 001, SOUTHERN COMPANY SERVICES, INC.
CAE–6.
OMITTED
CAE–7.
DOCKET# ER01–1936, 000, PJM INTERCONNECTION, L.L.C.
CAE–8.
DOCKET# ER01–1949, 000, POWER PROVIDER LLC
CAE–9.
DOCKET# ER01–1938, 000, SOUTHERN INDIANA GAS & ELECTRIC COMPANY
CAE–10.
DOCKET# ER01–1944, 000, WESTERN SYSTEMS POWER POOL, INC.
CAE–11.
DOCKET# ER01–1942, 000, NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.
CAE–12.
OMITTED
CAE–13.
DOCKET# ER01–1786, 000, AMEREN SERVICES COMPANY
OTHER#S ER01–1786, 001, AMEREN SERVICES COMPANY
CAE–14.
OMITTED
CAE–15.
OMITTED
CAE–16.
DOCKET# ER01–1771, 000, IDAHO POWER COMPANY
OTHER#S ER01–1771, 001, IDAHO POWER COMPANY
ER01–1771, 002, IDAHO POWER COMPANY
CAE–17.
OMITTED
CAE–18.
DOCKET# ER00–2485, 001, NEW ENGLAND POWER POOL
OTHER#S ER00–2485, 002, NEW ENGLAND POWER POOL
CAE–19.
DOCKET# ER00–3591 006 NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.
OTHER#S ER00–1969 007 NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.
CAE–20.
DOCKET# RT01–2, 000, PJM INTERCONNECTION, L.L.C., ALLEGHENY, ELECTRIC COOPERATIVE, INC., ATLANTIC CITY, ELECTRIC COMPANY, BALTIMORE GAS & ELECTRIC, COMPANY, DELMARVA POWER & LIGHT COMPANY, JERSEY CENTRAL POWER & LIGHT COMPANY, METROPOLITAN EDISON COMPANY, PECO ENERGY COMPANY, PENNSYLVANIA ELECTRIC COMPANY, PPL ELECTRIC UTILITIES CORPORATION, POTOMAC ELECTRIC POWER COMPANY, PUBLIC SERVICE ELECTRIC & GAS COMPANY AND UGI UTILITIES, INC.
CAE–21.
DOCKET# RT01–98, 000, PJM INTERCONNECTION, L.L.C. AND ALLEGHENY POWER
OTHER#S RT01–10, 000, ALLEGHENY POWER
CAE–22.
DOCKET# RT01–95, 000, NEW YORK INDEPENDENT SYSTEM OPERATOR, INC., CENTRAL HUDSON GAS & ELECTRIC CORPORATION, CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., NIAGARA MOHAWK POWER CORPORATION, NEW YORK STATE ELECTRIC & GAS CORPORATION, ORANGE & ROCKLAND UTILITIES, INC. AND ROCHESTER GAS & ELECTRIC CORPORATION
CAE–23.
DOCKET# ER01–1845, 000, PUBLIC SERVICE COMPANY OF NEW MEXICO
OTHER#S ER01–1845, 001, PUBLIC SERVICE COMPANY OF NEW MEXICO
CAE–24.
DOCKET# ER01–2021, 000, ENTERGY SERVICES, INC.
OTHER#S ER01–2106, 000, ENTERGY SERVICES, INC.
CAE–25.
DOCKET# RT01–86, 000, BANGOR HYDRO-ELECTRIC COMPANY, CENTRAL MAINE POWER COMPANY, NATIONAL GRID USA, NORTHEAST UTILITIES SERVICE COMPANY, THE UNITED ILLUMINATING COMPANY, VERMONT ELECTRIC POWER COMPANY AND ISO NEW ENGLAND INC.
OTHER#S RT01–94, 000, NSTAR SERVICES COMPANY
CAE–26.
DOCKET# ER01–463, 003, ARIZONA PUBLIC SERVICE COMPANY
OTHER#S ER01–463, 004, ARIZONA PUBLIC SERVICE COMPANY
CAE–27.
OMITTED
CAE–28.
DOCKET# ER01–368, 002, ISO NEW ENGLAND INC.
CAE–29.
DOCKET# ER01–798, 003, PACIFICORP
CAE–30.
DOCKET# EL94–38, 002, CITIES OF BATAVIA AND ST. CHARLES,

ILLINOIS V. COMMONWEALTH EDISON COMPANY
OTHER#S ER94–913, 002, CITIES OF BATAVIA AND ST. CHARLES, ILLINOIS V. COMMONWEALTH EDISON COMPANY
CAE–31.
OMITTED
CAE–32.
DOCKET# ER01–1440, 002, PJM INTERCONNECTION, L.L.C.
CAE–33.
OMITTED
CAE–34.
OMITTED
CAE–35.
DOCKET# EL00–1, 001, AES NY, L.L.C. V NIAGARA MOHAWK POWER CORPORATION
CAE–36.
DOCKET# ER00–2460, 001, NIAGARA MOHAWK POWER CORPORATION
CAE–37.
DOCKET# ER00–2309, 001, ALLEGHENY ENERGY SUPPLY COMPANY, L.L.C., THE POTOMAC EDISON COMPANY AND WEST PENN POWER COMPANY
CAE–38.
OMITTED
CAE–39.
OMITTED
CAE–40.
DOCKET# RT01–67, 002, GRIDFLORIDA LLC, FLORIDA POWER & LIGHT COMPANY, FLORIDA POWER CORPORATION AND TAMPA ELECTRIC COMPANY
CAE–41.
DOCKET# RT01–34, 001, SOUTHWEST POWER POOL, INC. AND ENTERGY SERVICES, INC.
OTHER#S EC99–101, 004, NORTHERN STATES POWER COMPANY (MINNESOTA) AND NEW CENTURY ENERGIES, INC.
RT01–75, 002, SOUTHWEST POWER POOL, INC. AND ENTERGY SERVICES, INC.
CAE–42.
DOCKET# EL01–70, 000, NORTON ENERGY STORAGE, L.L.C.
CAE–43.
DOCKET# NJ01–5, 000, SOUTHWEST TRANSMISSION COOPERATIVE, INC.
CAE–44.
DOCKET# NJ00–7, 000, BASIN ELECTRIC POWER COOPERATIVE, INC.
OTHER#S NJ01–6, 000, BASIN ELECTRIC POWER COOPERATIVE, INC.
CAE–45.
DOCKET# EL01–48, 000, LOCKPORT ENERGY ASSOCIATES, L.P.
OTHER#S QF88–378, 014, LOCKPORT ENERGY ASSOCIATES, L.P.
CAE–46.
OMITTED
CAE–47.
OMITTED
CAE–48.
OMITTED
CAE–49.
OMITTED
CAE–50.
DOCKET# EL00–66, 001, LOUISIANA PUBLIC SERVICE COMMISSION AND THE COUNCIL OF THE CITY OF NEW ORLEANS V. ENTERGY CORPORATION, ENTERY SERVICES, INC., ENTERGY ARKANSAS, INC., ENTERGY LOUISIANA, INC., ENTERGY MISSISSIPPI, INC., ENTERGY NEW ORLEANS, INC. AND ENTERGY GULF STATES, INC.
OTHER#S EL95–33, 003, LOUISIANA PUBLIC SERVICE COMMISSION V. ENTERGY SERVICES, INC.
ER00–2854, 002, LOUISIANA PUBLIC SERVICE COMMISSION AND THE COUNCIL OF THE CITY OF NEW ORLEANS V. ENTERGY CORPORATION, ENTERY SERVICES, INC., ENTERGY ARKANSAS, INC., ENTERGY LOUISIANA, INC., ENTERGY MISSISSIPPI, INC., ENTERGY NEW ORLEANS, INC. AND ENTERGY GULF STATES, INC.
CAE–51.
DOCKET# EL01–20, 001, CITIZENS UTILITIES COMPANY
OTHER#S OA96–184, 006, CITIZENS UTILITIES COMPANY
CAE–52.
DOCKET# ER01–2076, 000, NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.

Consent Agenda—Markets, Tariffs and Rates—Gas

CAG–1.
DOCKET# GT01–25, 000, ANR PIPELINE COMPANY
CAG–2.
DOCKET# RP01–432, 000, COLUMBIA GAS TRANSMISSION CORPORATION
CAG–3.
DOCKET# RP01–438, 000, KINDER MORGAN INTERSTATE GAS TRANSMISSION LLC
OTHER#S RP01–438, 001, KINDER MORGAN INTERSTATE GAS TRANSMISSION LLC
CAG–4.
OMITTED
CAG–5.
DOCKET# RP01–440, 000, KERN RIVER GAS TRANSMISSION COMPANY
CAG–6.
DOCKET# RP99–518, 022, PG&E GAS TRANSMISSION, NORTHWEST CORPORATION
OTHER#S RP99–518, 019, PG&E GAS TRANSMISSION, NORTHWEST CORPORATION
RP99–518, 020, PG&E GAS TRANSMISSION, NORTHWEST CORPORATION
RP99–518, 021, PG&E GAS TRANSMISSION, NORTHWEST CORPORATION
CAG–7.
DOCKET# RP01–443, 000, DISCOVERY GAS TRANSMISSION LLC
CAG–8.
DOCKET# RP01–441, 000, COLORADO INTERSTATE GAS COMPANY
CAG–9.
DOCKET# RP01–442, 000, ANR PIPELINE COMPANY
CAG–10.
DOCKET# RP98–44, 005, EL PASO NATURAL GAS COMPANY
OTHER#S GP98–38, 000, VASTAR GAS MARKETING, INC. AND ATLANTIC RICHFIELD COMPANY
CAG–11.
DOCKET# RP01–94, 000, NORTHWEST PIPELINE CORPORATION
CAG–12.
OMITTED
CAG–13.
DOCKET# RP00–347, 000, CANYON CREEK COMPRESSION COMPANY
OTHER#S RP00–625, 000, CANYON CREEK COMPRESSION COMPANY
CAG–14.
DOCKET# RP00–390, 000, GRANITE STATE GAS TRANSMISSION, INC.
OTHER#S RP01–58, 000, GRANITE STATE GAS TRANSMISSION, INC.
RP01–58, 001, GRANITE STATE GAS TRANSMISSION, INC.
CAG–15.
DOCKET# RP00–485, 000, STEUBEN GAS STORAGE COMPANY
CAG–16.
DOCKET# RP01–444, 000, TENNESSEE GAS PIPELINE COMPANY
CAG–17.
OMITTED
CAG–18.
OMITTED
CAG–19.
OMITTED
CAG–20.
DOCKET# RP01–225, 003, GULF SOUTH PIPELINE COMPANY, LP
CAG–21.
DOCKET# RP01–359, 001, DOMINION TRANSMISSION, INC.
CAG–22.
DOCKET# RP01–314, 002, WILLISTON BASIN INTERSTATE PIPELINE COMPANY
CAG–23.
DOCKET# RP01–292, 002, MISSISSIPPI RIVER TRANSMISSION CORPORATION
CAG–24.
DOCKET# RP00–632, 001, DOMINION TRANSMISSION, INC.
OTHER#S RP00–632, 000, DOMINION TRANSMISSION, INC.
CAG–25.
DOCKET# RP00–514, 001, SOUTHERN NATURAL GAS COMPANY
OTHER#S RP00–514, 002, SOUTHERN NATURAL GAS COMPANY
CAG–26.
DOCKET# RP00–209, 002, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
CAG–27.
DOCKET# RP01–317, 002, RELIANT ENERGY GAS TRANSMISSION COMPANY
OTHER#S RP01–317, 001, RELIANT ENERGY GAS TRANSMISSION COMPANY
CAG–28.
DOCKET# RP01–200, 000, COLORADO INTERSTATE GAS COMPANY
OTHER#S RP01–350, 000, COLORADO INTERSTATE GAS COMPANY
CAG–29.
DOCKET# MG98–8, 002, TUSCARORA GAS TRANSMISSION COMPANY
CAG–30.
DOCKET# MG01–12, 001, ALLIANCE PIPELINE L.P.

CAG–31.
DOCKET# RP01–439, 000, EASTERN SHORE NATURAL GAS COMPANY
CAG–32.
DOCKET# PR99–18, 000, NORTHERN ILLINOIS GAS COMPANY
OTHER#S CP92–481, 000, NORTHERN ILLINOIS GAS COMPANY
PR99–18, 001, NORTHERN ILLINOIS GAS COMPANY
CAG–33.
DOCKET# RP01–437, 000, CHANDELEUR PIPE LINE COMPANY

Consent Agenda—Energy Projects—Hydro

CAH–1.
DOCKET# P–2016, 051, CITY OF TACOMA, WASHINGTON
OTHER#S P–553, 128, CITY OF SEATTLE, WASHINGTON
P–1417, 102, THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT
P–1862, 089, CITY OF TACOMA, WASHINGTON
P–2000, 034, NEW YORK POWER AUTHORITY
P–2144, 028, CITY OF SEATTLE, WASHINGTON
P–2149, 095, PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON
P–2216, 052, NEW YORK POWER AUTHORITY
P–2685, 014, NEW YORK POWER AUTHORITY
P–2705, 026, CITY OF SEATTLE, WASHINGTON
P–2959, 108, CITY OF SEATTLE, WASHINGTON
P–6842, 129, CITIES OF ABERDEEN AND TACOMA, WASHINGTON
P–10551, 088, CITY OF OSWEGO, NEW YORK
CAH–2.
DOCKET# P–10482, 045, WOODSTONE LAKES DEVELOPMENT, LLC AND WOODSTONE TORONTO DEVELOPMENT, LLC V. SOUTHERN ENERGY NY–GEN, L.L.C.
CAH–3.
DOCKET# P–18, 064, IDAHO POWER COMPANY
CAH–4.
DOCKET# P–2899, 102, IDAHO POWER COMPANY
CAH–5.
DOCKET# P–3218, 039, CITY OF ORRVILLE, OHIO
OTHER#S P–6901, 047, CITY OF NEW MARTINSVILLE, WEST VIRGINIA
P–6902, 060, CITY OF NEW MARTINSVILLE, WEST VIRGINIA
CAH–6.
OMITTED
CAH–7.
DOCKET# P–1267, 046, GREENWOOD COUNTY, SOUTH CAROLINA
CAH–8.
DOCKET# P–2622, 007, INTERNATIONAL PAPER COMPANY AND TURNERS FALLS HYDRO LLC
CAH–9.
DOCKET# P–2471, 005, WISCONSIN ELECTRIC POWER COMPANY

Consent Agenda—Energy Projects—Certificates

CAC–1.
DOCKET# CP01–93, 000, TEXAS GAS TRANSMISSION CORPORATION AND FOREST OIL CORPORATION
CAC–2.
DOCKET# CP01–17, 001, ALGONQUIN GAS TRANSMISSION COMPANY
CAC–3.
OMITTED
CAC–4.
DOCKET# CP00–391, 000, ANR PIPELINE COMPANY
CAC–5.
OMITTED
CAC–6.
OMITTED
CAC–7.
DOCKET# CP01–90, 000, EL PASO NATURAL GAS COMPANY

Energy Projects—Hydro Agenda

H–1.
RESERVED

Energy Projects—Certificates Agenda

C–1.
RESERVED

Markets, Tariffs and Rates—Electric Agenda

E–1.
RESERVED

Markets, Tariffs and Rates—Gas Agenda

G–1.
RESERVED

David P. Boergers,

Secretary.

[FR Doc. 01–15962 Filed 6–21–01; 10:56 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Notice of Floodplain Involvement at the Casper Creek Crossing, Spence-Thermopolis 230-kV and Alcova-Copper Mountain 115-kV Transmission Lines

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Floodplain Involvement.

SUMMARY: Western Area Power Administration (Western), a power marketing agency of the U.S. Department of Energy (DOE), is the lead Federal agency for a proposal to make repairs and correct erosion problems at the Casper Creek crossing for the Spence-Thermopolis 230-kilovolt (kV) and Alcova-Copper Mountain 115-kV transmission lines. This project is located in Natrona County, Wyoming, approximately 40 miles west of Casper, Wyoming. A crossing at Casper Creek is necessary to provide access for transmission line inspection and transmission line maintenance. All proposed work will occur within the floodplain of the Middle Fork Casper Creek. In accordance with the DOE's Floodplain/Wetland Review Requirements (10 CFR 1022), Western will prepare a floodplain assessment and will perform the proposed actions in a manner so as to avoid or minimize potential impacts within the affected floodplain.

DATES: Comments on the proposed floodplain action are due to the address below no later than July 10, 2001.

ADDRESSES: Comments should be addressed to Mr. Jim Hartman, Environment Manager, Rocky Mountain Customer Service Region, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539–3003, telephone (970) 461–7450, fax (970) 461–7213, e-mail hartman@wapa.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Rodney Jones, Environmental Specialist, Rocky Mountain Customer Service Region, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539–3003, telephone (970) 461–7371, e-mail rjones@wapa.gov.

SUPPLEMENTARY INFORMATION: The proposal to make repairs and correct erosion problems would involve construction activities within the floodplain of Casper Creek. The Casper Creek crossing is located at the Middle Fork Casper Creek, in Natrona County, Wyoming, in Sections 3 and 4, Township 3 North, Range 86 West. Maps and further information are available from Western from the contact above. Western plans to remove an existing culvert at the Casper Creek crossing and replace it with a rock filled gabion-type structure. Four additional rock filled gabion-type structures will be placed in the creek approximately 50 yards downstream from the crossing. Water bars will be constructed on the existing access road and all disturbed areas will be reseeded. The floodplain assessment will examine the impacts on the floodplain of Casper Creek by proposed construction activities.

Dated: June 14, 2001.

Michael S. Hacskaylo,

Administrator.

[FR Doc. 01–15844 Filed 6–22–01; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6997–2]

Agency Information Collection Activities: Proposed Collection; Comment Request; Facility Ground-water Monitoring Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): ''Reporting and Recordkeeping Requirements for Facility Ground-water Monitoring Requirements, '' EPA ICR Number 959.11, OMB Control Number 2050–0033, Expiration Date 11/30/2001. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before August 24, 2001.

ADDRESSES: Commenters must send an original and two copies of their comments referencing Docket Number F–2001–FGMP–FFFFF to RCRA Docket Information Center, Office of Solid Waste (5305W) United States Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC, 20460. Hand deliveries of comments should be made to the Arlington, VA address listed below. Comments may also be submitted electronically by sending electronic mail through the Internet to: *rcra-docket@epamail.gov.* Comments in electronic format should also be identified by the Docket Number F–2001–FGMP–FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this action will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into paper form and place them in the official record, which will also include all comments submitted directly in writing. The official record is the paper record maintained in the RCRA Information Center (the RIC address is listed above in this section).

Commenters should not submit any confidential business information (CBI) electronically. An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5303W), United States Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Mailcode 5303W, Washington, DC, 20460.

Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (703) 603–9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies are $0.15/page.

This notice and the supporting documents that detail the Reporting and Record keeping Requirements for Facility Ground-water Monitoring Requirements ICR are also available.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at 800 424–9346 or TDD 800 553–7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703 412–9810 or TDD 703 412–3323.

For more detailed information on specific aspects of this rulemaking contact Sara Rasmussen by phone at (703) 308–8399, by facsimile at (703) 308–8638, by mail at the Office of Solid Waste (5303W), United States Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Mailcode 5303W, Washington, DC, 20460 or e-mail at rasmussen.sara@epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which own or operate surface impoundments, waste piles, land treatment units, and landfills which manage hazardous waste regulated under the Resource Conversation and Recovery Act.

Title: Facility Ground-Water Monitoring Requirements, EPA ICR #959.11; OMB Control Number 2050–0033; expiration date: 11/30/01.

Abstract: Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA) creates a comprehensive program for the safe management of hazardous waste. Section 3004 of RCRA requires owners and operators of facilities that treat, store, or dispose of hazardous waste to comply with standards established by EPA that are ''necessary to protect human health and the environment.'' Section 3005 provides for implementation of these standards under permits issued to owners and operators by EPA or authorized States. Section 3005 also allows owners and operators of facilities in existence when the regulations came into effect to comply with applicable notice requirements to operate until a permit is issued or denied. This statutory authorization to operate prior to permit determination is commonly known as ''interim status.'' Owners and operators of interim status facilities also must comply with standards set under section 3004.

EPA promulgated ground-water monitoring standards for interim status facilities in 1980 (45 FR 33154, May 19, 1980), codified in 40 CFR part 265, subpart F, and for permitted facilities in 1982 (47 FR 32274, July 26, 1982), codified in 40 CFR part 264, subpart F. Both sets of standards establish programs for protecting ground water from releases of hazardous wastes from land disposal facilities with regulated units (these include surface impoundments, waste piles, land treatment units, and landfills).

The ground-water monitoring requirements for regulated units follow a tiered approach whereby releases of hazardous contaminants are first detected (detection monitoring), then confirmed (compliance monitoring), and, if necessary, are required to be cleaned up (corrective action). Each of these tiers requires collection and analysis of ground-water samples. Owners or operators that conduct ground-water monitoring are required to report information to the oversight agencies on releases of contaminants and to maintain records of ground-water monitoring data at their facilities. The goal of the ground-water monitoring program is to prevent and quickly detect releases of hazardous contaminants to groundwater, and to establish a program whereby any contamination is expeditiously cleaned up as necessary to protect human health and environment.

The Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: For both permitted and interim status land disposal facilities, the estimated total annual hour burden for this information collection is 380,938 hours. The estimated total annual cost burden for this information collection is $51,402,078, which includes labor, capital, operations and maintenance, and purchased service costs. For 393 permitted land disposal facilities, the annual reporting hour burden is estimated to average 130 hours per response, and the annual recordkeeping hour burden is estimated to average 400 hours per year response, which includes time for reading the regulations, implementing a ground-water monitoring system, performing and keeping records of ground-water monitoring and maintaining records. These estimates represent the overall reporting and recordkeeping burdens placed on permitted facilities, regardless of whether they are performing detection monitoring, compliance monitoring, or corrective action. For 431 interim status land disposal facilities, the annual reporting hour burden is estimated to average 45 hours per year, which includes time for developing and submitting notifications, reports, and demonstrations, and the annual record keeping hour burden is estimated to average 355 hours per year, which includes time for reading the regulations, implementing a ground-water monitoring system, performing and keeping records of ground-water monitoring and maintaining records. The burden hour estimates are dramatically higher than presented in the 1998 ICR. This is due to a change in methodology: Hours that were attributed to contractors and counted as ''costs'' in 1998 have been converted to respondent hours.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Matthew Hale,

Acting Director, Office of Solid Waste.

[FR Doc. 01–15878 Filed 6–22–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6997–3]

Agency Information Collection Activities: Proposed Collection; Comment Request; Reporting and Recordkeeping Activities Associated With EPA's PFC Emission Reduction Partnership for the Semiconductor Industry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Reporting and Recordkeeping Activities Associated with EPA's PFC Emission Reduction Partnership for the Semiconductor Industry, EPA ICR No. 1823.02. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before August 24, 2001.

ADDRESSES: To obtain a free copy of the proposed ICR, contact Scott Bartos, U.S. EPA 1200 Pennsylvania Avenue, NW., (6205J), Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Scott Bartos, Program Manager Tel.: (202) 564–9167, Fax: (202) 565–2155, E-mail: *bartos.scott@epa.gov.*

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which produce semiconductor devices in the United States.

Title: Reporting and Recordkeeping Activities Associated with EPA's PFC Emission Reduction Partnership for the Semiconductor Industry (EPA ICR No. 1823.02).

Abstract: Following the 1993 introduction of the Climate Change Action Plan, U.S. EPA's Office of Atmospheric Programs launched the PFC Emission Reduction Partnership for the Semiconductor Industry. This important voluntary program contributes to the country's overall reduction in greenhouse gas emissions. Like Energy Star Buildings and the Voluntary Aluminum Industrial Partnership, the PFC Emission Reduction Partnership for the Semiconductor Industry is a voluntary effort aimed at preventing pollution before it is generated. These voluntary programs all focus on reducing greenhouse gas emissions and tracking progress by collecting information from partners on a periodic basis. The PFC Emissions Reduction Partnership for the Semiconductor Industry is a voluntary, non-regulatory program that supports the industry's efforts to reduce perfluorocompound (PFC) emissions.

PFCs are the most potent greenhouse gases known with atmospheric lifetimes of up to 50,000 years. These unique chemical compounds are required during two delicate semiconductor manufacturing steps, plasma etching and CVD chamber cleaning. EPA's semiconductor industry partners share information on available cost-effective emission reduction technologies and EPA tracks successful emission reduction efforts. EPA also recognizes companies for their success in reducing PFC emissions through certificates, awards, and assistance in communicating their achievements with the public.

All semiconductor manufacturers operating in the U.S. are invited to join the partnership. Participation in the program begins by completing a Memorandum of Understanding that defines a voluntary agreement between the company and EPA. By joining the partnership, a company agrees to track and report an estimate of its PFC emissions to EPA annually. A designated third party assembles the reported data and protects any confidential or sensitive information prior to EPA review. The partner companies' annual reports will provide an estimate of total PFC emissions and a description of the estimating method. The partnership will track progress as a group using the aggregate annual PFC emissions estimate.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control

numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

The EPA would like to solicit comments to:

(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: In estimating the expected burden, EPA assumes 21 companies will participate in the first year and 2 new companies will join in each of the three years covered by this ICR for a total of 27 in year 3. These values provide an average of 25 partners/year over the 3 years covered by this proposed ICR.

Average annual reporting burden hours=6,277.

Average burden hours/response=251.

Frequency of response=1/year.

Estimated number of respondents=25.

Estimated total annual cost burden=$1,275,143.

Total capital and start-up costs=$0.

Total operation and maintenance costs=$138,502.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: June 4, 2001.

Jeff Cohen,

Chief, Alternatives and Emissions Reduction Branch.

[FR Doc. 01–15879 Filed 6–22–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7000–9]

Agency Information Collection Activities: Proposed Collection; Comment Request; Application for Reference or Equivalent Method Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Application for Reference and Equivalent Method Determination, EPA ICR Number: 0559.06, OMB No: 2080–0005, expiration date: 12/31/2001. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before August 24, 2001.

ADDRESSES: U.S. Environmental Protection Agency, Human Exposure and Atmospheric Sciences Division, Atmospheric Methods and Monitoring Branch, Mail Drop 46, Research Triangle Park, NC 27711. Interested persons may obtain a copy of the ICR without charge by contacting the contact person identified in this notice.

FOR FURTHER INFORMATION CONTACT:

Elizabeth T. Hunike, 919–541–3737; facsimile number: 919–541–1153; E-Mail: *Hunike.Elizabeth@epa.gov.*

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are primarily manufacturers and vendors of ambient air quality monitoring instruments which are used by state and local air quality monitoring agencies in their federally required air surveillance monitoring networks, and agents acting for such instrument manufacturers or vendors. Other entities potentially affected may include state or local air monitoring agencies, other users of ambient air quality monitoring instruments, or any other applicant for a reference or equivalent method determination.

Title: Application for Reference and Equivalent Method Determination (OMB Control No. 2080–0005; EPA ICR No. 0559.06; expiring December 31, 2001).

Abstract: To determine compliance with the national ambient air quality standards (NAAQS), State air monitoring agencies are required to use, in their air quality monitoring networks, air monitoring methods that have been formally designated by the EPA as either reference or equivalent methods under EPA regulations at 40 CFR part 53. A manufacturer or seller of an air monitoring method (e.g. an air monitoring sampler or analyzer) that seeks to obtain such EPA designation of one of its products must carry out prescribed tests of the method. The test results and other information must then be submitted to the EPA in the form of an application for a reference or equivalent method determination in accordance with 40 CFR part 53. The EPA uses this information, under the provisions of part 53, to determine whether the particular method should be designated as either a reference or equivalent method. After a method is designated, the applicant must also maintain records of the names and mailing addresses of all ultimate purchasers of all analyzers or samplers sold as designated methods under the method designation. If the method designated is a method for fine particulate matter ($PM_{2.5}$), the applicant must also submit a checklist signed by an ISO-certified auditor to indicate that the samplers or analyzers sold as part of the designated method are manufactured in an ISO 9001-registered facility. Also, an applicant must submit a minor application to seek approval for any proposed modifications to previously designated methods.

A response to this collection of information is voluntary, but it is required to obtain the benefit of EPA designation under 40 CFR part 53. Submission of some information that is claimed by the applicant to be confidential business information may be necessary to make a reference or equivalent method determination. The confidentiality of any submitted information identified as confidential business information by the applicant will be protected in full accordance with 40 CFR 53.15 and all applicable provisions of 40 CFR part 2.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control

numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses.

Burden Statement: The EPA estimates that the total annual respondent burden for all activities covered in this ICR is approximately 4720 hours and a cost of approximately $88,000. These estimates are based on a projected receipt of 5 major applications per year with a weighted average burden of 860 hours per application, and an estimated 14 minor applications per year with a weighted average burden of 30 hours each. However, it should be noted that actual applications range widely in content and extent. Accordingly, the individual respondent burden for a particular application response may differ substantially from these weighted average burden estimates. The weighted average cost burden estimate includes start up costs, the total cost of capital equipment annualized over its expected useful life, operation and maintenance, and purchase of services.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: June 14, 2001.

Jewell F. Morris,

Acting Director, National Exposure Research Laboratory.

[FR Doc. 01–15881 Filed 6–22–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7000–4]

Proposed Settlement Agreement, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Settlement Agreement; Request for Public Comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (Act), 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement that was filed with the United States Court of Appeals for the Ninth Circuit by the United States Environmental Protection Agency (EPA) on May 25, 2001, to address a lawsuit filed by the Arizona Mining Association (AMA). AMA filed a petition for review pursuant to section 307(b) of the Act, 42 U.S.C. 7607(b) challenging one of EPA's bases for granting interim, rather than full, approval of the Arizona title V operating permits program. EPA based its interim approval in part on overbroad provisions addressing excess emissions. Thus, EPA provided that to receive full approval, the Arizona Department of Environmental Quality (ADEQ) would need, among other corrections, to modify the excess emissions provisions to be consistent with EPA's title V program regulations (40 CFR part 70). *Arizona Mining Association* v. *EPA*, No. 97–70007 (Ninth Cir.).

DATES: Written comments on the proposed settlement agreement must be received by July 25, 2001.

ADDRESSES: Written comments should be sent to Ginger Vagenas, Permits Office (Air-3), Air Division, U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105. (415) 744–1252. Copies of the proposed settlement agreement are available from Ms. Vagenas. A copy of the proposed settlement agreement was filed with the Clerk of the United States Court of Appeals for the Ninth Circuit on May 25, 2001.

SUPPLEMENTARY INFORMATION: Under title V of the CAA, EPA promulgated regulations specifying the requirements for state operating permit programs. ADEQ submitted its program to EPA for approval on November 15, 1993. On October 30, 1996, pursuant to section 502(g)of the Act, 42 U.S.C. 7661a(g), EPA granted interim approval of ADEQ's title V permitting program, citing several corrections that ADEQ would have to make before EPA could grant full approval. Included in that list was a requirement that ADEQ revise its excess emissions provisions to be consistent with those set out in EPA's operating permit regulations (40 CFR part 70). AMA objected and sought review of this aspect of EPA's final action.

The proposed settlement agreement provides that, within 9 months of ADEQ's submission of its revised excess emissions rule in the form of a state implementation plan (SIP) revision, EPA will take final action on this submission. Upon execution of this settlement agreement, EPA and AMA will file a joint motion with the Court to stay all proceedings pending EPA's final action on the ADEQ SIP revision. When EPA has taken final action on the SIP revision, the Parties will jointly move to dismiss the petition with prejudice. AMA agrees to promptly petition ADEQ to submit a revision to its title V program removing Rule 310 if EPA takes final action to approve Rule 310 into the SIP.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement agreement from persons who were not named as parties or interveners to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determine, following the comment period, that consent is inappropriate, the settlement agreement will be final.

Dated: June 12, 2001.

Richard B. Ossias,

Acting Associate General Counsel.

[FR Doc. 01–15883 Filed 6–22–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6999–2]

Chesapeake Bay Program FY2002 Request; Correction of Website

On May 30, 2001, at (66 FR 29308) of the **Federal Register**, the U.S. Environmental Protection Agency, Chesapeake Bay Program issued a request for proposals (RFP) that would further the goals of the Chesapeake 2000 Agreement. The RFP was available May 30, 2001. The website that was listed was incorrect. The correst website is: *http://www.epa.gov/r3chespk/* You may receive a paper copy by calling Kim Scalia at 215–814–5421 or by a e-mail at *scalia.kim@epa.gov* or by calling Lori Mackey at 410–267–5715 or by e-mail at *mackey.lori@epa.gov*. All proposals must be postmarked by Monday, July 16, 2001.

Peter J. Marx,

Associate Director, Communications and Support Staff.

[FR Doc. 01–15877 Filed 6–22–01; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7000–3]

Clean Air Act Advisory Committee Notice of Meeting

SUMMARY: The Environmental Protection Agency (EPA) established the Clean Air Act Advisory Committee (CAAAC) on November 19, 1990, to provide independent advice and counsel to EPA on policy issues associated with implementation of the Clean Air Act of 1990. The Committee advises on economic, environmental, technical scientific, and enforcement policy issues.

Open Meeting Notice: Pursuant to 5 U.S.C. App.2 Section 10 (a) (2), notice is hereby given that the Clean Air Act Advisory Committee will hold its next open meeting on Friday, August 3, 2001, from approximately 8:30 a.m. to 3:30 p.m. at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, VA. Seating will be available on a first come, first served basis. Three of the CAAAC's four Subcommittees (the Linking Energy, Land Use, Transportation, and Air Quality Concerns Subcommittee; the Permits/NSR/Toxics Integration Subcommittee; and the Economics Incentives and Regulatory Innovations Subcommittee) will hold meetings on Thursday, August 2, 2001 from approximately 10:00 a.m. to 5:00 p.m. at the Sheraton Crystal City Hotel, the same location as the full Committee. The Energy, Clean Air and Climate Change Subcommittee will not meet at this time. The Linking Energy, Land Use, and Transportation, and Air Quality Concerns Subcommittee is scheduled to meet from 10:00 a.m. to 12:00 noon; the Economic Incentives and Regulatory Innovations Subcommittee is scheduled to meet from 12:30 p.m. to 3:00 p.m.; and the Permits/NSR/Toxics Subcommittee is scheduled to meet from 3:00 p.m. to 5:00 p.m.

Inspection of Committee Documents: The Committee agenda and any documents prepared for the meeting will be publicly available at the meeting. Thereafter, these documents, together with CAAAC meeting minutes, will be available by contacting the Office of Air and Radiation Docket and requesting information under docket item A–94–34 (CAAAC). The Docket office can be reached by telephoning 202–260–7548; FAX 202–260–4400.

For Further Information concerning this meeting of the full CAAAC, please contact Paul Rasmussen, Office of Air and Radiation, US EPA (202) 564–1306, FAX (202) 564–1352 or by mail at US EPA, Office of Air and Radiation (Mail code 6102 A), 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20004. For information on the Subcommittee meetings, please contact the following individuals: (1) Permits/NSR/Toxics Integration—Debbie Stackhouse, 919–541–5354; and (2) Linking Transportation, Land Use and Air Quality Concerns-Robert Larson, 734–214–4277; and (3) Economic Incentives and Regulatory InnovationsCarey Fitzmaurice, 202–564–1667. Additional information on these meetings and the CAAAC and its Subcommittees can be found on the CAAAC Web Site: *www.epa.gov/oar/caaac/*.

Dated: June 12, 2001.

Robert D. Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 01–15882 Filed 6–22–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[WH–FRL–6999–1]

Public Stakeholder Meeting on the National Strategy to Develop Regional Nutrient Criteria

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Stakeholder Meeting on the National Strategy to Develop Regional Nutrient Criteria

SUMMARY: The Environmental Protection Agency (EPA) is holding a stakeholder meeting on June 27, 2001, to stimulate an information exchange with stakeholders on issues related to the National Strategy to Develop Regional Nutrient Criteria.

DATES: The public stakeholder meeting will start at 9:00 AM and adjourn at 5:30 PM on June 27, 2001.

ADDRESSES: The public stakeholder meeting will be held at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, VA.

FURTHER INFORMATION CONTACT: Robert Cantilli (4304), U.S. EPA Headquarters, Ariel Rios Building, 1200 Pennsylvania Ave., NW (MC 4304), Washington, D.C. 20460 (Telephone: (202) 260–5546).

SUPPLEMENTARY INFORMATION: The public stakeholder meeting will be held at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, VA for the purpose of conducting an information exchange with stakeholders on issues related to the National Strategy to Develop Regional Nutrient Criteria. The public stakeholder meeting will provide an opportunity for interested persons to discuss the issues and process for developing and implementing regional nutrient criteria. Specifically, EPA will discuss progress it has made in developing ecoregional nutrient criteria, peer review and public comments it has received on the 17 ecoregional nutrient criteria that were published in 2000, as well as recommended procedures for implementing these criteria. The stakeholder meeting will also be an opportunity for substantive input and dialogue with the primary authors of the Nutrient Waterbody Type Guidance Documents as well as EPA Regional Nutrient Coordinators who are supporting the development and adoption of regional nutrient criteria at the State and ecoregional level.

Participants at the stakeholders meeting who wish to make comments or ask questions are strongly encouraged to sign up and be placed on the speakers list given the available time. Speakers will have the opportunity to comment during the meeting in the order they sign up and time limitations will be set depending on the total number of speakers. Requests to speak at the stakeholder meeting should be made to John Bachman, Great Lakes Environmental Center, Inc. at (231) 941–2230 or by e-mail at: *jbachman@glec-tc.com.*

EPA is inviting all interested members of the public to participate in the stakeholder meeting. Approximately 150 seats will be available for the public. Seats will be available on a first-come, first served basis. On-site registration for the meeting will begin at 8:00 AM.

For additional information about the meeting, please contact Robert Cantilli of EPA's Office of Science and Technology at (202) 260–5546 or by e-mail at cantilli.robert@epa.gov.

Dated: June 8, 2001.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

[FR Doc. 01–15884 Filed 6–22–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34226B; FRL–6788–1]

Availability of Reregistration Eligibility Decision Document for Comment; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In the **Federal Register** of May 23, 2001 (66 FR 28469) (FRL–6775–9), EPA announced the availability and start of a 60–day public comment period on the Reregistration Eligibility Decision document for the pesticide active ingredient triallate. On page 28469, second column, under the **DATES** caption, the date provided for the receipt of comments was inadvertently listed as May 20, 2001. The correct date is July 23, 2001. This notice announces the correct comment period.

DATES: Comments, identified by docket control number OPP–34226A, must be received on or before July 23, 2001.

ADDRESSES: For detailed instructions concerning the submission of comments, refer to Unit I.C. of the **Federal Register** of May 23, 2001.

FOR FURTHER INFORMATION CONTACT: By mail: Carol Stangel, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8007; and e-mail address: stangel.carol@epa.gov.

For technical questions on the RED, contact: Michael Goodis, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8157; and e-mail address: goodis.michael@epa.gov.

List of Subjects

Environmental protection, Pesticides.

Dated: June 7, 2001.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 01–15889 Filed 6–22–01 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6997–4]

Divex Superfund Site Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: Under section 122(h)(1) of the Comprehensive Environmental Response and Liability Act (CERCLA), the Environmental Protection Agency (EPA) has proposed to settle claims for response costs at the Divex Site located in Columbia, South Carolina (Site), with three South Carolina schools districts, SCDHEC, and six other parties. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region IV, CERCLA Program Services Branch, Waste Management Division, 61 Forsyth Street, SW., Atlanta, GA 30303, 404–562–8887.

Written comments may be submitted to Ms. Batchelor at the above address on or before July 25, 2001.

Dated: May 31, 2001.

Anita L. Davis,

Acting Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 01–15886 Filed 6–22–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7000–5]

Notice of Proposed CERCLA Administrative Settlement—Rocky Flats Industrial Park Site, Jefferson County, Colorado

AGENCY: Environmental Protection Agency.

ACTION: Notice and Request for Public Comment.

SUMMARY: In accordance with the requirements of section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of the proposed administrative settlement under section 122(h) of CERCLA, 42 U.S.C. 9622(h), concerning the Rocky Flats Industrial Park site located in the 17,000 block of Colorado Highway 72, approximately two miles east of the intersection of Colorado Highways 93 and 72, in Section 23, T2N, R70W in unincorporated Jefferson County, Colorado (the ''Site'').

DATES: Comments must be submitted on or before July 25, 2001.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at the EPA Superfund Record Center, 999 18th Street, 5th Floor, in Denver, Colorado. Comments and requests for a copy of the proposed settlement should be addressed to Carol Pokorny (8ENF–T), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202–2466, and should reference the Rocky Flats Industrial Park Site, Jefferson County, Colorado and the EPA docket number of the proposed settlement. The docket number for the proposed settlement with Interstate Land Corporation and Union Pacific Corporation is EPA Docket No. CERCLA–8–2001–07.

FOR FURTHER INFORMATION CONTACT: Carol Pokorny, Enforcement Specialist (8ENF–T), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202–2466, (303) 312–6970.

SUPPLEMENTARY INFORMATION:

Administrative Settlement Agreement

This settlement between the United States Environmental Protection Agency (''EPA'') and Interstate Land Corporation (successor to Entrada Industries, Inc.) and Union Pacific

Corporation (successor to Denver and Rio Grande Western Railroad Company) is embodied in a CERCLA section 122(h) Administrative Settlement Agreement (''Administrative Settlement''). The Administrative Settlement resolves the settling parties' liability at the Site for past work, past response costs and specified future work and response costs through a covenant not to sue under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and section 7003 of RCRA, 42 U.S.C. 6973. The proposed Administrative Settlement requires the settling parties to pay an aggregate total of $20,000.00. By the terms of the proposed Administrative Settlement, the Interstate Land Corporation will pay $15,000.00 and Union Pacific Corporation will pay $5,000.00 to the Hazardous Substance Superfund. The money will be deposited into a special account which can be used to pay for future work at the Site. In addition to the financial contributions to be made pursuant to the Administrative Settlement, the settling parties have participated in past investigation and cleanup activities at the Site.

Opportunity for Comment

For thirty (30) days following the date of publication of this notice, the Agency will consider all comments received and 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. The Agency's response to any comments received will be available for public inspection at the EPA Superfund Record Center, 999 18th Street, 5th Floor, in Denver, Colorado. Commenters may request an opportunity for a public meeting in the affected area in accordance with section 7003(d) of RCRA, 42 U.S.C. 6973(d).

It Is So Agreed.

Dated: June 12, 2001.

Carol Rushin,

Assistant Regional Administrator, Office of Enforcement, Compliance, and Environmental Justice, U.S. Environmental Protection Agency, Region VIII.

[FR Doc. 01–15885 Filed 6–22–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[PB–402404–NE; FRL–6786–2]

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Nebraska Authorization Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comments and opportunity for public hearing.

SUMMARY: On May 16, 2001, the State of Nebraska submitted an application for EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). This notice announces the receipt of the State of Nebraska application, provides a 45–day public comment period, and provides an opportunity to request a public hearing on the application. Nebraska has provided self-certification of a lead program meeting the requirements for approval under section 404 of TSCA. Therefore, pursuant to section 404, the State program is deemed authorized as of the date of submission. If EPA subsequently finds that the program does not meet all the requirements for approval of a State program, EPA will work with the State to correct any deficiencies in order to approve the program. If the deficiencies are not corrected, a notice of disapproval will be issued in the **Federal Register** and a Federal program will be implemented in the State.

DATES: Comments, identified by docket control number PB–402404–NE, must be received on or before August 9, 2001.

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 PB–402404–NE in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Kyle Winters, Radiation, Asbestos, Lead and Indoor Programs Branch, Air, RCRA and Toxics Division, Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas 66101; telephone number: (913) 551–7109; e-mail address: winters.kyle@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to firms and individuals engaged in lead-based paint activities in the State of Nebraska. Since 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 person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number PB–402404–NE. 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 from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays. The docket is located at the regional office 901 North 5th Street, Kansas City, KS.

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 PB–402404–NE in the

subject line on the first page of your response.

1. *By mail*. Submit your comments and hearing requests to: Kyle Winters, Radiation, Asbestos, Lead and Indoor Programs Branch, Air, RCRA and Toxics Division, Environmental Protection Agency, 901 North 5th Street, Kansas City, KS 66101.

2. *In person or by courier*. Deliver your comments and hearing requests to: Radiation, Asbestos, Lead and Indoor Programs Branch, Air, RCRA and Toxics Division, Region VII, Environmental Protection Agency, 901 North 5th Street, Kansas City, KS 66101. The regional office is open from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays. The telephone number for the regional office is (913) 551–7020.

3. *Electronically*. You may submit your comments and hearing requests electronically by e-mail to: ''winters.kyle@epa.gov,'' or mail your computer disk to the address identified above. 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 6.1/8.0/9.0 or ASCII file format. All comments in electronic form must be identified by docket control number PB–402404–NE. 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 identified 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 various options we propose, new approaches we have not considered, the potential impacts of the various options (including possible unintended consequences), and any data or information that you would like the Agency to consider during the development of the final action. 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. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. 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. Background

A. What Action is the Agency Taking?

The State of Nebraska has provided a self-certification letter stating that its lead-based paint training and certification program meets the requirements for authorization of a State program under section 404 of TSCA and has requested approval of the Nebraska lead-based paint training and certification program. Therefore, pursuant to section 404, the program is deemed authorized as of the date of submission (i.e., May 16, 2001). If EPA subsequently finds that the program does not meet all the requirements for approval of a State program, EPA will work with the State to correct any deficiencies in order to approve the program. If the deficiencies are not corrected, a notice of disapproval will be issued in the **Federal Register** and a Federal program will be implemented in the State.

Pursuant to section 404(b) of TSCA (15 U.S.C. 2684(b)), EPA provides notice and an opportunity for a public hearing on a State or Tribal program application before approving the application. Therefore, by this notice EPA is soliciting public comment on whether the State of Nebraska application meets the requirements for EPA approval. This notice also provides an opportunity to request a public hearing on the application. If a hearing is requested and granted, EPA will issue a **Federal Register** notice announcing the date, time, and place of the hearing. EPA's final decision on the application will be published in the **Federal Register**.

B. What is the Agency's Authority for Taking this Action?

On October 28, 1992, the Housing and Community Development Act of 1992, Public Law 102–550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended TSCA (15 U.S.C. 2601 *et seq.*) by adding Title IV (15 U.S.C. 2681-92), titled *Lead Exposure Reduction*.

Section 402 of TSCA (15 U.S.C. 2682) authorizes and directs EPA to promulgate final regulations governing lead-based paint activities in target housing, public and commercial buildings, bridges and other structures. Those regulations are to ensure that individuals engaged in such activities are properly trained, that training programs are accredited, and that individuals engaged in these activities are certified and follow documented work practice standards. Under section 404 (15 U.S.C. 2684), a State may seek authorization from EPA to administer and enforce its own lead-based paint activities program.

On August 29, 1996 (61 FR 45777) (FRL–5389–9), EPA promulgated final TSCA section 402/404 regulations governing lead-based paint activities in target housing and child-occupied facilities (a subset of public buildings). Those regulations are codified at 40 CFR part 745, and allow both States and Indian Tribes to apply for program authorization. Pursuant to section 404(h) of TSCA (15 U.S.C. 2684(h)), EPA is to establish the Federal program in any State or Tribal Nation without its own authorized program in place by August 31, 1998.

States and Tribes that choose to apply for program authorization must submit a complete application to the appropriate Regional EPA Office for review. To receive EPA approval, a State or Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides for adequate enforcement (section 404(b) of TSCA, 15 U.S.C. 2684(b)). EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a

State or Tribal program must meet in order to obtain EPA approval.

A State may choose to certify that its lead-based paint activities program meets the requirements for EPA approval, by submitting a letter signed by the Governor or Attorney General stating that the program meets the requirements of section 404(b) of TSCA. Upon submission of such certification letter, the program is deemed authorized (15 U.S.C. 2684(a)). This authorization becomes ineffective, however, if EPA disapproves the application or withdraws the program authorization.

III. State Program Description Summary

The following summary of the State of Nebraska proposed program has been provided by the applicant. The State of Nebraska enacted in 1999 LB 863 which amended the Environmental Lead Hazard Control Act. This revision to Nebraska law provided the framework for the Health and Human Services System Regulation and Licensure to regulate the lead-based paint professions training providers and the professions of inspector, risk assessor, worker, supervisor and project designer. The Nebraska law also directs the regulation of training providers that provide the training for the lead professions. These professions are coincidental to the lead-based professions regulated by 40 CFR part 745, subpart L.

IV. 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 certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action 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 this document in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: June 8, 2001.

William Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 01–15892 Filed 6–22–01 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51971; FRL–6786–9]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from April 30, 2001 to May 11, 2001, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. The ''S'' and ''G'' that precede the chemical names denote whether the chemical idenity is specific or generic.

DATES: Comments identified by the docket control number OPPTS–51971 and the specific PMN number, must be received on or before July 25, 2001.

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–51971 and the specific PMN number in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Director, Office of Program Management and Evaluation, 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.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain copies of this document and certain other available documents from the EPA Internet Home Page at http://www.epa.gov/. 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/.

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–51971. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, any test data submitted by the manufacturer/importer 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 of 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–51971 and the specific PMN number 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–51971 and the specific PMN number. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI 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 person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

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. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. 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. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from April 30, 2001 to May 11, 2001, consists of the PMNs both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available. The ''S'' and ''G'' that precede the chemical names denote whether the chemical idenity is specific or generic.

In table I, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

TABLE I. 36 PREMANUFACTURE NOTICES RECEIVED FROM: 04/30/01 TO 05/11/01

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–01–0560	04/30/01	07/29/01	Cognis Corporation	(G) Metal extraction reagent	(G) Alkylsalicylaldoxime
P–01–0561	04/30/01	07/29/01	Solutia Inc.	(S) Binder for wash/shop primers	(G) Modified phenolic resin
P–01–0562	04/30/01	07/29/01	CBI	(G) Redispersible powder	(G) Water redispersible cationic acrylic copolymer
P–01–0563	04/30/01	07/29/01	Syngenta Crop Protection, Inc.	(S) Chemical intermediate	(S) Benzoic acid, 2-chloro-5-nitro-, 1,1-dimethyl-2-oxo-2-(2-propenyloxy)ethyl ester
P–01–0564	04/30/01	07/29/01	Syngenta Crop Protection, Inc.	(S) Chemical intermediate	(S) Benzoic acid, 5-amino-2-chloro-, 1,1-dimethyl-2-oxo-2-(2-propenyloxy)ethyl ester
P–01–0565	04/30/01	07/29/01	Kelmar Industries	(S) Textile softener	(G) Grafted mercaptosiloxane(s)
P–01–0566	04/30/01	07/29/01	Solutia Inc.	(S) Binder for industrial adhesives	(G) Modified polyurethane resin

TABLE I. 36 PREMANUFACTURE NOTICES RECEIVED FROM: 04/30/01 TO 05/11/01—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–01–0567	05/01/01	07/30/01	Regulatory Assistance Corporation	(G)	(G) Phenolic resin
P–01–0568	05/01/01	07/30/01	CBI	(G) Open, non-dispersive uses	(G) Polyisocyanate polyol prepolymer;polyurethane adhesive
P–01–0569	05/01/01	07/30/01	CBI	(S) Aqueous dispersion of polymer for leather finishing	(G) Polytetrahydrofuran, polymer with a diisocyanate, a diamine and an amine
P–01–0570	05/01/01	07/30/01	3M Company	(S) Intermediate	(G) Diacrylate monomer
P–01–0571	04/30/01	07/29/01	Henkel Adhesives	(S) Prepolymer for adhesives	(S) Fatty acids, C_{18}-unsatd., dimers, di-me esters, hydrogenated, polymers with polymethylenephenylene isocyanate, polypropylene glycol and trimethylolpropane
P–01–0572	04/30/01	07/29/01	Henkel Adhesives	(S) Prepolymer for adhesives	(S) Fatty acids, C_{18}-unsatd., dimers, di-me esters, hydrogenated, polymers with 1,1′-methylenebis[4-isocyanatobenzene], polypropylene glycol and trimethylolpropane
P–01–0573	04/30/01	07/29/01	CBI	(G) Encapsulating additive	(G) Aromatic phenolic polymer
P–01–0574	05/01/01	07/30/01	CBI	(S) Aqueous dispersion of polymer for leather finishing	(G) Polycarbonate, polymer with polyester, substituted propanoic acid, a diamine and a diisocyanate, compounded with an amine
P–01–0575	05/01/01	07/30/01	CBI	(G) Dye for cotton	(G) Arylazo substituted sulfonated naphthalene compound
P–01–0576	05/01/01	07/30/01	CBI	(G) Encapsulating additive	(G) Aromatic benzaldehyde polymer
P–01–0577	05/01/01	07/30/01	CBI	(G) Additive for lubricating oil	(G) Alkyl methacrylate copolymer
P–01–0578	05/02/01	07/31/01	CBI	(S) Site-limited intermediate	(G) Alkoxylated alkyl amine
P–01–0579	05/02/01	07/31/01	CBI	(G) Monomer	(G) Acrylate ester
P–01–0580	05/02/01	07/31/01	CBI	(G) Open, non-dispersive use	(G) Acrylic resin
P–01–0581	05/04/01	08/02/01	CBI	(S) Isolated intermediate for dye	(G) (monosubstituted naphthalene azo) tri substituted naphthalene sulfonic acid, salt
P–01–0582	05/04/01	08/02/01	CBI	(S) Isolated intermediate for dye	(G) (monosubstituted naphthalene azo) tri substituted naphthalene sulfonic acid, salt
P–01–0583	05/04/01	08/02/01	CBI	(S) UV absorber for automotive fabrics	(G) Triazine derivative
P–01–0584	05/07/01	08/05/01	3M Company	(G) Surfactant	(G) Flouroacrylate copolymer
P–01–0585	05/07/01	08/05/01	Atofina Chemicals, Inc.	(S) Monomer in polymer used as a pressure sensitive adhesive	(S) 2-propenoic acid, C_{7-9}-branched alkyl esters, C_8-rich
P–01–0586	05/04/01	08/02/01	Grain Processing Corporation	(S) Strength and retention for paper; size emulsification for paper	(G) Alkoxylated cationic starch
P–01–0587	05/08/01	08/06/01	CBI	(S) Friction modifier and lubricity additive in industrial and automotive lubricants.	(S) Glycerides, tall-oil mono-, di-, and tri-
P–01–0588	05/08/01	08/06/01	CBI	(S) The function is a binder and the application is in publication gravure printing inks	(G) Rosin, maleated, metal oxide salts.
P–01–0589	05/08/01	08/06/01	CBI	(S) Component in an industrial sealant	(G) Urethane urea compound
P–01–0590	05/08/01	08/06/01	Eastman Kodak Company	(G) Contained use in an article	(G) Substituted amido benzoic acid ester
P–01–0591	05/09/01	08/07/01	CBI	(G) Industrial fillers	(G) Amino silanized silica
P–01–0592	05/09/01	08/07/01	Arch Chemicals, Inc.	(S) Use as an ingredient in waterborne urethane	(G) Carboxyl polyol
P–01–0593	05/11/01	08/09/01	Bush Boake Allen Inc.	(S) Chemical intermediate	(S) 8,12-dimethyl-5,7,11-tridecatrien-4-one
P–01–0594	05/11/01	08/09/01	Bush Boake Allen Inc.	(S) Chemical intermediate	(S) 1-(2,6,6-trimethyl-2-cyclohexen-1-y)-1-hexen-3-one
P–01–0595	05/11/01	08/09/01	CBI	(G) Open, non-dispersing use	(G) Quaternary salt of glycol succinate

In table II, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

TABLE II. 21 NOTICES OF COMMENCEMENT FROM: 04/30/01 TO 05/11/01

Case No.	Received Date	Commencement/ Import Date	Chemical
P–00–0401	05/11/01	04/04/01	(G) Polyester resin
P–00–0684	04/30/01	04/19/01	(G) Butadiene, alkyl acrylate, styrene co-polymer
P–00–0685	04/30/01	04/19/01	(G) Butadiene, alkyl acrylate, styrene co-polymer
P–00–0798	05/04/01	04/30/01	(G) Substituted aliphatic carboxylic acid chloride
P–00–1085	05/01/01	04/06/01	(G) Fluoroacrylate copolymer
P–00–1112	05/04/01	04/20/01	(G) Amino acrylate
P–00–1113	05/04/01	04/23/01	(G) Amino acrylate
P–00–1128	05/04/01	05/01/01	(G) Acrylate ester of polyethylene glycol
P–00–1169	05/03/01	04/17/01	(G) Alkanepolyol diether
P–01–0033	05/04/01	04/20/01	(G) Sulfonamide
P–01–0080	05/02/01	05/01/01	(S) Poly(oxy-1,2-ethanediyl), alpha-(2-carboxybenzoyl)-omega-[3-[1,3,3,3-tetramethyl-1-[(trimethylsilyl)oxy]disiloxanyl]propoxy]-, potassium salt
P–01–0081	05/02/01	05/01/01	(S) Poly(oxy-1,2-ethanediyl), alpha-(2-carboxybenzoyl)-omega-(2-propenyloxy)-, potassium salt
P–01–0082	05/02/01	05/01/01	(S) Poly(oxy-1,2-ethanediyl), alpha-(2-carboxybenzoyl)-omega-[(2-carboxybenzoyl)oxy]-, dipotassium salt
P–01–0089	05/08/01	04/18/01	(G) Vinyl pyrrolidone-acrylate copolymer
P–01–0140	05/09/01	04/27/01	(G) Modified natural resin
P–01–0231	04/30/01	04/10/01	(G) Hydrogenated rosin ester
P–01–0248	05/01/01	04/12/01	(S) Terpenes and terpenoids, turpentine-oil, alpha-pinene fraction, polymers with 1-methyl-4-(1-methylethenyl) cyclohexene
P–01–0250	05/11/01	04/24/01	(G) Substituted sulfonyl alkanoic acid ester
P–01–0251	05/11/01	04/23/01	(G) Aromatic substituted alkanoic acid derivative
P–98–0950	05/01/01	05/21/99	(G) Polyester polyether urethane block copolymer
P–98–1222	05/02/01	04/10/01	(G) Benzenesulfonic acid, 2,2′-(1,2-ethenediyl)bis[5-[4-substituted-6-substituted-1,3,5-triazin-2-yl]amino]-, sodium salt

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: June 8, 2001.

Deborah A. Williams,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 01–15887 Filed 6–22–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51972; FRL–6789–1]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from May 14, 2001 to June 01, 2001, consists of the PMNs, pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. The ''S'' and ''G'' that precede the chemical names denote whether the chemical idenity is specific or generic.

DATES: Comments identified by the docket control number OPPTS–51972 and the specific PMN number, must be received on or before July 25, 2001.

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–51972 and the specific PMN number in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Director, Office of Program Management and Evaluation, 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.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain copies of this document and certain other available documents from the EPA Internet Home Page at http://www.epa.gov/. 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/.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS–51972. 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, any test data submitted by the Manufacturer/ Importer 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 of 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–51972 and the specific PMN number 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–51972 and the specific PMN number. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI 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 person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

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. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. 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. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from May 14,2001 to June 01, 2001, consists of the PMNs, pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available. The ''S'' and ''G'' that precede the chemical names denote whether the chemical idenity is specific or generic.

In table I, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 55 PREMANUFACTURE NOTICES RECEIVED FROM: 05/14/01 TO 06/01/01

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–01–0596	05/14/01	08/12/01	CBI	(S) Base resin ultraviolet light and electron beam curable adhesives	(G) Polymer of a polyether polyol, isophorone diisocyanate and hydroxyethyl methacrylate

I. 55 PREMANUFACTURE NOTICES RECEIVED FROM: 05/14/01 TO 06/01/01—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–01–0597	05/14/01	08/12/01	Solutia Inc.	(S) Uv curable coating resin	(G) Acrylate and urethane modified polyester resin
P–01–0598	05/15/01	08/13/01	CBI	(G) Coating	(G) Polyacrylate, polymer with 1-octadecanamine
P–01–0599	05/15/01	08/13/01	CBI	(G) Coating	(G) Polyacrylate, polymer with (9*z*)-9-octadecen-1-amine
P–01–0600	05/15/01	08/13/01	CBI	(G) Coating	(G) Polyacrylate polymer with 1-octadecanamine and (9*z*)-9-octadecen-1-amine
P–01–0601	05/15/01	08/13/01	CBI	(G) Coating	(G) Polyacrylate, polymer with 1-octadecanamine, di-$C_{14–18}$-alkylamines-terminated
P–01–0602	05/15/01	08/13/01	CBI	(G) Coating	(G) Polyacrylate, polymer with (9*z*)-9-octadecen-1-amine, di-$C_{14–18}$-alkylamines-terminated
P–01–0603	05/15/01	08/13/01	CBI	(G) Coating	(G) Polyacrylate, polymer with 1-octadecanamine and (9*z*)-9-octadecen-1-amine, di-$C_{14–18}$-alkylamines-terminated
P–01–0604	05/14/01	08/12/01	CIBA Specialty Chemicals, Inc.	(S) Orange pigment for coloring industrial and decorative paints and coatings	(G) Diketo pyrrolo pyrrol isomers
P–01–0605	05/16/01	08/14/01	Syngenta Crop Protection, Inc.	(S) Chemical intermediate	(S) Propanoic acid, 2-hydroxy-2-methyl-, 2-propenyl ester
P–01–0606	05/17/01	08/15/01	CBI	(S) Hard surface cleaners;food hygiene cleaners;spray metal cleaning;oem cleaning	(G) Alcohol, ethoxylated, propoxylated
P–01–0607	05/18/01	08/16/01	CBI	(S) Lubrication basestock in automotive and industrial lubricants	(G) Polybasic acids, esters with branched alkyl alcohol
P–01–0608	05/18/01	08/16/01	CBI	(S) Lubrication basestock in automotive and industrial lubricants	(G) Polybasic acids, esters with branched alkyl alcohol
P–01–0609	05/18/01	08/16/01	CBI	(G) Adhesive tackifier resins	(G) Carboxylic acid, polymer with phenol and turpentine-oil alpha-pinene fraction terpenes
P–01–0610	05/18/01	08/16/01	CBI	(G) Adhesive tackifier resins	(G) Carboxylic acid, polymer with phenol and turpentine-oil beta-pinene fraction terpenes
P–01–0611	05/18/01	08/16/01	CBI	(G) Adhesive tackifier resins	(G) Carboxylic acid, polymer with 1-methyl-4-(1-methylethenyl)cyclohexene and phenol
P–01–0612	05/18/01	08/16/01	CBI	(G) Adhesive tackifier resins	(G) Carboxylic acid, polymd., polymer with phenol and turpentine-oil alpha-pinene fraction terpenes
P–01–0613	05/18/01	08/16/01	CBI	(G) Adhesive tackifier resins	(G) Carboxylic acid, polymd., polymer with phenol and turpentine-oil beta-pinene fraction terpenes
P–01–0614	05/18/01	08/16/01	CBI	(G) Adhesive tackifier resins	(G) Carboxylic acid, polymd., polymer with 1-methyl-4-(1-methylethenyl)cyclohexene and phenol
P–01–0615	05/18/01	08/16/01	CIBA Specialty Chemicals Corporation	(S) Binder in receiver coatings for ink jet papers and films	(G) Acrylic polymer
P–01–0616	05/18/01	08/16/01	CBI	(G) Open non-dispersive (resin)	(G) Aliphatic polycarbonate polyester
P–01–0617	05/21/01	08/19/01	Henkel Adhesives	(S) Cable filling, connector potting both products will be used for these applications	(S) Hexadecene, polymer with pentadecene, hydrogenated
P–01–0618	05/21/01	08/19/01	Henkel Adhesives	(S) Cable filling, connector potting both products will be used for these applications	(S) Tetradecene, homopolymer, hydrogenated
P–01–0619	05/21/01	08/19/01	CBI	(G) Open, non-dispersive use as an emulsifying agent	(S) Poly(oxy-1,2-ethanediyl), alpha-(2-ethylhexyl)-omega-hydroxy-, 2-hydroxy-1,2,3-propanetricarboxylate
P–01–0620	05/21/01	08/19/01	CBI	(G) Open, non-dispersive use as an emulsifying agent	(S) Poly(oxy-1,2-ethanediyl), alpha-hydro-omega-hydroxy-, mono-$C_{10–16}$-alkyl ethers, citrates
P–01–0621	05/21/01	08/19/01	CBI	(G) Open, non-dispersive use as an emulsifying agent	(S) Poly(oxy-1,2-ethanediyl), alpha-hydro-omega-hydroxy-, mono-$C_{16–18}$-alkyl ethers, citrates

I. 55 PREMANUFACTURE NOTICES RECEIVED FROM: 05/14/01 TO 06/01/01—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–01–0622	05/21/01	08/19/01	CBI	(G) Conductive agent	(G) Substituted ppvs (poly-p-phenylen-vinylens)
P–01–0623	05/22/01	08/20/01	CBI	(S) Lubrication basestock in automative and industrial lubricants	(G) Polybasic acids, polymers with branched alkyl alcohols
P–01–0624	05/22/01	08/20/01	CBI	(S) Lubrication basestock in automative and industrial lubricants	(G) Polybasic acids, polymers with branched alkyl alcohols
P–01–0625	05/22/01	08/20/01	CBI	(S) Lubrication basestock in automative and industrial lubricants	(G) Polybasic acids, polymers with branched alkyl alchols
P–01–0626	05/22/01	08/20/01	CBI	(S) Lubrication basestock in automative and industrial lubricants	(G) Polybasic acids, polymers with branched alkyl alcohols
P–01–0627	05/22/01	08/20/01	CBI	(S) Lubrication basestock in automative and industrial lubricants	(G) Polybasic acids, polymers with branched alkyl alcohols
P–01–0628	05/22/01	08/20/01	CBI	(S) Lubrication basestock in automative and industrial lubricants	(G) Polybasic acids, polymers with branched alkyl alcohols
P–01–0629	05/21/01	08/19/01	CBI	(G) Destructive use - fuel additive	(G) Formaldehyde, reaction product with an alkylated phenol and an aliphatic amine
P–01–0630	05/22/01	08/20/01	CBI	(G) Binder resin for graphic arts coatings	(G) 1,3-benzendicarboxylic acid, polymer with diols and triols and 1,3-isobenzofurandione, 2-propenoate
P–01–0631	05/22/01	08/20/01	CBI	(G) Resin coating	(G) Polyester resin
P–01–0632	05/23/01	08/21/01	CBI	(G) Composite applications	(G) Epoxy isocyanate copolymer
P–01–0633	05/23/01	08/21/01	CBI	(G) Open, non-dispersive (resin)	(G) Aliphatic thermoplastic polyurethane
P–01–0634	05/23/01	08/21/01	CBI	(G) Open, non-dispersive (resin)	(G) Polyurethane elastomer
P–01–0635	05/23/01	08/21/01	3M	(S) Moisture curing adhesive	(G) Polyurethane resin
P–01–0636	05/23/01	08/21/01	3M	(S) Moisture curing adhesive	(G) Polyurethane resin
P–01–0637	05/23/01	08/21/01	3M	(S) Moisture curing adhesive	(G) Polyurethane resin
P–01–0638	05/24/01	08/22/01	CBI	(G) Open, non-dispersive use	(G) (monosubstituted naphthalene azo)tri substituted naphthalene sulfonic acid, salt
P–01–0639	05/24/01	08/22/01	CBI	(S) Dye intermediate	(G) Substituted naphthalenyl azo substituted hydroxynaphthalene disulfonic acid
P–01–0640	05/29/01	08/27/01	CBI	(G) Adhesion promoter	(G) Tetraisopropyl titanate, polymer with ketone resin and amyl acid phosphate
P–01–0641	05/30/01	08/28/01	CBI	(G) Additive, open, non-dispersive use	(G) Copolymer with basic groups
P–01–0642	05/29/01	08/27/01	CIBA Specialty Chemicals Corporation	(S) Intermediate, pigment production	(S) 1,4-cyclohexadiene-1,4-dicarboxylic acid, 2,5-bis(phenylamino)-, dimethyl ester
P–01–0643	05/29/01	08/27/01	CIBA Specialty Chemicals Corporation	(S) Intermediate, pigment production	(S) 1,4-cyclohexadiene-1,4-dicarboxylic acid, 2,5-bis[(4-chlorophenyl)amino]-, dimethyl ester
P–01–0644	05/29/01	08/27/01	CIBA Specialty Chemicals Corporation	(S) Intermediate, pigment production	(S) 1,4-cyclohexadiene-1,4-dicarboxylic acid, 2,5-bis[(2-chlorophenyl)amino]-, dimethyl ester
P–01–0645	05/30/01	08/28/01	CBI	(G) Coating agent	(G) Isoprene based polymer
P–01–0646	05/30/01	08/28/01	CBI	(G) Processing aid	(G) Substituted trialkylalkanaminium halide
P–01–0647	05/31/01	08/29/01	EMS-Chemie N.A. Inc.	(S) Crosslinker for polyester powdercoatings	(G) Substituted arylcarboxamide
P–01–0648	05/31/01	08/29/01	CBI	(G) Catalyst for manufacture of polymers	(G) Organometallic complex
P–01–0649	05/31/01	08/29/01	CBI	(G) Catalyst for manufacture of polymers	(G) Organometallic complex
P–01–0650	06/01/01	08/30/01	CBI	(S) Inks;coatings	(G) Epoxy acrylate

In table II, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

II. 41 NOTICES OF COMMENCEMENT FROM: 05/14/01 TO 06/01/01

Case No.	Received Date	Commencement/ Import Date	Chemical
P–00–0315	05/21/01	04/25/01	(G) Amino novolac
P–00–0441	05/16/01	05/01/01	(G) Alkyl glyceryl ether sulphonate
P–00–0714	05/15/01	04/27/01	(G) Aminoalkylcarboxilic acid, sodium salt, polymer with saturated dicarboxylic acid, alkyldiols, and alkylisocyanates
P–00–1005	05/24/01	05/15/01	(G) Polyester resin
P–00–1018	05/30/01	05/22/01	(G) Methoxy substituted aliphatic amine
P–00–1025	05/23/01	05/18/01	(G) Polyester acrylate
P–00–1063	05/15/01	05/02/01	(S) Benzenepropanal, 4-(1-methylethyl)-
P–00–1166	05/18/01	04/26/01	(G) Aromatic silicone derivative, compds with aromatic amine
P–00–1168	05/30/01	05/16/01	(G) Alkanepolyol monoether
P–00–1207	05/30/01	05/02/01	(G) 6-methoxy-1h-benz[de]isoquinoline-2[3h]-dione derivative
P–00–1227	05/16/01	04/20/01	(G) 12h-dibenzo[d,g][1,3,2]dioxaphosphocin, aluminum deriv.
P–01–0032	05/30/01	05/16/01	(G) Urethane acrylate
P–01–0072	05/29/01	02/26/01	(G) Oxyalkylated isodecyl alcohol
P–01–0093	05/14/01	04/18/01	(S) 2-propenoic acid, 2-methyl-, C_{6-18}-alkyl esters, polymers with me methacrylate
P–01–0097	05/21/01	05/04/01	(G) Polyaziridinyl ester
P–01–0123	05/17/01	05/04/01	(G) Resorcinol azo dye
P–01–0138	05/24/01	05/21/01	(G) Alkylolammonium salt of an acidic polymer
P–01–0145	05/22/01	05/11/01	(G) Toluene diisocyanate polyurethane prepolymer
P–01–0165	05/23/01	04/23/01	(G) Polyethyleneimine propoxylate quat.
P–01–0176	05/30/01	04/30/01	(G) Aromatic substituted diurea
P–01–0221	05/29/01	04/24/01	(G) Xanthylium, 3,6-diamino-9-(2-sulfophenyl)-, *n,n′*-bis(mixed 2-substituted phenyl) derivs., inner salts
P–01–0233	05/15/01	04/30/01	(G) Modified acrylic resin
P–01–0272	05/30/01	05/16/01	(G) Alkylarylpolyether
P–01–0276	05/30/01	05/16/01	(G) Alkylarylpolyether
P–01–0277	05/30/01	05/16/01	(G) Alkylarylpolyether salt
P–01–0280	05/15/01	05/08/01	(G) Acrylic polymer resin
P–01–0283	05/30/01	05/11/01	(G) Modified acrylic copolymer
P–01–0318	05/30/01	05/16/01	(G) Alkylpolyether
P–01–0320	05/31/01	05/22/01	(S) Propane, 1,1,1,2,2,3,3-heptafluoro-3-methoxy-
P–01–0323	05/29/01	05/22/01	(G) Fatty acids, C_{18}-unsatd., dimers, hydrogenated, polymers with fatty amines and ethylenediamine
P–01–0373	05/30/01	05/23/01	(G) Modified polyurethane dispersion
P–91–1327	05/23/01	05/11/01	(S) Polysulfurized Alkenoic Acid Ester
P–96–1075	05/14/01	04/30/01	(G) Isocyanate-terminated polyester polyurethane polymer
P–98–0803	05/22/01	05/01/01	(G) Amines, n-tallow alkylpoly-, e-ethylhexanoates
P–99–0833	05/24/01	05/11/01	(G) Acrylate ester
P–99–0906	05/17/01	05/01/01	(S) Platinum (2+), tetraammine-, (sp-4-1)-carbonate (1:2)
P–99–1013	05/15/01	05/07/01	(G) Sulfurous acid, monosodium salt, reaction products with (substituted)amine and sodium sulfide
P–99–1403	05/14/01	05/11/01	(S) Cyclohexanemethanol, 2-hydroxy-alpha,alpha,4-trimethyl-, (1r,2s,4r)-
P–99–1404	05/14/01	05/11/01	(S) Cyclohexanemethanol, 2-hydroxy-alpha,alpha,4-trimethyl-, (1r,2r,4r)-
P–99–1405	05/14/01	05/11/01	(S) Cyclohexanemethanol, 2-hydroxy-,alpha,alpha,4-trimethyl-, (1s,2r,4r)-
P–99–1406	05/14/01	05/11/01	(S) Cyclohexanemethanol, 2-hydroxy-alpha,alpha,4-trimethyl-, (1s,2s,4r)-

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: June 8, 2001.

Deborah A. Williams,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 01–15888 Filed 6–22–01; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

June 12, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated

collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 24, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, SW., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 03060–0820.

Title: Transfer of Control.

Form No.: N/A.

Type of Review: Revision of currently approved collection.

Respondents: Business, Individuals, and Not-for-profit institutions.

Number of Respondents: 4.

Estimated Time Per Response: 1 hour.

Frequency of Response: On occasion.

Total Annual Burden: 4 hours.

Cost to Respondents: $0.

Needs and Uses: This information will be used to determine that the transaction is complete, accurate, and complies with the Commission's rules. The information will also be used to update the Commission's records concerning ownership and to correct names and addresses of licensees.

OMB Approval No.: 3060–0660.

Title: Section 21.937 Negotiated Interference Protection.

Form No.: N/A

Type of Review: Extension of currently approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 75.

Estimated Hours Per Response: 30 hours (6 hours respondent, 8 hours contract attorney, 16 hours consulting engineer).

Frequency of Response: On occasion.

Cost to Respondents: $300,000.

Estimated Total Annual Burden: 450 hours.

Needs and Uses: Under Section 21.937, the level of acceptable electromagnetic interference that occurs at or within the boundaries of an adjacent Basic Trading Area (BTA), partitioned service area or an incumbent MDS station's protected service area, can be negotiated and established with the written consent of the affected licensee. Thus, Section 21.937 permits negotiated interference agreements among these parties. These written agreements must be submitted to the Commission within thirty days of ratification. (These agreements are often included with the submission of the FCC 304 attached as Exhibits.) These agreements allow the parties to establish acceptable levels of interference based on the design of their stations and service needs. These agreements are the most effective means of regulating interference and they provide flexibility in designing MDS systems.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–15903 Filed 6–22–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

June 8, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 24, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0833.

Title: Complaint Filings/ Designation of Agents.

Form No.: N/A.

Type of Review: Revision of currently approved collection.

Respondents: Individuals or households, business or other for-profit, not-for-profit institutions, state, local or tribal governments, and Federal government.

Number of Respondents: 1,000 prospective complainants annually will report accessibility problems or file complaints using the Commission's various means and may be asked to provide the Commission with further information later in the process. This should take approximately 2 hours per response, for a total annual burden of about 2,000 hours. There will be no estimated annual cost. Approximately 1,000 equipment manufacturers and services providers annually are expected to be involved in resolving these complaints. We estimate that these steps will take approximately 6.50 hours per respondent for a total annual burden of 6,500 hours. The estimated annual cost is $720,000. In addition, 7,677 telecommunications equipment manufacturers and service providers annually are expected to provide a list of points of contact for disability access complaints. Satisfying these burdens will likely require about 1 hour per respondent for a total annual burden of 7,677 hours and no annual cost. Thus, the total number of respondents is 9,677.

Estimated Time Per Response: For filing complaints, 2 hours; for complaint processing, 6.5 hours; for designation of agent, 1 hour.

Frequency of Response: Recordkeeping; on occasion reporting requirement (for complaints); one-time filing (for designation of agent).

Total Annual Burden: 16,177 hours.

Total Annual Cost: $720,000.

Needs and Uses: For complaints, respondents will be consumers. In addition, telecommunications equipment manufacturers and telecommunications service providers

will be required to file a one-time designation of an agent whose principal function will be to ensure the manufacturer's or service provider's prompt receipt and handling of accessibility concerns raised by consumers or Commission staff. The burdens proposed in the Report and Order are limited to those necessary to ensure that telecommunications equipment and services are available to all Americans, including those individuals with disabilities. The ultimate goal of the proceeding is the implementation of Section 255 of the Telecommunications Act of 1996.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–15904 Filed 6–22–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

June 12, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 24, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, Room 1 A–804, 445 Twelfth Street, SW., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 3060–0657.

Title: Section 21.956 Filing of long-form applications or statements of intention.

Form No.: n/a.

Type of Review: Extension of currently approved collection.

Respondents: Businesses or other for-profit.

Number of Respondents: 2.

Estimated Hours Per Response: 4.0 hours (1.0 hour respondent, 1 hour attorney, 2 hours consulting engineer).

Frequency of Response: On occasion.

Cost to Respondents: $1,000.

Estimated Total Annual Burden: 2 hours.

Needs and Uses: Where the Basic Trading Area (BTA) is so heavily encumbered that the winning bidder is unable to file a long-form application for a station within the BTA while protecting incumbents from harmful interference, the winning bidder must file a statement of intention of use of the BTA in accordance with Section 21.956. This statement of intention must identify all incumbents and describe in detail its plan for obtaining the authorized/proposed MDS stations within the BTA. This statement must also include the exhibits detailed in 21.956(b). The long-form application (FCC 304) has separate OMB approval under control number 3060–0654. The data is used by FCC staff to determine whether to grant a BTA authorization.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–15905 Filed 6–22–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

June 13, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 24, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, S.W., Room 1–A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

OMB Control No.: 3060–0298.

Title: Tariffs (Other than Tariff Review Plan)—Part 61.

Form No.: N/A.

Type of Review: Extension.

Respondents: Business or Other for Profit.

Number of Respondents: 2000.

Estimated Time Per Response: 67.5 hours per response (avg).

Total Annual Burden: 135,000 hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $2,161,000..

Frequency of Response: On occasion; Annually; Biennially; Third Party Disclosure.

Needs and Uses: Part 61 is designed to ensure that all tariffs filed by common carriers are formally sound, well organized, and provide the Commission and the public with sufficient information to determine the justness and reasonableness as required by the Act, of the rates, terms, and conditions in those tariffs. In the Seventh Report and Order in CC Docket No. 96–262, the Commission has limited the application of its' tariff rules to interstate access services provided by nondominant local exchange carriers.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–15906 Filed 6–22–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

June 8, 2001.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0973.

Expiration Date: 11/30/2001.

Title: Section 64.1120(e) '' Sale or Transfer of Subscriber Base to Another Carrier (CC Dockets 00–257 and 94–129).

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 75 respondents; 6 hours per response (avg.); 450 total annual burden hours (for all collections approved under this control number).

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Third Party Disclosure.

Description: In the First Report and Order in CC Docket No. 00–257 and the Fourth Report and Order in CC Docket No. 94–129 (Fourth Report and Order), the Commission amended section 64.1120 of its rules, as part of its biennial regulatory review effort, to establish a streamlined self-certification process for the carrier-to-carrier sale or transfer of subscriber bases, thereby eliminating the need to obtain a waiver of Commission rules prior to closing a transaction. This process is designed to ensure that the affected subscribers have adequate information about the carrier change in advance, that they are not financially harmed by the change, and that they will experience a seamless transition of service from their original carrier to the acquiring carrier. This process also will provide the Commission with information it needs to fulfill its consumer protection obligations. Pursuant to 64.1120(e), a telecommunications carrier may acquire, through a sale or transfer, either part or all of another telecommunications carrier's subscriber base without obtaining each subscriber's authorization and verification in accordance with Section 64.1120(c), provided that the acquiring carrier complies with the streamlined procedures set forth in Section 64.1120(e)(1) through (3). a. Section 64.1120(e)(1)–(2), Notification and Certification to the Commission. Pursuant to 47 CFR 64.1120(e)(1)–(3), no later than 30 days before the planned transfer of the affected subscribers from the selling or transferring carrier to the acquiring carrier, the acquiring carrier shall file with the Commission's Office of the Secretary a letter notification in CC Docket No. 00–257 providing the names of the parties to the transaction, the types of telecommunications services to be provided to the affected subscribers, and the date of the transfer of the subscriber base to the acquiring carrier. The acquiring carrier also shall certify compliance with the requirement to provide advance subscriber notice in accordance with 47 CFR 64.1120(e)(3). In addition, the acquiring carrier shall attach a copy of the notice sent to the affected subscribers. If, subsequent to the filing of the letter notification with the Commission, any material changes to the required information should develop, the acquiring carrier shall file written notification of these changes with the Commission no more than 10 days after the transfer date announced in the prior notification. See 47 CFR 64.1120(e)(1)–(2). (Number of respondents: 75; hours per response: 1 hour; total annual burden: 75 hours). b. Section 64.1120(e)(3), Pre-Transfer Subscriber Notification and Certification to the Commission. Not later than 30 days before the transfer of the affected subscribers from the selling or transferring carrier to the acquiring carrier, the acquiring carrier shall provide written notice to each affected subscriber of the information specified in 47 CFR 64.1120(e)(3). (Number of respondents: 75; hours per response: 5 hours; total annual burden: 75 hours). The information will be used to implement Section 258 of the Communications Act of 1934, as amended. The information will expedite procedures for handling the sale or transfer of subscribers, while adequately protecting consumers. Obligation to respond: Required to obtain or retain benefits.

OMB Control No.: 3060–0298.

Expiration Date: 11/30/2001.

Title: Tariffs (Other Than Tariff Review Plan)—Part 61.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 3000 respondents; 45 hours per response (avg.); 135,000 total annual burden hours (for all collections approved under this control number).

Estimated Annual Reporting and Recordkeeping Cost Burden: $2,161,000.

Frequency of Response: On occasion; Annually, Biennially, Third Party Disclosure.

Description: Sections 201, 202, 203, 204 and 205 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 201, 202, 203, 204 and 205, require that common carriers establish just and reasonable charges, practices and regulations for the services they provide. The schedules containing these charges, practices and regulations must be filed with the Commission which is required to determine whether such schedules are just, reasonable and not unduly discriminatory. Part 61 of the Commission's Rules establishes the procedures for filing tariffs which contain the charges, practices and regulations of the common carriers, supporting economic data and other related documents. The supporting data must also conform to other parts of the Rules such as Parts 36 and 69. Part 61 prescribes the framework for the initial establishment of and subsequent revisions to tariffs. Tariffs that do not conform to Part 61 requirements may be rejected. In addition to tariffs filed with the Commission, carriers may be required to post their schedules or rates

and regulations. See 47 CFR 61.72. On April 27, 2001, the Commission released the Seventh Report and Order (i.e., the CLEC Access Order) in CC Docket No. 96–262, which limited the application of the Commission's tariff rules to interstate access services provided by nondominant local exchange carriers (i.e., competitive local exchange carriers (CLECs)). Pursuant to the CLEC Access Order, CLEC access rates that are at or below a benchmark set by the Commission will be presumed to be just and reasonable and may be imposed by tariff. Above the benchmark, CLEC access services will be mandatorily detariffed. The practical effect of the CLEC Access Order is that some CLECs will need to revise their existing tariffs to bring their rates into line with the benchmark. CLECs will need to follow similar procedures on an annual basis for the next three years, as the benchmark declines pursuant to a schedule adopted by the Commission. The information collected through a carrier's tariff is used by the Commission to determine whether the services offered are just and reasonable as the Act requires. The tariffs and any supporting documentation are examined in order to determine if the services are offered in a just and reasonable manner. Obligation to respond: Mandatory.

OMB Control No.: 3060–0789.

Expiration Date: 05/31/2004.

Title: Modified Alternative Plan, CC Docket No. 90–571 Order and Second Further NPRM.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 33 respondents; 42.2 hours per response (avg.); 1394 total annual burden hours (for all collections approved under this control number).

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Third Party Disclosure.

Description: Title IV of the Americans with Disabilities Act of 1990 (ADA) requires each common carrier providing voice transmission services to provide Telecommunications Relay Services (TRS) throughout the area it serves to individuals with hearing and speech disabilities by 1993. The TRS enables customers with hearing or speech disabilities to use the telephone network in ways that are ''functionally equivalent'' to those used by customers using traditional telephone service. Under the Commission's rules, the TRS must be able to handle all calls normally provided by common carriers, unless those carriers demonstrate the infeasibility of doing so. 47 CFR 64.604(a)(3). The Commission has interpreted ''all calls'' to include coin sent-paid calls, which are calls made by depositing coins in a standard coin-operated public payphone. Through a series of suspension orders, the Bureau suspended the enforcement of the requirement that carriers provide coin sent-paid calls through the TRS centers since 1993 based on common carriers' representations that it has been technically infeasible to provide the coin sent-paid service through the TRS centers (''coin sent-paid rule''). The last suspension order was set to expire on May 26, 2001. Since 1995, carriers have made payphones accessible to TRS users through an Alternative Plan (''Alternative Plan''). The Alternative Plan enables TRS users to make local relay calls for free and to make toll calls from payphones using calling or prepaid cards at or below the coin call rates. The Alternative Plan also requires carriers to educate TRS users about the alternative payment methods for the TRS users to make relay calls from payphones. Because no technological solution to the coin sent-paid issue appears to be imminent, the Commission issued a Second Further Notice of Proposed Rulemaking (Further Notice) to determine the best plan to make the full range of payphone services available to TRS users. Thus, the Commission sought comment on whether to modify its rules to permit TRS providers to treat coin sent-paid TRS calls in a manner different from all other calls, or to suspend permanently the enforcement of the requirement that TRS be capable of handling any type of call with respect to coin sent-paid calls. Additionally, the Commission sought input on the proposed rule to provide functionally equivalent payphone service to TRS users in order to develop a sound policy on the obligation of TRS providers with respect to coin sent-paid calls. OMB approved the current and the proposed information collections contained in the Further Notice. Following is a listing of the approved current and proposed requirements: a. Letters to TRS Centers. (*Number of respondents:* 1; *hours per response:* 4 hours; *total annual burden:* 4 hours). b. Telephone conversation between industry and non-industry representatives before national and regional meetings sponsored by organizations representing the hearing and speech disability community. (*Number of respondents:* 1; *hours per response:* 2 hours; *total annual burden:* 2 hours). c. Article in CAN's newsletter. (*Number of respondents:* 1; *hours per response:* 8 hours; *total annual burden:* 8 hours). d. Letter to CAN's Members. The Commission proposed to expand this requirement to require that carriers mail to CAN members and member organizations and to TRS centers, a consumer education letter providing instructions on how to make TRS payphone calls and the various options available for payment of these calls. (*Number of respondents:* 30; *hours per response:* 4 hours; *total annual burden* 120 hours). e. Create and Distribute Laminated Cards. The Commission proposed to expand this requirement to require that carriers attend and set up informational booths at local, regional, and national consumer conferences of organizations representing people who are deaf, hard of hearing and speech disabled. At the booths, designees should disseminate educational material, which may include, but not be limited to wallet-size cards with visual characters and text describing how to make relay calls from payphones. (*Number of respondents:* 30; *hours per response:* 15 hours; *total annual burden:* 450 hours). f. Display of Instructions. The Commission proposed to require carriers to place instructions on how to make TRS payphone calls, near or on TTY payphones located in public areas. (*number of respondents:* 30; *hours per response:* 15 hours; *total annual burden:* 450 hours). g. Internet Web Site. The Commission proposed to require carriers to establish an Internet web site for individuals to obtain information about making relay calls from payphones. The web site could illustrate how to make relay calls from payphones, provide information on the cost of such calls, display the consumer education letter and/or provide a video on making relay calls from a payphone. (*Number of respondents:* 30; *hours per response:* 4 hours; *total annual burden:* 120 hours). h. Publication in Directories. The Commission proposed to require carriers to place step-by-step instructions that describe how to make relay calls from payphones in telephone directors. (*Number of respondents:* 30; *hours per response:* 4 hours; *total annual burden:* 120 hours). i. Reports. The Commission proposed to require carriers to file reports with the Commission detailing the steps that have been taken to comply with the consumer education program contained in the final Order. (*Number of respondents:* 30; *hours per response:* 4 hours; *total annual burden:* 120 hours). The purposes of the requirements are to educate TRS users about their ability to make relay calls from payphones, the payment methods available and the rates for the payphone calls. The report

will help the Commission assess the effectiveness of the current consumer education programs and determine whether further requirements to educate TRS users about their ability to make relay calls from payphones are warranted. Obligation to respond: Required to obtain or retain benefits.

Public reporting burden for the collection of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, DC 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–15902 Filed 6–22–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 01–1300]

Auction Filing Window for New Television Stations

AGENCY: Federal Communications Commission.

ACTION: Notice; correction.

SUMMARY: On June 4, 2001, (66 FR 29964), the Commission published a notice regarding auction filing window for new television stations. This document corrects the **SUPPLEMENTARY INFORMATION** in that notice by adding information and certifications that must be submitted as part of the short-form application (FCC Form 175) for Auction No. 82.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, Video Services Division, Mass Media Bureau at (202) 418–1600.

SUPPLEMENTARY INFORMATION: The Commission published a document in the **Federal Register** of June 4, 2001 (66 FR 29964). This document corrects the **Federal Register** as it appeared. In rule FR Doc. 01–14007 published on June 4, 2001 (66 FR 29964), the Commission is correcting the **SUPPLEMENTARY INFORMATION** to add text that was inadvertently omitted.

Correction

In FR Doc. 01–14007 published on June 4, 2001 (66 FR 29964) make the following correction:

1. On page 29964 and at the end of the second column add the following text to read as follows:

''Each applicant must certify on its FCC Form 175 application that neither it nor its controlling interest holders or affiliates is in default on any Commission licenses and that they are not delinquent on any non-tax debt owed to any Federal agency. In addition, each applicant must attach to its FCC Form 175 application a statement made under penalty of perjury indicating whether or not the applicant, or any of the applicant's controlling interests or their affiliates, as defined by § 1.2110 of the Commission's rules, 47 CFR 1.2110 (as recently amended in the Part 1 Fifth Report and Order) have ever been in default on any Commission licenses or have ever been delinquent on any non-tax debt owed to any federal agency. Applicants must include this statement as Exhibit F of the FCC Form 175. If any of an applicant's controlling interest holders or affiliates, as defined by § 1.2110 of the Commission's rules, have ever been in default on any Commission license or have ever been delinquent on any non-tax debt owed to any Federal agency, the applicant must include such information as part of the same attached statement. Prospective bidders are reminded that the statement must be made under penalty of perjury and, further, submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution. 'Former defaulters'—i.e., applicants, including their attributable interest holders, that in the past have defaulted on any Commission licenses or been delinquent on any non-tax debt owed to any Federal agency, but that have since remedied all such defaults and cured all of their outstanding non-tax delinquencies—will be eligible to bid in Auction No. 82, provided that they are otherwise qualified. However, former defaulters are required to pay upfront payments that are fifty percent more than the normal upfront payment amounts.'' *See* 47 CFR 1.2106(a).

Federal Communications Commission.

Margaret Wiener,

Chief, Auctions and Industry Analysis Division, WTB.

[FR Doc. 01–16003 Filed 6–22–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1380–DR]

Louisiana; 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 Louisiana, (FEMA–1380–DR), dated June 11, 2001, and related determinations.

EFFECTIVE DATE: June 14, 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 Louisiana 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 June 11, 2001:

Beauregard, Iberia, Jefferson, Orleans, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, and Washington Parishes for Individual and Public Assistance.

East Feliciana 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. 01–15810 Filed 6–22–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1373–DR]

Nebraska; Amendment No. 2 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 14, 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:

Custer 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. 01–15808 Filed 6–22–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1375–DR]

South Dakota; Amendment No. 2 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 South Dakota, (FEMA–1375–DR), dated May 17, 2001, and related determinations.

EFFECTIVE DATE: June 15, 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 South Dakota 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 17, 2001:

Buffalo, Deuel, Edmunds, Gregory, Jerauld, Todd, and Tripp 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. 01–15809 Filed 6–22–01; 8:45 am]

BILLING CODE 6718–02–M

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 10, 2001.

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Milton Allen Willnerd, Lincoln, Nebraska; to acquire voting shares of Wheeler County Bancshares, Inc., Ericson, Nebraska; and thereby indirectly acquire voting shares of Ericson State Bank, Ericson, Nebraska.

Board of Governors of the Federal Reserve System, June 20, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–15871 Filed 6–22–01; 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 20, 2001.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309–4470:

1. Florida Coastline Community Group, Inc., Miami, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Florida Coastline National Bank, Miami, Florida (in organization).

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Allegiant Bancorp, Inc., St. Louis, Missouri; to merge with Southside Bancshares Corp., St. Louis, Missouri, and thereby indirectly acquire Southside National Bank in St. Louis, St. Louis, Missouri; Bank of Ste. Genevieve, Sainte Genevieve, Missouri; Bank of St. Charles County, St. Charles,

Missouri; and State Bank of Jefferson County, De Soto, Missouri.

Board of Governors of the Federal Reserve System, June 20, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–15870 Filed 6–22–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (FTC).

ACTION: Notice.

SUMMARY: The Federal Trade Commission (FTC) has submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act (PRA) information collection requirements contained in its Telemarketing Sales Rule (''TSR'' or ''Rule''). The FTC is seeking public comments on its proposal to extend through August 31, 2004 the current PRA clearance for information collection requirements contained in the regulations. That clearance expires on August 31, 2001.

DATES: Comments must be submitted on or before July 25, 2001.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10202, Washington, DC 20503, ATTN.: Desk Officer for the Federal Trade Commission, and to Secretary, Federal Trade Commission, Room H–159, Pennsylvania Ave., NW., Washington, DC 20580. All comments should be captioned ''Telemarketing Sales Rule: Paperwork comment.''

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the proposed information requirements should be addressed to Karen Leonard, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Room H–238, 600 Pennsylvania Ave., NW., Washington, DC 20580, (202) 326–3597.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. On May 4, 2001, the FTC sought comment on the information collection requirements associated with the TSR, 16 CFR Part 310 (OMB Control Number: 3084–0097). See 66 FR 22562. No comments were received on any aspect of the notice, including staff's PRA burden estimates. Pursuant to the OMB regulations that implement the PRA (5 CFR Part 1320), the FTC is providing this second opportunity for public comment while seeing OMB approval to extend the existing paperwork clearance for the Rule.

The TSR implements the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. 6101–6108 (''Act''). The Act seeks to prevent deceptive or abusive telemarketing practices. It mandates certain disclosures by telemarketers, and directs the Commission to consider recordkeeping requirements in its promulgation of a telemarketing rule to address such practices. As required by the Act, the TSR mandates certain disclosures regarding telephone sales and requires telemarketers to retain certain records regarding advertising, sales, and employees. The disclosures provide consumers with information necessary to make informed purchasing decisions. The records are available for inspection by the Commission and other law enforcement personnel to determine compliance with the Rule. Records may also yield information helpful in measuring and redressing consumer injury stemming from Rule violations.

Burden Statement

Estimated annual hours burden: 2,301,000 hours.

The estimated recordkeeping burden is 50,000 hours for all industry members affected by the Rule. The estimated burden related to the Rule's required disclosures is 2,251,000 hours (rounded to nearest thousand) for all affected industry members, for a total of 2,301,000 burden hours.

Recordkeeping: At the time the Commission issued the Rule, it estimated that during the initial and subsequent years after the Rule took effect, 100 new telemarketing entities per year would find it necessary to revise their practices to conform with the Rule, each requiring approximately 100 hours to develop a compliant recordkeeping system, for a cumulative yearly total of 10,000 burden hours. The Commission received no comments relating to this estimate either when it issued the Rule nor during the ensuing rule review and PRA clearance processes, and staff believes the estimate remains representative. There is no reason to believe that the number of affected new entrants each year has increased.

Of the estimated 39,900 industry members who have already assembled and retained the required records in their recordkeeping systems, staff estimates that each member requires only one hour per year to file and store records required by the Rule. For purposes of estimation, staff has rounded up the cumulative sub-total of 39,900 hours to 40,000 hours. Thus, total estimated annual recordkeeping burden for new and existing entities is 50,000 hours.

Disclosure: Staff believes that a substantial majority of telemarketers now make in the ordinary course of business the disclosures the Rule requires because doing so constitutes good business practice.[1] To the extent this is so, the time and financial resources needed to comply with disclosure requirements do not constitute ''burden.'' 16 CFR 1320.3(b)(2). Moreover, many state laws require the same or similar disclosures the Rule mandates. Thus, the disclosure hours burden attributable solely to the Rule is far less than the total number of hours associated with the disclosures overall. As it had done when last seeking OMB clearance and related public comment, staff estimates that the disclosures the Rule requires would be made in at least 75 percent of telemarketing presentations even absent the Rule. *See* 63 FR 40713, July 30, 1998. Staff received no comments refuting this estimate. Accordingly, staff determined that the hours burden estimate for the Rule's disclosure requirements is 25 percent of the total hours associated with disclosures of the type the TSR requires. Staff estimates the portion attributable to the Rule to be 2,251,000, rounded to the nearest thousand. The components of this total are detailed in the immediately following paragraphs that address hours burden.

In connection with the Rule's issuance and in the ensuing rule review and PRA clearance processes, staff estimated that the 39,900 (rounded to 40,000) industry members make approximately 9 billion calls per year, or 225,000 calls per year per company. The TSR provides that if an industry member chooses to solicit inbound calls from consumers by advertising media other than direct mail or by using direct mail solicitations that make certain required disclosures (providing for an inbound telephone call as a possible response), that member is exempted

[1] Although telemarketing fraud causes significant harm to consumers—Congress has estimated that misrepresentations or material omissions in telemarketing sales presentations result in $3 billion to $40 billion annually in consumer injury—the harm by telemarketing fraud remains a small fraction of the $400 billion in total annual sales through telemarketing.

from complying with the Rule's oral disclosures. Staff estimates that at least 9,000 firms will choose to adopt marketing methods that exempt them from complying with the Rules oral disclosure requirements. This assumption is based on industry data indicating that slightly over 20% of industry members engage in direct mail solicitations involving telemarketing [2] (and staff's corollary assumption that these solicitations will include written disclosures the Rule alternatively requires).

When the Commission issued the TSR, staff estimated that it takes 7 seconds for telemarketers to disclose the required outbound call information orally. Staff also estimated that at least 60 percent of calls result in ''hang-ups'' before the seller or telemarketer can make all the required disclosures and that ''hang-up'' calls consume only 2 seconds. Accordingly, staff estimates that the total time associated with these initial disclosure requirements is approximately 250 hours per firm [(90,000 non-hang up calls (.40 × 225,000) × 7 seconds per call] + [135,000 hang-up calls (.60 × 225,000) × 2 seconds per call]. Thus, the total time expenditure for the 31,000 firms choosing marketing methods that require these oral disclosures is 7.75 million hours. The Commission has received no comments on this estimate, and staff believes it remains reasonable. Based on the assumption that no more than 25 percent of this time constitutes ''burden'' imposed solely by the Rule (as opposed to the normal business practices of most affected entities apart from the Rule's requirements), the burden subtotal attributable to these basic disclosures is 1,937,500 hours.

The TSR also requires further disclosures before the customer pays for goods or services. Specifically, telemarketers must disclose the total cost of the offered goods or services; all material restrictions; and all material terms and conditions of the seller's refund, cancellation, exchange, or repurchase policies (if a representation about such a policy is a part of the sales offer). If a prize promotion is involved in connection with the sale of goods or services, the telemarketer must also disclose information about the non-purchase entry method for the prize promotion. Staff estimates that these disclosures consume approximately 10 seconds. However, the Rule requires these disclosures only when a call results in a sale. Staff estimates that sales occur in approximately 6 percent of telemarketing calls. Accordingly, the estimated amount of time for these disclosures is 37.5 hours per firm [13,500 calls resulting in a sale (.06 × 225,000 × 10 seconds)] or 1.163 million hours for the 31,000 firms choosing marketing methods that require oral disclosures. The Commission has received no comments on this estimate. Again, staff believes the estimate remains reasonable. Based on the assumption that no more than 25 percent of this time constitutes ''burden'' imposed solely by the Rule, the burden subtotal attributable to these additional disclosures is 290,750 hours.

As noted above, staff estimates that approximately 9,000 telemarketing firms will choose the written disclosure option. Firms electing this option are likely to be those using written advertising materials. Thus, the burden of adding the required disclosures should be minimal. Staff previously estimated that a typical firm will spend approximately 10 hours per year engaged in activities ensuring compliance with this provision of the Rule, for an estimated total burden of 90,000 hours for all 9,000 firms using written disclosure. As was the case regarding the other estimates stated above, when the Commission initially published this estimate, it received no comments on it nor had the Commission received any such comments in the ensuing Rule review and PRA clearance processes. Staff believes this estimate also remains reasonable. Based on the assumption that no more than 25 percent of this time constitutes ''burden'' imposed solely by the Rule, residual burden attributable to these written disclosures is 22,500 hours.

Estimated annual labor cost burden: $34,365,000.

The estimated labor cost for recordkeeping is $600,000. Assuming a cumulative burden of 10,000 hours/year to set up compliant recordkeeping systems, and applying to that a skilled labor rate $20/hour, start-up costs would approximate $200,000 yearly for all new telemarketing entities. Staff also estimates that existing industry members require 40,000 hours, cumulatively, to maintain compliance with the TSR's recordkeeping provisions. Applying a clerical cost rate of $10/hour, cumulative recordkeeping maintenance would cost approximately $400,000 annually. The estimated labor cost for disclosure is $33,765,000, based on an estimate of 2,251,000 disclosure burden hours and a wage rate of $15/hour. Thus, total labor cost, rounded to the nearest thousand, is $34,365,000.

Estimated annual non-labor cost burden: $10,022,000.

Total capital and start-up cost: Staff estimates that the capital and start-up costs associated withthe TSR's information collection requirements are de minimis. The Rule's recordkeeping requirements mandate that companies maintain records but not in any particular form. While those requirements necessitate that affected entities have a means of storage, industry members should have that already regardless of the rule. Even if an entity finds it necessary to purchase a storage device, the cost is likely to be minimal, especially when annualized over the item's useful life. The Rule's disclosure requirements require no capital expenditures.

Other non-labor costs: Affected entities need some storage media such as file folders, computer diskettes, or paper in order to comply with the Rule's recordkeeping requirements. Although staff believes that most affected entities would maintain the required records in the ordinary course of business, staff estimated that the approximately 40,000 industry members affected by the Rule spend an annual amount of $50 each on office supplies as a result of the Rule's recordkeeping requirements, for a total recordkeeping cost burden of $2,000,000.

To comply with the Rule's disclosure requirements, telemarketing firms likely incur additional costs for telephone service, assuming that the firms spend more time on the telephone with customers due to the required disclosures. As further detailed above, staff believes that the burden relating to the required oral disclosures amounts to 8,913,000 hours (7.75 million initial disclosure hours + 1.163 million hours regarding sales). Assuming all calls to customers are long distance, at a commercial calling rate of 6 cents per minute ($3.60 per hour), affected entities as a whole may incur up to $32,086,800 in telecommunications costs as a result of the Rule's disclosure requirements. However, as also noted above, staff estimates that only 25 percent of such disclosures constitute ''burden.'' Accordingly, the oral disclosure cost burden, adjusted for this apportionment, is $8,022,000, rounded to the nearest thousand.

Staff believes that the estimated 9,000 entities choosing to comply with the Rule through written disclosures incur no additional capital or operating expenses as a result of the Rule's requirements because they are likely to provide written information to prospective customers in the ordinary course of business. Adding the required

[2] Direct Marketing Association Statistical Fact Book 2000 (22d ed. 2000) (based on data for 1997–1998, the two most recent years included within this source information).

disclosures to that written information likely requires no supplemental expenditures.

Thus, total estimated non-labor cost burden associated with the Rule is $10,022,000 ($2,000,000 for recordkeeping + $8,022,000 for oral disclosures).

William E. Kovacic,

General Counsel.

[FR Doc. 01–15864 Filed 6–22–01; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01120]

Public Health Preparedness for the 2002 Winter Olympic Games; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a grant program for Public Health Preparedness for the 2002 Winter Olympic Games. This program addresses the ''Healthy People 2010'' focus areas of Environmental Health and Public Health Infrastructure. The purpose of the program is to prepare the public health system in the areas of the safety of food, air, water, waste handling, disease surveillance and outbreak response, and emergency medical services coordination in response to the 2002 Winter Olympic Games to be held in Utah.

B. Eligible Applicant

Assistance will be provided only to the Utah Department of Health. No other applications are solicited. Eligibility is limited to the Utah Department of Health to prepare the State's public health system for the 2002 Winter Olympic Games.

Note: Title 2 United States Code, section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, or loan.

C.. Availability of Funds

Approximately $250,000 is available in FY 2001 to fund this award. It is expected that the award will begin on or about September 30, 2001, and will be made for a one-year project period. Funding estimates may change.

D. Where to Obtain Additional Information

To obtain business management technical assistance, contact: Sharron P. Orum, Lead Grants Management Specialist, Grants Management Branch Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone number: (770) 488–2716, E-mail address: spo2@cdc.gov.

For program technical assistance, contact: Edwin Kent Gray, Chief, Emergency Preparedness and Response Branch, National Center for Environmental Health, Centers for Disease Control and Prevention 4770 Buford Highway, Mailstop F38, Atlanta, GA 30341 Telephone number: (770) 488–7100, Email address: keg1@cdc.gov.

Dated: June 19, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–15823 Filed 6–22–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01113]

Environmental Health Epidemiology Resource Development for Mexico and Latin American Countries Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program with the Instituto Nacional de Salud Publica (INSP).This program addresses the ''Healthy People 2010'' focus area of Environmental Health.

The purpose of the program is to establish an environmental health epidemiology, environmental health professional training, and demonstration and training service delivery program based in a university setting in Mexico, with the objective to: Measurably improve and increase human resource expertise in the field of environmental epidemiology and health services delivery, in terms of availability and quality of practice, in Mexico and throughout the Latin American and Caribbean country region.

No human subjects research will be supported under this cooperative agreement.

B. Eligible Applicant

Assistance will be provided only to the Instituto Nacional de Salud Publica (INSP). No other applications are solicited.

The INSP, as the national institute of public health of the Government of Mexico, is the most appropriate and qualified agency to provide the services specified under this cooperative agreement because:

The INSP is a leading environmental health epidemiology teaching institution, both at the undergraduate and graduate levels, in Mexico and the Latin American and Caribbean country region, and is the only public health teaching institution in the region whose mission scope covers the entire region.

The INSP has formal collaborative arrangements with other teaching institutions in Mexico, including those located near the Mexico-U.S. border, and with those in other countries in the region which provide the entre for establishing and maintaining the environmental health epidemiology training and demonstration program supported by this cooperative agreement.

The INSP has a highly qualified doctoral and master's level teaching staff whose responsibilities include the conduct of programs related to the achievement of the environmental health epidemiology and fellow training activities which are the intended objectives of this cooperative agreement.

Note: Title 2 of the United States Code, Section 1611, states that an organization described in Section 501(c) (4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $229,000 is available in FY 2001 to support this program. It is expected that the award will begin on September 30, 2001, and will be made for a 12-month budget period within a project period of up to five years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

D. Where to Obtain Additional Information

To obtain business management technical assistance, contact: Sharron Orum, Lead Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention,

2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone number: (770) 488–2716, E-mail address: *spo2@cdc.gov*

For program technical assistance, contact: Michael A. McGeehin, PhD, MSPH, Director, Division of Environmental Hazards and Health Effects, National Center for Environmental Health, 6 Executive Park Drive, Atlanta, GA 30329, Telephone number: (404) 498–1300, Email address: *Mmcgeehin@cdc.gov*

Dated: June 19, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–15819 Filed 6–22–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01167]

Quality Assurance of HIV and HIV/AIDS-Related Testing; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program to improve the quality of HIV testing services in Zimbabwe. This program addresses the ''Healthy People 2010'' focus area of HIV and Public Health Infrastructure.

The purpose of this cooperative agreement is to support activities to strengthen the capability of laboratories performing HIV and HIV/AIDS-related testing in support of HIV prevention and care programs.

B. Eligible Applicant

Assistance will be provided only to the Zimbabwe National Quality Assurance Program (ZINQAP). No other applications are solicited. ZINQAP is a non-profit organization supported solely by the government of Zimbabwe. No fees are provided ZINQAP for their quality assurance activities. ZINQAP is uniquely qualified to be the recipient organization for the following reasons:

1. ZINQAP has recently been granted the sole governmental authority by Zimbabwe's Health Professions Authority to certify laboratories. As such, laboratories certified by ZINQAP will be required to implement and maintain quality assurance activities that will enable them to adhere to Zimbabwe's national standards.

2. ZINQAP is the only laboratory quality assurance body in Zimbabwe and has been in existence since 1995 with the mission of assisting laboratories to attain and maintain a high standard of performance.

3. ZINQAP currently provides a limited proficiency testing program for approximately 90 laboratories within the country, and as such, has established relationships with district provincial, and regional laboratories within the country. Having a program already in place will require minimal time to expand their capabilities. In contrast, another entity will require additional time to setup operations and must build rapport amongst the country's laboratories as the leader in providing quality assurance programs. ZINQAP has established relationships with U.S. based scientists, with international quality assurance experts, and with local governmental public health officials.

4. ZINQAP routinely interfaces with appropriate officials on issues affecting the quality of Zimbabwe's laboratory test results.

Note: Title 2 of the United States Code, chapter 26, section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan or any other form.

C. Availability of Funds

Approximately $200,000 in U.S. dollars is available for FY 2001 to fund this award. It is expected that the award will begin on or about September 30, 2001, and will be made for a 12-month budget period within a project period of up to three years.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

All requests for funds, including the budget contained in the application, shall be stated in U.S. dollars. Once an award is made, the Department of Health and Human Services (DHHS) will not compensate foreign grantees for currency exchange fluctuations through the issuance of supplemental awards.

D. Where To Obtain Additional Information

To obtain additional business management information, contact: Mattie Jackson, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone: (770) 488–2696, E-mail: mij3@cdc.gov.

To obtain additional programmatic information, contact: Stacy M. Howard, Health Scientist, Division of Laboratory Systems, Public Health Practice Program Office, 4770 Buford Hwy., MS A–16, Atlanta, GA 30341, Telephone: (770) 488–8065, Email: sam5@cdc.gov., or Michael St. Louis, M.D., Director, Zimbabwe-CDC AIDS Project 38 Samora Machel Avenue, Harare ZIMBABWE, Office: 263–11–808734, Mobile: 263–11–613193.

Dated: June 19, 2001.

John L. Williams,

Director, Procurement and Grants Office Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–15820 Filed 6–22–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01119]

National Mass Fatalities Training and Response Center; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a grant program for a National Mass Fatalities Training and Response Center at Kirkwood Community College in Iowa. This program addresses the ''Healthy People 2010'' focus areas Educational and Community-Based Programs, Health Communication, and Public Health Infrastructure.

The purpose of the program is to establish a national training center to prepare and support communities, businesses, industry, government and disaster response agencies nationwide for the proper handling of fatalities and in responding to the needs of families and communities in the aftermath of mass fatalities incidents.

B. Eligible Applicant

Assistance will be provided only to Kirkwood Community College in Iowa. No other applications are solicited. Eligibility is limited to Kirkwood Community College because fiscal year 2001 Federal appropriations specifically direct CDC to award this college fund to develop a National Mass Fatalities Training and Response Center.

Note: Title 2 of the United States Code, Chapter 26, section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $376,856 is available in FY 2001 to fund this award. It is expected that the award will begin on or about September 30, 2001, and will be made for a one-year project period. Funding estimates may change.

D. Where To Obtain Additional Information

To obtain business management technical assistance, contact: Sharron P. Orum, Lead Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone number: (770) 488–2716, Email address: spo2@cdc.gov.

For program technical assistance, contact: Edwin Kent Gray, Chief, Emergency Preparedness and Response Branch, National Center for Environmental Health, Centers for Disease Control and Prevention, 4770 Buford Highway, Mailstop F38, Atlanta, GA 30341, Telephone number: (770) 488–7100, Email address: keg1@cdc.gov.

Dated: June 19, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–15824 Filed 6–22–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01116]

Centers for Public Health Preparedness; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program for a Center for Public Health Preparedness. This program addresses all the Healthy People 2010 focus areas, specifically Public Health Infrastructure and contributes to national goals to eliminate health disparities.

The purpose of this program is to facilitate the development of an integrated national system of Centers for Public Health Preparedness, at the University of Findlay, focused on improving the capacity of the front-line public health worker to respond to current, new and emerging public health threats. This program is aimed at providing professional public health workforce development services to personnel at State and local health departments, community-based organizations and other entities charged to carry out CDC programs in general and bioterrorism and infectious disease control and prevention, in particular. The program is intended to develop model public health practice curricula to support preparedness for bioterrorism and disease outbreak investigation, and to support the National Public Health Workforce Development Strategic Plan's vision of a competent workforce able to deliver the essential public health services.

B. Eligible Applicants

Assistance will be provided only to the University of Findlay: National Center for Terrorism Preparedness. No other applications are solicited.

Eligibility is limited to the University of Findlay because Fiscal year 2001 and Federal appropriations specifically directs CDC to award this applicant funds to conduct a project ''to train and prepare underserved populations and facilities to react to bioterrorism and related incidents''.

Note: Title 2 of the U.S. Code, chapter 26, section 1611, states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $862,705 is available in FY 2001 to fund this ward. It is expected that the award will begin on or about August 31, 2001, and will be made for a 12-month budget period. The funding estimate may change.

D. Where To Obtain Additional Information

To obtain additional information, or business management technical assistance contact: Juanita Crowder, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement 01116, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, Mailstop K–75, Atlanta, GA 30341–4146, Telephone: (770) 488–2734, Email address: jcrowder@cdc.gov.

For program technical assistance, contact: Gail Williams, MPH, Public Health Practice Program Office, Centers for Disease Control and Prevention (CDC), 4770 Buford Hwy., NE., Mailstop K–38, Atlanta, GA 30341–3717, Telephone: (770) 488–8166, Email address: gdw5@cdc.gov.

Dated: June 19, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–15822 Filed 6–22–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01109]

Cooperative Agreement for Surveillance of Child Maltreatment; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program for Surveillance of Child Maltreatment (CM). The federal Child Abuse Prevention and Treatment Act (CAPTA), as amended and reauthorized in 1996, provides a minimum set of acts or behaviors that characterize CM.

The purposes of the program are: Part I—Mortality Surveillance—to compare alternative approaches to surveillance for fatal and nonfatal CM on the state level, and Part II—Morbidity Surveillance—to test methods that may be employed for the surveillance of violence at all ages. The first purpose addresses the pressing need for a practical surveillance system for CM that can be implemented at the state level. The second purpose addresses the particular need to use efforts in child maltreatment mortality surveillance as a starting point for a national violent death surveillance system. This program will help determine the utility of various data sources for such a system. This program addresses ''Healthy People 2010,'' focus area of Injury and Violence Prevention.

B. Eligible Applicants

Assistance will be provided only to the official public health departments of States or their *bona fide* agents, including the District of Columbia, the

Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and federally recognized Indian tribal governments.

Separate applications must be submitted for Part I and Part II. Applications for the Mortality Surveillance (Part I) and the Morbidity Surveillance (Part II) will be evaluated separately. Therefore, a state applying for Part I and Part II may be funded for both, one, or neither.

To be eligible, applicants must provide evidence of the following:

Part I. Mortality Surveillance Eligibility Requirements Evidence of access to records critical for identifying all cases of fatal CM among children ages 0 through 9 during calendar year 2000 and 2001 in the applicant's jurisdiction. Programs must have demonstrated access to records with personal/unique identifiers from 3 of the 4 following data sources:

1. The state's child protective services agency;
2. Child fatality review committees;
3. Medical examiners and/or coroners; and
4. Police/FBI records of homicide and negligent or non-negligent manslaughter.

Part II. Morbidity Surveillance Eligibility Requirements

Evidence of access to sources of records that are critical for case finding for nonfatal CM among children ages 0 through 9 during calendar year 2000 or 2001 in the applicant's jurisdiction. Programs must demonstrate access for surveillance purposes to records with personal/unique identifiers from the state's child protective services and from inpatient hospital records. Additional data sources such as emergency department and Medicaid databases may also be reviewed if desired.

The documentation to fulfill the eligibility requirements for Part I and/or Part II must appear on the first page of the application following the face sheet. Acceptable documentation, at a minimum, includes a letter from the director of the agency delineating what records/data are available for use and by whom, the time frames for the use of the records/data, how the records/data will be used, etc. The documentation must appear on the letterhead of the agency that has the authority to grant access to the data, e.g., if the agency with the authority to grant access to the data is the Department of Family and Children Services (DFACS), then the letter must be submitted on DFACS letterhead.

Applications that fail to submit evidence listed above will be considered non-responsive and will be returned without review.

Note: Title 2 of the United States Code, chapter 26, section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $1,200,000 is available in FY 2001 to fund approximately six awards. Applicants may apply for part I. Mortality Surveillance and/or part II. Morbidity Surveillance.

Part I. Mortality Surveillance

Approximately $300,000 is available to fund approximately three awards. The average award for Mortality Surveillance will be $100,000.

Part II. Morbidity Surveillance

Approximately $900,000 is available to fund approximately three awards. The average award for Morbidity Surveillance will be $300,000.

It is expected that the awards will begin on or about September 30, 2001, and will be made for a 12-month budget period within a project period of up to three years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress, as evidenced by required reports, and the availability of funds.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. Recipient Activities, and CDC will be responsible for the activities listed under 2. CDC Activities.

1. Recipient Activities

Part I. Mortality Surveillance Program

a. Identify cases of fatal CM among children ages 0 through 9 during calendar years 2000 and 2001 in the applicant's jurisdiction. See ''Background and Definitions'' section for case definition.

b. Identify duplicate records for the same children from all sources.

c. Calculate incidence rates by age group, sex, and race by source and for all sources combined and describe the epidemiology of cases. Contrast the epidemiology of individuals identified based upon the methods employed.

d. Evaluate all data sources used to identify cases of fatal CM among children to include a cost-per-case analysis.

Part II. Morbidity Surveillance Program

a. Conduct case finding for nonfatal CM among children ages 0 through 9 during calendar year 2000 or 2001 in the applicant's jurisdiction. Some approaches that can be used to identify cases include but are not limited to the following:

(1) The State's child protective services agency. Only substantiated cases newly identified during the study year should be included.

(2) Hospital inpatient records that are identified by specific discharge diagnoses for CM, assaults, and undetermined causes. Additional data sources such as emergency department and Medicaid databases may be reviewed if desired.

(3) Hospital inpatient records identified by specific discharge diagnoses of injuries and illnesses suggestive of CM with or without additional discharge diagnoses for CM, assaults, or undetermined injuries. Additional data sources such as emergency department, trauma registries, and Medicaid databases may be also be reviewed if desired.

b. Identify duplicate individuals and calculate the degree of overlap of the sources.

c. Calculate incidence rates by age group, sex, and race by source and for all sources combined and describe the epidemiology of cases. Contrast the epidemiology of individuals identified by different approaches, such as those in ''a'' above.

d. Evaluate each of the approaches used to identify cases, including a cost-per-case-detected analysis.

2. CDC Activities

Part I. and Part II.

a. Provide technical assistance, if requested, on all aspects of recipient activities, including the epidemiology of CM and design of all phases of CM surveillance;

b. Facilitate communication/coordination among States to improve the efficiency of activities and quality of surveillance data.

c. Provide consultation in refining standardized data collection and reporting systems to monitor surveillance activities.

d. Facilitate collaborative efforts to compile and disseminate program results.

e. Assist in the transfer of information and methods developed in these projects to other surveillance programs.

f. Provide the list of ICD codes, if requested, to be used to collect hospital inpatient data. (Part II only)

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. The application will be evaluated on the Evaluation Criteria listed, so it is important to follow them in laying out the program plan. Number each page consecutively and provide a complete Table of Contents. The total number of pages should not exceed 60 pages including the appendix and abstract. No bound booklets, etc. should be attached.

In developing the application, the applicant must also include a two-page, double-spaced abstract. In following the format shown below, the applicant should also provide a detailed description of the first year activities and briefly describe future year objectives and activities.

Format:

1. Face Page
2. Eligibility information
3. Abstract
4. Background describing previous work done in CM by the applicant, if any.
5. Goals
6. Objectives
7. Methods
8. Experience
9. Capacity
10. Project Management and staffing
11. Budget
12. Human Subjects (Part II only)
13. Attachments

F. Submission and Deadline

Submit the original and two copies of PHS 5161–1 (OMB Number 0920–0428. Forms are available at the following Internet address: www.cdc.gov/forminfo.htm, or in the application kit.

On or before August 16, 2001, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

Part I. Mortality Surveillance

1. Goals and Objectives (10 points)

a. The extent to which the applicant has included goals which are relevant to the purpose of the proposal and feasible to be accomplished during the project period.

b. The extent to which the objectives are specific, time-phased, and measurable.

c. The extent to which an identified staff person is responsible for achieving each objective.

2. Methodology (20 points)

a. The extent to which clear explanations are provided of appropriate methods addressing the identification and review of specific records, case ascertainment and data collection, sampling methods (if applicable), legal authority for surveillance activities, protection of confidentiality, and data processing and analysis. (See case definition in Addendum 2 Background Section)

b. The extent to which the applicant provides a detailed description of the potential problems and proposed resolutions.

3. Experience (25 points)

a. The extent to which the applicant documents past experience in the surveillance of injuries.

b. The extent to which the applicant documents experience using Child Protective Service (CPS), Child Fatality Review (CFR), Medical Examiner(s) and/or coroners, and/or Police/FBI records of homicide and negligent or non-negligent manslaughter for public health surveillance.

4. Capacity (25 points)

a. The extent to which the applicant provides evidence of CFR data that includes the review of all pediatric deaths (including unintentional injuries, SIDS, and deaths from natural causes) rather than data from violent deaths alone.

5. Staffing (20 points)

a. The extent to which the applicant provides evidence of existing staff to perform activities rather than the need to hire new staff to perform recipient activities.

b. The extent to which the applicant provides evidence of commitment of adequate time to accomplish all tasks.

c. The extent to which the applicant provides evidence of necessary skills and experience among current staff or in the job description of proposed new staff to carry out the objectives for the program.

6. Budget (Not Scored)

a. The extent to which the budget request is clearly explained, adequately justified, reasonable, sufficient, and consistent with the stated objectives and planned activities.

Part II. Morbidity Surveillance

1. Goals and Objectives (5 points)

a. The extent to which the applicant has included goals that are relevant to the purpose of the proposal and can be accomplished during the project period.

b. The extent to which the objectives are specific, time-phased, and measurable.

c. The extent to which an identified staff person is responsible for achieving each objective.

2. Access to Data (20 points)

a. The extent to which the applicant can demonstrate with the latest available statistics that at least 90 percent of hospitalized injuries are E-coded.

b. The extent to which the applicant provides evidence of the legal authority of the health department to assess and review medical records for non-reportable conditions for public health purposes.

3. Methods (25 points)

a. The extent to which the applicant provides a detailed and clear explanation of appropriate methods for identifying and reviewing specific records. (See case definition in Addendum 2 Background Section)

b. The extent to which the applicant provides a detailed description of the potential problems and proposed solutions.

4. Experience (20 points)

a. The extent to which the applicant documents experience in injury surveillance.

b. The extent to which the applicant documents experience in using hospital discharge data for public health surveillance.

5. Capacity (15 points)

a. The extent to which the applicant documents a detailed and clear description of how record linkage will be accomplished.

b. The extent to which the applicant documents the ability to directly access hospital discharge data kept by the health department rather than having to make requests for analyses from an agency outside the health department.

6. Staffing (15 points)

a. The extent to which the applicant provides evidence of the use of existing staff rather than new staff to perform recipient activities.

b. The extent to which the applicant provides evidence of the commitment of adequate time and resources to accomplish all tasks.

c. The extent to which the applicant provides evidence of skills and experience necessary to carry out the objectives of the program among current staff or in the job description of proposed new staff.

7. Budget (Not Scored)

The extent to which the budget request is clearly explained, adequately justified, reasonable, sufficient, and consistent with the stated objectives and planned activities.

8. Human Subjects (Not Scored)

Does the application adequately address the requirements of 45 CFR part 46 for the protection of human subjects? (Yes or No).

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. semi-annual progress reports;
2. financial status report, no more than 90 days after the end of the budget period; and
3. final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

AR–1 Human Subjects Requirements (Part II only)
AR–7 Executive Order 12372 Review
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–13 Prohibition on Use of CDC Funds for Certain Gun Control Activities
AR–21 Small, minority, and women-owned businesses
AR–22 Research Integrity

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301(a), 317(k)(2), and 391–394A (42 U.S.C. 241(a), 247b(k)(2), and 280b–280b–3 of the Public Health Service Act as amended. The Catalog of Federal Domestic Assistance number is 93.136.

J. Where to Obtain Additional Information

This and other CDC announcements are available through the CDC homepage on the Internet at: http://www.cdc.gov. Click on ''Funding'' then ''Grants and Cooperative Agreements.''

To receive additional information and to request an application kit, call 1–888–GRANTS4 (1–888 472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Angie Nation, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement 01109, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone number: (770) 488–2719, Email address: aen4@cdc.gov.

For program technical assistance, contact: Joyce McCurdy, Project Officer, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 4770 Buford Highway, NE, Mailstop K60, Atlanta, GA 30341, Telephone number: (770) 488–4266, Email address: jmm6@cdc.gov, FAX number: (770) 488–4349.

Dated: June 19, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–15821 Filed 6–22–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Modification of United States Ports at Which Rodent Infestation Inspections Will Be Conducted and Deratting and Deratting Exemption Certificates Issued

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: On September 13, 2000, CDC published a notice soliciting proposals to add additional ports to, or otherwise modify the list of those at which it will conduct rodent infestation inspection of ships, and issue Deratting and Deratting Exemption Certificates. While the United States does not require these certificates for ships to enter its seaports, Article 17 of the International Health Regulations requires that the United States provide these services, and 42 CFR 71.46 authorizes their performance by CDC through the Public Health Service (PHS). CDC is expanding the coverage area of some of the current 11 ports and adding 23 additional ports for a total of 34 ports.

DATES: Rodent infestation inspection of ships, and issuance of Deratting and Deratting Exemption Certificates will begin at the additional ports on July 1, 2001.

FOR FURTHER INFORMATION CONTACT: James E. Barrow, Chief, Program Operations Branch, Division of Global Migration and Quarantine, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), Mailstop E03, Atlanta, Georgia 30333, telephone (404) 639–8107, Facsimile (404) 639–2599, E-mail jeb1@cdc.gov.

Authority: 42 U.S.C. 264–271, 42 CFR 71.46, IHR Articles 17 and 53.

SUPPLEMENTARY INFORMATION:

Purpose and Background

The purpose of this announcement is to add 23 additional ports to the list of United States ports at which CDC will conduct rodent infestation inspections of ships, and issue Deratting and Deratting Exemption Certificates. While the United States does not require these certificates for ships to enter its seaports, CDC currently provides rodent infestation inspections and issues Deratting and Deratting Exemption Certificates for ships at 11 major ports upon request. These ports include: Baltimore, MD; Honolulu, HI; Houston, TX; Jacksonville, FL; Los Angeles, CA; Miami, FL; New Orleans, LA; New York, NY; San Francisco, CA; Savannah, GA; and Seattle, WA. Article 17 of the International Health Regulations, published by the World Health Organization, Geneva, Switzerland, requires that each Health Administration provide these services, and Article 82 outlines the criteria for charging fees. 42 CFR 71.46 authorizes the performance of these services by PHS as carried out by CDC. For many years, CDC provided these services at no cost to the owners or agents of ships requesting them. Consistent with the practice of most foreign countries and to reduce the cost of the inspection program, beginning on October 1, 1997, CDC consolidated its inspection activities to include only the ports listed above [63 FR 17427]. Further, beginning on June 6, 1999, CDC imposed user fees for inspections conducted at the above listed ports [64 FR 24658]. Now that the cost of providing these services is being passed along as a charge to those receiving them, and in the interest of facilitating the expeditious and economical movement of ships between the United States and countries that require a Deratting or Deratting Exemption Certificate for entry into their ports, CDC published a **Federal Register** notice on September 13, 2000 [65 FR 55253], soliciting requests to add additional ports to the list at which services will be provided.

Comments Received

A small number of comments were received during the comment period. Most of the comments included a request that CDC return to the past practice of conducting rodent infestation inspections and issuing deratting exemption certificates at virtually all U.S. seaports and/or a list of ports where inspection services would be most beneficial to them. Convenience and economy were cited as reasons for the addition of ports. One municipality cited a potential economic benefit to the community if inspections were available and additional traffic attracted because of their availability. None of the comments included the estimated number of inspections for the ports requested, and few provided an estimate of cost savings to the shipping industry. This supporting information was requested in the **Federal Register** notice.

Conclusion

In deciding where to expand these services, CDC considered the information submitted by respondents, the estimated demand for services, and the availability and suitability of potential vendors.

Effective July 1, 2001, rodent infestation inspections of ships will be conducted, and Deratting and Deratting Exemption Certificates issued at the following U.S. seaports. Inspections will be conducted upon request, subject to the availability of a CDC-designated inspector. A user fee of $150 will continue to be applicable to all rodent infestation inspections conducted by CDC or its vendors.

Boston, MA
New York, NY/Northern NJ
Philadelphia, PA
Norfolk/Hampton Roads Area, VA
Charleston, SC
Savannah, GA
Brunswick, GA
Jacksonville, FL
Cape Canaveral, FL
Port Everglades, FL
Miami, FL
Tampa, FL
Panama City, FL
Pensacola, FL
Mobile, AL
Pascagoula/Gulfport, MS
New Orleans/Metarie, LA
Beaumont/Port Arthur/Orange, TX
Houston/Galveston/Texas City, TX
Corpus Christi, TX
Brownsville/Port Isabel, TX
Chicago, IL
Toledo, OH
Detroit, MI
Cleveland, OH
San Diego/Pt. Hueneme, CA
Los Angeles/Long Beach/El Segundo, CA
San Francisco Bay Area, CA
Portland, OR
Seattle, WA
Tacoma, WA
Kalama, WA
Honolulu, HI
San Juan, PR

Dated: June 19, 2001.

Thena M. Durham,

Director, Executive Secretariat, Office of the Director, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–15825 Filed 6–22–01; 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 Council on Developmental Disabilities Program Performance Report.

OMB No. 0980–0172.

Description: A Developmental Disabilities Council Program Performance Report is required by federal statute. Each State Developmental Disabilities Council must submit an annual report for the preceding fiscal year of activities and accomplishments. Information provided in the Program performance Report will be used (1) in the preparation of the Annual Report to the President, the Congress, and the National Council on Disabilities and (2) to provide a national perspective on program accomplishments and continuing challenges.

Respondents: State, Local or Tribal Government

Annual Burden Estimates:

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
State Council on Developmental Disabilities Program Performance Report ..	55	1	44	2420

Estimate Total Annual Burden Hours: 2420.

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 Report 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 collection; and (3) ways to minimize the burden of the collection 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 within 60 days of this publication.

Dated: June 19, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–15802 Filed 5–22–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01D–0129]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Implementation of the Biomaterials Access Assurance Act of 1998

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by July 25, 2001.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Implementation of the Biomaterials Access Assurance Act of 1998

The Biomaterials Access Assurance Act of 1998 (BAA98) (21 U.S.C. 1601–1606) establishes a mechanism to protect biomaterial suppliers of implanted medical devices from liability in civil actions. BAA98 includes exceptions for when protection from liability is not available to suppliers. One of those exceptions is when a supplier acts as a manufacturer of the implanted device. BAA98 says that a biomaterials supplier may be considered a manufacturer of a medical device if the supplier is the subject of an FDA declaration that the supplier was required to register under section 510 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360) and failed to do so, or was required to list its device under section 520(j) of the act (21 U.S.C. 360(j)) and failed to do so.

BAA98 allows persons to petition FDA for a declaration that a biomaterials supplier should have registered its establishment or listed its device with FDA, and failed to do so. Petitioners are requested to include information about the prerequisites for filing a petition. This information includes the following: (1) A civil suit has been filed in State or Federal court alleging that an implant directly or indirectly caused harm; (2) the suit was filed after August 13, 1998; and (3) the manufacturer of the implant was named as a party to the civil action. Petitioners are also requested to include information to identify the following: (1) The final product and how it is intended to be used, (2) the activities the supplier performs on the device, and (3) the name as well as type of entity or person to which the supplier sends the device. These draft reporting requirements are intended to provide FDA with sufficient information to show that the prerequisites for filing the petition are met and determine whether a biomaterial supplier should have registered its establishment or listed its device with FDA, and failed to do so.

In the **Federal Register** of April 2, 2001 (66 FR 17562), the agency requested comments on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
5	1	5	1	5

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

BAA98 became effective August 13, 1998. Up until the current date, no petitions for declaration have been filed with FDA. However, FDA believes that in future years a handful (estimated at 5) of petitioners may file with the agency. FDA estimates that respondents would take approximately 1 hour to gather the requisite information and draft a petition. The likely respondents to this collection of information are persons involved in civil actions based on harm arising from an implanted medical device.

Dated: June 18, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–15780 Filed 6–22–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0132]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Institutional Review Boards

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by July 25, 2001.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Institutional Review Boards (OMB Control Number 0910–0130)—Extension

When reviewing clinical research studies regulated by FDA, IRBs are required to create and maintain records describing their operations, and make the records available for FDA inspection when requested. These records include: Written procedures describing the structure and membership of the IRB and the methods which the IRB will use in performing its functions; the research protocols, informed consent documents, progress reports, and reports of injuries to subjects submitted by investigators to the IRB; minutes of meetings showing attendance, votes and decisions made by the IRB, the number of votes on each decision for, against, and abstaining, the basis for requiring changes in or disapproving research; records of continuing review activities; copies of all correspondence between investigators and the IRB; statement of significant new findings provided to subjects of the research; and a list of IRB members by name, showing each member's earned degrees, representative capacity, and experience in sufficient detail to describe each member's contributions to the IRBs deliberations, and any employment relationship between each member and the IRBs institution. This information is used by FDA in conducting audit inspections of IRBs to determine whether IRBs and clinical investigators are providing adequate protections to human subjects participating in clinical research.

In the **Federal Register** of March 30, 2001 (66 FR 17427), the agency requested comments on the proposed collection of information. There were no comments received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
56.115	2,000	14.6	29,200	4.5	131,400
Total					131,400

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The recordkeeping requirement burden is based on the following formula: Approximately 2,000 IRBs review FDA-regulated research involving human subjects annually. The burden for each of the paragraphs under § 56.115 has been considered as one for the purpose of estimating the burden. Each paragraph cannot reasonably be segregated from one another because all are interrelated. FDA has about 2,000 IRBs in its inventory. The 2,000 IRBs meet on an average of 14.6 times annually. The agency estimates that approximately 4.5 hours of person time per meeting are required to transcribe and type the minutes of the meeting; to maintain records of continuing review activities; and to make copies of all correspondence between the IRB and investigator's member records, and written IRB procedures which are approximately five pages per IRB.

In the **Federal Register** of June 9, 1998 (63 FR 31502), the agency requested comments on the proposed collections of information. No significant comments were received.

Dated: June 18, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–15781 Filed 6–22–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Participant Feedback on Training Under the Cooperative Agreement for Mental Health Care Provider Education in HIV/AIDS Program II (OMB No. 0930–0195, Extension)—The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS) intends to continue to conduct a multi-site assessment of its Cooperative Agreement for Mental Health Care Provider Education in HIV/AIDS Program II until the end of the sites' expenditure of Program II funds (anticipated end date of September 2002). The education programs funded under this cooperative agreement are

designed to disseminate knowledge of the psychological and neuropsychiatric sequelae of HIV/AIDS to both traditional (e.g., psychiatrists, psychologists, nurses, primary care physicians, medical students, and social workers) and non-traditional (e.g., clergy, and alternative health care workers) first-line providers of mental health services.

The multi-site assessment is designed to assess the effectiveness of particular training curricula, document the integrity of training delivery formats, and assess the effectiveness of the various training delivery formats. Analyses will assist CMHS in documenting the numbers and types of traditional and non-traditional mental health providers accessing training; the content, nature and types of training participants receive; and the extent to which trainees experience knowledge, skill and attitude gains/changes as a result of training attendance. The multi-site data collection design uses a two-tiered data collection and analytic strategy to collect information on (1) the organization and delivery of training, and (2) the impact of training on participants' knowledge, skills and abilities.

Information about the organization and delivery of training will be collected from trainers and staff who are funded by these cooperative agreements hence there is no respondent burden. All training participants attending sessions lasting less than 6 hours will be asked to complete a brief feedback form at the end of the training session. Trainees attending sessions lasting 6 hours or longer will be asked to complete brief pre-and post-session feedback questionnaires. A sample of trainees attending sessions lasting 6 hours or longer will also be asked to complete a brief follow-up telephone interview three months after the training session. CMHS has funded seven education sites under the Cooperative Agreement for Mental Health Care Provider Education in HIV/AIDS Program II. The annual burden estimates for this activity are shown below:

Form	Responses per respondent	Estimated number of respondents (× 7 sites)	Hours per response	Total hours
All Sessions				
Session Report Form	1	60 × 7 = 420	0.080	34
Sessions Less than 6 Hours				
Participant Feedback Form	1	600 × 7 = 4200	0.167	701
Neuropsychiatric Participant Feedback Form	1	75 × 7 = 525	0.167	88
Ethics Participant Feedback Form	1	75 × 7 = 525	0.167	88
Sessions 6 hours or Longer				
Pre-Training Participant Inventory	1	200 × 7 = 1400	0.167	234
Post-Training Participant Inventory	1	200 × 7 = 1400	0.250	350
Neuropsychiatric Pre-Training Participant Inventory	1	50 × 7 = 350	0.167	58
Neuropsychiatric Post-Training Participant Inventory	1	50 × 7 = 350	0.250	88
Participant Follow-up Form	1	45 × 7 = 315	0.250	79
Monthly Form Submission				
Monthly Form Mailing	12 per site	84	0.167	14
Total		7,504		1,733

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Lauren Wittenberg, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: June 18, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–15826 Filed 6–22–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

National Park Service

Benefits Sharing Environmental Assessment, National Park Service

AGENCY: U.S. Department of the Interior, National Park Service.

ACTION: Notice of intent to prepare an Environmental Assessment for the National Park Service (NPS) concerning the environmental impacts of implementing ''benefits-sharing'' agreements when information derived from research specimens collected from units of the National Park System results in commercial value.

SUMMARY: Pursuant to the provisions of the National Environmental Policy Act of 1969, the National Park Service is preparing an Environmental Assessment of potential environmental impacts of implementing ''benefits-sharing'' agreements for research projects that use research specimens lawfully collected from units of the National Park System. NPS authorizes the collection of research specimens from units of the National Park System for qualified scientific purposes under its regulations (36 CFR 1.6 and 2.5). Occasionally, such research also results in commercial applications. ''Benefits-sharing'' refers to the equitable and efficient exchange of valuable research results, and in some cases, economic resources, between researchers and their institutions or companies and the NPS. Through the Federal Technology Transfer Act of 1986 and other statutes. Congress has attempted to create incentives that optimize the social, environmental and economic benefits that can result from

enhancing cooperative activities between Federal and private sector research organizations. In addition, the National Parks Omnibus Management Act of 1998 (Pub. L. 105–391) specifically authorizes the negotiation of ''equitable, efficient benefits-sharing arrangements'' between units of the National Park System and the research community.

NPS regulations provide that a park superintendent may issue a permit to a qualifying researcher when it determined that ''public health and safety, environmental or scenic values, natural or cultural resources, scientific research, implementation of management responsibilities, proper allocation and use of facilities, or the avoidance of conflict among visitor use activities will be adversely impacted'' (36 CFR 1.6(a)). Through a public process, this environmental assessment will examine potential environmental impacts of various methods of implementing the provisions of law that authorizes benefits-sharing agreements while ensuring the integrity of resources.

A newsletter and web site have been prepared with additional information concerning this assessment. Copies of that information may be obtained online at *www.nature.nps.gov/benefitsharing* or by contacting: NPS Benefits Sharing Team, P.O. Box 168, Yellowstone National Park, WY, 82190; telephone 307–344–2203. Comments may be submitted by any one of several methods. You may mail comments to: National Park Service. Benefit-Sharing Environmental Assessment, P.O. Box 168, Yellowstone National Park, WY 82190. You may also email comments to *Benefits EA@nps.gov,* or submit them online at *www.nature.nps.gov/benefitssharing.* NPS practice is to make comments, including the names and address of respondents, available for public review during regular business hours. Individual respondents may request that NPS withhold their address from the record, which will be honored to the extent allowable by law. There also may be circumstances in which NPS would withhold from the record a respondent's identity, to the extent allowable by law. If you wish the NPS to withhold your name and/or address, you must state this prominently at the beginning of your comments. NPS will make all submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials or organizations or businesses, available for public inspection in their entirety.

DATES: Comments on the potential scope of the assessment, alternatives to be considered, impacts to be addressed, and any other relevant related issues should be submitted on or before August 9, 2001.

FOR FURTHER INFORMATION CONTACT: Sue Mills, National Park Service Benefits Sharing Team, P.O. Box 168, Yellowstone National Park, WY 82190; telephone 307–344–2203.

Dated: June 1, 2001.

Abigail Miller,

Acting Associate Director, Natural Resources Stewardship and Science.

[FR Doc. 01–15559 Filed 6–22–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to renew authority to collect information for a series of customer surveys to evaluate OSM's performance in meeting the performance goals outlined in its annual plans developed pursuant to the Government Performance and Results Act (GPRA). The Office of Management and Budget (OMB) previously approved the collection and assigned it clearance number 1029–0114.

DATES: Comments on the proposed information collection must be received by August 24, 2001, to be assured of consideration.

ADDRESSES: Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Room 210–SIB, Washington, DC 20240. Comments may also be submitted electronically to jtrerleas@osmre.gov.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related form, contact John A. Trelease, at (202) 208–2783.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8 (d)). This notice identifies information collections that OSM will be submitting to OMB for approval. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is 1029–0114 and is on the forms along with the expiration date. OSM will request a 3-year term of approval for this information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submission of the information collection request to OMB.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: Technical Evaluations Series.

OMB Control Number: 1029–0114.

Summary: The series of surveys are needed to ensure that technical assistance activities, technology transfer activities and technical forums are useful for those who participate or receive the assistance. Specifically, representatives from State and Tribal regulatory and reclamation authorities, representatives of industry, environmental or citizen groups, or the public, are the recipients of the assistance or participants in these forums. These surveys will be the primary means through which OSM evaluates its performance in meeting the performance goals outlines in its annual plans developed pursuant to the Government Performance and Results Act.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: 26 State and Tribal governments, industry organizations and individuals who request information or assistance.

Total Annual Responses: 750.

Total Annual Burden Hours: 125.

Dated: June 13, 2001.

Richard G. Bryson,

Chief, Division of Regulatory Support.

[FR Doc. 01–15894 Filed 6–22–01; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated January 25, 2001, and published in the **Federal Register** on February 14, 2001, (66 FR 10320), Cerilliant Corporation, 14050 Summit Drive #121, P.O. Box 201088, Austin, Texas 78708–0189, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
N, N-Dimethylamphetamine (1480).	I
Aminorex (1585)	I
4-Methylaminorex (cis isomer) (1590).	I
Gamma hydroxybutyric acid (2010).	I
Methaqualone (2565)	I
Alpha-Ethyltryptamine (7249)	I
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4,5-Trimethoxyamphetamine	I
4-Bromo-2, 5-dimethoxyamphetamine (7390).	I
4-Bromo-2, 5-dimethoxyphenethylamine (7392).	I
4-Methyl-2, 5-dimethoxyamphetamine (7395).	I
2, 5-Dimethoxyamphetamine (7396).	I
2, 5-Dimethoxy-4-ethylamphetamine (7399).	I
3, 4-Methylenedioxyamphetamine (7400).	I
5-Methoxy-3, 4-methylenedioxyamphetamine (7401).	I
N-Hydroxy-3, 4-methylenedioxyamphetamine (7402).	I
3, 4-Methylenedioxy-N-ethylamphetamine (7404).	I
3, 4-Methylenedioxymethamphetamine (7405).	I
4-Methoxyamphetamine (7411)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
Acetyldihydrocodeine (9051)	I
Benzylmorphine (9052)	I
Codeine-N-oxide (9053)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Acetylmethadol (9601)	I
Allyprodine (9602)	I
Alphacetylmethadol except Levo-Alphacetylmethadol (9603).	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Betacetylmethadol (9607)	I
Betameprodine (9608)	I
Betamethadol (9609)	I
Betaprodine (9611)	I
Hydromorphinol (9627)	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Trimeperidine (9646)	I
Para-Fluorofentanyl (9812)	I
3-Methylfentanyl (9813)	I
Alpha-methylfentanyl (9814)	I
Acetyl-alpha-methylfentanyl (9815).	I
Beta-hydroxyfentanyl (9830)	I
Beta-hydroxy-3-methylfentanyl (9831).	I
Alpha-Methylthiofentanyl (9832)	I
3-Methylthiofentanyl (9833)	I
Thiofentanyl (9835)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Phenmetrazine (1631)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Nabilone (7379)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
1-Piperidinocyclohexanecarbonitrile (8603).	II
Alphaprodine (9010)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Methadone (9250)	II
Methadone-intermediate (9254)	II
Morphine (9300)	II
Thebaine (9333)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

The firm plans to manufacture small quantities of the listed controlled substances to make deuterated and non-deuterated drug reference standards which will be distributed to analytical and forensic laboratories for drug testing programs.

No comments or objections have been received.

DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Cerilliant Corporation to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Cerilliant Corporation to ensure that the company's registration is consistent with the public interest. This investigation included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. § 823 and 28 CFR §§ 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: June 4, 2001.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 01–15835 Filed 6–22–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated November 8, 2000, and published in the **Federal Register** on November 28, 2000 (65 FR 70936), and by Notice dated December 14, 2000, and published in the **Federal Register** on January 10, 2001 (66 FR 2003), Cerilliant Corporation, 14050 Summit Drive #121, P.O. Box 80189, Austin, TX 78708–0189, made application by renewal to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
Gamma hydroxybutyric acid (2010).	I
Ibogaine (7260)	I

Drug	Schedule
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
4-Bromo-2,5-dimethoxyamphetamine (7391).	I
4-Bromo-2,5-dimethoxyphenethylamine (7392).	I
4-Methyl-2,5-dimethoxyamphetamine (7395).	I
2,5-Dimethoxyamphetamine (7396).	I
3,4-Methylenedioxyamphetamine (7400).	I
3,4-Methylenedioxy-N-ethylamphetamine (7404).	I
3,4-Methylenedioxymethamphetamine (7405).	I
4-Methoxyamphetamine (7411)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
Heroin (9200)	I
Pholcodine (9314)	I
Tilidine (9750)	II
Amphetamine (1100)	II
Methamphetamine (1105)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Cocaine (9041)	II
Codeine (9050)	II
Etorphine (9056)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Benzoylecgonine (9180)	II
Ethylmorphine (9190)	II
Meperidine (9230)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Thebaine (9333)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II

The firm plans to import small quantities of the listed controlled substances for the manufacture of analytical reference standards.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Cerilliant Corporation to import the above listed controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Cerilliant Corporation to ensure that the company's registration is consistent with the public interest. This investigation included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1301.34, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: June 4, 2001.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 01–15836 Filed 6–22–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated November 20, 2000, and published in the **Federal Register** on November 5, 2000, (65 FR 75959), Knoll Pharmaceutical Company, 30 North Jefferson Road, Whippany, New Jersey 07981, made application by renewal to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Dihydromorphine (9145)	I
Hydromorphone (9150)	II

The firm plans to produce bulk product and finished dosage units for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Knoll Pharmaceutical Company to manufacture the listed controlled substances is consistent with the public interest at this time. DEA has investigated Knoll Pharmaceutical Company on a regular basis to ensure that the company's continued registration is consistent with the public interest. These investigations have included inspection and testing of the company's physical security systems, audits of the company's records, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823 and 28 CFR 0.100 and 0.104, the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: June 4, 2001.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 01–15834 Filed 6–22–01; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01–080)]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Structure and Evolution of the Universe Subcommittee

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Space Science Advisory Committee, Structure and Evolution of the Universe Subcommittee.

DATES: Tuesday, July 10, 2001, 8:30 a.m. to 5:30 p.m., and Wednesday, July 11, 2001, 8:30 a.m. to 5 p.m.

ADDRESS: National Aeronautics and Space Administration, Conference Room 7H46, 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Alan Bunner, Code S, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–2150.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting is as follows:

—Associate Administrator's Program Status Report

—Report on the Structure and Evolution of the Universe Annual State of the Theme

—Future of Structure and Evolution of the Universe Subcommittee Membership

—Status of Astro-E2

—Internationalization of future x-ray missions

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitors register.

June 19, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–15867 Filed 6–22–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01–081)]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC, Sun-Earth Connection Advisory Subcommittee

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee, Sun-Earth Connection Advisory Subcommittee.

DATES: Monday, July 23, 2001, 8:30 a.m. to 6 p.m.; Tuesday, July 24, 2001, 8:30 a.m. to 5 p.m.

ADDRESSES: National Aeronautics and Space Administration, Conference Room 6H46, 300 E Street, SW, Washington, DC, 20546.

FOR FURTHER INFORMATION CONTACT: Dr. George L. Withbroe, Code S, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–2150.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—State of the Sun-Earth Connection Theme
—Geospace Management Operations Working Group
—Living With a Star Science Architecture Committee
—Solar/Heliospheric Management Operation Working Group
—Report of Discipline Scientists

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: June 19, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–15868 Filed 6–22–01; 8:45 am]

BILLING CODE 7510–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–387 and 50–388]

PPL Susquehanna, LLC; Susquehanna Steam Electric Station Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to Facility Operating License (FOL) Nos. NPF–14, and NPF–22, issued to PPL Susquehanna, LLC (the licensee), for operation of the Susquehanna Steam Electric Station (SSES), Units 1 and 2, located in Luzerne County, Pennsylvania.

Environmental Assessment

Identification of the Proposed Action

The proposed license amendment would revise the FOLs and Technical Specifications (TS) of SSES, Units 1 and 2, to allow the licensee to increase the licensed core power level from 3441 MWt to 3489 MWt, which represents a 1.4 percent increase in the allowable thermal power. SSES Unit 1 was granted conditional authorization for power production by its FOL issued on July 17, 1982. Full power operation of Unit 1 at 3,293 MWt core power was authorized by Amendment No. 5 to the FOL, issued on November 12, 1982. Amendment No. 143 to the FOL, issued on March 22, 1995, authorized a power uprate for Unit 1 to 3,441 MWt. SSES Unit 2 was granted conditional authorization for power production by its FOL issued on March 23, 1984. Full power operation of Unit 2 at 3,293 MWt core power was authorized by Amendment No. 1 to the FOL, issued on June 27, 1984. Amendment No. 103 to the FOL, issued on April 11, 1994, authorized a power uprate for Unit 2 to 3,441 MWt.

The proposed action is in accordance with the licensee's application for license amendment dated October 30, 2000, as supplemented by letters dated February 5, May 22, and May 31, 2001.

The Need for the Proposed Action

The proposed action would allow an increase in power generation at SSES, Units 1 and 2, to provide additional electrical power for distribution to the grid. Power uprate has been widely recognized by the industry as a safe and cost-effective method to increase generating capacity.

Environmental Impacts of the Proposed Action

The environmental impact associated with operation of SSES, Units 1 and 2, has been previously evaluated by the U.S. Atomic Energy Commission in the ''Final Environmental Statement Related to Operation of Susquehanna Steam Electric Station, Units 1 and 2,'' dated June 1981. In this evaluation, the staff considered the potential doses due to postulated accidents for the site, at the site boundary, and to the population within 50 miles of the site. With regard to consequences of postulated accidents, the licensee has reevaluated the current design basis accidents (DBAs) in its application for license amendments and determined that accident source terms are based on core power levels that bound the proposed core power level of 3489 MWt. Therefore, the current analyses bound the potential doses due to DBAs based on the proposed 1.4 percent increased core power level. No increase in the probability of these accidents is expected to occur.

With regard to normal releases, the licensee has calculated the potential impact on the radiological effluents from the proposed 1.4 percent increase in power level. The licensee concluded that the offsite doses from normal effluent releases remain significantly below the bounding limits of Title 10 of the Code of Federal Regulations (10 CFR), Part 50, Appendix I. Normal annual average gaseous releases remain limited to a small fraction of 10 CFR Part 20, Appendix B, Table 2 limits. The licensee evaluated the effects of power uprate on the radiation sources within the plant and the radiation levels during normal operating conditions. Post-operation radiation levels are expected to increase slightly due to the power uprate; but are expected to have no significant effect on the plant. Occupational doses for normal operations will be maintained within acceptable limits by the site ALARA (as-low-as-reasonably-acheivable) program. Solid and liquid waste production may increase slightly as a result of the proposed 1.4 percent uprate; however, waste processing systems are expected to operate within their design requirements.

The NRC has completed its evaluation of the proposed action and concludes that the proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic

sites. With regard to thermal discharges to the Susquehanna River, the staff has previously evaluated temperature effects during normal operations at full power and determined the temperature impact on the river to be insignificant. The licensee indicated that an increase in the cooling tower air flow rate will compensate for the slight increase in condenser outlet circulating water temperature, such that no perceptible change in the temperature of the cooling tower basin blowdown to the Susquehanna River is expected. Therefore, the temperature effects on the river will be insignificant. Existing administrative controls ensure the conduct of adequate monitoring such that appropriate actions can be taken to preclude exceeding the limits imposed by the National Pollution Discharge Elimination System permit. No additional requirements or other changes are required as a result of the power uprate. No other non-radiological impacts are associated with the proposed action.

Based upon the above, the NRC concludes that the proposed action does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the SSES, Units 1 and 2.

Agencies and Persons Consulted

In accordance with its stated policy, on June 19, 2001, the staff consulted with the Pennsylvania State official, Mr. Michael Murphy of the Pennsylvania Department of Environmental Protection, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated October 30, 2000, as supplemented by letters dated February 5, May 22, and May 31, 2001. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site, *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 19th day of June 2001.

For the Nuclear Regulatory Commission.

Richard P. Correia,

Acting Chief, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–15815 Filed 6–22–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–354]

PSEG Nuclear LLC; Hope Creek Generating Station Environmental Assesment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from certain requirements of Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix G, for Facility Operating License No. NPF–57, issued to PSEG Nuclear LLC, (the licensee) for operation of the Hope Creek Generating Station (HCGS), located in Salem County, New Jersey.

Environmental Assessment

Identification of the Proposed Action

Title 10 of the Code of Federal Regulations, Part 50, Appendix G, requires that pressure-temperature (P–T) limits be established for reactor pressure vessels (RPVs) during normal operating and hydrostatic or leak rate testing conditions. Specifically, 10 CFR Part 50, Appendix G, states, ''The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions.'' The purpose of 10 CFR Part 50, Appendix G, is to protect the integrity of the reactor coolant pressure boundary in nuclear power plants. This is accomplished through these regulations that, in part, specify fracture toughness requirements for ferritic materials of the reactor coolant pressure boundary. Appendix G of 10 CFR Part 50 specifies that the requirements for these limits are the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code), Section XI, Appendix G Limits.

The proposed action would exempt HCGS from application of specific requirements of 10 CFR Part 50, Appendix G, and would substitute use of ASME Code Cases N–588 and N–640 as alternatives pursuant to 10 CFR 50.60(b).

The proposed action is in accordance with the licensee's application for exemption dated December 1, 2000, as supplemented by letters dated February 12, May 7, and May 14, 2001.

The Need for the Proposed Action

The proposed action is needed to allow the licensee to implement ASME Code Cases N–588 and N–640 in order to revise the method used to determine the P–T limits.

Code Case N–588, ''Alternative to Reference Flaw Orientation of Appendix G for Circumferential Welds in Reactor Vessels, Section XI, Division 1,'' amends the provisions of the 1989 Edition of ASME Section XI, Appendix G, by permitting the postulation of a circumferentially oriented reference flaw as the limiting flaw in a RPV circumferential weld for the purpose of establishing RPV P–T limits. The 1989 Edition of ASME Section XI, Appendix G, would require that such a reference flaw be postulated as an axially oriented flaw in the circumferential weld. The licensee addressed the technical justification for this exemption by citing industry experience and aspects of RPV fabrication which support the postulation of circumferentially oriented flaws for these welds. The reference flaw is a postulated flaw that accounts for the possibility of a prior existing defect that may have gone undetected during the fabrication process. Postulating the Appendix G reference flaw in a circumferential weld

is physically unrealistic and overly conservative, because the length of the flaw is 1.5 times the vessel wall, which is much longer than the width of the circumferential weld. Industry experience with the repair of weld indications found during preservice inspection, inservice nondestructive examinations, and data taken from destructive examination of actual vessel welds confirms that any remaining defects are small, laminar in nature, and do not cross transverse to the weld bead. Therefore, any postulated defects introduced during the fabrication process, and not detected during subsequent nondestructive examinations, would only be expected to be oriented in the direction of weld fabrication. ASME Code Case N–588 also provides appropriate procedures for determining the stress intensity factors for use in developing RPV P–T limits per ASME Code, Section XI, Appendix G, procedures. The procedures allowed by ASME Code Case N–588 are conservative and provide a margin of safety in the development of RPV P–T operating and pressure test limits that will prevent nonductile fracture of the vessel.

Code Case N–640, ''Alternative Reference Fracture Toughness for Development of P–T Limit Curves for ASME Section XI, Division 1,'' amends the provisions of ASME Section XI, Appendix G, by permitting the use of the K_{Ic} equation as found in Appendix A in ASME Section XI, in lieu of the K_{Ia} equation as found in Appendix G in ASME Section XI. Use of the K_{Ic} equation in determining the lower bound fracture toughness in the development of the P–T operating limits curve is more technically correct than the use of the K_{Ia} equation since the rate of loading during a heatup or cooldown is slow and is more representative of a static condition than a dynamic condition. Use of K_{Ia} was justified by the initial conservatism of the K_{Ia} equation since 1974 when the equation was codified. This initial conservatism was necessary due to the limited knowledge of RPV materials. Since 1974, additional knowledge has been gained about RPV materials, which demonstrates that the lower bound on fracture toughness provided by the K_{Ia} equation is well beyond the margin of safety required to protect the public health and safety from potential RPV failure. The lower bound K_{Ic} fracture toughness provides an adequate margin of safety to protect the public health and safety from potential RPV failure.

The staff has determined that, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation to protect the integrity of the reactor coolant pressure boundary will continue to be served with the implementation of Code Cases N–588 and N–640.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the exemption and implementation of the proposed alternatives as described above are consistent with the intent of the applicable regulations and would provide an acceptable margin of safety against brittle failure of the HCGS RPV. Therefore, the proposed action will not have a significant impact on the environment.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological environmental impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impacts. Therefore, there are no significant nonradiological impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the HCGS.

Agencies and Persons Consulted

In accordance with its stated policy, on June 7, 2001, the staff consulted with the New Jersey State official, Mr. Dennis Zannoni, of the New Jersey Department of Environmental Protection, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated December 1, 2000, as supplemented by letters dated February 12, May 7, and May 14, 2001. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site, *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 19th day of June 2001.

For the Nuclear Regulatory Commission.

Richard B. Ennis,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–15816 Filed 6–22–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Public Comment on Inspections, Tests, Analyses and Acceptance Criteria (ITAAC)

The U.S. Nuclear Regulatory Commission (NRC) staff is seeking public comment on ITAAC that are required for issuance of combined licenses (COLs) for nuclear power facilities under Title 10 of the Code of Federal Regulations (10 CFR) Part 52, Subpart C. Subpart C of 10 CFR Part 52 sets forth a process for issuing combined licenses (COLs) for nuclear power facilities. A COL authorizes construction and conditional operation of a nuclear power facility. 10 CFR Section 52.79(c) requires that the COL application include ITAAC that are necessary and sufficient to demonstrate that the facility has been constructed and will operate in conformity with the

COL, the Atomic Energy Act of 1954, and the Commission's regulations. 10 CFR 52.103(g) requires that the Commission find that the acceptance criteria in the ITAAC have been met before a facility can be authorized to operate. The staff is seeking public comment on whether or not COL applications should contain ITAAC on operational programs such as security, training, and emergency planning (programmatic ITAAC).

In SECY–00–0092, ''Combined License Review Process'' dated April 20, 2000, the staff provided a basis for its stated position that ''programmatic'' ITAAC are necessary to meet the requirements of 10 CFR Part 52 and the Atomic Energy Act of 1954. In the staff requirements memorandum (SRM) on SECY–00–0092 dated September 6, 2000, the Commission provided guidance to the staff in this area and stated that ''in connection with the Part 52 rulemaking, the staff should specifically seek comment on and continue to work with stakeholders on the need for and scope of the ITAAC for programmatic areas.'' In accordance with the Commission direction, the NRC staff is seeking comments on the need for and scope of ITAAC for programmatic areas. Comments received will be evaluated by the staff.

In a letter dated May 14, 2001, to Chairman Meserve the Nuclear Energy Institute (NEI) provided its position that COL applications should not contain ITAAC on operational programs. NEI's letter contains a paper that summarizes its position. NEI requests an ''early resolution of this issue to allow licensees, the NRC, and other stakeholders to be clear on how key Part 52 requirements on the scope of COL ITAAC are to be met.''

The documents discussed above (i.e., SECY–00–0092, the SRM on SECY–00–0092, and the May 14, 2001, letter from NEI) are available in NRC's Public Document Room. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. These documents are also accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). Questions and comments should be directed to Joseph M. Sebrosky, Mail Stop O–11 F1, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–001, *E-mail:jms3@nrc.gov* or by telephone at 301–415–1132. Comments should be submitted within 45 days of the publication of this notice.

Dated at Rockville, Maryland this 19th day of June 2001.

For the Nuclear Regulatory Commission.

Richard J. Barrett,

Acting Director, Future Licensing Organization, Office of Nuclear Reactor Regulation.

[FR Doc. 01–15817 Filed 6–22–01; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of an Existing Information Collection: Court Orders Affecting Retirement Benefits

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of an existing information collection. The regulations describe how former spouses give us written notice of a court order requiring us to pay benefits to the former spouse. Specific information is needed before OPM can make court-ordered benefit payments.

Approximately 19,000 former spouses apply for benefits based on court orders annually. We estimate it takes approximately 30 minutes to collect the information. The annual burden is 9,500 hours.

Comments are particularly invited on:

—Whether this collection of information is necessary for the proper performance of functions of OPM, and whether it will have practical utility;

—Whether our estimate of the public burden of this collection is accurate, and based on valid assumptions and methodology; and

—Ways in which we can minimize the burden of the collection of information on those who are to respond, through use of the appropriate technological collection techniques or other forms of information technology.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov.

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349A, Washington, DC 20415–3450.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget and Administrative Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–15828 Filed 6–22–01; 8:45 am]

BILLING CODE 6325–50–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a Revised Information Collection: Information and Instructions on Your Reconsideration Rights, RI 38–47

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of a revised information collection. Information and Instructions on Your Reconsideration Rights, RI 38–47, outlines the procedures required to request reconsideration of an initial OPM decision about Civil Service or Federal Employees retirement, Retired Federal or Federal Employee Health Benefits requests to enroll or change enrollment, or Federal Employees' Group Life Insurance coverage. The form lists the procedures and time periods required for requesting reconsideration.

Comments are particularly invited on:

—Whether this collection of information is necessary for the proper performance of functions of OPM, and whether it will have practical utility;

—Whether our estimate of the public burden of this collection is accurate, and based on valid assumptions and methodology; and

—Ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of the appropriate technological collection techniques or other forms of information technology.

Approximately 3,100 annuitants and survivors request reconsideration annually. We estimate it takes approximately 45 minutes to apply. The annual burden is 2,325 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to *mbtoomey@opm.gov.*

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—Ron Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management 1900 E Street, NW, Room 3349A, Washington, DC 20415–3540.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Donna G. Lease, Budget & Administrative Services Division, Retirement and Insurance Service, U.S. Office of Personnel Management 1900 E Street, NW, Room 4H28, Washington, DC 20415–3540, (202) 606–0623.

U.S. Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–15829 Filed 6–22–01; 8:45 am]

BILLING CODE 6325–50–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for an Expiring Information Collection: OPM Form 1644

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) submitted to the Office of Management and Budget a request for review of an expiring information collection. OPM Form 1644, Child Care Provider Information: Child Care Tuition Assistance Program for Federal Employees, is used to verify that child care providers are licensed and/or regulated by local and/or State authorities. Agencies need to know that child care providers to whom they make disbursements in the form of tuition assistance subsidies, are licensed and/or regulated by local and/or State authorities, in accordance with the specific requirements of their jurisdictions.

Pub. L. 106–58, passed by Congress on September 29, 1999, permits Federal agencies to use appropriated funds to help their lower income employees with their costs for child care. It is up to the agencies to decide on whether to implement this law. This is a new law and the extent to which it will be implemented, including the number of providers that will be involved, cannot be easily predicted. We estimate approximately 3000–5000 OPM 1644 forms will be completed annually. The form will take approximately 10 minutes to complete by each provider. The annual estimated burden is 833 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, Fax at 202–418–3251 or E-mail *mbtoomey@opm.gov.* Please include a mailing address with your request.

DATES: Comments on this proposal should be received within 30 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to:—

Patricia F. Kinney, Director, Office of Work/Life Programs, U.S. Office of Personnel Management, 1900 E St., NW., Room 7315, Washington, DC 20415,

and,

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATION COORDINATION CONTACT: Brooke L. Brewer, Work/Life Program Specialist, Office of Work/Life Programs, (202) 606–2012.

U.S. Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–15830 Filed 6–22–01; 8:45 am]

BILLING CODE 6325–41–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Rule 15Ba2–1 and Form MSD, SEC File No. 270–88, OMB Control No. 3235–0083

Rule 17a–3(a)(16), SEC File No. 270–452, OMB Control No. 3235–0508

Rule 17a–4(b)(10), SEC File No. 270–449, OMB Control No. 3235–0506

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for extension of the previously approved collections of information discussed below.

Rule 15Ba2–1 under the Securities Exchange Act of 1934 (''Act'') provides that an application for registration with the Commission by a bank municipal securities dealer must be filed on Form MSD. The Commission uses the information contained in Form MSD to determine whether bank municipal securities dealers meet the standards for registration set forth in the Act, to develop a central registry where members of the public may obtain information about particular bank municipal securities dealers, and to develop statistical information about bank municipal securities dealers.

The staff estimates that approximately 32 respondents will utilize this application procedure annually, with a total burden of 48 hours, based upon past submissions. The staff estimates that the average number of hours necessary to comply with the requirements of Rule 15Ba2–1 is 1.5 hours.

Rule 15Ba2–1 does not contain an explicit recordkeeping requirement, but the rule does require the prompt correction of any information on Form MSD that becomes inaccurate, meaning that bank municipal securities dealers need to maintain a current copy of Form MSD indefinitely.

Providing the information on the application is mandatory in order to register with the Commission as a bank municipal securities dealer. The information contained in the application will not be kept confidential.

Rule 17a–3(a)(16) under the Act identifies the records to be made by broker-dealers that operate internal broker-dealer systems. Those records are to be used in monitoring compliance with the Commission's financial responsibility program and antifraud and antimanipulative rules, as well as other rules and regulations of the Commission and the self-regulatory organizations. It is estimated that approximately 105 active broker-dealer respondents registered with the Commission incur an average burden of 2,835 hours per year to comply with this rule.

Rule 17a–3 does not contain retention requirements. Compliance with the rule is mandatory. The required records are available only to the examination staff

of the Commission and the self-regulatory organization of which the broker-dealer is a member.

Rule 17a–4(b)(10) under the Act describes the record preservation requirements for those records required to be kept pursuant to Rule 17a–3(a)(16), including how such records should be kept and for how long, to be used in monitoring compliance with the Commission's financial responsibility program and antifraud and antimanipulative rules as well as other rules and regulations of the Commission and the self-regulatory organizations. It is estimated that approximately 105 active broker-dealer respondents registered with the Commission incur an average burden of 315 hours per year to comply with this rule.

Under Rule 17a–4(a)(10) broker-dealers are required to retain records for a period of not less than three years. Compliance with the rule is mandatory. The required records are available only to the examination staff of the Commission and the self-regulatory organization of which the broker-dealer is a member.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

General comments regarding the estimated burden hours should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: June 18, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15847 Filed 6–22–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 25006; 812–12108]

The Managers Funds and The Managers Funds LLC; Notice of Application

June 20, 2001.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 38(a) of the Investment Company Act of 1940 (the ''Act'').

SUMMARY OF APPLICATION: The Managers Funds (''Managers Funds'') and The Managers Funds LLC request an order to rescind a prior order dated September 23, 1998 (the ''Prior Order'')[1] that declared that Managers Funds had ceased to be an investment company.

FILING DATES: The application was filed on May 22, 2000, and amended on October 20, 2000.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 16, 2001, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 fifth Street, N.W., Washington, D.C. 20549. Applicants, 40 Richards Avenue, Norwalk, Connecticut 06854.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Mary Kay Frech, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549 (telephone (202) 942–8090).

Applicants' Representations

1. Managers Funds was organized as a Massachusetts business trust under the name The Management of Managers Group of Funds (''Group of Funds'') on November 23, 1987. Currently, Managers Funds is a no-load mutual fund family composed of eight series, each having distinct investment objectives, strategies, risks and policies. The Managers Funds LLC (the ''Manager''), a subsidiary of Affiliated Managers Group, Inc., is registered as an investment adviser under the Investment Advisers Act of 1940 and serves as investment manager to Managers Funds.

2. In May 1983, nine ''Management of Managers'' funds were organized as separate Massachusetts business trusts, each with a single portfolio and each registered separately under the Act. In 1986 and 1987, two other funds were added to the complex. Also in 1987, the Manager proposed to restructure the Management of Managers complex so that each of the funds in the complex would become a series of a single registered multi-series fund. To facilitate the reorganization of the eleven separate fund registrants into a single surviving fund, Group of Funds (later renamed Managers Funds) was organized. On December 30, 1987, pursuant to approval of a plan of reorganization by the shareholders of each fund, the assets of each of the previously existing funds in the Management of Managers complex were acquired by Group of Funds (the ''Reorganization''). Group of Funds immediately adopted the registration statement of each predecessor registrant under both the Act and the Securities Act of 1933, and filed an amendment to the Form N–1A registration statement of each registrant declaring itself to be the successor registrant.

3. Late in 1988, the filings made by Group of Funds began to be recorded under the file number that had been assigned originally to Management of Managers Equity Fund (later renamed Management of Managers Capital Appreciation Fund) (''Capital Appreciation Fund''), one of the original separately registered single funds that operated as a series of Group of Funds following the Reorganization. In December 1988, the Commission updated its records to change the name of this registrant to Group of Funds, and in 1991, the name was changed again to its present name, Managers Funds.

4. In 1998, an application under section 8(f) of the Act for an order or deregistration was filed for each of the inactive registrants. Each application

[1] Management of Managers Capital Appreciation Fund (File No. 811–3752), Investment Company Act Rel. Nos. 23419 (Aug. 38, 1998) (notice) and 23458 (Sept. 23, 1998) (order).

stated that the reason for deregistration was the merger of the registrant into a successor investment company and identified that successor as Group of Funds (file number 811–3752). Eleven applications were filed, and, upon filing, each was assigned one of the eleven file numbers that had been assigned to the original eleven registrants in the Management of Managers complex.[2] The application for the Capital Appreciation Fund was assigned the file number 811–3752, which was the file number under which its filings were recorded prior to the Reorganization. Because this file number was ultimately assigned to the filings of Group of Funds, and is the file number under which the Managers Funds' filings are currently being recorded, the Prior Order, when issued by the Commission, effectively deregistered Managers Funds.

5. Applicants request an order to rescind the Prior Order to ensure that Managers Funds is reflected on the Commission's records as a continuously reporting, active registered investment company.

Applicants' Legal Analysis

1. Section 8(f) of the Act provides, in relevant part, that whenever the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order. On the effective date of the order, the registration of the company shall cease to be in effect.

2. Section 38(a) of the Act states, in relevant part, that the Commission shall have the authority to rescind an order if necessary or appropriate to the exercise of the powers conferred upon the Commission by the Act.

3. The Commission issued the prior Order in response to an application filed under section 8(f), which sought deregistration for the Capital Appreciation Fund, one of the former stand-alone funds that merged into, and now operates as a series of, the Managers Funds. Applicants submit that the Prior Order was issued in error because Managers Funds has not ceased to be an investment company. Applicants state that since its organization, its acquisition of the former stand-alone Management of Managers funds, and its succession to the registration statements of each of those funds, Managers Funds has at all times been and remained an active investment company, operating pursuant to the Act and the rules thereunder and complying with the reporting and filing requirements for registered investment companies.

4. Applicants submit that the requested relief is necessary to conform the records of the Commission to the fact that Managers Funds is an active investment company complying with the Act and the rules thereunder and the reporting and filing requirements for registered investment companies.

5. Applicants request that the Commission rescind the Prior Order pursuant to section 38(a) of the Act, effective as of the date of the Prior Order. Applicants submit that the requested relief is necessary and appropriate to the exercise of the Commission's powers under the Act.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15944 Filed 6–22–01; 8:45 am]

BILLING CODE 8010–01–M

[2] To ensure the continued registration of a surviving multi-series fund, ten applications for deregistration should have been filed, not eleven.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27420]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

June 19, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by July 13, 2001, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After July 13, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Cinergy Services, Inc., et al. (70–9879)

Cinergy Services, Inc. (''Services''), a wholly owned service company subsidiary of Cinergy Corporation (''Cinergy''), a registered public utility holding company; The Cincinnati Gas & Electric Company (''CG&E''), an electric and gas utility subsidiary company of Cinergy; CG&E's utility subsidiaries, The Union Light, Heat and Power Company (''ULH&P''), and electric and gas utility company, Lawrenceburg Gas Company (''Lawrenceburg''), a gas utility company, and Miami Power Corporation (''Miami''), an electric utility company; CG&E's nonutility subsidiaries, KO Transmission Company (''KO''), and Tri-State Improvement Company (''Tri-State''), all located at 130 East Fourth Street, Cincinnati, Ohio 45202; and PSI Energy, Inc. (''PSA''), 1000 East Main Street, Plainfield, Indiana 46168, an electric utility subsidiary company of Cinergy (''Applicants''), have filed an application-declaration under sections 6(a), 7, 9(a) and 10 of the Act and rule 54 under the Act.

By order dated May 30, 1997 (HCAR No. 26723) (''1997 Order''), the Commission authorized Applicants, through December 31, 2002, to undertake a short-term debt financing program. Among other things, Applicants were authorized to continue to operate a system money pool (''Money Pool'') to provide short-term cash and working capital requirements for associate companies, other than Cinergy.[1] The 1997 Order authorized the utility subsidiaries, ULH&P, Lawrenceburg, Miami and PSI (''Utility Subsidiaries''),[2] to make loans to and incur borrowings from each other under the terms of the Money Pool. The 1997 Order also authorized Cinergy, CG&E, Services, KO and Tri-State to make loans to ULH&P, Lawrenceburg, Miami and PSI through the Money Pool. Additionally, ULH&P, Lawrenceburg, Miami and PSI were authorized to incur short-term bank borrowings from third

[1] By Commission order dated August 25, 1995 (HCAR No. 26362) (''Money Pool Order''), Cinergy was authorized to organize and operate the Money Pool. The Applicants do not propose to change any of the terms and conditions governing its operation from those approved in the Money Pool Order.

[2] While CG&E is a utility subsidiary and will be treated like the other utilities for all purposes under the Money Pool, it is exempt from the filing requirements of sections 6(a) and 7 under the Act, under rule 52(a), as discussed below.

parties and PSI was also authorized to issue and sell commercial paper.[3]

Under the 1997 Order, the maximum allowable outstanding principal amount of short-term borrowing from all available sources was $50 million for ULH&P; $3 million for Lawrenceburg; $100,000 for Miami; and $400 million for PSI. Applicants state that these debt limitations established under the 1997 Order are no longer appropriate in light of current capital requirements. Therefore, Applicants propose to supersede the 1997 Order by replacing the short-term debt finance program and extending the authorization period through June 30, 2006.

Specifically, the Nonexempt Subsidiaries propose to make loans to and incur borrowings from each other the Money Pool; Services, CG&E, KO and Tri-State and KO proposes to make loans to the Nonexempt Subsidiaries; the Nonexempt Subsidiaries propose to incur short-term borrowings from banks or other financial institutions; and PSI proposes to issue and sell commercial paper. As proposed, the maximum allowable outstanding principal amount of short-term borrowings from all available sources will not exceed $65 million for ULH&P; $5.5 million for Lawrenceburg; $100,000 for Miami; and $600 million for PSI.

The Nonexempt Subsidiaries propose to borrow short-term funds from banks and other financial institutions through formal or informal credit facilities. Bank borrowings would be evidenced by promissory notes, each of which would be issued on or before June 30, 2006 and would mature no later than one year from the date of issuance, except in the case of borrowings by ULH&P, which would mature no later than two years from the date of issuance. The notes will bear interest at a rate no higher than the greater of: (1) 400 basis points over the comparable London interbank offered rate or (2) a rate that is consistent with similar securities of comparable credit quality and maturities issued by other companies. The Nonexempt Subsidiaries may be required to pay fees to the lender not to exceed 100 basis points per annum on the total commitment; and, except for borrowings on uncommitted credit lines, may be prepayable in whole or in part, with or without a premium.

PSI proposes to issue and sell commercial paper at market rates (either on an interest bearing or discount basis) with varying maturities not to exceed 270 days. The commercial paper will be in the form of book-entry unsecured promissory notes with varying denominations of not less than $25,000 each. In commercial paper sales effected on a discount basis, the purchasing dealer may re-offer the commercial paper at a rate less that the rate to PSI. The discount rate to dealers will not exceed the maximum discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and the same maturity. The purchasing dealer will re-offer the commercial paper in such a manner as not to constitute a public offering within the meaning of the Securities Act of 1933.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15848 Filed 6–22–01; 8:45 am]

BILLING CODE 8010–01–M

[3] It is stated that the short-term borrowing authority requested in the application-declaration for ULH&P, Lawrenceburg, Miami and PSI (''Nonexempt Subsidiaries'') is not subject to state jurisdiction. Therefore, the filing exemption provided by rule 52(a) under the Act is not available to these companies. However, the Public Utilities Commission of Ohio does have authority over short-term borrowings by CG&E, which, therefore, may issue short-term debt under the exemption provided by rule 52(a).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 25005; 811–5982]

Hawthorne Investment Trust; Notice of Application

June 19, 2001.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under section 8(f) of the Investment Company Act of 1940 (the ''Act'').

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on December 11, 2000.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on July 13, 2001, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW, Washington, DC 20549. Applicant, c/o A. John Pappalardo, Esq., and K. Robert Bertram, Esq., Eckert Seamans Cherin & Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17101.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or Mary Kay Frech, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the Commission's Public Reference Branch, 450 Fifth Street, NW, Washington, DC 20549 (telephone (202) 942–8090).

Applicant's Representations

1. Applicant is an open-end, non-diversified management investment company organized as a trust under the laws of the State of Delaware. On December 19, 1989, applicant filed a notification of registration under section 8(a) of the Act on Form N–8A. SEC records indicate that on December 19, 1989, applicant filed a registration statement on Form N–1A that became effective on June 4, 1990.

2. As of the date of the application, beneficial interests in applicant were held by one natural person, Mr. Charles G. Dyer.

3. As of December 7, 2000, the assets of applicant totaled approximately $3,000. Applicant's liabilities totaled approximately $36,000, consisting primarily of investment advisory fees, custodian and administrator charges, and legal and accounting expenses.

4. Applicant currently is not a party to any litigation or administrative proceeding, except the administrative proceeding instituted by the SEC's Division of Enforcement and captioned: In the Matter of Hawthorne Investment Trust, Hawthorne Associates, Inc., Mustang Capital, LLC and Charles G. Dyer. The application is submitted in connection with that proceeding.

Applicant's Legal Analysis

1. Section 8(f) of the Act provides that whenever the SEC, upon application or its own motion, finds that a registered investment company has ceased to be an investment company, the SEC shall so declare by order and upon the taking

effect of such order, the registration of such company shall cease to be in effect.

2. Section 3(c)(1) of the Act provides that an issuer is not an investment company within the meaning of the Act if its outstanding securities (other than short-term paper) are beneficially owned by not more than 100 persons and it is not making and does not propose to make a public offering of its securities.

3. Applicant states that it is not an investment company within the meaning of section 3(c)(1) of the Act because its outstanding securities are owned by one natural person and it is not making and does not presently propose to make a public offering of its securities.

4. Applicant will conduct its business so as to remain exempt from registration as an investment company pursuant to section 3(c)(1) or another provision of the Act. Applicant will adopt procedures reasonably designed to ensure that it remains exempt from registration under the Act. Applicant estimates that it will wind up operations and liquidate its remaining assets within 30 days of the date of the requested ordered. Accordingly, applicant requests that the SEC issue an order declaring that it has ceased to be an investment company.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15849 Filed 6–22–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44449; File No. SR–Amex–2001–29]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the American Stock Exchange LLC Relating to the Implementation of Automatic Execution for Exchange Traded Funds on a Six-Month Pilot Basis

June 19, 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 8, 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 and II below, which Items have been prepared by the Exchange. On May 24, 2001, June 12, 2001, and June 18, 2001, respectively, the Amex filed Amendment Nos. 1, 2, and 3 to the proposed rule change with the Commission.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. For the reasons discussed below, the Commission is granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to adopt Exchange Rule 128A to implement an automatic execution feature for eligible orders in Exchange Traded Funds (''ETFs'') on a six-month pilot basis. The text of the proposed rule change follows. Proposed new language is in *italics.*

* * * * *

Automatic Execution For Exchange Traded Funds

Rule 128A. The Exchange shall determine the size and other parameters of orders eligible for execution by its Automatic Execution System (Auto-Ex). An Auto-Ex eligible order for any account in which the same person is directly or indirectly interested may only be entered at intervals of no less than 30 seconds between entry of each such order in a security. Members and member organizations are responsible for establishing procedures to prevent orders in a security for any account in which the same person is directly or indirectly interested from being entered at intervals of less than 30 seconds.

Commentary

.01 Auto-Ex eligible orders for Exchange Traded Funds (''ETFs'') must be round lot, market or marketable limit orders for 2,000 shares or less received by the Exchange electronically. Orders for an account in which a market maker in ETFs registered as such on another market has an interest are ineligible for Auto-Ex for ETFs. Notice concerning Auto-Ex eligibility criteria will be provided to members periodically via Exchange circulars and will be posted on the Exchange's web site.

.02 Upon the request of a specialist, the Auto-Ex Enhancements Committee (''Committee'') will review and approve, disapprove or conditionally approve requests to increase the size of Auto-Ex eligible orders above 2,000 shares. The Committee will balance the interests of investors, the specialist, Registered Options Traders in the crowd, and the Exchange in determining whether to grant a request to increase the size of Auto-Ex eligible orders above 2,000 shares. The Committee also will consider a request from a specialist to reduce the size of Auto-Ex eligible orders balancing the same interests that the Committee would consider in determining whether to increase the size of Auto-Ex eligible orders.

.03 Upon the request of a specialist, a Floor Governor may reduce the size of Auto-Ex eligible orders below 2,000 shares or increase the size of Auto-Ex eligible orders up to 5,000 shares if such action is appropriate in view of system problems or unusual market conditions. Any such change in the size of Auto-Ex eligible orders will be temporary and will only last until the end of the unusual market condition or the correction of the system problem.

Auto-Ex eligible orders will be routed to the specialist and will not be automatically executed in situations where the specialist in conjunction with a Floor Governor or two Floor Officials determine that quotes are not reliable and if the Exchange is experiencing communications or systems problems, ''fast markets,'' or delays in the dissemination of quotes.

Members and member organizations will be notified when the size of Auto-Ex eligible orders is adjusted due to system problems or unusual market conditions. Members and member organizations also will be notified when the Exchange has determined that quotes are not reliable and the Exchange is experiencing communications or systems problems, ''fast markets,'' or delays in the dissemination of quotes prior to disengaging Auto-Ex.

.04 When the Amex establishes the NBBO (National Best Bid or Offer), Auto-Ex will be programmed to execute eligible incoming ETF orders at the Amex Published Quote (''APQ'') plus a programmable number of trading increments with respect to the Amex bid (with respect to incoming sell orders), and less a programmable number of trading increments with respect to the Amex offer (with respect to incoming buy orders). The amount of price improvement relative to the APQ will be determined by the Committee.

When the Amex does not establish the NBBO, Auto-Ex will be programmed to execute eligible incoming ETF orders at or better than the NBBO up to a specified number of trading increments relative to the APQ. Auto-Ex will

---

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The substance of Amendment Nos. 1, 2, and 3 is incorporated into this notice.

execute eligible incoming orders at an improved price relative to the APQ unless a trade through would result of an away ITS participant market. If a trade through would result, the orders will be routed to the Amex specialist for execution. The extent to which Auto-Ex will better the APQ in order to match or improve the NBBO (if the Amex does not establish the NBBO) will be determined by the Committee.

Auto-Ex will be unavailable (i) with respect to incoming sell orders when the published bid on the Amex is for 100 shares, and (ii) with respect to incoming buy orders when the published offer on the Amex is for 100 shares. Auto-Ex also will be unavailable when the spread between the bid and offer on the Amex exceeds a specified minimum or maximum value. The Committee will determine the spread in the APQ at which Auto-Ex will be unavailable.

The Committee will act upon the request of a specialist and will balance the interests of investors, the specialist, Registered Options Traders in the crowd, and the Exchange in determining (i) the amount of price improvement that will be programmed into Auto-Ex when the Amex establishes the NBBO, (ii) the extent to which Auto-Ex will better the APQ in order to match or improve the NBBO (if the Amex does not establish the NBBO), and (iii) the spread in the APQ at which Auto-Ex will be unavailable.

.05 Specialists and Registered Options Traders that sign-on to Auto-Ex will be automatically allocated to contra side of Auto-Ex trades for ETFs according to the following schedule:

Number of ROTs signed on the Auto-Ex in a crowd	Approximate number of trades allocated to the specialist throughout the day (''target ratio'') (percent)	Approximate number of trades allocated to ROTs signed on to Auto-Ex throughout the day (''target ratio'') (percent)
1	60	40
2–4	40	60
5–7	30	70
8–15	25	75
16 or more	20	80

At the start of each trading day, the sequence in which trades will be allocated to the specialist and Registered Options Traders signed-on to Auto-Ex will be randomly determined. Auto-Ex trades then will be automatically allocated in sequence on a rotating basis to the specialist and to the Registered Options Traders that have signed-on to the system so that the specialist and the crowd achieve their ''target ratios'' over the course of a trading session. If an Auto-Ex eligible order is greater than 100 shares, Auto-Ex will divide the trade into lots of 100 shares each. Each lot will be considered a separate trade for purposes of determining target ratios and allocating trades within Auto-Ex.

.06 The Committee may delegate its authority to one or more Floor Governors. The Committee will meet promptly to review a Governor's decision in the event that a Governor acts pursuant to delegated authority.

* * * * *

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 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 III 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

Since 1986, the Exchange has had an automatic order execution feature (''Auto-Ex'') for eligible orders in listed options. The Chicago Board Options Exchange, Philadelphia Stock Exchange, and Pacific Exchange established similar automatic option order execution features at about the same time as the Amex, and the newest options exchange, the International Securities Exchange, also features automatic order execution. Auto-Ex, accordingly, has been a standard feature of the options markets for a number of years.

In 1993, the Amex commenced trading Standard and Poor's Depositary Receipts® (''SPDRs®''), the first ETF to be listed and traded on the Exchange. ETFs are individual securities that represent a fractional, undivided interest in a portfolio of securities. Currently, approximately 100 ETFs are listed on the Amex. Like an option, an ETF is a derivative security, and, according to the Amex, its price is a function of the value of the portfolio of securities underlying the ETF. Thus, as is the case with options, the Exchange asserts that it is not the price discovery market for ETFs and that the price discovery market is the market or markets where the underlying securities trade.

The Exchange now proposes to extend its current Auto-Ex technology on a six-month pilot basis to ETFs listed under Amex Rules 1002, 1002A, and 1202. The Amex represents that Auto-Ex for ETFs would provide investors that send eligible orders to the Exchange with faster executions than they currently receive. The Exchange believes that many investors desire rapid executions in trading securities that are priced derivatively since the value of the underlying instruments may fluctuate during order processing. The Amex, moreover, proposes to incorporate a price improvement algorithm into Auto-Ex for ETFs and thus to provide investors with better execution prices on their orders. The price improvement algorithm would work in the following manner:

When the Amex establishes the National Best Bid or Offer (''NBBO''),[4] Auto-Ex would be programmed to execute eligible incoming ETF orders at the Amex Published Quote (''APQ'') plus a programmable number of trading increments with respect to the Amex bid, and less a programmable number of trading increments in the case of the Amex offer. For example, if the Amex

[4] In this context, the term ''establish'' means that the APQ is currently at the NBBO, regardless of whether or not the Amex was the first exchange to be at that price. Telephone conversation between William Floyd-Jones, Assistant General Counsel, Amex, and Ira L. Brandriss, Special Counsel, Division of Market Regulation (''the Division''), the Commission, on June 14, 2001.

Published Quote were 90.10 to 90.20, and the APQ constituted the NBBO, incoming sell orders might be automatically executed at 90.12 (the Amex bid plus two ticks) and incoming buy orders might be executed at 90.18 (the Amex offer less two ticks).

If the Amex does not establish the NBBO, Auto-Ex would be programmed to execute eligible incoming ETF orders at or better than the NBBO up to a specified number of trading increments relative to the APQ.[5] Auto-Ex would execute an eligible order at an improved price relative to the APQ unless such execution would result in a trade-through with respect to the price of an away market that is a participant in the Intermarket Trading System (''ITS''). If a trade-through would result, the order would be routed to the specialist for electronic processing through the Amex Point of Sale (''POS'') Book.[6]

For example, assume that Auto-Ex is programmed to execute the order at the Amex bid plus two ticks. If the Amex bid were 90, and an away ITS market were bidding 90.01, an incoming sell order would be automatically executed on the Amex at 90.02. Continuing with this example, if the away market were bidding 90.02, an incoming sell order would be automatically executed on the Amex at 90.02 (matching the away market). If the away market were bidding 90.03, the incoming sell order would not be automatically executed. Instead, it would be routed to the specialist for electronic processing through the Amex POS Book.

The amount of price improvement the system would provide, both when the Amex establishes the NBBO and when it does not, would be determined by the Auto-Ex Enhancements Committee (''Committee'') upon the request of a specialist and may differ among ETFs. The Committee will consist of the Exchange's four Floor Governors and the Chairmen (or their designees) of the Specialists Association, Options Market Makers Association and the Floor Brokers Association, respectively. The Exchange anticipates that the amount of price improvement would vary among securities based upon such factors as the width of the spread, the volatility of the basket of securities underlying the ETF, and liquidity of available hedging vehicles. The proposal would permit the amount of price improvement to be adjusted intra-day by the Committee.

The proposal further provides that Auto-Ex for ETFs with price improvement would be unavailable when the spread is at a specified minimum and maximum variation, which may be adjusted security to security. The Committee would determine, upon the request of a specialist, the minimum and maximum spreads at which Auto-Ex is unavailable. Auto-Ex would also be unavailable with respect to incoming sell orders when the Amex bid is for 100 shares, and it similarly would be unavailable with respect to incoming buy orders when the Amex offer is for 100 shares.

Orders that are otherwise Auto-Ex eligible orders would also be routed to the specialist and not automatically executed in situations where the specialist in conjunction with a Floor Governor or two Floor Officials determine that quotes are not reliable and the Exchange is experiencing communications or systems problems, ''fast markets,'' or delays in the dissemination of quotes. Members and member organizations would be notified when the Exchange has determines that quotes are not reliable prior to disengaging Auto-Ex.

Specialists and Registered Options Traders (''ROTs'') that sign onto the system would be automatically allocated the contra side of Auto-Ex trades for ETFs. Due to the automatic price improvement feature, the specialist and ROTs that sign onto Auto-Ex for ETFs would be deemed to be on parity for purposes of allocating the contra side of ETF Auto-Ex trades. The Exchange proposes to use the following metholodogy for the allocation of the contra side to Auto-Ex ETF trades:

Number of ROTs signed on to Auto-Ex in a crowd	Approximate number of trades allocated to the specialist throughout the day (''target ratio'') (percent)	Approximate number of trades allocated to ROTs signed on to Auto-Ex throughout the day (''target ratio'') (percent)
1	60	40
2–4	40	60
5–7	30	70
8–15	25	75
16 or more	20	80

At the start of each trading day, the sequence in which trades are to be allocated to the specialist and ROTs signed onto Auto-Ex would be randomly determined. Auto-Ex trades then would be automatically allocated in sequence on a rotating basis to the specialist and to the ROTs that have signed onto the system so that the specialist and the crowd achieve their ''target ratio's'' over the course of a trading session. If an Auto-Ex eligible order were greater than 100 shares, Auto-Ex would divide the trade into lots of 100 shares each. Each lot would be considered a separate trade for purposes of determining target ratios and allocating trades within Auto-Ex.

Round lot orders delivered to the post electronically for 2,000 shares or less would be eligible for Auto-Ex for ETFs. Orders for an account in which a market maker in ETFs registered as such on another market has an interest would be ineligible for Auto-Ex for ETFs. If orders for such market makers were eligible for Auto-Ex with price improvements, the Exchange represents that Amex specialists and ROTs would be unable to make markets with the proposed liquidity for other investors. (Orders for Amex Registered Traders are ineligible for Auto-Ex for ETFs pursuant to Commentaries .04 and .05 to Rule 111 and Amex Rule 950(c).)

The proposed rule change also stipulates that Auto-Ex eligible orders

[5] The number of trading increments designated for price improvement when the Amex establishes the NBBO may be different than the number of increments designated for price improvement when the Amex does not establish the NBBO. Telephone conversation between William Floyd-Jones, Assistant General Counsel, Amex, and Ira L. Brandriss, Special Counsel, the Division, the Commission, on June 4, 2001.

[6] Once an order that is Auto-Ex eligible is sent to the Exchange, the person that initiated the order has no control over its execution. This is the case regardless of whether the order is executed by Auto-Ex or is executed by the specialist because Auto-Ex is unavailable. If the order is routed to the specialist for handling because Auto-Ex is unavailable, the specialist does not know if the order is for the account of a broker-dealer or for the account of a customer. This information is in the Exchange's order processing systems and is unavailable to the specialist.

for any account in which the same person is directly or indirectly interested may be entered only at intervals of 30 seconds or more between the entry of each such order in an ETF. The Exchange indicates that Amex specialists and ROTs are willing to provide Auto-Ex with price improvement for orders of a certain size. If persons were allowed to enter more than one Auto-Ex eligible order for an account in which they had a direct or indirect interest at intervals of less than 30 second, according to the Exchange, Amex specialists and ROTs would be unable to make markets with the proposed liquidity for all investors. Members and member organizations would be responsible for establishing procedures to prevent orders for any account in which the same person is directlyu or indirectly interested from being entered at intervals of less than 30 seconds with respect to an ETF.

The proposed rule change provides that the specialist may request the Exchange to increase the maximum size of Auto-Ex eligible orders. Such request would be reviewed by the Committee, which would approve, disapprove, or conditionally approve such requests. The Committee would balance the interests of investors, the specialist, ROTs in the crowd, and the Exchange in determining whether to grant a request to increase the size of Auto-Ex eligible orders.

The Committee also would consider requests from the specialist or ROTs to reduce the size of Auto-Ex eligible orders, balancing the same interests that it would consider in reviewing a request to increase the size of Auto-Ex eligible orders. The Committee would not be permitted, however, to reduce the size of Auto-Ex eligible orders below 2,000 shares.

In addition, the Committee may delegate its authority under proposed Rule 128A to one or more Floor Governors. The Committee, however, would meet promptly to review a Floor Governor's decision in the event that a Floor Governor acts pursuant to delegated authority.

The proposal further provides that in the event of system problems or unusual market conditions, a Floor Governor would be permitted to reduce the size of Auto-Ex eligible orders below 2,000 shares or increase the size of Auto-Ex eligible orders up to 5,000 shares. Any such change would be temporary and would last only until the end of the unusual market condition or the correction of the system of the system problem. Members and member organizations would be notified when the size of Auto-Ex eligible orders is adjusted due to system problems or unusual market conditions.

The Chairman and Vice Chairman of the Exchange, acting jointly, would determine which ETFs are eligible for Auto-Ex.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [7] in general and furthers the objectives of Section 6(b)(5) [8] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engage 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, and, in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

The Amex believes that proposed rule change will provide investors with faster executions in ETFs than currently are available on the Exchange, which many investors desire in trading securities that are priced derivatively since the value of the underlying security or index may fluctuate during the process of their orders. The Amex believes that the proposal also will facilitate the comparison and settlement of trades, since Auto-Ex transactions result in ''locked-in'' trades. Moreover, the Amex notes that Auto-Ex for ETFs will automatically provide investors with price improvement of their orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal, in fact, will enhance competition among markets and market makers and thereby benefit investors by allowing the Exchange to provide Auto-Ex for ETFs with price improvement. The exclusion of orders for the account of registered market makers in other markets from eligibility for Auto-Ex will benefit investors by allowing Amex specialists and market makers to make tighter and more liquid markets in ETFs available through Auto-Ex both to public customers and to broker-dealers that are not registered as market makers in the security.

[7] 15 U.S.C. 78f.

[8] 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 solicited or received with respect to the proposed rule change.

III. 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, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal offices of the Amex. All submissions should refer to File No. SR–Amex–2001–29 and should be submitted by July 16, 2001.

IV. Commission Findings and Order Granting Accelerated Approval of Proposed Rule Change

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 [9] and, in particular, the requirements of Section 6 of the Act [10] and the rules and regulations thereunder.

The Commission finds specifically that the proposed rule change is consistent with Section 6(b)(5) of the Act.[11] First, Auto-Ex for ETFs will provide investors with faster execution of eligible orders. This can be particularly important in the case of derivative securities like ETFs, since their prices are based on baskets of other securities and can readily change over

[9] 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).

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(5).

the course of time it takes to process orders manually.

Moreover, the Amex proposal will offer investors an additional benefit by allowing their orders in many cases to be executed at better prices than the NBBO. At the same time, orders entering the system are protected against receiving automatic execution at prices inferior the NBBO. A further advantage of the proposed system is that by executing trades automatically, Auto-Ex will facilitate comparison and settlement of trades, thereby enhancing efficiency.

The Commission believes that the authority granted to the Auto-Ex Enhancements Committee to change the minimum and maximum size of Auto-Ex orders and to adjust the price improvement increments to be offered by the system, based on changing circumstances and variables and the balancing of various interests as noted above, is a reasonable means of helping ensure flexible, fair, and orderly operation of the system.

As discussed above, the proposed rule change bars the successive entry of Auto-Ex orders on behalf of the same person within a 30-second interval. The Commission believes that this restriction should help reduce market risk exposure and, at the same time, provide a clear and objective standard for members and member organizations with respect to the entry of orders otherwise eligible for Auto-Ex on Behalf of the same person.

The Commission further believes that the proposed methodology for the allocation of Auto-Ex orders among the specialist and ROTs fairly assigns the specialist a certain guaranteed percentage of each order in recognition of the specialist's contribution to the market and the extra risks and burdens the specialist assumes. At the same time, the allocation methodology preserves a sufficient share of incoming orders for execution by the ROTs in the crowd to assure that they can maintain their competitive presence in the market.

The Amex represents that a member that submits an order into Auto-Ex, including an order for its own account, will have no control over its execution, neither when the order is automatically executed nor when it is routed to the specialist. The Amex further represents that the specialist receiving the order will be unable to tell whether that order is for the account of a member or a customer. The Commission thus believes that transactions effected under the proposed rule change will meet the criteria set forth in Rule 1a2–2(T)(a)(2) under the Act.[12]

Finally, the Commission notes that the proposed rule change provides that Auto-Ex will be unavailable in certain situations. In approving the proposal, the Commission notes that in no way does Amex Rule 128A exempt market participants from their obligations under Rule 11Ac1–1(c)(2) (the ''Firm Quote Rule'').[13]

The Amex has requested that the Commission find good cause pursuant to Section 19(b)(2) of the Act [14] for approving the proposed rule change prior to the 30th day after publication in **Federal Register**. The Amex is concerned that it would be placed at competitive disadvantage relative to other market centers—which, it states, have already, or soon will, offer automatic execution of ETF orders—if it is not permitted to promptly begin offering Auto-Ex for ETFs.

The Commission notes, as the Amex points out, that the Exchange will be using the same Auto-Ex system with which it has long provided automatic execution for eligible options orders. In addition, the Commission notes that a recent rule change to Amex's Auto-Ex system for options provides for price improvement and certain order-eligibility parameters to be determined by the same Committee that would decide price improvement and order-eligibility parameters in the ETC context.[15] The Commission also recently considered the issue of restricting successive entry of orders by members of an exchange on behalf of the same beneficial owner within a specified time period, and approved exchange rules that do so.[16]

The Commission believes that the proposed rule change extending Auto-Ex to ETFs and implementing various other features, including price improvement and the prohibition on members submitting orders for the same person within 30 seconds of each other, raises no significant new regulatory issues. Moreover, Amex is proposing Auto-Ex for ETFs as six-month pilot program, which will enable the Exchange and the Commission to evaluate its operation before the program can be renewed. The Commission therefore finds good cause to accelerate approval of the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[17] that the proposed rule change (File No. SR–Amex–2001–29) be, and hereby is, approved on an accelerated basis as a pilot program through December 19, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15850 Filed 6–22–01; 8:45 am]

BILLING CODE 8010–01–M

[12] Rule 11a2–2(T)(a)(2) provides, in brief, that a member of an exchange ''initiating member'') may effect a transaction on the exchange for its own account, the account of an associated person, on an account over which it or an associated person exercises investment discretion of (i) the transaction is executed on the floor of the exchange or through its facilities by a member that is not associated with the initiating member; (ii) the order is transmitted from off the exchange floor; (iii) neither the initiating member nor any associated person participates in the execution of the order after it has been transmitted; and (iv) in transactions for accounts over which the member or associated person exercises investment discretion, neither the member nor associated person retains compensation in connection with effecting the transaction unless expressly provided otherwise in writing by the person authorized to transact business for the account. 17 CFR 240.11a2–2(T)(a)(2).

[13] *See* 17 CFR 140.11Ac1–1(c)(2).

[14] 15 U.S.c. 78s(b)(2).

[15] *See* Securities Exchange Act Release No. 44013 (February 28, 2001), 66 FR 13816 (March 7, 2001).

[16] *See. e.g.,* Securities Exchange Act Release No. 44017 (February 28, 2001), 66 FR 13820 (March 7, 2001) (ordering approving File No. SR–ISE–00–20).

[17] 15 U.S.C. 78s(b)(2).

[18] 17 CFR 200.30–3(a)(12)

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44443; File No. SR–CBOE–2001–22]

Self-Regulatory Organizations; Notice of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated Relating to Permanent Approval of the Pilot Program to Eliminate Position and Exercise Limits for OEX, SPX, and DJX Index Options

June 18, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on May 14, 2001, the Chicago Board Options Exchange, Incorporated (''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.

[1] 15 U.S.C. 78(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks permanent approval of the pilot program that provides for the elimination of position and exercise limits for OEX, SPX, DJX index options as well as for FLEX options overlying these indexes. 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 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 parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On January 22, 1999, the Commission approved a two-year pilot program (''Pilot Program'') that allowed for the elimination of position and exercise limits for options on the S&P 500 Index (''SPX''), S&P 100 Index (''OEX''), and Dow Jones Industrial Average (''DJX'') as well as for FLEX options overlying these indexes.[3] The purpose of this proposed rule change is to request approval of the Pilot Program on a permanent basis.[4]

The Approval Order required the Exchange to submit a report to the Commission on the status of the Pilot Program so that the Commission could use this information to evaluate any consequences of the program and to determine whether to approve the elimination of position and exercise limits for these products on a permanent basis.[5] The CBOE submitted the required report to the Commission on December 21, 2000.[6] The report indicates that during the review period, CBOE did not discover any instances where an account maintained an unusually large unhedged position. In fact, the data from the report found that only 12 accounts established positions in excess of 10% of the standard limit applicable to each index at the time the Pilot Program was approved. These positions were all in SPX and most were established by firms and market makers.; All of the accounts were hedged, although to different degrees. Most important, CBOE's analysis did not discover any aberrations caused by large unhedged positions during the life of the Pilot Program has been positive and, thus requests that the elimination of position and exercise limits for the above-referenced options be approved on a permanent basis.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[7] in general and in particular with Section 6(b)(5)[8] in that it is designed to promote just and equitable principles of trade as well as to protect investors and the public interest, by allowing for the permanent approval of a Pilot Program that has enabled more business to be transacted on the exchanges that might otherwise have been transacted in the OTC market without the benefit of Exchange transparency and the guarantee of The Options Clearing Corporation.

The Exchange also believes that the proposed rule change is consistent with section 11A of the Act[9] in that it will enhance competition by allowing the Exchange to compete better with the OTC market in options and with entities not subject to position limit rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

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 (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 Section. Copies of such filing will also be available for inspection and copying at the principal office of CBOE. All submissions should refer to the File No. SR–CBOE–2001–22 and should be submitted by July 16, 2001.

[3] *See* Securities Exchange Act Release No. 40969 (January 22, 1999), 64 FR 49111 (Feb. 1, 1999) (approving SR–CBOE–99–23) (''Approval Order'').

[4] By separate filing, CBOE requested and received a four-month extension to allow for the continuation of the Pilot Program while the Commission considers whether to approve it on a permanent basis. The Pilot Program now expires on May 22, 2001. *See* Exchange Act Release No. 43867 (January 22, 2001), 66 FR 8250 (January 30, 2001) (approving SR–CBOE–01–01).

[5] In the Approval Order, the Commission stated, ''CBOE will provide the Commission with a report detailing the size and different types of strategies employed with respect to positions established in those classes not subject to position limits. In addition, the report will note whether any problems resulted due to the no limit approach and any other information that may be useful in evaluating the effectiveness of the pilot program. The Commission expects that CBOE will take prompt action, including timely communication with the Commission and other marketplace self-regulatory organizations responsible for oversight of trading in component stocks, should any unanticipated adverse market effects develop.''

[6] Letter from Patricia L. Cerny, Director, Office of Trading Practices, CBOE, to Elizabeth King, Division of Market Regulation, Commission, dated December 21, 2000.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78k–1.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15801 Filed 6–22–01; 8:45 am]

BILLING CODE 8010–01–M

[10] 17 CFR 200.30–3(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44454; File No. SR–CHX–2001–09]

Self-Regulatory Organizations; The Chicago Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change To Allow Floor Brokers To Clear a Specialist's Post by Telephone

June 20, 2001.

By April 23, 2001, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to permit floor brokers to clear a specialist's post by telephone.

The proposed rule change was published for comment in the **Federal Register** on May 16, 2001.[3] The Commission received no comments on the proposal.

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[4] and, in particular, the requirements of Section 6 of the Act[5] and the rules and regulations thereunder. The Commission finds specifically that the proposed rule change is consistent with Section 6(b)(5) of the Act[6] because it will expand the ways in which floor brokers may probe the CHX's market, allowing for greater speed and efficiency, while continuing to satisfy the purpose of CHX Article XX, Rule 10.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[7] that the proposed rule change (SR–CHX–2001–09) be, and it hereby is, approved.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 44289 (May 10, 2001), 66 FR 27188.

[4] 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).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15946 Filed 6–22–01; 8:45 am]

BILLING CODE 8010–01–M

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44438; File No. SR–ISE–2001–13]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the International Securities Exchange LLC Relating to Fee Changes

June 18, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 15, 2001, the International Securities Exchange LLC (''ISE'' 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.

1. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE is proposing the following changes to its fee schedule: (i) To extend its customer fee waiver; (ii) to provide for waivers of fees for multiple ''Click'' terminals; (iii) to impose certain ''cabinet'' and ''router'' fees; and (iv) to provide discounts for multiple ''session'' fees.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the ISE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The ISE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to effect the following changes in the ISE's fees.

Customer fee waiver: the ISE currently waives customer transaction fees. This waiver is scheduled to expire on May 26, 2001. Because customer fee waivers continue to be part of the competitive landscape, the ISE is proposing to extend this waiver through May 2002.

''Click'' fee waiver: ''Clicks'' are ISE order-entry terminals. The Exchange is proposing a one-year pilot program waiving all terminal and related fees for multiple Click order-entry terminals. While the ISE has provided multiple-terminal discounts for Clicks, it believes that a more aggressive program of waiving all fees for the second and subsequent terminals will help generate significant incremental order flow and enhance the Exchange's competitive posture.

Cabinet and router fees: The ISE is proposing: (1) a $2,000 fee to remove computer cabinets from member firms and (2) a $500 fee for installing or removing routers. These fees will recoup the ISE's costs.

''Session'' fees: The ISE currently charges market makers $1,000 for each ''log-on'' session. Because some members now have a high number of such sessions, it is proposing a multiple-session discount to $750 for the 21st to 40th session and $500 per session thereafter.

2. Statutory Basis

The Exchange believes that its proposal to amend its fee schedule as specified above is consistent with Section 6(b)[3] of the Act, in general, and Section 6(b)(4) of the Act,[4] in particular, because it provides for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement of the 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

Written comments were neither solicited nor received.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(4).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective pursuant to Section 19(b)(3)(A) [5] of the Act and subparagraph (f)(2) of Rule 19b-4 [6] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and 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 also will be available for inspection and copying at the principal office of the ISE. All submissions should refer to File No. SR–ISE–2001–13 and should be submittd by July 16, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15800 Filed 6–22–01; 8:45 am]

BILLING CODE 8010–01–M

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(2).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44453; File No. SR–ISE–01–03]

Self-Regulatory Organizations; International Securities Exchange, LLC; Order Granting Approval to Proposed Rule Change Relating to Market Maker Block Transactions

June 20, 2001.

On January 12, 2001, the International Securities Exchange (''ISE'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to permit market makers to enter block-size orders into the ISE's Block Order mechanism.

The proposed rule change was published for comment in the **Federal Register** on February 8, 2001.[3] The Commission received no comments on the proposal.

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 [4] and, in particular, the requirements of Section 6 of the Act [5] and the rules and regulations thereunder. The Commission finds specifically that the proposed rule change is consistent with Section 6(b)(5) of the Act [6] because it allows ISE market makers to participate in the Block Order Mechanism to the same extent as Electronic Access Members and thus to more easily hedge or liquidate positions resulting from their market making activities on the ISE.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[7] that the proposed rule change (File No. SR–ISE–01–03) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15945 Filed 6–22–01; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 43290 (February 2, 2001), 66 FR 9613.

[4] 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).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(5).

[7] 16 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44450; File No. SR–NYSE–00–30]

Self-Regulatory Organizations; Order Granting Approval to Proposed Rule Change by the New York Stock Exchange, Inc. Amending NYSE Rule 104

June 19, 2001.

I. Introduction

On June 29, 2000, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed witht he Securities and Exchange Commission (''SEC'' or ''Commission''), 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 to amend NYSE Rule 104. On February 21, 2001, the Exchange filed Amendment No. 1 to the proposed rule change with the Commission.

The proposed rule change, as presented in Amendment No. 1, was published for comment in the **Federal Register** on March 9, 2001.[3] No comments were received on the proposal. This order approves the proposal, as amended.[4]

II. Description of the Proposal

Current, NYSE Rule 104 requires specialists to obtain Floor Official approval when purchasing on a direct plus tick or selling on a direct minus tick, or when purchasing on a zero plus tick more than 50% of the stock offered. These transactions are considered destabilizing, and therefore require Floor Official approval to effect. The Exchange is proposing to amend NYSE Rule 104.10(7) to permit specialists to effect these destabilizing transactions, under certain circumstances, to bring the price of a listed foreign security into parity with the price of a foreign ordinary security.

Specifically, in order for a specialist to effect a destabilizing transaction under the proposed rule, the price of the transaction to bring the security into parity (a) must be based on the last sale

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 44033 (March 2, 2001), 66 FR 14239.

[4] The Commission has requested from the Exchange an explanation of the surveillance procedures it intends to implement to ensure that specialists comply with the proposed rule as amended. This approval order is contingent upon the Commission's finding that such surveillance procedures are adequate.

price in the home country market,[5] if that market is open, or (b) if the home country market is not open, the parity price must be between the then current bid and offer in the London (UK) market, *i.e.,* the London Stock Exchange, or (c) must be based at any time on changes in the home country—U.S. dollar exchange rate.[6] A destabilizing transaction effected to bring the price of a listed foreign security into parity with the price of the foreign ordinary security in any other market would continue to require Floor Official approval.

The proposed amendment also clarifies that the relief afforded from obtaining Floor Official approval for destabilizing transactions to bring the price of a listed foreign security into parity with the price of the foreign ordinary security is available only where the NYSE is not the principal market for the foreign security. As previously noted, for purposes of this rule, the home country market will be considered the principal market for a foreign security, unless a significant volume of the shares traded in that security take place outside that market.

The proposal also would permit, with Floor Official approval, a specialist to effect consecutive direct tick destabilizing parity trades. The Exchange's proposed rule makes clear that a specialist may not effect consecutive direct tick destabilizing trades unless these transactions are effected to bring the price of a listed foreign security into parity with the price of the foreign ordinary security and a Floor Official has approved the transaction.

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, and, in particular the requirements of Section 6(b)(5)[7] that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.[8] The Commission also finds that the proposed rule change is consistent with Section 11(b)[9] and Rule 11b–1 thereunder[10] in that it preserves a specialist's obligation to assist in the maintenance of a fair and orderly market.

The Commission believes that the Exchange's proposal to amend NYSE Rule 104.10(7) to faciliate specialist market making in foreign securities traded on the NYSE is consistent with the Act. The Exchange's proposal is limited to ''parity'' transactions on direct destabilizing ticks to bring the price of a listed foreign security into parity with the price of a foreign ordinary security. Moreover, the only change being effected by the proposal is that such transactions will not require Floor Official approval as currently mandated by NYSE Rule 104. As discussed below, the Commission notes that such transactions must still comply with all of the other requirements of NYSE Rule 104.

The Commission believes that it is appropriate to allow specialists to effect certain destabilizing transactions without Floor Official approval because these transactions can benefit the market and public investors by maintaining parity if there is an absence of public orders on the NYSE while a stock is active in its home country. The requirement to secure Floor Official approval could delay the specialist from effecting such transactions, during which time the price of the listed foreign security could continue to move. The Commission believes, therefore, that the proposal is reasonable to address the above situation.

Furthermore, the Commission believes that the Exchange's proposal requiring a specialist to obtain Floor Official approval to effect a consecutive direct tick destabilizing parity trade is reasonable to ensure that the specialist does not set the price of a speciality stock. Specifically, the Commission expects a specialist to stabilize stock price movements in the stocks traded by the specialist unit by buying and selling from its own account against the prevailing trend of the market.

Moreover, the Exchange's proposal does not relieve specialists from the general requirement of NYSE Rule 104 that they effect transactions that are reasonably necessary for them to maintain a fair and orderly market in listed foreign securities.[11] Specialists in these securities remain subject to the specific negative and affirmative obligations imposed on them by NYSE Rule 104. Thus, for example, consistent with the maintenance of a fair and orderly market, transactions for a specialist's own account should be such that they maintain price continuity with reasonable depth, and minimize the effects of temporary disparities between supply and demand.[12] Furthermore, a specialist's quotation made for transactions on his own account should bear a proper relation to proceeding transactions and anticipated succeeding transactions.[13]

Finally, the Commission expects the Exchange to issue a memorandum to all specialists and Floor Officials to explain the relief afforded by the change to MTSE Rule 104. This memorandum will provide specific reference to the interaction between specialists' destabilizing parity transactions and certain Exchange rules, including the requirement that specialists continue to comply with NYSE Rule 123A.30 on percentage orders, NYSE Rule 123A.40 on election of stop orders, NYSE Rule 127 on specialists trading as principal in parity adjustment situations, and NYSE Rule 440B on the short sale rule. Specialists will also be informed that destabilizing parity trades must be reported on Form 81. The Commission believes that the reporting requirement is appropriate because it will assist the Exchange in surveiling for violations of the proposed rule.

As noted above, the Commission has requested submission of adequate surveillance procedures to assure compliance with the rule. This approval order is contingent on the submission of such adequate surveillance procedures.[14]

IV. Conclusion

IT IS THEREFORE ORDERED, pursuant to Section 19(b)(2) of the Act,[15] that the proposed rule change (SR–NYSE–00–30) is approved.[16]

[5] The proposed rule states that the home country market for a security is the principal market. However, the Exchange clarified in Amendment No. 1 that if a significant volume of the shares traded in a security takes place outside the home country market, another market will be considered the home country market.

[6] The Exchange represents that currency exchange rate information is displayed on the Floor of the Exchange utilizing information from Reuters. While specialists may also utilize other sources of vendor-supplied exchange rate information, they must keep a record of the source of the exchange rate information they utilize.

[7] 15 U.S.C. 78f(b)(5).

[8] In approving this rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78k(b).

[10] 17 CFR 240.11b–1.

[11] The Commission requires all national securities exchanges that utilize the services of specialist to enact rules that require a specialist to engage in a course of dealings for his own account to assist in the maintenance of a fair and orderly market. 17 CFR 240.11b–1(a)(2)(ii).

[12] NYSE-Rule 104.10(1)–(3).

[13] NYSE Rule 104.10(4).

[14] *See* note 4, *supra.*

[15] 15 U.S.C. 78s(b)(2).

[16] *See* notes 4 and 14 and accompanying text, *supra.*

For the Commission, by the Division of market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15851 Filed 6–22–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No 34–44442; File No. SR–PCX–01–03]

Self-Regulatory Organizations, Pacific Exchange, Inc.; Order Granting Approval To Proposed Rule Change To Permit an Officer or Director of a Facility of PCX Equities To Serve on the PCX Equities Board of Directors

June 18, 2001.

I. Introduction

On January 9, 2001, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with 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 to amend the bylaws of its wholly-owned subsidiary, PCX Equities, Inc. (''PCXE'' or ''Corporation'') to permit an officer or director of a facility to PCXE to serve on its Board of Director (''Board''). On February 20, 2001, PCX filed Amendment No. 1 to the proposal.[3] The proposed rule change and Amendment No. 1 was published for comment in the **Federal Register** on March 7, 2001.[4] The Commission received no comments on the proposal. This order approves the proposed rule change, as amended.

II. Description of the Proposal

In a related filing, PCX has proposed to create a new electronic trading facility of the PCXE called Archipelago Exchange.[5] Under that proposal, Archipelago Exchange, L.L.C. (''Arca''), a subsidiary of Archipelago Holdings. L.L.C. (''Archipelago''), would operate as a facility of the PCXE pursuant to Commission approval and various agreements between PCX, PCXE and Archipelago. In this proposal, the PCX proposes to amend the PCXE Bylaws to permit an officer or director of a facility of PCXE to serve on its Board. The proposed rule change would permit an Archipelago officer or director to serve on the PCXE Board.

Specifically, the proposed amendment to the bylaw states that ''(a)n officer or director of a facility of the Corporation may serve on the Board of Directors.'' Although the proposal would permit an officer or director of a PCXE facility to serve on the PCXE Board, the proposal will not alter any of the PCXE Board composition or nomination requirements.[6] The PCXE Board will continue to be comprised of fifty percent public directors (*i.e.,* not a broker or dealer in securities or affiliate thereof) and at least twenty percent of the directors (but no fewer than two directors) will be nominees of the ETP/Equity ASAP Nomination Committee. In addition, the PCXE Board will continue to consist of not less then ten or more than twelve directors.

III. Discussion

After careful review, 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. The Commission finds that the proposed rule change is consistent with section 6(b) of the Act,[7] in general, and furthers the objectives of section 6(b)(3),[8] in particular, in that it is consistent with the fair representation principles set forth in the Act. Under section 6(b)(3) of the Act,[9] the rules of an exchange must assure that its members are fairly represented in the selection of its directors and in the administration of its affairs.[10] The fair representation requirement of section 6(b)(3)[11] allows statutory members to have a voice in an exchange's use of its self-regulatory authority. Moreover, this statutory requirement helps to ensure that members are protected from unfair, unfettered actions by an exchange pursuant to its rule, and that, in general, an exchange is administered in a way that is equitable to all those who trade on its market or through its facilities.

The proposed rule change will allow an officer or a director of a facility of the Corporation to be on the PCXE Board, but will not alter the composition or nomination requirements for the PCXE Board that the Commission approved and found to be consistent with the Act in the order establishing the PCXE.[12] Under the proposal, the PCXE Board will continue to consist of fifty percent public directors[13] and at least twenty percent of the directors (but no fewer than two directors) will be nominees of the ETP/Equity ASAP Nomination Committee. In addition, the PCXE Board will continue to consist of not less than ten or more than twelve directors. Presently, the PCXE Board consists of ten directors, however, the Exchange has represented that requirements set forth by the bylaws, rules and statues will continue to be met whether the Board's size continues to be ten directors or is expanded to twelve directors. Thus, the PCXE Board will be structured in a manner that satisfies both the fair representation and public participation requirements of section 6(b)(3) of the Act.[14]

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[15] that the proposed rule change (SR–PCX–91–03) is approved. For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15799 Filed 6–22–01; 8:45 am]

BILLING CODE 8010–01–M

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Cindy L. Sink, Senior Attorney, Regulatory Policy, PCX, to Marc F. McKayle, Special Counsel, Division of Market Regulation, Commission, dated February 16, 2001 (''Amendment No. 1'').

[4] *See* Securities Exchange Act Release No. 34–44026 (Feb. 28, 2001), 66 FR 13822.

[5] *See* Securities Exchange Act Release No. 34–43608 (Nov. 21, 2000), 65 FR 78822 (Dec. 15, 2000) (Notice of File No. SR–PCX–00–25 proposing to create a new electronic trading facility of the PCXE called Archipelago Exchange).

[6] *See* Amendment No. 1 *supra* note 3.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(3).

[9] 15 U.S.C. 78f(b)(3).

[10] In approving this rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation, 15 U.S.C. 78c(f).

[11] 15 U.S.C. 78f(b)(3).

[12] Securities Exchange Act Release No. 34–42759 (May 5, 2000), 65 FR 30654 (May 12, 2000) (''PCXE Order'').

[13] The Commission has previously stated its belief that the inclusion of public, non-industry representatives on exchange oversight bodies is critical to make certain that an exchange activity works to protect the public interest in the exchange governance process. The Commission believes that public directors can provide unique, unbiased perspectives, which should enhance the ability of the PCXE Board to address issues in a nondiscriminatory fashion and foster the integrity of PCXE. *See* PCXE Order, *supra* note 12.

[14] 15 U.S.C. 78f(b)(3).

[15] 15 U.S.C. 78s(b)(2).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44436; File No. SR–Phlx–2001–50]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to the Specific Inclusion of Trade Correction Data and Exemptive Relief Information in the Specialist Evaluations Conducted by the Options Allocation, Evaluation and Securities Committee

June 15, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on May 1, 2001, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 Phlx proposes to amend Phlx Rule 515, Specialist Evaluations, Supplementary Material .02, Option Specialist Evaluation (''Rule 515(.02)'') to specifically include trade correction data and exemptive relief information in the specialist evaluations conducted by the Options Allocation, Evaluation and Securities Committee (the ''Committee'').

The following is the text of the proposed rule change. New language is italicized.

515 Specialist Evaluations

* * * * *

Supplementary Material

.02 Options Specialist Evaluation

The Committee shall conduct specialist performance evaluations to determine whether a specialist unit has fulfilled performance standards relating to among other things; quality of markets, observance of ethical standards and administrative responsibilities. *As part of the specialist evaluation process, the Committee will consider trade correction data and information concerning exemptive relief of each specialist unit.* Options specialist units are evaluated on the basis of questionnaires completed by floor brokers. Floor brokers shall be invited but are not required to meet with any specialist about which they have submitted negative comments and the Committee may mediate such a meeting. To the extent possible, evaluations of specialist units shall also include an objective performance evaluation survey. The Committee may consider any relevant information in addition to the questionnaire including but not limited to the unit's and its members' regulatory history (both final disciplinary actions and minor rule plan infractions), trading data, timeliness of openings, written complaints and such other factors and data as may be pertinent. A registered specialist unit will be presumed to have performed below minimum standards if the specialist unit is rated in the bottom 10% of all specialist units in the aggregate results for the specialist evaluation questionnaire. The Committee may also presume that a specialist unit failed to meet minimum performance standards if the questionnaire or information aside from said questionnaire supports findings of a failure of the specialist unit to fulfill any of the above standards. Separate evaluations will be conducted for each quarter or contiguous half turret in which a specialist unit conducts an operation on the trading floor, thus any reference to ''specialist unit'' within this rule or Rule 511(c)(2) will mean the unit as a whole or any subpart of its operation subject to evaluation. For instance, a unit which conducts a specialist operation at two separate turrets will be evaluated as XYZ specialist unit-A and XYZ specialist unit-B and a presumption of failure to meet minimum performance standards at unit A will not be determinative of whether unit B has failed to meet minimum performance standards but may be considered by the Committee.

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 purpose of the proposed rule change is to amend Rule 515(.02) to specifically include trade correction data and exemptive relief information in the specialist evaluations conducted by the Committee.[2] Under Rule 515 the Committee is responsible for conducting both routine and special evaluations of options specialist units.[3] Currently, Rule 515(.02) provides, in relevant part, that the Committee may consider any relevant information including, but not limited to the unit's and its members' regulatory history (both final disciplinary action and minor rule plan infractions), trading data, timeliness of openings, written complaints, and such other factors and data as may be pertinent. Although the current rule provides the Committee with discretion to consider trade data and regulatory history in the specialist review process, the proposed rule change specifically requires including trade correction data and information concerning exemptive relief in the specialist evaluation process. The current rule also provides the Committee with the discretion to consider ''such other factors and data as may be pertinent.''

Specialist evaluations are a factor used in the allocation of option classes to specialist units. By specifically including trade correction data and exemptive relief information in the specialist evaluations, the Committee will be better able to consider effectively specialist floor trade practices in their evaluation process. Currently, the following types of exemptive relief[4] are granted by the Phlx: (1) Auto-X disengagement,[5] (2) NBBO Feature relief,[6] (3) parameter relief;[7] (4) stop and stop limit order relief,[8] and (5) firm quote relief.[9]

The Exchange proposes to provide such exemptive relief information to the Committee. The Exchange believes that

[1] 15 U.S.C. 78s(b)(1).

[2] Pursuant to Phlx Rule 511(b), specialist evaluations are employed by the Committee when allocating new options classes approving transfers and reallocating existing option classes.

[3] Under Phlx Rule 515(b), routine reviews are conducted every six months for option specialist units. Special reviews are commenced: (i) Where a specialist unit's performance in a particular market situation was so egregiously deficient as to call into question the Exchange's integrity or impair the Exchange's reputation for maintaining efficient, fair and orderly markets; (ii) where a material change in the specialist unit has occurred; (iii) within 60 days after a transfer of one or more equity books or option classes has become effective pursuant to Phlx Rule 511(d)(2); or (iv) within 90 days after a new allocation.

[4] The relief, when granted, permits specialists to disengage Auto-X and orders are then handled manually. Phone call between Linda Christie, Counsel Phlx, and Terri Evans, Attorney, and John Riedel, Attorney, Division of Market Regulation (''Division''), Commission (June 12, 2001).

[5] *See* Phlx Rule 1080(e) Advice A–13. The Exchange will grant only the relief provided for by the rules cited. Phone call between Linda Christie, Counsel, Phlx, and Terri Evans, Attorney, and John Riedel, Attorney, Division, Commission (June 12, 2001).

[6] *See* Phlx Rule 1080(e).

[7] *See* Phlx Rule 1014(f)(ii), Advice F–6.

[8] *See* Advice A–5.

[9] *See* Phlx Rule 1082(c).

excessive or inappropriate use of exemptive relief may indicate that a specialist is not fulfilling adequately the obligations of a specialist. As a result, the Exchange's Surveillance Department monitors and documents requests for such relief. Thus, the Exchange believes that exemptive relief information is relevant to the regular option specialist performance evaluations made by the Committee.

Trade corrections occur if a specialist believes that an execution was either improperly priced or executed.[10] In such cases, the specialist may, with floor official approval, notify the AUTOM Desk or the AUTOM trade correction.[11] Excessive utilization of trade corrections by a specialist may reveal a pattern of the specialist not executing at the national best bid or offer,[12] may demonstrate a pattern of customers obtaining inferior price than first reported, or result in trades not properly reported to the tape. Therefore, the Exchange believes that trade correction data should be considered as part of the overall mix of information considered by the Committee in its specialist evaluation.

In summary, the Exchange believes that exemptive relief and trade correction information should enable the Committee to allocated books with a more thorough understanding of each specialist unit's activities and performance on the trading floor.[13]

2. Statuory Basis

The Exchange believes the proposed rule change is consistent with section 6(b) of the Act [14] in general, and furthers the objectives of section 6(b)(5)[15] in particular, in that it is designed to perfect the mechanisms of a free and open market and a national market system, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx 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

The Phlx has neither solicited nor received written comments 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 (ii) as to which the Phlx consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

Copies of the submissions, 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 Section. 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–2001–50 and should be submitted by July 16, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–15798 Filed 6–22–01; 8:45 am]

BILLING CODE 8010–01–M

[10] *See* Phlx Rule 1054, Advice F–5.

[11] The AUTOM Desk is a help desk designed to service firms connected the Phlx through the AUTOM system.

[12] Phlx clarified that excessive utilization of trade corrections by a specialist, in all cases, not just in extreme cases, may reveal a pattern of the specialist not executing at the national best bid or offer. Phone call between Linda Christie, Counsel, Phlx, Terri Evans, Attorney, and John Riedel, Attorney, Division, Commission (June 14, 2001).

[13] It should be noted that requests for exemptive relief and trade corrections are a normal part of everyday business at the Exchange and all other exchanges, and that in the ordinary case, such requests are entirely appropriate. The Exchange believes, however, that unusual levels of activity in these two areas by a specialist, relative to other specialists, after taking into account the market conditions for the relevant options and underlying securities, as well as market conditions at the time that such requests or corrections are made, may be an indicator of the quality of the specialist's overall performance.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice #3679]

Notice of Meetings; United States International Telecommunication Advisory Committee (ITAC); Telecommunication Sector Committee (ITAC–T); ITAC–T U.S. Study Group A; ITAC–T U.S. Study Group D

The Department of State announces meetings of the U.S. International Telecommunication Advisory Committee. The purpose of the Committee is to advise the Department on policy and technical issues with respect to the International Telecommunication Union.

The ITAC will meet on July 2, 2001 from 1:30 to 3:30 at the Telecommunication Industry Association (TIA) offices at 1300 Pennsylvania Avenue, NW., Suite 350 (North Tower), Washington, DC to debrief the recent ITU Council meeting.

The ITAC–T will meet July 11, 2001 at the offices of the Alliance for Telecommunications Industry Solutions (ATIS), 1200 G Street, NW., Suite 500, Washington, DC from 9:30–12:30 to continue working on the ITAC–T Guidelines.

U.S. Study Group A will meet from 9:30 to noon on July 31, 2001 and August 15, 2001 to prepare for the next meeting of ITU–T Study Group 2. The location of the July 31 meeting will be announced. The August 15 meeting will be at the Federal Communications Commission, 6 North Conference room, 445 Twelfth Street, SW., Washington, DC. Attendees should enter through the 12th St. entrance, use the North elevators to go to the sixth floor and call the receptionist (202 418–1460) from the North Elevator lobby for admittance.

The U.S. Study Group A meeting previously scheduled for August 22, 2001 is cancelled.

U.S. Study Group D will meet at the offices of the Alliance for Telecommunications Industry Solutions, 1200 G Street, NW., Suite 500, Washington, DC from 1:30 to 3:30 on July 11, 2001 to begin preparations for the next ITU–T Study Group 9 meeting.

Members of the general public may attend these meetings. Directions to meeting locations and actual room assignments may be determined by calling the Secretariat at 202 647–0965/2592.

Attendees may join in the discussions, subject to the instructions of the Chair. Admission of members will be limited to seating available.

Dated: June 19, 2001.

Doreen McGirr,

Multilateral Affairs, Communication & Information Policy, Department of State.

[FR Doc. 01–16001 Filed 6–21–01; 3:38 pm]

BILLING CODE 4710–45–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement No. ANM–01–111–159]

All-Electrical Attitude, Altitude, Direction, and Airspeed Systems Using Battery Standby Power

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed policy statement; request for comments.

SUMMARY: The Federal Aviation Administration (FAA) announces the availability of a proposed policy statement that clarifies current FAA certification policy with respect to all-electrical attitude, altitude, direction, and airspeed systems using battery standby power.

DATES: Send your comments on or before July 25, 2001.

ADDRESSES: Address your comments to the individual identified under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Dale Dunford, Federal Aviation Administration, Transport Airplane Directorate, Transport Standards Staff, Airplane and Flight Crew Interface Branch, ANM–111, 1601 Lind Avenue SW., Renton, WA 98055-4056.; telephone (425) 227–2239; fax (425) 227–1100; e-mail: *dale.dunford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The proposed policy statement is available on the Internet at the following address: *http://www.faa.gov/avr/air/anm/draftpolicy/interim.htm.* If you do not have access to the Internet, you can obtain a copy of the policy statement by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

The FAA invites your comments on this proposed policy statement. We will accept your comments, data, views, or arguments by letter, fax, or e-mail. Send your comments to the person indicated in **FOR FURTHER INFORMATION CONTACT**. Mark your comments, ''Comments to Policy Statement ANM–01–111–159.''

Use the following format when preparing your comments:

- Organize your comments issue-by-issue.
- For each issue, state what specific change you are requesting to the proposed general statement of policy.
- Include justification, reasons, or data for each change you are requesting.

We also welcome comments in support of the proposed policy.

We will consider all communications received on or before the closing date for comments. We may change the proposed policy because of the comments received.

Background

With the advent of highly reliable, low power, liquid crystal display (LCD) electrical indicators, applicants for certification of transport category airplanes and their components are replacing previous pneumatic indicators with electric ones, resulting in an all-electric attitude, altitude, direction, or airspeed configuration. Many of these installations rely on time-limited batteries to power the instruments in the event of loss of generator power on the airplane. Such all-electric configurations must be designed to ensure continued safe flight and landing after any failure or combination of failures not shown to be extremely improbable, including the loss of generated electrical power.

The proposed policy statement provides guidelines that should be used for the certification of flight instrument installations in which

- All displays of any of the essential flight information (e.g., altitude, attitude, airspeed, or direction) require electrical power,
- The failure of normal electrical power is not extremely improbable, and
- The back-up source of electrical power is a time-limited battery.

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

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15898 Filed 6–22–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement No. ANM–01–115–32]

Use of Industry Standards in Seat Certification

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed policy statement; request for comments.

SUMMARY: The Federal Aviation Administration (FAA) announces the availability of a proposed policy for the use of industry standards to address certain certification issues for transport airplane seats. This policy is specifically relevant to certification of seats with an in-arm video system feature.

DATES: Send your comments on or before July 25, 2001.

ADDRESSES: Address your comments to the individual identified under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Jeff Gardlin, Federal Aviation Administration, Transport Airplane Directorate, Transport Standards Staff, Airframe/Cabin Safety Branch, ANM–115, 1601 Lind Avenue SW., Renton, WA 98055-4056.; telephone (425) 227–2136; fax (425) 227–1100; e-mail: jeff.gardlin@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The proposed policy statement is available on the Internet at the following address: http://www.faa.gov/avr/air/anm/draftpolicy/interim.htm. If you do not have access to the Internet, you can obtain a copy of the policy statement by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

The FAA invites your comments on this proposed policy statement. We will accept your comments, data, views, or arguments by letter, fax, or e-mail. Send your comments to the person indicated in **FOR FURTHER INFORMATION CONTACT**. Mark your comments, ''Comments to Policy Statement ANM–01–115–32.''

Use the following format when preparing your comments:

- Organize your comments issue-by-issue.
- For each issue, state what specific change you are requesting to the proposed general statement of policy.
- Include justification, reasons, or data for each change you are requesting.

We also welcome comments in support of the proposed policy.

We will consider all communications received on or before the closing date for comments. We may change the

proposed policy because of the comments received.

Background

The Society of Automotive Engineers has issued an Aerospace Recommended Practice (ARP) that addresses video system abuse load testing. This document, ARP 5475, represents the industry recommendation for making an assessment of the injury potential for a video system, and is an acceptable means of addressing this feature. With the issuance of the this ARP, the FAA considers that qualification of the seat itself using that document is sufficient to show compliance with the relevant Federal Aviation Regulations with respect to in-arm video monitors. That is, the in-arm video may be treated the same way as are other seat features. Based on successful experience with design features qualified in accordance with industry standards, we believe that this will simplify the certification process with no adverse effect on safety.

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

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–15899 Filed 6–22–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Oakland and Genesee Counties, MI

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in Oakland and Genesee counties, Michigan. A Section 4(f) Statement will be prepared in coordination with the EIS.

FOR FURTHER INFORMATION CONTACT: James A. Kirschensteiner, Engineer, Environmental Programs & Field Operations, Federal Highway Administration, 315 West Allegan St., Room 207, Lansing, Michigan 48933, Telephone (517) 702–1835, Fax: 377–1804; email: *james.kirschensteiner@fhwa.dot.gov.*

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Michigan Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to improve M–15 in Oakland and Genesee counties, Michigan. The proposed improvement will involve the reconstruction of existing M–15 between I–75 and I–69, a distance of approximately 20 miles. Due to the presence of cultural resources, a Section 4(f) Statement will be developed in conjunction with the EIS.

Improvements to the corridor are considered necessary to provide for projected traffic demand. Alternatives under consideration include: (1) Taking no action, (2) Low-Cost Improvements/Transportation Systems Management, (3) New Alignments, and (4) M–15 Reconstruction. Incorporated into and studied with the various build alternatives will be design variation of typical sections and alignment.

Letters describing the proposed action and soliciting comments have been sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal. A series of public meetings have been held; June 7 and 8, 2000, August 24, 2000, October 25, 2000, November 15, 2000, January 24, 2001, and April 3 and 4, 2001. A public hearing will be held after appropriate public notice is given of the time and place of the hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing. Formal scoping meetings were held September 20, 2000, in Lansing for agency officials and in the corridor for local stakeholders.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program)

Issued on: June 14, 2001.

James J. Steele,

Division Administrator, Lansing, Michigan.

[FR Doc. 01–15833 Filed 6–22–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2001–9595]

Motorcycle Safety Improvement Plan

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

ACTION: Request for comments.

SUMMARY: This document announces the availability of a draft planning document that describes the agency's current and planned activities to reduce the deaths and injuries associated with motorcycle crashes. Since reaching an historic low in the number of motorcyclist fatalities in 1997 (2,116), motorcyclist fatalities have increased 27 percent to 2,680 in 2000. This continued a rising trend in motorcycle deaths that is in stark contrast to the general decline witnessed in previous years. Consequently, NHTSA concluded that a renewed national effort is needed at all levels—federal, state, and community—in order to once again begin to reduce the levels of motorcycle crashes, fatalities, and injuries in the U.S. New, effective programs would therefore need to be undertaken to achieve these outcomes:

- Improved rider and passenger safety;
- Safer motorcycles;
- Improved motorcycle crash data collection and analysis; and
- A safer riding environment.

NHTSA intends to continue to serve as a leader and major partner in motorcycle safety. Therefore, this plan has been developed to respond to and support the framework of National Agenda for Motorcycle Safety (DOT–HS 809 156, November 2000). The plan reflects a coordinated agency-wide planning effort that also involved our sister agency, the Federal Highway Administration (FHWA), to address roadway and related environment safety issues related to improved safety for motorcyclists on the nation's roadways. For each of the defined actions, the plan provides background information, describes current agency activities, and presents proposed activities to achieve the goal of improving motorcycle safety. NHTSA seeks public review and comment on this draft plan. Comments received will be evaluated and incorporated, as appropriate, into the planned agency activities.

DATES: Comments must be received no later than August 9, 2001.

ADDRESSES: Interested persons may obtain a copy of the draft plan by

downloading a copy of the document from the Docket Management System, U.S. Department of Transportation, at the address provided below, or from NHTSA's website at *http://www.nhtsa.dot.gov/people /injury/pedbimot/motorcycle.* Alternatively, interested persons may obtain a copy of the document by contacting the agency officials listed in the section titled, **FOR FURTHER INFORMATION CONTACT,** immediately below.

Submit written comments to the Docket Management System, U.S. Department of Transportation, PL 401, 400 Seventh Street, SW., Washington, DC 20590–0001. Comments should refer to the Docket Number (NHTSA–2001–9595) and be submitted in two copies. If you wish to receive confirmation of receipt of your written comments, include a self-addressed, stamped postcard.

Comments may also be submitted to the docket electronically by logging onto the Docket Management System website at http://dms.dot.gov. Click on ''Help & Information'' to obtain instructions for filing the comment electronically. In every case, the comment should refer to the docket number.

The Docket Management System is located on the Plaza level of the Nassif Building at the Department of Transportation at the above address. You can review public dockets there between the hours of 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You can also review comments on-line at the DOT Docket Management System web site at http://dms.dot.gov/.

FOR FURTHER INFORMATION CONTACT: Joey Syner, Safety Countermeasures Division, Traffic Safety Programs, NTS–15, National Highway Traffic Safety Administration, Room 5118, 400 Seventh Street, SW., Washington, DC 20590. Telephone: 202–366–1770. Email: *jsyner@nhtsa.dot.gov* or Delmas Johnson, Office of Strategic and Program Planning, NPP–10, National Highway Traffic Safety Administration, Room 5208, 400 Seventh Street, SW., Washington, DC 20590. Telephone: 202–366–1574. Email: *djohnson@nhtsa.dot.gov.*

SUPPLEMENTARY INFORMATION:

Motorcycle safety is a priority for NHTSA because motorcycle deaths and injuries are an important and difficult challenge in the public health issue of traffic safety. Thus, the agency will remain a major participant in improving motorcycle safety. The growth in the motorcycle problem calls for new program actions to supplement existing initiatives. As mentioned, the motorcyclist fatality level increased in recent years, growing by almost 8 percent in 2000, following a similar annual increase of 8 percent from 1997 to 1999. This accounted for an estimated 2,680 motorcyclist deaths in 2000 (based on preliminary estimates), compared to 2,472 riders killed in 1999, along with another 50,000 injured.

Historically, there have in fact been periods of major improvement in motorcycle safety since federal laws and programs were first enacted about 35 years ago. But upward trends in the recent past sound a warning that the effects of earlier improvements are waning. And this unfortunate reversal is occurring just as other major safety trends, such as traffic deaths for other vehicle types, are for the most part showing an encouraging trend downward. In spite of the safety community's best efforts, crash data indicate unmistakably that riding a motorcycle continues to be a risky endeavor. It is in fact the most hazardous means of travel in the United States.

Efforts by the motorcycle community to improve safety face a difficult situation. Although national data show that trends in crashes involving motorcycles shift to some degree over time, the big issues surrounding motorcycle safety—such as rider protection during crashes, the need for good training, and the impairing effects of alcohol—are extant from year to year. As a result, motorcycle crashes tend to be over-represented in the overall crash picture. In 1999, motorcyclists represented less than 2 percent of all registered vehicles in the United States and accounted for only 0.4 percent of vehicle miles traveled, but crashes involving motorcycles accounted for 6 percent of total traffic fatalities on U.S. roadways. The effects of a crash involving a motorcycle can often be devastating. NHTSA estimates that 80 percent of motorcycle crashes continue to result in rider injury or death. Agency data show that these high fatality and injury rates result from both a higher incidence of crash involvement and as the higher risk of injury and death associated with motorcycle crashes.

The emergence of a broadly-supported National Agenda for Motorcycle Safety [DOT HS 809 156, November 2000] represents a significant event in the history of motorcycle safety. In 1998, cooperation got underway between the Motorcycle Safety Foundation (MSF) and NHTSA, along with important motorcycling groups, for the purpose of shaping a national safety agenda—the recently released National Agenda for Motorcycle Safety [Agenda]. The Agenda serves as a comprehensive, national blueprint which all interests can use to promote motorcycle safety. Developing this framework involved participation by experts in industry, research, safety, training, and rider communities (including law enforcement, health care, media, insurance companies). The result was a collaborative document that examines components of motorcycle safety programs at federal, state and local levels, and offers strategies for broad-based support and action.

The Agenda was a crucial resource in helping to guide development of this NHTSA motorcycle safety plan demonstrating the agency's commitment to several of the recommendations in the Agenda.

How Do I Prepare and Submit Comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the Docket number of this document (NHTSA–2001–9595) in your comments.

Please send two paper copies of your comments to Docket Management or submit them electronically. The mailing address is U.S. Department of Transportation Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. If you submit your comments electronically, log onto the Docket Management System website at *http://dms.dot.gov* and click on ''Help & Information'' or ''Help/Info'' to obtain instructions.

How Can I Be Sure That My Comments Were Received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How Do I Submit Confidential Business Information?

If you wish to submit any information under a claim of confidentiality, send three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NCC–01, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW, Washington, DC 20590. Include a cover letter supplying the information specified in our confidential business information regulation (49 CFR part 512).

In addition, send two copies from which you have deleted the claimed confidential business information to Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590.

Will the Agency Consider Late Comments?

In our response, we will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments that Docket Management receives after that date.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

How Can I Read the Comments Submitted by Other People?

You may read the comments by visiting Docket Management in person at Room PL–401, 400 Seventh Street, SW., Washington, DC from 10 a.m. to 5 p.m., Monday through Friday.

You may also see the comments on the Internet by taking the following steps:

- Go to the Docket Management System (DMS) Web page of the Department of Transportation (*http://dms.dot.gov*).
- On that page, click on ''search.''
- On the next page ((*http://dms.dot.gov/search/*) type in the four-digit Docket number shown at the beginning of this document (9595). Click on ''search.''
- On the next page, which contains Docket summary information for the Docket you selected, click on the desired comments. You may also download the comments.

Authority: 49 U.S.C. 30111, 30117, 30168; delegation of authority at 49 CFR 1.50 and 501.8.

William H. Walsh,

Associate Administrator for Plans and Policy.

[FR Doc. 01–15813 Filed 6–22–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 290 (Sub No. 5) (2001–3)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the third quarter 2001 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The third quarter 2001 RCAF (Unadjusted) is 1.079. The third quarter 2001 RCAF (Adjusted) is 0.585. The third quarter 2001 RCAF–5 is 0.562.

EFFECTIVE DATE: July 1, 2001.

FOR FURTHER INFORMATION CONTACT: H. Jeff Warren, (202) 565–1533. Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DA· TO· DA OFFICE SOLUTIONS, Suite 405, 1925 K Street, NW., Washington, DC 20423–0001, telephone (202) 293–7776. [Assistance for the hearing impaired is available through FIRS: 1–800–877–8339.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: June 19, 2001.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 01–15890 Filed 6–22–01; 8:45 am]

BILLING CODE 4915–00–P

Corrections

Federal Register

Vol. 66, No. 122

Monday, June 25, 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 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

Correction

In rule document 01–15320 beginning on page 32713 in the issue of Monday, June 18, 2001, make the following correction:

§301.75-16 [Corrected]

On page 32717, in §301.75-16(c), in the third column, in the sixth line, the date ''August 17, 2001'' should read ''September 17, 2001 ''.

[FR Doc. C1–15320 Filed 6–22–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

International Trade Administration

Application for Duty–Free Entry of Scientific Instrument

Correction

In notice document 01–15074 beginning on page 32600, in the issue of Friday, June 15, 2001 make the following correction:

On page 32601, in the first column, in the second full paragraph, in the 11th line, ''(La,Ca)MnOq$_3$'' should read ''(La,Ca)MnO$_3$''.

[FR Doc. C1–15074 Filed 6–22–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061101C]

Cooperative Tagging Center; Fish Tagging Report

Correction

In notice document 01–15057 appearing on page 32317 in the issue of Thursday, June 14, 2001, make the following correction:

In the second column, in the **DATES** section, ''July 16, 2001.'' should read ''August 13, 2001.''.

[FR Doc. C1–15057 Filed 6–22–01; 8:45 am]

BILLING CODE 1505–01–D

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

Correction

In rule document 01–15143 beginning on page 32767, in the issue of Monday, June 18, 2001, make the following correction:

On page 32767, in the second column, under the heading **Definitions**, in paragraph (iv), in the first line, ''MDEQA'' should read ''MDEQ''.

[FR Doc. C1–15143 Filed X–XX–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–924–1430–ET; MTM 39381]

Opening of Land; Montana

Correction

In notice document 01–15108 appearing on page 32642 in the issue of Friday, June 15, 2001, make the following correction:

In the third column, under **SUPPLEMENTARY INFORMATION:**, in the second paragraph, in the first line ''(publication date)'' should read ''June 15, 2001''.

[FR Doc. C1–15108 Filed 6–22–01; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

RIN 1090–AA78

Trust Management Reform; Probate of Indian Trust Estates

Correction

PART 4—[CORRECTED]

In rule document 01–15166 beginning on page 32882 in the issue of Monday, June 18, 2001, make the following corrections:

1. On page 32888, in the second column, in line 17, ''office of Hearings and Appeals,'' should read ''Office of Hearings and Appeals,''.

§4.201 [Corrected]

2. On the same page, in the third column, in §4.201, in paragraph (3), ''decedent to their heirs,'' should read ''decedent to the heirs,''.

§4.202 [Corrected]

3. On page 32889, in the first column, in §4.202, in line 15, ''devicees'' should read ''devisees''.

§4.251 [Corrected]

4. On the same page, in the third column, in §4.251(a), in the third line, ''many'' should read ''may''.

5. On the same page, in the same column, in §4.251(b)(4), ''Claims for'' should read ''Claims of''.

6. On the same page, in the same column, in §4.251(d), in the last line, ''entirely.'' should read ''entirety.''.

§4.270 [Corrected]

7. On page 32890, in the first column, in §4.270, in the third line from the bottom, ''of deceased'' should read ''of a deceased''.

§4.273 [Corrected]

8. On the same page, in the third column, in §4.273(b), in the 11th line, ''proceeding'' should read ''proceedings''.

§4.320 [Corrected]

9. On the same page, in the same column, in §4.320(a), in the second line, ''from and order'' should read ''from an order''.

[FR Doc. C1–15166 Filed 6–22–01; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,
June 25, 2001

Part II

Department of Agriculture

Forest Service

Department of the Interior

Fish and Wildlife Service

36 CFR Part 242 and 50 CFR Part 100
Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2001–2002; Subsistence Taking of Fish and Wildlife Regulations; Final Rule

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018–AG55

Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2001–2002; Subsistence Taking of Fish and Wildlife Regulations

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

ACTION: Final rule.

SUMMARY: This final rule establishes regulations for seasons, harvest limits, methods, and means related to taking of wildlife for subsistence uses in Alaska during the 2001–2002 regulatory year. The rulemaking is necessary because the regulations governing the subsistence harvest of wildlife in Alaska are subject to an annual public review cycle. This rulemaking replaces the wildlife regulations that expire on June 30, 2001. This rule also amends the regulations that establish which Alaska residents are eligible to take specific species for subsistence uses.

DATES: Sections ____.24(a)(1) and ____.25 are effective July 1, 2001. Section ____.26 is effective July 1, 2001, through June 30, 2002.

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Thomas H. Boyd, Office of Subsistence Management; (907) 786–3888. For questions specific to National Forest System lands, contact Ken Thompson, Regional Subsistence Program Manager, USDA, Forest Service, Alaska Region, (907) 786–3888.

SUPPLEMENTARY INFORMATION:

Background

In Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), Congress found that ''the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses;'' and that ''continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened * * *.'' As a result, Title VIII requires, among other things, 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.

The State implemented a program that the Department of the Interior previously found to be consistent with ANILCA. However, in December 1989, the Alaska Supreme Court ruled in *McDowell* v. *State of Alaska* that the rural preference in the State subsistence statute violated the Alaska Constitution. The Court's ruling in *McDowell* required the State to delete the rural preference from the subsistence statute and, therefore, negated State compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990. As a result of the *McDowell* decision, 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. On June 29, 1990, the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the **Federal Register** (55 FR 27114–27170).

As a result of this joint process between Interior and Agriculture, these regulations can be found both in titles 36, ''Parks, Forests, and Public Property,'' and 50, ''Wildlife and Fisheries,'' of the Code of Federal Regulations (CFR), at 36 CFR 242.1–28 and 50 CFR 100.1–28. The regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure, Subpart C, Board Determinations, and Subpart D, Subsistence Taking of Fish and Wildlife.

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, U.S. National Park Service; the Alaska State Director, U.S. Bureau of Land Management; the Alaska Regional Director, U.S. Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies participated in the development of regulations for Subparts A, B, and C, and the annual Subpart D regulations.

Federal Subsistence Regional Advisory Councils

Pursuant to the Record of Decision, Subsistence Management Regulations for Federal Public Lands in Alaska, April 6, 1992, and the Subsistence Management Regulations for Federal Public Lands in Alaska, 36 CFR 242.11 (1999) and 50 CFR 100.11 (1999), and for the purposes identified therein, we divide Alaska into ten subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council (Regional Council). The Regional Councils provide a forum for rural residents, with personal knowledge of local conditions and resource requirements, to have a meaningful role in the subsistence management of fish and wildlife on Alaska public lands. The Regional Council members represent varied geographical, cultural, and user diversity within each region.

Current Rule

Because the Subpart D regulations, which establish seasons and harvest limits and methods and means, are subject to an annual cycle, they require development of an entire new rule each year. Customary and traditional use determinations (Subpart C) are also subject to an annual review process providing for modification each year. Section ____.24 (Customary and traditional use determinations) was originally published in the **Federal Register** (57 FR 22940) on May 29, 1992. The regulations at 36 CFR 242.4 and 50 CFR 100.4 define ''customary and traditional use'' as ''a long-established, consistent pattern of use, incorporating beliefs and customs which have been transmitted from generation to generation * * *.'' Since that time, the Board has made a number of Customary and Traditional Use Determinations at the request of impacted subsistence users. Those modifications, along with some administrative corrections, were published in the **Federal Register** (59 FR 27462, published May 27, 1994; 59 FR 51855, published October 13, 1994; 60 FR 10317, published February 24, 1995; 61 FR 39698, published July 30, 1996; 62 FR 29016, published May 29, 1997; 63 FR 35332, published June 29, 1998; 63 FR 46148, published August 28, 1998; 64 FR 35776, published July 1, 1999; and 65 FR 40730, published June 30, 2000). During its May 9–10, 2001, meeting, the Board made

additional customary and traditional use determinations in addition to various annual season and harvest limit changes.

The Departments of the Interior and Agriculture published a proposed rule on August 24, 2000 (65 FR 51648), to amend Subparts C and D of 36 CFR 242 and 50 CFR 100. The proposed rule opened a 60-day comment period, which closed on October 27, 2000. The Departments advertised the proposed rule by mail, radio, and newspaper. During that period, the Regional Councils met and, in addition to other Regional Council business, received suggestions for proposals from the public. The Board received a total of 50 proposals for changes to Subparts C and D. Subsequent to the 60-day review period, the Board prepared a booklet describing the proposals and distributed it to the public. The public had an additional 30 days in which to comment on the proposals for changes to the regulations. The 10 Regional Councils met again, received public comments, and formulated their recommendations to the Board on proposals for their respective regions. Three of the proposals were withdrawn from consideration by their originators. The Regional Councils had a substantial role in reviewing the proposed rule and making recommendations for the final rule. Moreover, the Council Chairs, or their designated representatives, presented their Council's recommendations at the Board meeting of May 9–10, 2001. These final regulations reflect Board review and consideration of Regional Council recommendations and public comments. The public has had extensive opportunity to review and comment on all changes. Additional details on the recent Board modifications are contained below in Analysis of Proposals Adopted by the Board.

Applicability of Subparts A, B, and C

Subparts A, B, and C (unless otherwise amended) of the Subsistence Management Regulations for Public Lands in Alaska, 50 CFR 100.1 to 100.23 and 36 CFR 242.1 to 242.23, remain effective and apply to this rule. Therefore, all definitions located at 50 CFR 100.4 and 36 CFR 242.4 apply to regulations found in this subpart.

Analysis of Proposals Rejected by the Board

The Board rejected 12 proposals and part of 1 other. All but one of these rejections were based on recommendations from the respective Regional Council and additional factors. In the case of the one rejection contrary to the Regional Council recommendation, the proposal was viewed as a predator control measure for wolves not within the Board's jurisdiction.

The Board rejected one proposal requesting that customary and traditional use determinations be revised for sheep. In this case, the cultural resource use information compiled during proposal analysis and the public comments did not substantiate the request.

Two proposals requested establishing or expanding subsistence hunting seasons for moose. These proposals were rejected for conservation reasons.

One proposal requested revising subsistence hunting seasons and harvest limits for caribou. This proposal was rejected because modifications had already been made in a similar proposal.

One proposal requested restricting harvest limits for deer. This proposal was rejected because the deer population in the area could support both subsistence and non-subsistence harvest.

Four proposals requested closing Federal lands to the use of aircraft for access for the taking of moose or restricting the number of sport hunters. These proposals were rejected because the moose populations in the area could support both subsistence and non-subsistence harvest and such an access restriction would needlessly restrict subsistence users.

One proposal requested, in part, establishing a subsistence hunting season for muskox. This part of the proposal was rejected for conservation reasons.

One proposal requested closing the subsistence hunting and trapping seasons in an area for wolves. This proposal was rejected because it would be detrimental to subsistence users and because there was no conservation concern in the area.

One proposal requested removing the buffer area restrictions for moose along the Yukon River . This proposal was rejected as contrary to conservation management principles.

The Board deferred action on three proposals and part of one other proposal in order to allow communities or Regional Councils additional time to review the issues and provide additional information or to await the outcome of Alaska Board of Game deliberations. The Board also deferred action on two proposals until it has completed review of a Request for Reconsideration on the rural/non-rural nature of communities on the Kenai Peninsula. Three of the originally-submitted proposals were withdrawn from consideration by their originators.

Analysis of Proposals Adopted by the Board

The Board adopted 29 proposals. Some of these proposals were adopted as submitted and others were adopted with modifications suggested by the respective Regional Council, developed during the analysis process, or during the Board's public deliberations.

All of the adopted proposals were recommended for adoption by at least one of the Regional Councils and were based on meeting customary and traditional uses, harvest practices, or protecting wildlife populations. Detailed information relating to justification for the action on each proposal may be found in the Board meeting transcripts, available for review at the Office of Subsistence Management, 3601 C Street, Suite 1030, Anchorage, Alaska or on the Office of Subsistence Management website (http://www.r7.fws.gov/asm/home.html). Additional technical clarifications and reorganization of the regulations have been made, which result in a more readable document.

Multiple Regions

The Board adopted two proposals establishing definitions placed in the regulations found in § ____.25, which affects residents of all Regions.

- Established four new definitions in order to reduce confusion within the regulations.

Southeast Region

The Board adopted two proposals affecting residents of the Southeast Region resulting in the following change to the regulations found in § ____.26.

- Revised the wolf season dates in Unit 2.
- Extended the marten, mink, and weasel season dates in Unit 4.

Southcentral Region

The Board adopted three proposals affecting residents in the Southcentral Region resulting in the following changes to the regulations found in § ____.26.

- Revised the harvest limit for caribou in Unit 13.
- Revised the season for moose in Unit 15(A).
- Revised the seasons for lynx in Units 6, 7, 11, 13, and 15.

Additionally, the Board delegated to the U.S. Fish and Wildlife Service, Office of Subsistence Management, authority to adjust the lynx seasons and harvests limits consistent with the ADF&G Lynx Harvest Management

Strategy. The Office of Subsistence Management, in June 2001, exercised this authority and adjusted the lynx seasons in Units 11 and 13.

Kodiak/Aleutians Region

The Board adopted two proposals affecting residents in the Kodiak/Aleutians Region resulting in the following changes to the regulations found in § ____.26.

- Established a season and limit for the ceremonial harvest of brown bear in parts of Units 9 and 10.
- Revised season and harvest limit and deleted the access restrictions for elk in Unit 8.

Bristol Bay Region

The Board adopted four proposals affecting residents in the Bristol Bay Region resulting in the following changes to the regulations found in § ____.24 and § ____.26.

- Revised the season for brown bear in part of Unit 9.
- Established a designated hunter system for caribou in part of Unit 17.
- Revised the customary and traditional use determination for sheep in part of Unit 9.
- Established a season and harvest limit for moose in part of Unit 17.

Western Interior Region

The Board adopted six proposals affecting residents of the Western Interior Region resulting in the following change to the regulations found in § ____.26.

- Revised the baiting provisions for black bear in Units 21 and 24.
- Revised the seasons and harvest limits for brown bear in Units 19 and 24.
- Revised the evidence of sex requirements for moose in Units 19, 21, and 24.
- Revised the harvest limits for wolf in Unit 19.
- Established a beaver hunting season in part of Unit 21.

Seward Peninsula Region

The Board adopted one proposal affecting residents of the Seward Peninsula Region resulting in the following change to the regulations found in § ____.26.

- Established a hunt and revised the seasons and harvest limits for muskox in Unit 22.

Eastern Interior Region

The Board adopted eight proposals affecting residents of the Eastern Interior Region resulting in the following changes to the regulations found in § ____.26.

- Established a customary and traditional use determination and a hunt for brown bear in Unit 25.
- Revised the seasons and harvest limits for caribou in parts of Units 20 and 25.
- Revised the seasons for moose in Unit 12.
- Revised a Management Area description for moose in Unit 20.
- Provided for additional harvest opportunity for moose by residents in a portion of Unit 25.
- Revised the seasons and harvest limits for lynx in Unit 12 and part of Unit 20.

North Slope Region

The Board adopted one proposal affecting residents of the North Slope Region resulting in the following changes to the regulations found in § ____.26.

- Revised the seasons for muskox in a portion of Unit 26.

Additionally, in order to streamline the regulations in Subpart D, those portions relating to both wildlife and fisheries were consolidated into a single section (§ ____.25) and the regulations relating only to wildlife were placed in § ____.26.

These final regulations reflect Board review and consideration of Regional Council recommendations and public comments. All Board members have reviewed this rule and agree with its substance. Because this rule relates to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text would be incorporated into 36 CFR part 242 and 50 CFR part 100.

Administrative Procedure Act Compliance

The Board finds that additional public notice under the Administrative Procedure Act (APA) for this final rule is unnecessary, and contrary to the public interest. The Board has provided extensive opportunity for public input and involvement in excess of standard APA requirements, including participation in multiple Regional Council meetings, additional public review and comment on all proposals for regulatory change, and opportunity for additional public comment during the Board meeting prior to deliberation. Additionally, an administrative mechanism exists (and has been used by the public) to request reconsideration of the Board's decision on any particular proposal for regulatory change. Over the ten years the Program has been operating, no benefit to the public has been demonstrated by delaying the effective date of the regulations. A lapse in regulatory control could seriously affect the continued viability of wildlife 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(d) to make this rule effective less than 30 days after publication.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance—A Draft Environmental Impact Statement (DEIS) that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments and staff analysis and examined the environmental consequences of the four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory cycle regarding subsistence hunting and fishing regulations (Subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, it was the decision of the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, to implement Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. 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.

An environmental assessment has been prepared on the expansion of Federal jurisdiction over fisheries and is

available by contacting the office listed under **FOR FURTHER INFORMATION CONTACT.** The Secretary of the Interior with the concurrence of the Secretary of Agriculture has determined that the expansion of Federal jurisdiction does not constitute a major Federal action, significantly effecting the human environment and has, therefore, signed a Finding of No Significant Impact.

Compliance with Section 810 of ANILCA—A Section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. 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. 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 it does not appear that the program may significantly restrict subsistence uses.

During the environmental assessment process, an evaluation of the effects of this rule was also conducted in accordance with Section 810. This evaluation supports the Secretaries' determination that the Final Rule will not reach the ''may significantly restrict'' threshold for notice and hearings under ANILCA Section 810(a) for any subsistence resources or uses.

Paperwork Reduction Act—This rule contains information collection requirements subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995. It applies to the use of public lands in Alaska. The information collection requirements are approved by OMB under 44 U.S.C. 3501 and have been assigned clearance number 1018–0075, which expires July 31, 2003. Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current valid OMB control number.

Currently, information is being collected by the use of a Federal Subsistence Registration Permit and Designated Hunter Application. The information collected on these two permits establishes whether an applicant qualifies to participate in a Federal subsistence hunt on public land in Alaska and provides a report of harvest and the location of harvest. The collected information is necessary to determine harvest success, harvest location, and population health in order to make management decisions relative to the conservation of healthy wildlife populations. Additional harvest information is obtained from harvest reports submitted to the State of Alaska. The recordkeeping burden for this aspect of the program is negligible (1 hour or less). This information is accessed via computer data base.

Form	Estimated number of respondents	Completion time for each form (hour)	Estimated annual response	Estimated annual burden (hours)	Hourly cost for respondent	Financial burden on respondents
Federal Subsistence Registration Permit.	5,000	¼	5,000	1,250	$20.00	$5.00 each or $25,000 total.
Designated Hunter Application	2,000	¼	2,000	500	20.00	$5.00 each or $10,000 total.

You may direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 224 ARLSQ, Washington, D.C. 20240; and the Office of Management and Budget, Paperwork Reduction Project (Subsistence), Washington, D.C. 20503. Additional information collection requirements may be imposed if local advisory committees subject to the Federal Advisory Committee Act are established under subpart B. Such requirements will be submitted to OMB for approval prior to their implementation.

Economic Effects—This rule is not a significant rule subject to OMB review under Executive Order 12866.

This rulemaking will impose no significant costs on small entities; this rule does not restrict any existing sport or commercial fishery on the public lands and subsistence fisheries will continue at essentially the same levels as they presently occur. 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 positive economic effect on a number of small entities, such as ammunition, snowmachine, and gasoline dealers. The number of small entities affected is unknown; but, the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses of public lands indicates that they will not be significant.

In general, the resources to be harvested under this rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that 2 million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of $3.00 per pound, would equate to about $6 million in food value state-wide.

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 Departments certify based on the above figures that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. Under the Small Business Regulatory Enforcement Act (5 U.S.C. 801 *et seq.*), this rule is not a major rule. It does not have an effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers, and 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.

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

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or state

governments or private entities. The implementation of this rule is by Federal agencies and there is no cost imposed on any state or local entities or tribal governments.

The Secretaries have determined that these final regulations 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 rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 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.

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, or use. This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. As this final rule is not expected to significantly affect energy supply, distribution, or use, this action is not a significant energy action and no Statement of Energy Effects is required.

Drafting Information—William Knauer drafted these regulations 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; Sandy Rabinowitch, Alaska Regional Office, National Park Service; Ida Hildebrand, Alaska Regional Office, Bureau of Indian Affairs; Greg Bos, Alaska Regional Office, U.S. Fish and Wildlife Service; and Ken Thompson, USDA–Forest Service provided additional guidance.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

For the reasons set out in the preamble, the Federal Subsistence Board amends Title 36, part 242, and Title 50, part 100, of the Code of Federal Regulations, as set forth below.

PART____—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:

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

Subpart C—Board Determinations

2. In Subpart C of 36 CFR part 242 and 50 CFR part 100, § ____.24(a)(1) is revised to read as follows:

§ ____.24 Customary and traditional use determinations.

(a) * * *

(1) *Wildlife determinations.*

Area	Species	Determination
Unit 1(C)	Black Bear	Residents of Unit 1(C), 1(D), 3, and residents of Hoonah, Pelican, Point Baker, Sitka, and Tenakee Springs.
1(A)	Brown Bear	Residents of Unit 1(A) except no subsistence for residents of Hyder.
1(B)	Brown Bear	Residents of Unit 1(A), Petersburg, and Wrangell, except no subsistence for residents of Hyder.
1(C)	Brown Bear	Residents of Unit 1(C), Haines, Hoonah, Kake, Klukwan, Skagway, and Wrangell, except no subsistence for residents of Gustavus.
1(D)	Brown Bear	Residents of 1(D).
1(A)	Deer	Residents of 1(A) and 2.
1(B)	Deer	Residents of Unit 1(A), residents of 1(B), 2 and 3.
1(C)	Deer	Residents of 1(C) and (D), and residents of Hoonah, Kake, and Petersburg.
1(D)	Deer	No Federal subsistence priority.
1(B)	Goat	Residents of Units 1(B) and 3.
1(C)	Goat	Residents of Haines, Kake, Klukwan, Petersburg, and Hoonah.
1(B)	Moose	Residents of Units 1, 2, 3, and 4.
1(C) Berner's Bay	Moose	No Federal subsistence priority.
1(D)	Moose	Residents of Unit 1(D).
Unit 2	Brown Bear	No Federal subsistence priority.
2	Deer	Residents of Unit 1(A) and residents of Units 2 and 3.
Unit 3	Deer	Residents of Unit 1(B) and 3, and residents of Port Alexander, Port Protection, Pt. Baker, and Meyer's Chuck.
3, Wrangell	Moose	Residents of Units 1(B), 2, and 3. and Mitkof Islands
Unit 4	Brown Bear	Residents of Unit 4 and Kake.
4	Deer	Residents of Unit 4 and residents of Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, Wrangell, and Yakutat.
4	Goat	Residents of Sitka, Hoonah, Tenakee, Pelican, Funter Bay, Angoon, Port Alexander, and Elfin Cove.
Unit 5	Black Bear	Residents of Unit 5(A).
5	Brown Bear	Residents of Yakutat.

Area	Species	Determination
5	Deer	Residents of Yakutat.
5	Goat	Residents of Unit 5(A).
5	Moose	Residents of Unit 5(A).
5	Wolf	Residents of Unit 5(A).
Unit 6(A)	Black Bear	Residents of Yakutat and residents of 6(C) and 6(D), except no subsistence for Whittier.
6, remainder	Black Bear	Residents of Unit 6(C) and 6(D), except no subsistence for Whittier.
6	Brown Bear	No Federal subsistence priority.
6(A)	Goat	Residents of Unit 5(A), 6(C), Chenega Bay and Tatitlek.
6(C) and (D)	Goat	Residents of Unit 6(C) and (D).
6(A)	Moose	Unit 6(A)—Residents of Units 5(A), 6(A), 6(B) and 6(C).
6(B) and (C)	Moose	Residents of Units 6(A), 6(B) and 6(C).
6(D)	Moose	No Federal subsistence priority.
6(A)	Wolf	Residents of Units 5(A), 6, 9, 10 (Unimak Island 6(D) only), 11–13 and the residents of Chickaloon, and 16–26.
6, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 7	Brown Bear	No Federal subsistence priority.
7	Caribou	No Federal subsistence priority.
7, Brown Mountain hunt area	Goat	Residents of Port Graham and English Bay.
7, that portion draining into Kings Bay	Moose	Residents of Chenega Bay and Tatitlek.
7, remainder	Moose	No Federal subsistence priority.
7	Sheep	No Federal subsistence priority.
Unit 8	Brown Bear	Residents of Old Harbor, Akhiok, Larsen Bay, Karluk, Ouzinkie, and Port Lions.
8	Deer	Residents of Unit 8.
8	Elk	Residents of Unit 8.
8	Goat	No Federal subsistence priority.
Unit 9(D)	Bison	No Federal subsistence priority.
9(A) and (B)	Black Bear	Residents of Units 9(A) and (B), and 17(A), (B), and (C).
9(A)	Brown Bear	Residents of Pedro Bay.
9(B)	Brown Bear	Residents of Unit 9(B).
9(C)	Brown Bear	Residents of Unit 9(C).
9(D)	Brown Bear	Residents of Units 9(D) and 10 (Unimak Island).
9(E)	Brown Bear	Residents of Chignik, Chignik Lagoon, Chignik Lake, Egegik, Ivanof Bay, Perryville, Pilot Point, Ugashik, and Port Heiden/Meshik.
9(A) and (B)	Caribou	Residents of Units 9(B), 9(C), 17.
9(C)	Caribou	Residents of Units 9(B), 9(C), 17 and residents of Egegik.
9(D)	Caribou	Residents of Unit 9(D), and residents of Akutan, False Pass.
9(E)	Caribou	Residents of Units 9(B), (C), (E), 17, and residents of Nelson Lagoon and Sand Point.
9(A), (B), (C) and (E)	Moose	Residents of Unit 9(A), (B), (C) and (E).
9(D)	Moose	Residents of Cold Bay, False Pass, King Cove, Nelson Lagoon, and Sand Point.
9(B)	Sheep	Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, and residents of Lake Clark National Park and Preserve within Unit 9(B).
9, remainder	Sheep	No determination.
9	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
9(A), (B), (C) and (E)	Beaveer	Residents of Units 9(A), (B), (C), (E), and 17.
Unit 10 Unimak Island	Brown Bear	Residents of Units 9(D) and 10 (Unimak Island).
Unit 10 Unimak Island	Caribou	Residents of Akutan, False Pass, King Cove, and Sand Point.
10, remainder	Caribou	No determination.
10	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon 10, and 16–26.
Unit 11	Bison	No Federal subsistence priority.
11, north of the Sanford River	Black Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12.
11, remainder	Black Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Unit 11.
11, north of the Sanford River	Brown Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12.

Area	Species	Determination
11, remainder	Brown Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Unit 11.
11, north of the Sanford River	Caribou	Residents of Units 11, 12, and 13 (A)–(D) and the residents of Chickaloon, Healy Lake, and Dot Lake.
11, remainder	Caribou	Residents of Units 11 and 13(A)–(D) and the residents of Chickaloon.
11	Goat	Residents of Unit 11 and the residents of Chitina, Chistochina, Copper Center, Gakona, Glennallen, Gulkana, Mentasta Lake, Slana, Tazlina, Tonsina, and Dot Lake.
11, north of the Sanford River	Moose	Residents of Units 11, 12, and 13 (A)–(D) and the residents of Chickaloon, Healy Lake, and Dot Lake.
11, remainder	Moose	Residents of Units 11, 13(A)–(D), and residents of Chickaloon.
11, north of the Sanford River	Sheep	Residents of Unit 12 and the communities and the areas of Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Healy Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/South Park, Tazlina and Tonsina; residents along the Nabesna Road—Milepost 0–46 (Nabesna Road), and residents along the McCarthy Road—Milepost 0–62 (McCarthy Road).
11, remainder	Sheep	Residents of the communities and areas of Chisana, Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/South Park, Tazlina and Tonsina; residents along the Tok Cutoff—Milepost 79–110 (Mentasta Pass), residents along the Nabesna Road—Milepost 0–46 (Nabesna Road), and residents along the McCarthy Road—Milepost 0–62 (McCarthy Road).
11	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
11	Grouse, (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 12, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
11	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 12, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
Unit 12	Brown Bear	Residents of Unit 12 and Dot Lake, Chistochina, Gakona, Mentasta Lake, and Slana.
12	Caribou	Residents of Unit 12 and residents of Dot Lake, Healy Lake, and Mentasta Lake.
12, south of a line from Noyes Mountain, southeast of the confluence of Tatschunda Creek to Nabesna River.	Moose	Residents of Unit 11 north of 62nd parallel, residents of Units 12, 13(A)–(D) and the residents of Chickaloon, Dot Lake, and Healy Lake.
12, east of the Nabesna River and Nabesna Glacier, south of the Winter Trail from Pickerel Lake to the Canadian Border.	Moose	Residents of Unit 12 and Healy Lake.
12, remainder	Moose	Residents of Unit 12 and residents of Dot Lake, Healy Lake, and Mentasta Lake.
12	Sheep	Residents of Unit 12 and residents of Chistochina, Dot Lake, Healy Lake, and Mentasta Lake.
12	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 13	Brown Bear	Residents of Unit 13 and Slana.
13(B)	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, residents of Unit 20(D) except Fort Greely, and the residents of Chickaloon.
13(C)	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon, Dot Lake and Healy Lake.
13(A) & (D)	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon.
13(E)	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon, McKinley Village, and the area along the Parks Highway between milepost 216 and 239 (except no subsistence for residents of Denali National Park headquarters).
13(D)	Goat	No Federal subsistence priority.
13(A) and (D)	Moose	Residents of Unit 13 and the residents of Chickaloon and Slana.
13(B)	Moose	Residents of Units 13, 20(D) except Fort Greely, and the residents of Chickaloon and Moose Slana.

Area	Species	Determination
13(C)	Moose	Residents of Units 12, 13 and the residents of Chickaloon, Healy Lake, Dot Lake and Slana.
13(E)	Moose	Residents of Unit 13 and the residents of Chickaloon McKinley Village, Slana, and the area along the Parks Highway between milepost 216 and 239 (except no subsistence for residents of Denali National Park headquarters).
13(D)	Sheep	No Federal subsistence priority.
13	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
13	Grouse (Spruce, Blue, Ruffed & Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 & 23.
13	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 & 23.
Unit 14(B) and (C)	Brown Bear	No Federal subsistence priority.
14	Goat	No Federal subsistence priority.
14	Moose	No Federal subsistence priority.
14(A) and (C)	Sheep	No Federal subsistence priority.
Unit 15(C)	Black Bear	Residents of Port Graham and Nanwalek only.
15, remainder	Black Bear	No Federal subsistence priority.
15	Brown Bear	No Federal subsistence priority.
15(C), Port Graham and English Bay hunt areas	Goat	Residents of Port Graham and Nanwalek.
15(C), Seldovia hunt area	Goat	Residents Seldovia area.
15	Moose	Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.
15	Sheep	No Federal subsistence priority.
15	Ptarmigan (Rock, Willow and White-tailed).	Residents of Unit 15.
15	Grouse (Spruce)	Residents of Unit 15.
15	Grouse (Ruffed)	No Federal subsistence priority.
Unit 16(B)	Black Bear	Residents of Unit 16(B).
16	Brown Bear	No Federal subsistence priority.
16(A)	Moose	No Federal subsistence priority.
16(B)	Moose	Residents of Unit 16(B).
16	Sheep	No Federal subsistence priority.
16	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
16	Grouse (Spruce and Ruffed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
16	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
Unit 17(A) and that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake.	Black Bear	Residents of Units 9(A) and (B), 17, and that residents of Akiak and Akiachak.
17, remainder	Black Bear	Residents of Units 9(A) and (B), and 17.
17A	Brown Bear	Residents of Unit 17, and residents of Akiak, Akiachak, Goodnews Bay and Platinum.
17(A) and (B), those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Brown Bear	Residents of Kwethluk.
17(B), that portion draining into Nuyakuk Lake and Tikchik Lake.	Brown Bear	Residents of Akiak and Akiachak.
17(B) and (C)	Brown Bear	Residents of Unit 17.
17	Caribou	Residents of Units 9(B), 17 and residents of Line Village and Stony River.
Unit 17(A), that portion west of the Izavieknik River, Upper Togiak Lake, Togiak Lake, and the main course of the Togiak River.	Caribou	Residents of Goodnews Bay, Platinum, Quinhagak, Eek, Tuntutuliak, and Napakiak.
Unit 17(A)—That portion north of Togiak Lake that includes Izavieknik River drainages.	Caribou	Residents of Akiak, Akiachak, and Tuluksak.
17(A) and (B), those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Caribou	Residents of Kwethluk.
Unit 17(B), that portion of Togiak National Wildlife Refuge within Unit 17(B).	Caribou	Residents of Bethel, Goodnews Bay, Platinum, Quinhagak, Eek, Akiak, Akiachak, and Tuluksak, Tuntutuliak, and Napakiak.

Area	Species	Determination
17(A) and (B), those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary interests the Shotgun Hills.	Moose	Residents of Kwethluk.
17(A)	Moose	Residents of Unit 17 and residents of Goodnews Bay and Platinum; however, no subsistence for residents of Akiachak, Akiak and Quinhagak.
Unit 17(A)—That portion north of Togiak Lake that includes Izavieknik River drainages.	Moose	Residents of Akiak, Akiachak.
Unit 17(B)—That portion within the Togiak National Wildlife Refuge.	Moose	Residents of Akiak, Akiachak.
17(B) and (C)	Moose	Residents of Unit 17, and residents of Nondalton, Levelock, Goodnews Bay, and Platinum.
17	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
17	Beaver	Residents of Units 9(A), (B), (C), (E), and 17.
Unit 18	Black Bear	Residents of Unit 18, residents of Unit 19(A) living downstream of the Holokuk River, and residents of Holy Cross, Stebbins, St. Michael, Twin Hills, and Togiak.
18	Brown Bear	Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mt. Village, Napaskiak, Platinum, Quinhagak, St. Mary's, and Tuluksak.
18	Caribou (Kilbuck caribou herd only).	INTERIM DETERMINATION BY FEDERAL SUBSISTENCE BOARD (12/18/91): residents of Tuluksak, Akiak, Akiachak, Kwethluk, Bethel, Oscarville, Napaskiak, Napakiak, Kasigluk, Atmanthluak, Nunapitchuk, Tuntutuliak, Eek, Quinhagak, Goodnews Bay, Platinum, Togiak, and Twin Hills.
18, north of the Yukon River	Caribou (except Kilbuck caribou herd).	Residents of Alakanuk, Andreafsky, Chevak, Emmonak, Hooper Bay, Kotlik, Kwethluk, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Marys, St. Michael, Scammon Bay, Nunam Iqua, and Stebbins.
18, remainder	Caribou (except Kilbuck caribou herd).	Residents of Kwethluk.
18, that portion of the Yukon River drainage upstream of Russian Mission and that portion of the Kuskokwim River drainage upstream of, but not including the Tuluksak River drainage.	Moose	Residents of Unit 18 and residents of Upper Kalskag, Lower Kalskag, Aniak, and Chuathbaluk.
18, remainder	Moose	Residents of Unit 18 and residents of Upper Kalskag and Lower Kalskag.
18	Muskox	No Federal subsistence priority.
18	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 19(C), (D)	Bison	No Federal subsistence priority.
19(A) and (B)	Brown Bear	Residents of Units 19 and 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River.
19(C)	Brown Bear	No Federal subsistence priority.
19(D)	Brown Bear	Residents of Units 19(A) and (D), and residents of Tulusak and Lower Kalskag.
19(A) and (B)	Caribou	Residents of Units 19(A) and 19(B), residents of Unit 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River, and residents of St. Marys, Marshall, Pilot Station, Russian Mission.
19(C)	Caribou	Residents of Unit 19(C), and residents of Lime Village, McGrath, Nikolai, and Telida.
19(D)	Caribou	Residents of Unit 19(D), and residents of Lime Village, Sleetmute, and Stony River.
19(A) and (B)	Moose	Residents of Unit 18 within Kuskokwim River drainage upstream from and including the Johnson River, and Unit 19.
Unit 19(B), west of the Kogrukluk River	Moose	Residents of Eek and Quinhagak.
19(C)	Moose	Residents of Unit 19.
19(D)	Moose	Residents of Unit 19 and residents of Lake Minchumina.
19	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 20(D)	Bison	No Federal subsistence priority.
20(F)	Black Bear	Residents of Unit 20(F) and residents of Stevens Village and Manley.

Area	Species	Determination
20(E)	Brown Bear	Residents of Unit 12 and Dot Lake.
20(F)	Brown Bear	Residents of Unit 20(F) and residents of Stevens Village and Manley.
20(A)	Caribou	Residents of Cantwell, Nenana, and those domiciled between milepost 216 and 239 of the Parks Highway. No subsistence priority for residents of households of the Denali National Park Headquarters.
20(B)	Caribou	Residents of Unit 20(B), Nenana, and Tanana.
20(C)	Caribou	Residents of Unit 20(C) living east of the Teklanika River, residents of Cantwell, Lake Minchumina, Manley Hot Springs, Minto, Nenena, Nikolai, Tanana, Talida, and those domiciled between milepost 216 and 239 of the Parks Highway and between milepost 300 and 309. No subsistence priority for residents of 20(D) and Caribou households of the Denali National Park Headquarters.
20(D) and (E)	Caribou	Residents of 20(D), 20(E), and Unit 12 north of 20(F) the Wrangell-St. Elias National Park and Preserve.
20(F)	Caribou	Residents of 20(F), 25(D), and Manley.
20(A)	Moose	Residents of Cantwell, Minto, and Nenana, McKinley Village, the area along the Parks Highway between mileposts 216 and 239,except no subsistence for residents of households of the Denali National Park Headquarters.
20(B)	Moose	Minto Flats Management Area—residents of Minto and Nenana.
20(B)	Moose	Remainder—residents of Unit 20(B), and residents of Nenana and Tanana.
20(C)	Moose	Residents of Unit 20(C) (except that portion within Denali National Park and Preserve and that portion east of the Teklanika River), and residents of Cantwell, Manley, Minto, Nenana, the Parks Highway from milepost 300–309, Nikolai, Tanana, Telida, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239. No subsistence for residents of households of the Denali National Park Headquarters.
20(D)	Moose	Residents of Unit 20(D) and residents of Tanacross.
20(F)	Moose	Residents of Unit 20(F), Manley, Minto, and Stevens Village.
20(F)	Wolf	Residents of Unit 20(F) and residents of Stevens Village and Manley.
20, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
20(D)	Grouse, (Spruce, Ruffed and Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
20(D)	Ptarmigan (Rock and Willow).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
Unit 21	Brown Bear	Residents of Units 21 and 23.
21(A)	Caribou	Residents of Units 21(A), 21(D), 21(E), Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.
21(B) & (C)	Caribou	Residents of Units 21(B), 21(C), 21(D), and Tanana.
21(D)	Caribou	Residents of Units 21(B), 21(C), 21(D), and Huslia.
21(E)	Caribou	Residents of Units 21(A), 21(E) and Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.
21(A)	Moose	Residents of Units 21(A), (E), Takotna, McGrath, Aniak, and Crooked Creek.
21(B) and (C)	Moose	Residents of Units 21(B) and (C), Tanana, Ruby, and Galena.
21(D)	Moose	Residents of Units 21(D), Huslia, and Ruby.
21(E)	Moose	Residents of Unit 21(E) and residents of Russian Mission.
21	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 22(A)	Black Bear	Residents of Unit 22(A) and Koyuk.
22(B)	Black Bear	Residents of Unit 22(B).
22(C), (D), and (E)	Black Bear	No Federal subsistence priority.
22	Brown Bear	Residents of Unit 22.

Area	Species	Determination
22(A)	Caribou	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (except residents of St. Lawrence Island), 23, 24, and residents of Kotlik, Emmonak, Hooper Bay, Scammon Bay, Chevak, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Marys, Nunam Iqua, and Alakanuk.
22, remainder	Caribou	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (except residents of St. Lawrence Island), 23, 24.
22	Moose	Residents of Unit 22.
22(B)	Muskox	Residents of Unit 22(B).
22(C)	Muskox	Residents of Unit 22(C).
22(D)	Muskox	Residents of Unit 22(D) excluding St. Lawrence Island.
22(E)	Muskox	Residents of Unit 22(E) excluding Little Diomede Island.
22	Wolf	Residents of Units 23, 22, 21(D) north and west of the Yukon River, and residents of Kotlik.
22	Grouse (Spruce)	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
22	Ptarmigan (Rock and Willow).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
Unit 23	Black Bear	Residents of Unit 23, Alatna, Allakaket, Bettles, Evansville, Galena, Hughes, Huslia, and Koyukuk.
23	Brown Bear	Residents of Units 21 and 23.
23	Caribou	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, residents of Galena, and residents of Units 22, 23, 24 including residents of Wiseman but not including other residents of the Dalton Highway Corridor Management Area, and 26(A).
23	Moose	Residents of Unit 23.
23, south of Kotzebue Sound and west of and including the Buckland River drainage.	Muskox	Residents of Unit 23 South of Kotzebue Sound and west of and including the Buckland River drainage.
23, remainder	Muskox	Residents of Unit 23 east and north of the Buckland River drainage.
23	Sheep	Residents of Point Lay and Unit 23 north of the Arctic Circle.
23	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
23	Grouse (Spruce and Ruffed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
23	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
Unit 24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Black Bear	Residents of Stevens Village and residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, remainder	Black Bear	Residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Brown Bear	Residents of Stevens Village and residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, remainder	Brown Bear	Residents of Unit 24 including Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24	Caribou	Residents of Unit 24, Galena, Kobuk, Koyukuk, Stevens Village, and Tanana.
24	Moose	Residents of Unit 24, Koyukuk, and Galena.
24	Sheep	Residents of Unit 24 residing north of the Arctic Circle and residents of Allakaket, Alatna, Hughes, and Huslia.
24	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 25(D)	Black Bear	Residents of Unit 25(D).
25(D)	Brown Bear	Residents of Unit 25(D).
25, remainder	Brown Bear	Residents of Unit 25 and Eagle.
25(D)	Caribou	Residents of 20(F), 25(D), and Manley.
25(A)	Moose	Residents of Units 25(A) and 25(D).
25(D) West	Moose	Residents of Unit 25(D) west.
25(D), remainder	Moose	Residents of remainder of Unit 25.
25(A)	Sheep	Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik, and Venetie.
25(B) and (C)	Sheep	No Federal subsistence priority.

Area	Species	Determination
25(D)	Wolf	Residents of Unit 25(D).
25, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 26	Brown Bear	Residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex) and residents of Anaktuvuk Pass and Point Hope.
26(A)	Caribou	Residents of Unit 26, Anaktuvuk Pass and Point Hope.
26(B)	Caribou	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Wiseman.
26(C)	Caribou	Residents of Unit 26, Anaktuvuk Pass and Point Hope.
26	Moose	Residents of Unit 26, (except the Prudhoe Bay-Deadhorse Industrial Complex), and residents of Point Hope and Anaktuvuk Pass.
26(A)	Muskox	Residents of Anaktuvuk Pass, Atqasuk, Barrow, Nuiqsut, Point Hope, Point Lay, and Wainwright.
26(B)	Muskox	Residents of Anaktuvuk Pass, Nuiqsut, and Kaktovik.
26(C)	Muskox	Residents of Kaktovik.
26(A)	Sheep	Residents of Unit 26, Anaktuvuk Pass, and Point Hope.
26(B)	Sheep	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Wiseman.
26(C)	Sheep	Residents of Unit 26, Anaktuvuk Pass, Arctic Village, Chalkytsik, Fort Yukon, Point Hope, and Venetie.
26	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.

* * * * *

Subpart D—Subsistence Taking of Fish and Wildlife

3. In Subpart D of 36 CFR part 242 and 50 CFR part 100, § ____.25 is added to read as follows:

§ ____.25 Subsistence taking of fish, wildlife, and shellfish; general regulations.

(a) *Definitions.* The following definitions shall apply to all regulations contained in this part:

Abalone iron means a flat device which is used for taking abalone and which is more than 1 inch (24 mm) in width and less than 24 inches (610 mm) in length, with all prying edges rounded and smooth.

ADF&G means the Alaska Department of Fish and Game.

Airborne means transported by aircraft.

Aircraft means any kind of airplane, glider, or other device used to transport people or equipment through the air, excluding helicopters.

Airport means an airport listed in the Federal Aviation Administration, Alaska Airman's Guide and chart supplement.

Anchor means a device used to hold a fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor, or being secured to another vessel or net that is anchored.

Animal means those species with a vertebral column (backbone).

Antler means one or more solid, horn-like appendages protruding from the head of a caribou, deer, elk, or moose.

Antlered means any caribou, deer, elk, or moose having at least one visible antler.

Antlerless means any caribou, deer, elk, or moose not having visible antlers attached to the skull.

Bait means any material excluding a scent lure that is placed to attract an animal by its sense of smell or taste; however, those parts of legally taken animals that are not required to be salvaged and which are left at the kill site are not considered bait.

Beach seine means a floating net which is designed to surround fish and is set from and hauled to the beach.

Bear means black bear, or brown or grizzly bear.

Bow means a longbow, recurve bow, or compound bow, excluding a crossbow, or any bow equipped with a mechanical device that holds arrows at full draw.

Broadhead means an arrowhead that is not barbed and has two or more steel cutting edges having a minimum cutting diameter of not less than seven-eighths inch.

Brow tine means a tine on the front portion of a moose antler, typically projecting forward from the base of the antler toward the nose.

Buck means any male deer.

Bull means any male moose, caribou, elk, or musk oxen.

Cast net means a circular net with a mesh size of no more than 1½ inches and weights attached to the perimeter which, when thrown, surrounds the fish and closes at the bottom when retrieved.

Char means the following species: Arctic char (*Salvelinus alpinis*); lake trout (*Salvelinus namaycush*); brook trout (*Salvelinus fontinalis*), and Dolly Varden (*Salvelinus malma*).

Closed season means the time when fish, wildlife, or shellfish may not be taken.

Crab means the following species: red king crab (*Paralithodes camshatica*); blue king crab (*Paralithodes platypus*); brown king crab (*Lithodes aequispina*); *Lithodes couesi*; all species of tanner or snow crab (*Chionoecetes spp.*); and Dungeness crab (*Cancer magister*).

Cub bear means a brown or grizzly bear in its first or second year of life, or a black bear (including cinnamon and blue phases) in its first year of life.

Depth of net means the perpendicular distance between cork line and lead line expressed as either linear units of measure or as a number of meshes, including all of the web of which the net is composed.

Designated hunter or fisherman means a Federally qualified, licensed hunter or fisherman who may take all or a portion of another Federally qualified, licensed hunter's or fisherman's harvest limit(s) only under situations approved by the Board.

Dip net means a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed 5 feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.

Diving gear means any type of hard hat or skin diving equipment, including SCUBA equipment; a tethered, umbilical, surface-supplied unit; or snorkel.

Drainage means all of the lands and waters comprising a watershed, including tributary rivers, streams, sloughs, ponds, and lakes, which contribute to the water supply of the watershed.

Drift gillnet means a drifting gillnet that has not been intentionally staked, anchored, or otherwise fixed in one place.

Edible meat means the breast meat of ptarmigan and grouse, and, those parts of caribou, deer, elk, mountain goat, moose, musk oxen, and Dall sheep that are typically used for human consumption, which are: the meat of the ribs, neck, brisket, front quarters as far as the distal (bottom) joint of the radius-ulna (knee), hindquarters as far as the distal joint (bottom) of the tibia-fibula (hock) and that portion of the animal between the front and hindquarters; however, *edible meat* of species listed in this definition does not include: meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, and incidental meat reasonably lost as a result of boning or close trimming of the bones, or viscera. For black bear, brown and grizzly bear, ''edible meat'' means the meat of the front quarter and hindquarters and meat along the backbone (backstrap).

Federally-qualified subsistence user means a rural Alaska resident qualified to harvest fish or wildlife on Federal public lands in accordance with the Federal Subsistence Management Regulations in this part.

Fifty-inch (50-inch) moose means a bull moose with an antler spread of 50 inches or more.

Fishwheel means a fixed, rotating device, with no more than four baskets on a single axle, for catching fish, which is driven by river current or other means.

Freshwater of streams and rivers means the line at which freshwater is separated from saltwater at the mouth of streams and rivers by a line drawn headland to headland across the mouth as the waters flow into the sea.

Full curl horn means the horn of a Dall sheep ram; the tip of which has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or that both horns are broken, or that the sheep is at least 8 years of age as determined by horn growth annuli.

Furbearer means a beaver, coyote, arctic fox, red fox, lynx, marten, mink, weasel, muskrat, river (land) otter, red squirrel, flying squirrel, ground squirrel, marmot, wolf, or wolverine.

Fyke net means a fixed, funneling (fyke) device used to entrap fish.

Gear means any type of fishing apparatus.

Gillnet means a net primarily designed to catch fish by entanglement in a mesh that consists of a single sheet of webbing which hangs between cork line and lead line, and which is fished from the surface of the water.

Grappling hook means a hooked device with flukes or claws, which is attached to a line and operated by hand.

Groundfish or *bottomfish* means any marine fish except halibut, osmerids, herring and salmonids.

Grouse collectively refers to all species found in Alaska, including spruce grouse, ruffed grouse, blue grouse, and sharp-tailed grouse.

Hand purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by pursing the lead line; pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed.

Handline means a hand-held and operated line, with one or more hooks attached.

Hare or hares collectively refers to all species of hares (commonly called rabbits) in Alaska and includes snowshoe hare and tundra hare.

Harvest limit means the number of any one species permitted to be taken by any one person or designated group, per specified time period, in a Unit or portion of a Unit in which the taking occurs even if part or all of the harvest is preserved. A fish, when landed and killed by means of rod and reel becomes part of the harvest limit of the person originally hooking it.

Herring pound means an enclosure used primarily to contain live herring over extended periods of time.

Highway means the driveable surface of any constructed road.

Household means that group of people residing in the same residence.

Hung measure means the maximum length of the cork line when measured wet or dry with traction applied at one end only.

Hunting means the taking of wildlife within established hunting seasons with archery equipment or firearms, and as authorized by a required hunting license.

Hydraulic clam digger means a device using water or a combination of air and water used to harvest clams.

Jigging gear means a line or lines with lures or baited hooks, drawn through the water by hand, and which are operated during periods of ice cover from holes cut in the ice, or from shore ice and which are drawn through the water by hand.

Lead means either a length of net employed for guiding fish into a seine, set gillnet, or other length of net, or a length of fencing employed for guiding fish into a fishwheel, fyke net, or dip net.

Legal limit of fishing gear means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district, or section.

Long line means either a stationary, buoyed, or anchored line, or a floating, free-drifting line with lures or baited hooks attached.

Marmot collectively refers to all species of marmot that occur in Alaska including the hoary marmot, Alaska marmot, and the woodchuck.

Mechanical clam digger means a mechanical device used or capable of being used for the taking of clams.

Mechanical jigging machine means a mechanical device with line and hooks used to jig for halibut and bottomfish, but does not include hand gurdies or rods with reels.

Mile means a nautical mile when used in reference to marine waters or a statute mile when used in reference to fresh water.

Motorized vehicle means a motor-driven land, air, or water conveyance.

Open season means the time when wildlife may be taken by hunting or trapping; an open season includes the first and last days of the prescribed season period.

Otter means river or land otter only, excluding sea otter.

Permit hunt means a hunt for which State or Federal permits are issued by registration or other means.

Poison means any substance that is toxic or poisonous upon contact or ingestion.

Possession means having direct physical control of wildlife at a given time or having both the power and intention to exercise dominion or control of wildlife either directly or through another person or persons.

Possession limit means the maximum number of fish, grouse, or ptarmigan a person or designated group may have in possession if the they have not been canned, salted, frozen, smoked, dried, or otherwise preserved so as to be fit for human consumption after a 15-day period.

Pot means a portable structure designed and constructed to capture and retain live fish and shellfish in the water.

Ptarmigan collectively refers to all species found in Alaska, including white-tailed ptarmigan, rock ptarmigan, and willow ptarmigan.

Purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line.

Ram means a male Dall sheep.

Registration permit means a permit that authorizes hunting and is issued to a person who agrees to the specified hunting conditions. Hunting permitted by a registration permit begins on an announced date and continues throughout the open season, or until the season is closed by Board action. Registration permits are issued in the order applications are received and/or are based on priorities as determined by 50 CFR 100.17 and 36 CFR 242.17.

Ring net means a bag-shaped net suspended between no more than two frames; the bottom frame may not be larger in perimeter than the top frame; the gear must be nonrigid and collapsible so that free movement of fish or shellfish across the top of the net is not prohibited when the net is employed.

Rockfish means all species of the genus *Sebastes*.

Rod and reel means either a device upon which a line is stored on a fixed or revolving spool and is deployed through guides mounted on a flexible pole, or a line that is attached to a pole. In either case, bait or an artificial fly or lure is used as terminal tackle. This definition does not include the use of rod and reel gear for snagging.

Salmon means the following species: pink salmon (*Oncorhynchus gorbuscha*); sockeye salmon (*Oncorhynchus nerka*); chinook salmon (*Oncorhynchus tshawytscha*); coho salmon (*Oncorhynchus kisutch*); and chum salmon (*Oncorhynchus keta*).

Salmon stream means any stream used by salmon for spawning, rearing, or for traveling to a spawning or rearing area.

Salvage means to transport the edible meat, skull, or hide, as required by regulation, of a regulated fish, wildlife, or shellfish to the location where the edible meat will be consumed by humans or processed for human consumption in a manner which saves or prevents the edible meat from waste, and preserves the skull or hide for human use.

Scallop dredge means a dredge-like device designed specifically for and capable of taking scallops by being towed along the ocean floor.

Sea urchin rake means a hand-held implement, no longer than 4 feet, equipped with projecting prongs used to gather sea urchins.

Sealing means placing a mark or tag on a portion of a harvested animal by an authorized representative of the ADF&G; *sealing* includes collecting and recording information about the conditions under which the animal was harvested, and measurements of the specimen submitted for sealing or surrendering a specific portion of the animal for biological information.

Set gillnet means a gillnet that has been intentionally set, staked, anchored, or otherwise fixed.

Seven-eighths curl horn means the horn of a male Dall sheep, the tip of which has grown through seven-eights (315 degrees) of a circle, described by the outer surface of the horn, as viewed from the side, or with both horns broken.

Shovel means a hand-operated implement for digging clams.

Skin, hide, pelt, or fur means any tanned or untanned external covering of an animal's body; excluding bear. The skin, hide, fur, or pelt of a bear shall mean the entire external covering with claws attached.

Spear means a shaft with a sharp point or fork-like implement attached to one end which is used to thrust through the water to impale or retrieve fish and which is operated by hand.

Spike-fork moose means a bull moose with only one or two tines on either antler; male calves are not spike-fork bulls.

Stretched measure means the average length of any series of 10 consecutive meshes measured from inside the first knot and including the last knot when wet; the 10 meshes, when being measured, shall be an integral part of the net, as hung, and measured perpendicular to the selvages; measurements shall be made by means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under 5-pound weight.

Subsistence fishing permit means a permit issued by the Alaska Department of Fish and Game, unless specifically identified otherwise.

Take or *Taking* means to fish, pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

Tine or *antler point* refers to any point on an antler, the length of which is greater than its width and is at least one inch.

To operate fishing gear means any of the following: To deploy gear in the water; to remove gear from the water; to remove fish or shellfish from the gear during an open season or period; or to possess a gillnet containing fish during an open fishing period, except that a gillnet which is completely clear of the water is not considered to be operating for the purposes of minimum distance requirement.

Transportation means to ship, convey, carry, or transport by any means whatever and deliver or receive for such shipment, conveyance, carriage, or transportation.

Trapping means the taking of furbearers within established trapping seasons and with a required trapping license.

Trawl means a bag-shaped net towed through the water to capture fish or shellfish, and includes beam, otter, or pelagic trawl.

Troll gear means a power gurdy troll gear consisting of a line or lines with lures or baited hooks which are drawn through the water by a power gurdy; hand troll gear consisting of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing, or other types of trolling, and which are retrieved by hand power or hand-powered crank and not by any type of electrical, hydraulic, mechanical, or other assisting device or attachment; or dinglebar troll gear consisting of one or more lines, retrieved and set with a troll gurdy or hand troll gurdy, with a terminally attached weight from which one or more leaders with one or more lures or baited hooks are pulled through the water while a vessel is making way.

Trout means the following species: cutthroat trout (*Oncorhynchus clarki*) and rainbow/steelhead trout (*Oncorhynchus mykiss*).

Unclassified wildlife or unclassified species means all species of animals not otherwise classified by the definitions in this paragraph (a), or regulated under other Federal law as listed in paragraph (i) of this section.

Ungulate means any species of hoofed mammal, including deer, caribou, elk, moose, mountain goat, Dall sheep, and musk oxen.

Unit means one of the 26 geographical areas in the State of Alaska known as Game Management Units, or GMU, and collectively listed in this section as Units.

Wildlife means any hare (rabbit), ptarmigan, grouse, ungulate, bear, furbearer, or unclassified species and includes any part, product, egg, or offspring thereof, or carcass or part thereof.

(b) Taking fish, wildlife or shellfish for subsistence uses by a prohibited method is a violation of this part.

Seasons are closed unless opened by Federal regulation. Hunting, trapping, or fishing during a closed season or in an area closed by this part is prohibited. You may not take for subsistence fish, wildlife, or shellfish outside established Unit or Area seasons, or in excess of the established Unit or Area harvest limits, unless otherwise provided for by the Board. You may take fish, wildlife, or shellfish under State regulations on public lands, except as otherwise restricted at §§ ____.26 through ____.28. Unit/Area-specific restrictions or allowances for subsistence taking of fish, wildlife, or shellfish are identified at §§ ____.26 through ____.28.

(c) Harvest limits. (1) Harvest limits, including those related to ceremonial uses, authorized by this section and harvest limits established in State regulations may not be accumulated.

(2) Fish, wildlife, or shellfish taken by a designated individual for another person pursuant to § ____.10(d)(5)(ii), counts toward the individual harvest limit of the person for whom the fish, wildlife, or shellfish is taken.

(3) A harvest limit applies to the number of fish, wildlife, or shellfish that can be taken during a regulatory year; however, harvest limits for grouse, ptarmigan, and caribou (in some Units) are regulated by the number that may be taken per day. Harvest limits of grouse and ptarmigan are also regulated by the number that can be held in possession.

(4) Unless otherwise provided, any person who gives or receives fish, wildlife, or shellfish shall furnish, upon a request made by a Federal or State agent, a signed statement describing the following: Names and addresses of persons who gave and received fish, wildlife, or shellfish, the time and place that the fish, wildlife, or shellfish was taken, and identification of species transferred. Where a qualified subsistence user has designated another qualified subsistence user to take fish, wildlife, or shellfish on his or her behalf in accordance with § ____.10(d)(5)(ii), the permit shall be furnished in place of a signed statement.

(d) Fishing by designated harvest permit. (1) Any species of fish that may be taken by subsistence fishing under this part may be taken under a designated harvest permit.

(2) If you are a Federally-qualified subsistence user, you (beneficiary) may designate another Federally-qualified subsistence user to take fish on your behalf. The designated fisherman must obtain a designated harvest permit prior to attempting to harvest fish and must return a completed harvest report. The designated fisherman may fish for any number of beneficiaries but may have no more than two harvest limits in his/her possession at any one time.

(3) The designated fisherman must have in possession a valid designated fishing permit when taking, attempting to take, or transporting fish taken under this section, on behalf of a beneficiary.

(4) The designated fisherman may not fish with more than one legal limit of gear.

(5) You may not designate more than one person to take or attempt to take fish on your behalf at one time. You may not personally take or attempt to take fish at the same time that a designated fisherman is taking or attempting to take fish on your behalf.

(e) Hunting by designated harvest permit. (1) As allowed by § ____.26, if you are a Federally-qualified subsistence user, you (beneficiary) may designate another Federally-qualified subsistence user to take wildlife on your behalf unless you are a member of a community operating under a community harvest system.

(2) The designated hunter must obtain a designated hunter permit and must return a completed harvest report.

(3) You may not designate more than one person to take or attempt to take fish on your behalf at one time.

(4) The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time, unless otherwise specified in § ____.26.

(f) A rural Alaska resident who has been designated to take fish, wildlife, or shellfish on behalf of another rural Alaska resident in accordance with § ____.10(d)(5)(ii), shall promptly deliver the fish, wildlife, or shellfish to that rural Alaska resident.

(g) The U.S. Fish and Wildlife Service, Office of Subsistence Management may issue a permit to harvest fish, wildlife, or shellfish for a qualifying cultural/educational program to an organization that has been granted a Federal subsistence permit for a similar event within the previous five years. A qualifying program must have instructors, enrolled students, minimum attendance requirements, and standards for successful completion of the course. Applications must be submitted to the Office of Subsistence Management 60 days prior to the earliest desired date of harvest. Permits will be issued for no more than one large mammal per culture/education camp. Large mammal species allowed to be harvested are limited to deer, moose, caribou, black bear, and mountain goat. Permits will be issued for no more than 25 fish per culture/education camp. Any animals harvested will count against any established Federal harvest quota for the area in which harvested. Appeal of a rejected request can be made to the Federal Subsistence Board. Application for an initial permit for a qualifying cultural/educational program, for a permit when the circumstances have changed significantly, when no permit has been issued within the previous five years, or when there is a request for harvest in excess of that provided in this paragraph (g), will be considered by the Federal Subsistence Board.

(h) If a subsistence fishing or hunting permit is required by this part, the following permit conditions apply unless otherwise specified in this section:

(1) You may not take more fish, wildlife, or shellfish for subsistence use than the limits set out in the permit;

(2) You must obtain the permit prior to fishing or hunting;

(3) You must have the permit in your possession and readily available for inspection while fishing, hunting, or transporting subsistence-taken fish, wildlife, or shellfish;

(4) If specified on the permit, you shall keep accurate daily records of the harvest, showing the number of fish, wildlife, or shellfish taken by species, location and date of harvest, and other such information as may be required for management or conservation purposes; and

(5) If the return of harvest information necessary for management and conservation purposes is required by a permit and you fail to comply with such reporting requirements, you are ineligible to receive a subsistence permit for that activity during the following calendar year, unless you demonstrate that failure to report was due to loss in the mail, accident, sickness, or other unavoidable circumstances.

(i) You may not possess, transport, give, receive, or barter fish, wildlife, or shellfish that was taken in violation of Federal or State statutes or a regulation promulgated thereunder.

(j) Utilization of fish, wildlife, or shellfish. (1) You may not use wildlife as food for a dog or furbearer, or as bait, except for the following:

(i) The hide, skin, viscera, head, or bones of wildlife;

(ii) The skinned carcass of a furbearer;

(iii) Squirrels, hares (rabbits), grouse, and ptarmigan; however, you may not use the breast meat of grouse and ptarmigan as animal food or bait;

(iv) Unclassified wildlife.

(2) If you take wildlife for subsistence, you must salvage the following parts for human use:

(i) The hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel, or otter;

(ii) The hide and edible meat of a brown bear, except that the hide of brown bears taken in the Western and Northwestern Alaska Brown Bear Management Areas and Units 5 and 9(B) need not be salvaged;

(iii) The hide and edible meat of a black bear;

(iv) The hide or meat of squirrels, hares (rabbits), marmots, beaver, muskrats, or unclassified wildlife.

(3) You must salvage the edible meat of ungulates, bear, grouse and ptarmigan.

(4) You may not intentionally waste or destroy any subsistence-caught fish or shellfish; however, you may use for bait or other purposes, whitefish, herring, and species for which bag limits, seasons, or other regulatory methods and means are not provided in this section, as well as the head, tail, fins, and viscera of legally-taken subsistence fish.

(5) Failure to salvage the edible meat may not be a violation if such failure is caused by circumstances beyond the control of a person, including theft of the harvested fish, wildlife, or shellfish, unanticipated weather conditions, or unavoidable loss to another animal.

(k) The regulations found in this part do not apply to the subsistence taking and use of fish, wildlife, or shellfish regulated pursuant to the Fur Seal Act of 1966 (80 Stat. 1091, 16 U.S.C. 1187), the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531–1543), the Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361–1407), and the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711), or any amendments to these Acts. The taking and use of fish, wildlife, or shellfish, covered by these Acts, will conform to the specific provisions contained in these Acts, as amended, and any implementing regulations.

(l) Rural residents, nonrural residents, and nonresidents not specifically prohibited by Federal regulations from fishing, hunting, or trapping on public lands in an area, may fish, hunt, or trap on public lands in accordance with the appropriate State regulations.

4. In Subpart D of 36 CFR part 242 and 50 CFR part 100, § ____.26 is added effective July 1, 2001, through June 30, 2002, to read as follows:

§ ____.26 Subsistence taking of wildlife.

(a) You may take wildlife for subsistence uses by any method, except as prohibited in this section or by other Federal statute. Taking wildlife for subsistence uses by a prohibited method is a violation of this part. Seasons are closed unless opened by Federal regulation. Hunting or trapping during a closed season or in an area closed by this part is prohibited.

(b) Except for special provisions found at paragraphs (m)(1) through (26) of this section, the following methods and means of taking wildlife for subsistence uses are prohibited:

(1) Shooting from, on, or across a highway;

(2) Using any poison;

(3) Using a helicopter in any manner, including transportation of individuals, equipment, or wildlife; however, this prohibition does not apply to transportation of an individual, gear, or wildlife during an emergency rescue operation in a life-threatening situation;

(4) Taking wildlife from a motorized land or air vehicle, when that vehicle is in motion or from a motor-driven boat when the boat's progress from the motor's power has not ceased;

(5) Using a motorized vehicle to drive, herd, or molest wildlife;

(6) Using or being aided by use of a machine gun, set gun, or a shotgun larger than 10 gauge;

(7) Using a firearm other than a shotgun, muzzle-loaded rifle, rifle or pistol using center-firing cartridges, for the taking of ungulates, bear, wolves or wolverine, except that—

(i) An individual in possession of a valid trapping license may use a firearm that shoots rimfire cartridges to take wolves and wolverine;

(ii) Only a muzzle-loading rifle of .54-caliber or larger, or a .45-caliber muzzle-loading rifle with a 250-grain, or larger, elongated slug may be used to take brown bear, black bear, elk, moose, musk oxen and mountain goat;

(8) Using or being aided by use of a pit, fire, artificial light, radio communication, artificial salt lick, explosive, barbed arrow, bomb, smoke, chemical, conventional steel trap with a jaw spread over nine inches, or conibear style trap with a jaw spread over 11 inches;

(9) Using a snare, except that an individual in possession of a valid hunting license may use nets and snares to take unclassified wildlife, ptarmigan, grouse, or hares; and, individuals in possession of a valid trapping license may use snares to take furbearers;

(10) Using a trap to take ungulates or bear;

(11) Using hooks to physically snag, impale, or otherwise take wildlife; however, hooks may be used as a trap drag;

(12) Using a crossbow to take ungulates, bear, wolf, or wolverine in any area restricted to hunting by bow and arrow only;

(13) Taking of ungulates, bear, wolf, or wolverine with a bow, unless the bow is capable of casting a ⅞ inch wide broadhead-tipped arrow at least 175 yards horizontally, and the arrow and broadhead together weigh at least one ounce (437.5 grains);

(14) Using bait for taking ungulates, bear, wolf, or wolverine; except, you may use bait to take wolves and wolverine with a trapping license, and, you may use bait to take black bears with a hunting license as authorized in Unit-specific regulations at paragraphs (m)(1) through (26) of this section. Baiting of black bears is subject to the following restrictions:

(i) Before establishing a black bear bait station, you must register the site with ADF&G;

(ii) When using bait you must clearly mark the site with a sign reading ''black bear bait station'' that also displays your hunting license number and ADF&G assigned number;

(iii) You may use only biodegradable materials for bait; you may use only the head, bones, viscera, or skin of legally harvested fish and wildlife for bait;

(iv) You may not use bait within one-quarter mile of a publicly maintained road or trail;

(v) You may not use bait within one mile of a house or other permanent dwelling, or within one mile of a developed campground, or developed recreational facility;

(vi) When using bait, you must remove litter and equipment from the bait station site when done hunting;

(vii) You may not give or receive payment for the use of a bait station, including barter or exchange of goods;

(viii) You may not have more than two bait stations with bait present at any one time;

(15) Taking swimming ungulates, bears, wolves or wolverine;

(16) Taking or assisting in the taking of ungulates, bear, wolves, wolverine, or other furbearers before 3:00 a.m. following the day in which airborne travel occurred (except for flights in regularly scheduled commercial aircraft); however, this restriction does not apply to subsistence taking of deer, the setting of snares or traps, or the removal of furbearers from traps or snares;

(17) Taking a bear cub or a sow accompanied by cub(s).

(c) Wildlife taken in defense of life or property is not a subsistence use; wildlife so taken is subject to State regulations.

(d) The following methods and means of trapping furbearers, for subsistence

uses pursuant to the requirements of a trapping license are prohibited, in addition to the prohibitions listed at paragraph (b) of this section:

(1) Disturbing or destroying a den, except that you may disturb a muskrat pushup or feeding house in the course of trapping;

(2) Disturbing or destroying any beaver house;

(3) Taking beaver by any means other than a steel trap or snare, except that you may use firearms in certain Units with established seasons as identified in Unit-specific regulations found in this subpart;

(4) Taking otter with a steel trap having a jaw spread of less than five and seven-eighths inches during any closed mink and marten season in the same Unit;

(5) Using a net, or fish trap (except a blackfish or fyke trap);

(6) Taking beaver in the Minto Flats Management Area with the use of an aircraft for ground transportation, or by landing within one mile of a beaver trap or set used by the transported person;

(7) Taking or assisting in the taking of furbearers by firearm before 3:00 a.m. on the day following the day on which airborne travel occurred; however, this does not apply to a trapper using a firearm to dispatch furbearers caught in a trap or snare.

(e) Possession and transportation of wildlife. (1) Except as specified in paragraphs (e)(2) or (f)(1) of this section, or as otherwise provided, you may not take a species of wildlife in any Unit, or portion of a Unit, if your total take of that species already obtained anywhere in the State under Federal and State regulations equals or exceeds the harvest limit in that Unit.

(2) An animal taken under Federal or State regulations by any member of a community with an established community harvest limit for that species counts toward the community harvest limit for that species. Except for wildlife taken pursuant to § ____.10(d)(5)(iii) or as otherwise provided for by this Part, an animal taken as part of a community harvest limit counts toward every community member's harvest limit for that species taken under Federal or State of Alaska regulations.

(f) Harvest limits. (1) The harvest limit specified for a trapping season for a species and the harvest limit set for a hunting season for the same species are separate and distinct. This means that if you have taken a harvest limit for a particular species under a trapping season, you may take additional animals under the harvest limit specified for a hunting season or vice versa.

(2) A brown/grizzly bear taken in a Unit or portion of a Unit having a harvest limit of one brown/grizzly bear per year counts against a one brown/grizzly bear every four regulatory years harvest limit in other Units; an individual may not take more than one brown/grizzly bear in a regulatory year.

(g) Evidence of sex and identity. (1) If subsistence take of Dall sheep is restricted to a ram, you may not possess or transport a harvested sheep unless both horns accompany the animal.

(2) If the subsistence taking of an ungulate, except sheep, is restricted to one sex in the local area, you may not possess or transport the carcass of an animal taken in that area unless sufficient portions of the external sex organs remain attached to indicate conclusively the sex of the animal, except in Units 11, 13, 19, 21, and 24 where you may possess either sufficient portions of the external sex organs (still attached to a portion of the carcass) or the head (with or without antlers attached; however, the antler stumps must remain attached), to indicate the sex of the harvested moose; however, this paragraph (g)(2) does not apply to the carcass of an ungulate that has been butchered and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed.

(3) If a moose harvest limit includes an antler size or configuration restriction, you may not possess or transport the moose carcass or its parts unless both antlers accompany the carcass or its parts. If you possess a set of antlers with less than the required number of brow tines on one antler, you must leave the antlers naturally attached to the unbroken, uncut skull plate; however, this paragraph (g)(3) does not apply to a moose carcass or its parts that have been butchered and placed in storage or otherwise prepared for consumption after arrival at the place where it is to be stored or consumed.

(h) You must leave all edible meat from caribou and moose harvested in Units 9(B), 17, and 19(B) prior to October 1 on the bones of the front quarters and hind quarters until you remove the meat from the field or process it for human consumption.

(i) If you take an animal that has been marked or tagged for scientific studies, you must, within a reasonable time, notify the ADF&G or the agency identified on the collar or marker, when and where the animal was taken. You also must retain any ear tag, collar, radio, tattoo, or other identification with the hide until it is sealed, if sealing is required; in all cases, you must return any identification equipment to the ADF&G or to an agency identified on such equipment.

(j) Sealing of bear skins and skulls. (1) Sealing requirements for bear shall apply to brown bears taken in all Units, except as specified in this paragraph, and black bears of all color phases taken in Units 1–7, 11–17, and 20.

(2) You may not possess or transport from Alaska, the untanned skin or skull of a bear unless the skin and skull have been sealed by an authorized representative of ADF&G in accordance with State or Federal regulations, except that the skin and skull of a brown bear taken under a registration permit in the Western Alaska Brown Bear Management Area, the Northwest Alaska Brown Bear Management Area, Unit 5, or Unit 9(B) need not be sealed unless removed from the area.

(3) You must keep a bear skin and skull together until a representative of the ADF&G has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin; however, this provision shall not apply to brown bears taken within the Western Alaska Brown Bear Management Area, the Northwest Alaska Brown Bear Management Area, Unit 5, or Unit 9(B) which are not removed from the Management Area or Unit.

(i) In areas where sealing is required by Federal regulations, you may not possess or transport the hide of a bear which does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.

(ii) If the skin or skull of a bear taken in the Western Alaska Brown Bear Management Area is removed from the area, you must first have it sealed by an ADF&G representative in Bethel, Dillingham, or McGrath; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(iii) If you remove the skin or skull of a bear taken in the Northwestern Alaska Brown Bear Management Area from the area or present it for commercial tanning within the Management Area, you must first have it sealed by an ADF&G representative in Barrow, Fairbanks, Galena, Nome, or Kotzebue; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(iv) If you remove the skin or skull of a bear taken in Unit 5 from the area, you must first have it sealed by an ADF&G representative in Yakutat; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(4) You may not falsify any information required on the sealing certificate or temporary sealing form provided by the ADF&G in accordance with State regulations.

(k) Sealing of beaver, lynx, marten, otter, wolf, and wolverine. You may not possess or transport from Alaska the untanned skin of a marten taken in Units 1–5, 7, 13(E), and 14–16 or the untanned skin of a beaver, lynx, otter, wolf, or wolverine, whether taken inside or outside the State, unless the skin has been sealed by an authorized representative of ADF&G in accordance with State regulations. In Unit 18, you must obtain an ADF&G seal for beaver skins only if they are to be sold or commercially sold.

(1) You must seal any wolf taken in Unit 2 on or before the 30th day after the date of taking.

(2) You must leave the radius and ulna of the left foreleg naturally attached to the hide of any wolf taken in Units 1–5 until the hide is sealed.

(l) A person who takes a species listed in paragraph (k) of this section but who is unable to present the skin in person, must complete and sign a temporary sealing form and ensure that the completed temporary sealing form and skin are presented to an authorized representative of ADF&G for sealing consistent with requirements listed in paragraph (k) of this section.

(m) Unit regulations. You may take for subsistence unclassified wildlife, all squirrel species, and marmots in all Units, without harvest limits, for the period of July 1–June 30. Unit-specific restrictions or allowances for subsistence taking of wildlife are identified at paragraphs (m)(1) through (26) of this section.

(1) *Unit 1.* Unit 1 consists of all mainland drainages from Dixon Entrance to Cape Fairweather, and those islands east of the center line of Clarence Strait from Dixon Entrance to Caamano Point, and all islands in Stephens Passage and Lynn Canal north of Taku Inlet:

(i) Unit 1(A) consists of all drainages south of the latitude of Lemesurier Point including all drainages into Behm Canal, excluding all drainages of Ernest Sound;

(ii) Unit 1(B) consists of all drainages between the latitude of Lemesurier Point and the latitude of Cape Fanshaw including all drainages of Ernest Sound and Farragut Bay, and including the islands east of the center lines of Frederick Sound, Dry Strait (between Sergief and Kadin Islands), Eastern Passage, Blake Channel (excluding Blake Island), Ernest Sound, and Seward Passage;

(iii) Unit 1(C) consists of that portion of Unit 1 draining into Stephens Passage and Lynn Canal north of Cape Fanshaw and south of the latitude of Eldred Rock including Berners Bay, Sullivan Island, and all mainland portions north of Chichagof Island and south of the latitude of Eldred Rock, excluding drainages into Farragut Bay;

(iv) Unit 1(D) consists of that portion of Unit 1 north of the latitude of Eldred Rock, excluding Sullivan Island and the drainages of Berners Bay;

(v) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Public lands within Glacier Bay National Park are closed to all taking of wildlife for subsistence uses;

(B) Unit 1(A)—in the Hyder area, the Salmon River drainage downstream from the Riverside Mine, excluding the Thumb Creek drainage, is closed to the taking of bear;

(C) Unit 1(B)—the Anan Creek drainage within one mile of Anan Creek downstream from the mouth of Anan Lake, including the area within a one mile radius from the mouth of Anan Creek Lagoon, is closed to the taking of black bear and brown bear;

(D) Unit 1(C):

(*1*) You may not hunt within one-fourth mile of Mendenhall Lake, the U.S. Forest Service Mendenhall Glacier Visitor's Center, and the Center's parking area;

(*2*) You may not take mountain goat in the area of Mt. Bullard bounded by the Mendenhall Glacier, Nugget Creek from its mouth to its confluence with Goat Creek, and a line from the mouth of Goat Creek north to the Mendenhall Glacier;

(vi) You may not trap furbearers for subsistence uses in Unit 1(C), Juneau area, on the following public lands:

(A) A strip within one-quarter mile of the mainland coast between the end of Thane Road and the end of Glacier Highway at Echo Cove;

(B) That area of the Mendenhall Valley bounded on the south by the Glacier Highway, on the west by the Mendenhall Loop Road and Montana Creek Road and Spur Road to Mendenhall Lake, on the north by Mendenhall Lake, and on the east by the Mendenhall Loop Road and Forest Service Glacier Spur Road to the Forest Service Visitor Center;

(C) That area within the U.S. Forest Service Mendenhall Glacier Recreation Area;

(D) A strip within one-quarter mile of the following trails as designated on U.S. Geological Survey maps: Herbert Glacier Trail, Windfall Lake Trail, Peterson Lake Trail, Spaulding Meadows Trail (including the loop trail), Nugget Creek Trail, Outer Point Trail, Dan Moller Trail, Perseverance Trail, Granite Creek Trail, Mt. Roberts Trail and Nelson Water Supply Trail, Sheep Creek Trail, and Point Bishop Trail;

(vii) Unit-specific regulations:

(A) You may hunt black bear with bait in Units 1(A), 1(B), and 1(D) between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(*1*) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(*2*) The taking does not violate recognized principles of fish and wildlife conservation;

(*3*) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(*4*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
HUNTING	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Brown Bear: 1 bear every four regulatory years by State registration permit only	Sept. 15–Dec. 31. Mar. 15–May 31.
Deer:	
Unit 1(A)—4 antlered deer	Aug. 1–Dec. 31.
Unit 1(B)—2 antlered deer	Aug. 1–Dec. 31.
Unit 1(C)—4 deer; however, antlerless deer may be taken only from Sept. 15–Dec. 31	Aug. 1–Dec. 31.
Goat:	
Unit 1(A)—Revillagigedo Island only	No open season.
Unit 1(B)—that portion north of LeConte Bay. 1 goat by State registration permit only; the taking of kids or nannies accompanied by kids is prohibited.	Aug. 1–Dec. 31.
Unit 1(B)—that portion between LeConte Bay and the North Fork of Bradfield River/Canal. 2 goats; a State registration permit will be required for the taking of the first goat and a Federal registration permit for the taking of a second goat; the taking of kids or nannies accompanied by kids is prohibited.	Aug. 1–Dec. 31.
Unit 1(A) and Unit 1(B)—remainder—2 goats by State registration permit only	Aug. 1–Dec. 31.
Unit 1(C)—that portion draining into Lynn Canal and Stephens Passage between Antler River and Eagle Glacier and River, and all drainages of the Chilkat Range south of the Endicott River—1 goat by State registration permit only.	Oct. 1–Nov. 30.
Unit 1(C)—that portion draining into Stephens Passage and Taku Inlet between Eagle Glacier and River and Taku Glacier.	No open season.
Unit 1(C)—remainder—1 goat by State registration permit only	Aug. 1–Nov. 30.
Unit 1(D)—that portion lying north of the Katzehin River and northeast of the Haines highway—1 goat by State registration permit only.	Sept. 15–Nov. 30.
Unit 1(D)—that portion lying between Taiya Inlet and River and the White Pass and Yukon Railroad	No open season.
Unit 1(D)—remainder—1 goat by State registration permit only.	Aug. 1–Dec. 31.
Moose:	
Unit 1(A)—1 antlered bull	Sept. 15–Oct. 15.
Unit 1(B)—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler, by State registration permit only.	Sept. 15–Oct. 15.
Unit 1(C), that portion south of Point Hobart including all Port Houghton drainages—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler, by State registration permit only.	Sept. 15–Oct. 15.
Unit 1(C)—remainder, excluding drainages of Berners Bay—1 antlered bull by State registration permit only	Sept. 15–Oct. 15.
Unit 1(D)	No open season.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver: Unit 1(A), (B), and (C)—No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(2) *Unit 2.* Unit 2 consists of Prince of Wales Island and all islands west of the center lines of Clarence Strait and Kashevarof Passage, south and east of the center lines of Sumner Strait, and east of the longitude of the western most point on Warren Island.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(*1*) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(*2*) The taking does not violate recognized principles of fish and wildlife conservation;

(*3*) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(*4*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(ii) [Reserved]

Harvest limits	Open season
HUNTING	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Deer: 4 deer; however, no more than one may be an antlerless deer. Antlerless deer may be taken only during the period Oct. 15–Dec. 31 by Federal registration permit only.	Aug. 1–Dec. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Nov. 15–Mar. 15.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver: No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 15–Mar. 15.
Wolverine: No limit	Nov. 10–Apr. 30.

(3) *Unit 3*. (i) Unit 3 consists of all islands west of Unit 1(B), north of Unit 2, south of the center line of Frederick Sound, and east of the center line of Chatham Strait including Coronation, Kuiu, Kupreanof, Mitkof, Zarembo, Kashevarof, Woronkofski, Etolin, Wrangell, and Deer Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) In the Petersburg vicinity, you may not take ungulates, bear, wolves, and wolverine along a strip one-fourth mile wide on each side of the Mitkof Highway from Milepost 0 to Crystal Lake campground;

(B) You may not take black bears in the Petersburg Creek drainage on Kupreanof Island;

(C) You may not hunt in the Blind Slough draining into Wrangell Narrows and a strip one-fourth mile wide on each side of Blind Slough, from the hunting closure markers at the southernmost portion of Blind Island to the hunting closure markers one mile south of the Blind Slough bridge.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(*1*) The person organizing the religious ceremony, or designee, contact the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(*2*) The taking does not violate recognized principles of fish and wildlife conservation;

(*3*) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(*4*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
HUNTING	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Deer:	

Harvest limits	Open season
Unit 3—Mitkof Island, Woewodski Island, Butterworth Islands, and that portion of Kupreanof Island which includes Lindenburg Peninsula east of the Portage Bay/Duncan Canal Portage—1 antlered deer by State registration permit only; however, the city limits of Petersburg and Kupreanof are closed to hunting.	Oct. 15–Oct. 31.
Unit 3—remainder—2 antlered deer	Aug. 1–Nov. 30.
Moose: 1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler by State registration permit only.	Sept. 15–Oct. 15.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver:	
Unit 3—Mitkof Island—No limit	Dec. 1–Apr. 15.
Unit 3—except Mitkof Island—No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(4) *Unit 4.* (i) Unit 4 consists of all islands south and west of Unit 1(C) and north of Unit 3 including Admiralty, Baranof, Chichagof, Yakobi, Inian, Lemesurier, and Pleasant Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take bears in the Seymour Canal Closed Area (Admiralty Island) including all drainages into northwestern Seymour Canal between Staunch Point and the southernmost tip of the unnamed peninsula separating Swan Cove and King Salmon Bay including Swan and Windfall Islands;

(B) You may not take bears in the Salt Lake Closed Area (Admiralty Island) including all lands within one-fourth mile of Salt Lake above Klutchman Rock at the head of Mitchell Bay;

(C) You may not take brown bears in the Port Althorp Closed Area (Chichagof Island), that area within the Port Althorp watershed south of a line from Point Lucan to Salt Chuck Point (Trap Rock);

(D) You may not use any motorized land vehicle for brown bear hunting in the Northeast Chichagof Controlled Use Area (NECCUA) consisting of all portions of Unit 4 on Chichagof Island north of Tenakee Inlet and east of the drainage divide from the northwest point of Gull Cove to Port Frederick Portage, including all drainages into Port Frederick and Mud Bay;

(E) You may not use any motorized land vehicle for the taking of marten, mink, and weasel on Chichagof Island.

(iii) Unit-specific regulations:

(A) You may shoot ungulates from a boat. You may not shoot bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(*1*) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(*2*) The taking does not violate recognized principles of fish and wildlife conservation;

(*3*) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(*4*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) Five Federal registration permits will be issued for the taking of brown bear for educational purposes associated with teaching customary and traditional subsistence harvest and use practices. Any bear taken under an educational permit would count in an individual's one bear every four regulatory years limit.

Harvest limits	Open season
HUNTING	
Brown Bear:	
Unit 4—Chichagof Island south and west of a line that follows the crest of the island from Rock Point (58° N. lat., 136°21′ W. long.) to Rodgers Point (57°35′ N. lat. 135°33′ W. long.) including Yakobi and other adjacent 31. islands; Baranof Island south and west of a line which follows the crest of the island from Nismeni Point (57°34′ N. lat., 135°25′ W. long.) to the entrance of Gut Bay (56°44′ N. lat. 134°38′ W. long.) including the drainages into Gut Bay and including Kruzof and other adjacent islands—1 bear every four regulatory years by State registration permit only.	Sept. 15–Dec. 31. Mar. 15–May 31.
Unit 4—that portion in the Northeast Chichagof Controlled Use Area—1 bear every four regulatory years by State registration permit only.	Mar. 15–May 20.
Unit 4—remainder—1 bear every four regulatory years by State registration permit only	Sept. 15–Dec. 31. Mar. 15–May 20
Deer: 6 deer; however, antlerless deer may be taken only from Sept. 15–Jan. 31	Aug. 1–Jan. 31.
Goat: 1 goat by State registration permit only	Aug. 1–Dec. 31
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1.–May 15.
TRAPPING	
Beaver:	
Unit 4—that portion east of Chatham Strait—No limit	Dec. 1–May 15.
Remainder of Unit 4	No open season.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(5) *Unit 5*. (i) Unit 5 consists of all Gulf of Alaska drainages and islands between Cape Fairweather and the center line of Icy Bay, including the Guyot Hills:

(A) Unit 5(A) consists of all drainages east of Yakutat Bay, Disenchantment Bay, and the eastern edge of Hubbard Glacier, and includes the islands of Yakutat and Disenchantment Bays;

(B) Unit 5(B) consists of the remainder of Unit 5.

(ii) You may not take wildlife for subsistence uses on public lands within Glacier Bay National Park.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not shoot ungulates, bear, wolves, or wolverine from a boat, unless you are certified as disabled;

(C) You may hunt brown bear in Unit 5 with a Federal registration permit in lieu of a State metal locking tag; if you have obtained a Federal registration permit prior to hunting;

(D) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(*1*) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(*2*) The taking does not violate recognized principles of fish and wildlife conservation;

(*3*) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(*4*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(E) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer or moose on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
HUNTING	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Brown Bear: 1 bear by Federal registration permit only	Sept. 1–May 31.

Harvest limits	Open season
Deer:	
Unit 5(A)–1 buck	Nov. 1–Nov. 30.
Unit 5(B)	No open season.
Goat: 1 goat by Federal registration permit only	Aug. 1–Jan. 31.
Moose:	
Unit 5(A), Nunatak Bench–1 moose by State registration permit only. The season will be closed when 5 moose have been taken from the Nunatak Bench.	Nov. 15–Feb. 15.
Unit 5(A), except Nunatak Bench–1 antlered bull by Federal registration permit only. The season will be closed when 60 antlered bulls have been taken from the Unit. The season will be closed in that portion west of the Dangerous River when 30 antlered bulls have been taken in that area. From Oct. 8–Oct. 21, public lands will be closed to taking of moose, except by residents of Unit 5(A).	Oct. 8–Nov. 15.
Unit 5(B)–1 antlered bull by State registration permit only. The season will be closed when 25 antlered bulls have been taken from the entirety of Unit 5(B).	Sept. 1–Dec. 15.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce and Ruffed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver: No limit	Nov. 10–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Nov. 10–Feb. 15.
Mink and Weasel: No limit	Nov. 10–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Nov. 10–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(6) *Unit 6.* (i) Unit 6 consists of all Gulf of Alaska and Prince William Sound drainages from the center line of Icy Bay (excluding the Guyot Hills) to Cape Fairfield including Kayak, Hinchinbrook, Montague, and adjacent islands, and Middleton Island, but excluding the Copper River drainage upstream from Miles Glacier, and excluding the Nellie Juan and Kings River drainages:

(A) Unit 6(A) consists of Gulf of Alaska drainages east of Palm Point near Katalla including Kanak, Wingham, and Kayak Islands;

(B) Unit 6(B) consists of Gulf of Alaska and Copper River Basin drainages west of Palm Point near Katalla, east of the west bank of the Copper River, and east of a line from Flag Point to Cottonwood Point;

(C) Unit 6(C) consists of drainages west of the west bank of the Copper River, and west of a line from Flag Point to Cottonwood Point, and drainages east of the east bank of Rude River and drainages into the eastern shore of Nelson Bay and Orca Inlet;

(D) Unit 6(D) consists of the remainder of Unit 6.

(ii) For the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take mountain goat in the Goat Mountain goat observation area, which consists of that portion of Unit 6(B) bounded on the north by Miles Lake and Miles Glacier, on the south and east by Pleasant Valley River and Pleasant Glacier, and on the west by the Copper River;

(B) You may not take mountain goat in the Heney Range goat observation area, which consists of that portion of Unit 6(C) south of the Copper River Highway and west of the Eyak River.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may take coyotes in Units 6(B) and 6(C) with the aid of artificial lights;

(C) One permit will be issued to the Native Village of Eyak to take one bull moose from Federal lands in Units 6(B) or (C) for their annual Memorial/Sobriety Day potlatch.

Harvest limits	Open season
HUNTING	
Black Bear: 1 bear.	Sept. 1–June 30.
Deer: 4 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31	Aug. 1–Dec. 31.
Goats:	
Unit 6(A), (B)—1 goat by State registration permit only	Aug. 20–Jan. 31.
Unit 6(C)	No open season.
Unit 6(D) (subareas RG242, RG243, RG244, RG249, RG266 and RG252 only)—1 goat by Federal registration permit only.	Aug. 20–Jan. 31.
In each of the Unit 6(D) subareas, goat seasons will be closed when harvest limits for that subarea are reached. Harvest quotas are as follows: RG242—2 goats, RG243—4 goats, RG244—2 goats, RG249—4 goats, RG266—4 goats, RG252—1 goat	
Unit 6(D) (subarea RG245)—The taking of goats is prohibited on all public lands	No open season.
Moose:	
Unit 6(C)—1 cow by Federal registration permit only (Five permits will be issued.)	Aug. 15–Dec. 31.

Harvest limits	Open season
Unit 6—remainder	No open season.
Beaver: 1 beaver per day, 1 in possession	May 1–Oct. 31.
Coyote:	
Unit 6(A) and (D)—2 coyotes	Sept. 1–Apr. 30.
Unit 6(B) and 6(C)—No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases)	No open season.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx	No open season.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine.	Sept. 1–Mar. 31.
Grouse (Spruce): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
TRAPPING	
Beaver: No limit	Dec. 1–Apr. 30.
Coyote:	
Unit 6(C)—south of the Copper River Highway and east of the Heney Range—No limit	Nov. 10–Apr. 30.
Unit 6(A), (B), (C)—remainder, and (D)—No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Jan. 15–Feb. 15.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(7) *Unit 7*. (i) Unit 7 consists of Gulf of Alaska drainages between Gore Point and Cape Fairfield including the Nellie Juan and Kings River drainages, and including the Kenai River drainage upstream from the Russian River, the drainages into the south side of Turnagain Arm west of and including the Portage Creek drainage, and east of 150° W. long., and all Kenai Peninsula drainages east of 150° W. long., from Turnagain Arm to the Kenai River.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in the Kenai Fjords National Park;

(B) You may not hunt in the Portage Glacier Closed Area in Unit 7, which consists of Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek, and Byron Glacier; however, you may hunt grouse, ptarmigan, hares, and squirrels with shotguns after September 1.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15; except in the drainages of Resurrection Creek and its tributaries.

(B) [Reserved]

Harvest limits	Open season
HUNTING	
Black Bear: Unit 7—3 bears	July 1–June 30.
Moose:	
Unit 7—that portion draining into Kings Bay—1 bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler may be taken by the community of Chenega Bay and also by the community of Tatitlek. Public lands are closed to the taking of moose except by eligible rural residents.	No open season.
Unit 7—remainder	No open season.
Beaver: 1 beaver per day, 1 in possession	May 1–Oct. 10.
Coyote: No limit	Sept.–1 Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Wolf:	
Unit 7—that portion within the Kenai National Wildlife Refuge—2 wolves	Aug.10–Apr. 30.
Unit 7—Remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
TRAPPING	
Beaver: 20 beaver per season	Nov. 10–Mar. 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Jan. 15–Feb. 15.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–May 15.
Otter: No limit	Nov. 10–Feb. 28.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(8) *Unit 8.* Unit 8 consists of all islands southeast of the centerline of Shelikof Strait including Kodiak, Afognak, Whale, Raspberry, Shuyak, Spruce, Marmot, Sitkalidak, Amook, Uganik, and Chirikof Islands, the Trinity Islands, the Semidi Islands, and other adjacent islands.

(i) If you have a trapping license, you may take beaver with a firearm in Unit 8 from Nov. 10–Apr. 30.

(ii) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
HUNTING	
Brown Bear: 1 bear by Federal registration permit only. Up to 1 permit may be issued in Akiok; up to 1 permit may be issued in Karluk; up to 3 permits may be issued in Larsen Bay; up to 2 permits may be issued in Old Harbor; up to 2 permits may be issued in Ouzinkie; and up to 2 permits may be issued in Port Lions.	Dec. 1–Dec. 15. Apr. 1–May 15.
Deer:	
Unit 8—that portion of Kodiak Island and adjacent islands south and west of a line from the head of Terror Bay to the head of the south-western most arm of Ugak Bay—3 deer; however, antlerless deer may be taken only from Oct. 1–Jan. 31.	Aug. 1–Jan. 31.
Unit 8—remainder—3 deer; however, antlerless deer may be taken only from Oct. 1–Jan. 31; no more than 1 antlerless deer may be taken from Oct. 1–Nov. 30.	Aug. 1–Jan. 31.
Elk: Kodiak, Ban, Uganik, and Afognak Islands—1 elk per household by Federal registration permit only. The season will be closed by announcement of the Refuge Manager, Kodiak National Wildlife Refuge when the combined Federal/State harvest reaches 15% of the herd.	Sept. 15–Nov. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver: 30 beaver per season	Nov. 10–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Jan. 31

(9) *Unit 9.* (i) Unit 9 consists of the Alaska Peninsula and adjacent islands including drainages east of False Pass, Pacific Ocean drainages west of and excluding the Redoubt Creek drainage; drainages into the south side of Bristol Bay, drainages into the north side of Bristol Bay east of Etolin Point, and including the Sanak and Shumagin Islands:

(A) Unit 9(A) consists of that portion of Unit 9 draining into Shelikof Strait and Cook Inlet between the southern boundary of Unit 16 (Redoubt Creek) and the northern boundary of Katmai National Park and Preserve;

(B) Unit 9(B) consists of the Kvichak River drainage;

(C) Unit 9(C) consists of the Alagnak (Branch) River drainage, the Naknek River drainage, and all land and water within Katmai National Park and Preserve;

(D) Unit 9(D) consists of all Alaska Peninsula drainages west of a line from the southernmost head of Port Moller to the head of American Bay including the Shumagin Islands and other islands of Unit 9 west of the Shumagin Islands;

(E) Unit 9(E) consists of the remainder of Unit 9.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in Katmai National Park;

(B) You may not use motorized vehicles, except aircraft, boats, or snowmobiles used for hunting and transporting a hunter or harvested animal parts from Aug. 1–Nov. 30 in the Naknek Controlled Use Area, which includes all of Unit 9(C) within the Naknek River drainage upstream from and including the King Salmon Creek drainage; however, you may use a motorized vehicle on the Naknek-King Salmon, Lake Camp, and Rapids Camp roads and on the King Salmon Creek trail, and on frozen surfaces of the Naknek River and Big Creek.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 9(B) from April 1–May 31 and in the remainder of Unit 9 from April 1–April 30;

(B) In Unit 9(B), Lake Clark National Park and Preserve, residents of Nondalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth, may hunt brown bear by Federal registration permit in lieu of a resident tag; ten permits will be available with at least one permit issued in each community but no more than five permits will be issued in a single community; the season will be closed when four females or ten bears have been taken, whichever occurs first;

(C) Residents of Newhalen, Nondalton, Iliamna, Pedro Bay, and Port Alsworth may take up to a total of 10 bull moose in Unit 9(B) for ceremonial purposes, under the terms of a Federal registration permit from July 1 through June 30. Permits will be issued to individuals only at the request of a local organization. This 10 moose limit is not cumulative with that permitted for potlatches by the State;

(D) For Units 9(C) and (E) only, a Federally-qualified subsistence user (recipient) of Units 9(C) and (E) may designate another Federally-qualified subsistence user of Units 9(C) and (E) to take bull caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report and turn over all meat to the recipient. There is no restriction on the number of possession limits the designated hunter may have in his/her possession at any one time;

(E) For Unit 9(D), a Federally-qualified subsistence user (recipient) may designate another Federally-

qualified subsistence user to take caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than four harvest limits in his/her possession at any one time;

(F) The communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon annually may each take, from October 1 through December 31 or May 10 through May 25, one brown bear for ceremonial purposes, under the terms of a Federal registration permit. A permit will be issued to an individual only at the request of a local organization. The brown bear may be taken from either Unit 9(D) or Unit 10 (Unimak Island) only.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 9(B)—Lake Clark National Park and Preserve—Rural residents of Nondalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth only—1 bear by Federal registration permits only.	July 1–June 30.
Unit 9(B), remainder—1 bear by State reigstration permit only	Sept. 1–May 31.
Unit 9(E)—1 bear by Federal registration permit	Sept. 25–Dec. 31. Apr. 15–May 25.
Caribou:	
Unit 9(A)—4 caribou; however, no more than 2 caribou may be taken Aug. 10–Sept. 30 and no more than 1 caribou may be taken Oct. 1—Nov. 30.	Aug. 10–Mar. 31.
Unit 9(C), that portion within the Alagnak River drainage—1 caribou	Aug. 1–Mar. 31.
Unit 9(C), remainder—1 bull by Federal registration permit or State Tier II permit. Federal public lands are closed to the taking of caribou except by residents of Units 9(C) and (E).	Aug. 10–Sept. 20. Nov. 15–Feb. 28.
Unit 9(B)—5 caribou; however, no more than 2 bulls may be taken from Oct. 1–Nov. 30	Aug. 1–Apr. 15.
Unit 9(D)—1 caribou by Federal registration permit	Aug. 1–Sept. 25. Nov. 15–Mar. 31.
Unit 9(E)—1 bull by Federal registration permit or State Tier II permit. Federal public lands are closed to the taking of caribou except by residents of Units 9(C) and (E).	Aug. 10–Sept. 20 Nov. 1–Apr. 30.
Sheep:	
Unit 9(B)—Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, and residents of Lake Clark National Park and Preserve within Unit 9(B).—1 ram with 7/8 curl horn by Federal registratin permit only.	Aug. 10–Oct. 10.
Remainder of Unit 9—1 ram with 7/8 curl horn	Aug. 10–Sept. 20.
Moose:	
Unit 9(A)—1 bull	Sept. 1–Sept. 15.
Unit 9(B)—1 bull	Aug. 20–Sept. 15. Dec. 1–Jan. 15.
Unit 9(C)—that portion draining into the Naknek River from the north—1 bull	Sept. 1–Sept. 15. Dec. 1–Dec. 31.
Unit 9(C)—that portion draining into the Naknek River from the south—1 bull. However, during the period Aug. 20–Aug. 31, bull moose may be taken by Federal registration permit only. During the December hunt, antlerless moose may be taken by Federal registration permit only. The antlerless season will be closed when 5 antlerless moose have been taken. Public lands are closed during December for the hunting of moose, except by eligible rural Alaska residents.	Aug. 20–Sept. 15. Dec. 1–Dec. 31.
Unit 9(C)—remainder—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31	Sept. 1–Sept. 15. Dec. 1–Dec. 31.
Unit 9(E)—1 bull	Aug. 20–Sept. 20. Dec. 1–Jan. 20.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White): No limit	Dec. 1–Mar. 15.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver:	
Unit 9(B), (C), and (E)—40 beaver per season; however, no more than 20 may be taken between Apr. 1–May 31	Nov. 10–May 31.
Unit 9—remainder—40 beaver per season; however, no more than 20 may be taken between Apr. 1–Apr. 30	Jan. 1–Apr. 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White): No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(10) *Unit 10.* (i) Unit 10 consists of the Aleutian Islands, Unimak Island, and the Pribilof Islands.

(ii) You may not take any wildlife species for subsistence uses on Otter Island in the Pribilof Islands.

(iii) In Unit 10—Unimak Island only, a Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than four harvest limits in his/her possession at any one time.

(iv) The communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon annually may each take, from October 1 through December 31 or May 10 through May 25, one brown bear for ceremonial purposes, under the terms of a Federal registration permit. A permit will be issued to an individual only at the request of a local organization. The brown bear may be taken from either Unit 9(D) or Unit 10 (Unimak Island) only.

Harvest limits	Open season
HUNTING	
Caribou:	
Unit 10—Unimak Island only—2 caribou by Federal registration permit only	Aug. 1–Sept. 25. Nov. 15–Mar. 31.
Unit 10—remainder—No limit	July 1–June 30.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov.10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(11) *Unit 11.* Unit 11 consists of that area draining into the headwaters of the Copper River south of Suslota Creek and the area drained by all tributaries into the east bank of the Copper River between the confluence of Suslota Creek with the Slana River and Miles Glacier.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou and moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(ii) [Reserved]

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 11—1 bear	Sept. 1–May 31.
Caribou: Unit 11	No open season.
Sheep:	
1 sheep	Aug. 10–Sept 20.
1 sheep by Federal registration permit only by persons 60 years of age or older	Sept. 21–Oct. 20.
Goat: Unit 11—that portion within the Wrangell-St. Elias National Park and Preserve—1 goat by Federal registration permit only. Federal public lands will be closed to the harvest of goats when a total of 45 goats have been harvested between Federal and State hunts.	Aug. 25–Dec. 31.
Moose: 1 antlered bull by Federal registration permit only	Aug. 20–Sept. 20.
Beaver: 1 beaver per day, 1 in possession	June 1–Oct. 10.
Coyote: 10 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 15–Jan. 15.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Jan. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
TRAPPING	
Beaver: 30 beaver per season	Nov. 10–Apr. 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.

Harvest limits	Open season
Lynx: No limit	Dec. 1–Jan. 31.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Jan. 31.

(12) *Unit 12.* Unit 12 consists of the Tanana River drainage upstream from the Robertson River, including all drainages into the east bank of the Robertson River, and the White River drainage in Alaska, but excluding the Ladue River drainage.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) You may not use a steel trap, or a snare using cable smaller than 3/32 inch diameter to trap wolves in Unit 12 during April and October;

(C) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou and moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(ii) [Reserved]

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear	Aug. 10–June 30.
Caribou:	
Unit 12—that portion of the Nabesna River drainage within the Wrangell-St. Elias National Park and Preserve and all Federal lands south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—The taking of caribou is prohibited on Federal public lands.	No open season.
Unit 12—remainder—1 bull	Sept. 1–Sept. 20.
Unit 12—remainder—1 caribou may be taken by a Federal registration permit during a winter season to be announced. Dates for a winter season to occur between Oct. 1 and Apr. 30 and sex of animal to be taken will be announced by Tetlin National Wildlife Refuge Manager in consultation with Wrangell-St. Elias National Park and Preserve Superintendent, Alaska Department of Fish and Game area biologists, and Chairs of the Eastern Interior Regional Advisory Council and Upper Tanana/Fortymile Fish and Game Advisory Committee.	Winter season to be announced.
Sheep: 1 ram with full curl horn or larger	Aug. 10–Sept. 20.
Moose:	
Unit 12—that portion within the Tetlin National Wildlife Refuge and those lands within the Wrangell-St. Elias National Preserve north and east of a line formed by the Pickerel Lake Winter Trail from the Canadian border to the southern boundary of the Tetlin National Wildlife Refuge—1 antlered bull. The November season is open by Federal registration permit only.	Aug. 24–Aug. 28. Sept. 8–Sept. 17. Nov. 20–Nov. 30.
Unit 12—that portion lying east of the Nabesna River and Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 antlered bull; however during the Aug. 15–Aug. 28 season only bulls with spike/fork antlers may be taken.	Aug. 15–Aug. 28. Sept. 1–Sept. 30.
Unit 12—remainder—1 antlered bull; however during the Aug. 15–Aug. 28 season only bulls with spike/fork antlers may be taken.	Aug. 15–Aug. 28. Sept. 1–Sept. 15.
Coyote: 10 coyotes; however, no more than 2 coyotes may be taken before October 1	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Mar. 15.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver: 15 beaver per season	Nov. 1–Apr. 15.
Coyote: No limit	Oct. 15–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx:	
5 lynx	Nov. 1–30.
No limit	Dec. 1–Mar. 15.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Sept. 20–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Oct. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Feb. 28.

(13) *Unit 13.* (i) Unit 13 consists of that area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier and including the Slana River drainages north of Suslota Creek; the drainages into the Delta River upstream from Falls Creek and Black Rapids Glacier; the drainages into the Nenana River upstream from the southeast corner of Denali National Park at Windy; the drainage into the Susitna River upstream from its junction with the Chulitna River; the drainage into the east bank of the Chulitna River upstream to its confluence with Tokositna River; the drainages of the Chulitna River (south of Denali National Park) upstream from its confluence with the Tokositna River; the drainages into the north bank of the Tokositna River upstream to the base of the Tokositna Glacier; the drainages into the Tokositna Glacier; the drainages into the east bank of the Susitna River between its confluences with the Talkeetna and Chulitna Rivers; the drainages into the north bank of the Talkeetna River; the drainages into the east bank of the Chickaloon River; the drainages of the Matanuska River above its confluence with the Chickaloon River:

(A) Unit 13(A) consists of that portion of Unit 13 bounded by a line beginning at the Chickaloon River bridge at Mile 77.7 on the Glenn Highway, then along the Glenn Highway to its junction with the Richardson Highway, then south along the Richardson Highway to the foot of Simpson Hill at Mile 111.5, then east to the east bank of the Copper River, then northerly along the east bank of the Copper River to its junction with the Gulkana River, then northerly along the west bank of the Gulkana River to its junction with the West Fork of the Gulkana River, then westerly along the west bank of the West Fork of the Gulkana River to its source, an unnamed lake, then across the divide into the Tyone River drainage, down an unnamed stream into the Tyone River, then down the Tyone River to the Susitna River, then down the southern bank of the Susitna River to the mouth of Kosina Creek, then up Kosina Creek to its headwaters, then across the divide and down Aspen Creek to the Talkeetna River, then southerly along the boundary of Unit 13 to the Chickaloon River bridge, the point of beginning;

(B) Unit 13(B) consists of that portion of Unit 13 bounded by a line beginning at the confluence of the Copper River and the Gulkana River, then up the east bank of the Copper River to the Gakona River, then up the Gakona River and Gakona Glacier to the boundary of Unit 13, then westerly along the boundary of Unit 13 to the Susitna Glacier, then southerly along the west bank of the Susitna Glacier and the Susitna River to the Tyone River, then up the Tyone River and across the divide to the headwaters of the West Fork of the Gulkana River, then down the West Fork of the Gulkana River to the confluence of the Gulkana River and the Copper River, the point of beginning;

(C) Unit 13(C) consists of that portion of Unit 13 east of the Gakona River and Gakona Glacier;

(D) Unit 13(D) consists of that portion of Unit 13 south of Unit 13(A);

(E) Unit 13(E) consists of the remainder of Unit 13.

(ii) Within the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(13) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) You may not use motorized vehicles or pack animals for hunting from Aug. 5–Aug. 25 in the Delta Controlled Use Area, the boundary of which is defined as: A line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle bench mark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Cantwell Glacier, then west along the north bank of the Canwell Glacier and Miller Creek to the Delta River;

(C) Except for access and transportation of harvested wildlife on Sourdough and Haggard Creeks, Meiers Lake trails, or other trails designated by the Board, you may not use motorized vehicles for subsistence hunting, is prohibited in the Sourdough Controlled Use Area. The Sourdough Controlled Use Area consists of that portion of Unit 13(B) bounded by a line beginning at the confluence of Sourdough Creek and the Gulkana River, then northerly along Sourdough Creek to the Richardson Highway at approximately Mile 148, then northerly along the Richardson Highway to the Meiers Creek Trail at approximately Mile 170, then westerly along the trail to the Gulkana River, then southerly along the east bank of the Gulkana River to its confluence with Sourdough Creek, the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou and moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear. Bears taken within Denali National Park must be sealed within 5 days of harvest. That portion within Denali National Park will be closed by announcement of the Superintendent after 4 bears have been harvested.	Aug. 10–May 31.
Caribou: 2 bulls by Federal registration permit only. Hunting within the Trans-Alaska Oil Pipeline right-of-way is prohibited. The right-of-way is identified as the area occupied by the Sept. pipeline (buried or above ground) and the cleared area 25 feet on either side of the pipeline.	Aug. 10–Sept. 30. Oct. 21–Mar. 31.
Sheep: Unit 13—excluding Unit 13(D) and the Tok Management Area and Delta Controlled Use Area—1 ram with 7/8 curl horn.	Aug. 10–Sept. 20.
Moose:	
Unit 13(E)—1 antlered bull moose by Federal registration permit only; only 1 permit will be issued per household	Aug. 1–Sept. 20.
Unit 13—remainder—1 antlered bull moose by Federal registration permit only	Aug. 1–Sept. 20.
Beaver: 1 beaver per day, 1 in possession	June 15–Sept. 10.

Harvest limits	Open season
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 15–Jan. 15.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Jan. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
TRAPPING	
Beaver: No limit	Oct. 10–May 15.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Dec. 1–Jan. 31.
Marten:	
Unit 13(A–D)—No limit	Nov. 10–Feb. 28.
Unit 13—remainder—No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Oct. 15–Apr. 30.
Wolverine: No limit	Nov. 10–Jan. 31.

(14) *Unit 14.* (i) Unit 14 consists of drainages into the north side of Turnagain Arm west of and excluding the Portage Creek drainage, drainages into Knik Arm excluding drainages of the Chickaloon and Matanuska Rivers in Unit 13, drainages into the north side of Cook Inlet east of the Susitna River, drainages into the east bank of the Susitna River downstream from the Talkeetna River, and drainages into the south bank of the Talkeetna River:

(A) Unit 14(A) consists of drainages in Unit 14 bounded on the west by the Susitna River, on the north by Willow Creek, Peters Creek, and by a line from the head of Peters Creek to the head of the Chickaloon River, on the east by the eastern boundary of Unit 14, and on the south by Cook Inlet, Knik Arm, the south bank of the Knik River from its mouth to its junction with Knik Glacier, across the face of Knik Glacier and along the north side of Knik Glacier to the Unit 6 boundary;

(B) Unit 14(B) consists of that portion of Unit 14 north of Unit 14(A);

(C) Unit 14(C) consists of that portion of Unit 14 south of Unit 14(A).

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in the Fort Richardson and Elmendorf Air Force Base Management Areas, consisting of the Fort Richardson and Elmendorf Military Reservation;

(B) You may not take wildlife for subsistence uses in the Anchorage Management Area, consisting of all drainages south of Elmendorf and Fort Richardson military reservations and north of and including Rainbow Creek.

(iii) Unit-specific regulations:

Harvest limits	Open season
HUNTING	
Black Bear: Unit 14(C)—1 bear	July 1–June 30.
Beaver: Unit 14(C)—1 beaver per day, 1 in possession	May 15–Oct. 31.
Coyote: Unit 14(C)—2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): Unit 14(C)—2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe): Unit 14(C)—5 hares per day	Sept. 8–Apr. 30.
Lynx: Unit 14(C)—2 lynx	Dec. 15–Jan. 15.
Wolf: Unit 14(C)—5 wolves	Aug. 10–Apr. 30.
Wolverine: Unit 14(C)—1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): Unit 14(C)—5 per day, 10 in possession	Sept. 8–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): Unit 14(C)—10 per day, 20 in possession	Sept. 8–Mar. 31.
TRAPPING	
Beaver: Unit 14(C)—that portion within the drainages of Glacier Creek, Kern Creek, Peterson Creek, the Twentymile River and the drainages of Knik River outside Chugach State Park—20 beaver per season.	Dec. 1–Apr. 15.
Coyote: Unit 14(C)—No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): Unit 14(C)—1 fox	Nov. 10–Feb. 28.
Lynx: Unit 14(C)—No limit	Dec. 15–Jan. 15.
Marten: Unit 14(C)—No limit	Nov. 10–Jan. 31.
Mink and Weasel: Unit 14(C)—No limit	Nov. 10–Jan. 31.
Muskrat: Unit 14(C)—No limit	Nov. 10–May 15.
Otter: Unit 14(C)—No limit	Nov. 10–Feb. 28.
Wolf: Unit 14(C)—No limit	Nov. 10–Feb. 28
Wolverine: Unit 14(C)—No limit	Nov. 10–Feb. 28.

(15) *Unit 15.* (i) Unit 15 consists of that portion of the Kenai Peninsula and adjacent islands draining into the Gulf of Alaska, Cook Inlet, and Turnagain Arm from Gore Point to the point where longitude line 150°00′ W. crosses the coastline of Chickaloon Bay in Turnagain Arm, including that area lying west of longitude line 150°00′ W. to the mouth of the Russian River, then southerly along the Chugach National Forest boundary to the upper end of Upper Russian Lake; and including the drainages into Upper Russian Lake west of the Chugach National Forest boundary:

(A) Unit 15(A) consists of that portion of Unit 15 north of the Kenai River and Skilak Lake;

(B) Unit 15(B) consists of that portion of Unit 15 south of the Kenai River and Skilak Lake, and north of the Kasilof River, Tustumena Lake, Glacier Creek, and Tustumena Glacier;

(C) Unit 15(C) consists of the remainder of Unit 15.

(ii) You may not take wildlife, except for grouse, ptarmigan, and hares that may be taken only from October 1–March 1 by bow and arrow only, in the Skilak Loop Management Area, which consists of that portion of Unit 15(A) bounded by a line beginning at the eastern most junction of the Sterling Highway and the Skilak Loop (milepost 76.3), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Lake Campground Road and the Skilak Loop Road to its western most junction with the Sterling Highway, then easterly along the Sterling Highway to the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not trap furbearers for subsistence in the Skilak Loop Wildlife Management Area;

(C) You may not trap marten in that portion of Unit 15(B) east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier;

(D) You may not take red fox in Unit 15 by any means other than a steel trap or snare;

(E) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
HUNTING	
Black Bear:	
Unit 15(C)—3 bears	July 1–June 30.
Unit 15—remainder	No open season.
Moose:	
Unit 15(A)—Skilak Loop Wildlife Management Area	No open season.
Unit 15(A)—remainder, Unit 15(B), and (C)—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	Aug. 10–Sept. 20.
Coyote: No limit	Sept. 1–Apr. 30.
Hare (Snowshoe): No limit	July 1–June 30.
Wolf:	
Unit 15—that portion within the Kenai National Wildlife Refuge—2 wolves	Aug. 10–Apr. 30.
Unit 15—remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 Wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Grouse (Ruffed)	No open season.
Ptarmigan (Rock, Willow, and White-tailed):	
Unit 15(A) and (B)—20 per day, 40 in possession	Aug. 10–Mar. 31.
Unit 15(C)—20 per day, 40 in possession	Aug. 10–Dec. 31.
Unit 15(C)—5 per day, 10 in possession	Jan. 1–Mar. 31.
TRAPPING	
Beaver: 20 Beaver per season	Nov. 10–Mar. 31.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): 1 Fox	Nov. 10–Feb. 28.
Lynx: No limit	Jan. 15–Feb. 15.
Marten:	
Unit 15(B)—that portion east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier	No open season.
Remainder of Unit 15—No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–May 15.
Otter: Unit 15—No limit	Nov. 10–Feb. 28.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: Unit 15(B) and (C)—No limit	Nov. 10–Feb. 28.

(16) *Unit 16.* (i) Unit 16 consists of the drainages into Cook Inlet between Redoubt Creek and the Susitna River, including Redoubt Creek drainage, Kalgin Island, and the drainages on the west side of the Susitna River (including the Susitna River) upstream to its confluence with the Chulitna River; the drainages into the west side of the Chulitna River (including the Chulitna River) upstream to the Tokositna River, and drainages into the south side of the Tokositna River upstream to the base of the Tokositna Glacier, including the drainage of the Kahiltna Glacier:

(A) Unit 16(A) consists of that portion of Unit 16 east of the east bank of the Yentna River from its mouth upstream to the Kahiltna River, east of the east bank of the Kahiltna River, and east of the Kahiltna Glacier;

(B) Unit 16(B) consists of the remainder of Unit 16.

(ii) You may not take wildlife for subsistence uses in the Mount McKinley National Park, as it existed prior to December 2, 1980. Subsistence uses as

authorized by this paragraph (m)(16) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15.

(B) [Reserved]

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Caribou: 1 caribou	Aug. 10–Oct. 31.
Moose:	
Unit 16(B)—Redoubt Bay Drainages south and west of, and including the Kustatan River drainage—1 antlered bull.	Sept. 1–Sept. 15.
Unit 16(B)—remainder—1 moose; however, antlerless moose may be taken only from Sept. 25–Sept. 30 and from Dec. 1–Feb. 28 by Federal registration permit only.	Sept. 1–Sept. 30. Dec. 1–Feb. 28.
Coyote: 2 coyotes.	Sept 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 15–Jan. 15.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
TRAPPING	
Beaver: No limit	Oct. 10–May 15.
Coyote: No limit	Nov 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Dec. 15–Jan. 15.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(17) *Unit 17*. (i) Unit 17 consists of drainages into Bristol Bay and the Bering Sea between Etolin Point and Cape Newenham, and all islands between these points including Hagemeister Island and the Walrus Islands:

(A) Unit 17(A) consists of the drainages between Cape Newenham and Cape Constantine, and Hagemeister Island and the Walrus Islands;

(B) Unit 17(B) consists of the Nushagak River drainage upstream from, and including the Mulchatna River drainage, and the Wood River drainage upstream from the outlet of Lake Beverley;

(C) Unit 17(C) consists of the remainder of Unit 17.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Except for aircraft and boats and in legal hunting camps, you may not use any motorized vehicle for hunting ungulates, bears, wolves, and wolverine, including transportation of hunters and parts of ungulates, bear, wolves, or wolverine in the Upper Mulchatna Controlled Use Area consisting of Unit 17(B), from Aug. 1–Nov. 1;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area which consists of Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) For Federal registration permit caribou hunts for Unit 17(A) and (C), that portion consisting of the Nushagak Peninsula south of the Igushik River, Tuklung River and Tuklung Hills, west to Tvativak Bay, a Federally-qualified subsistence user may designate another Federally-qualified subsistence user to harvest caribou on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
HUNTING	
Black Bear: 2 bears	Aug. 1–May 31.
Brown Bear: Unit 17—1 bear by State registration permit only	Sept. 1–May 31.
Caribou:	
Unit 17(A) and (C)—that portion of 17(A) and (C) consisting of the Nushagak Peninsula south of the Igushik River, Tuklung River and Tuklung Hills, west to Tvativak Bay—2 caribou by Federal registration permit. Public lands are closed to the taking of caribou except by the residents of Togiak, Twin Hills, Manokotak, Aleknagik, Dillingham, Clark's Point, and Ekuk during seasons identified above.	Aug. 1–Sept. 30. Dec. 1–Mar. 31.
Unit 17(B) and (C)—that portion of 17(C) east of the Wood River and Wood River Lakes—5 caribou; however, no more than 2 bulls may be taken from Oct. 1–Nov. 30.	Aug. 1–Apr. 15.

Harvest limits	Open season
Unit 17(A)—remainder and 17(C)—remainder—selected drainages; a harvest limit of up to 5 caribou will be determined at the time the season is announced.	Season to occur between Aug. 1–Mar. 31, harvest limit, and hunt area to be announced by the Togiak National Wildlife Refuge Manager.
Sheep: 1 ram with full curl horn or larger	Aug. 10–Sept. 20.
Moose:	
Unit 17(A)—1 bull by State registration permit	Aug. 25–Sept. 20.
Unit 17(B)—that portion that includes all the Mulchatna River drainage upstream from and including the Chilchitna River drainage—1 bull by State registration permit only during the period Aug. 20–Aug. 31. During the period Sept. 1–Sept. 15 only a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.	Aug. 20–Sept. 15.
Unit 17(C)—that portion that includes the Iowithla drainage and Sunshine Valley and all lands west of Wood River and south of Aleknagik Lake—1 bull by State registration permit only during the period Aug. 20–Aug. 31. During the period Sept. 1–Sept. 15 only a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.	Aug. 20–Sept. 15.
Unit 17(B)—remainder and 17(C)—remainder—1 bull by State registration permit only during the periods Aug. 20–Aug. 31 and Dec. 1–Dec. 31. During the period Sept. 1–Sept. 15 only a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket.	Aug. 20–Sept. 15. Dec. 1–Dec. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	Dec. 1–Mar. 15.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver: Unit 17—40 beaver per season	Nov. 10–Mar. 31.
Coyote: No limit	Nov. 10–Mar. 31
Fox, Arctic (Blue and White Phase): No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Mar. 31.
Lynx: No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: 2 muskrats	Nov. 10–Feb. 28.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(18) *Unit 18.* (i) Unit 18 consists of that area draining into the Yukon and Kuskokwim Rivers downstream from a straight line drawn between Lower Kalskag and Paimiut and the drainages flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak, St. Matthew, and adjacent islands between Cape Newenham and the Pastolik River.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) In the Kalskag Controlled Use Area which consists of that portion of Unit 18 bounded by a line from Lower Kalskag on the Kuskokwim River, northwesterly to Russian Mission on the Yukon River, then east along the north bank of the Yukon River to the old site of Paimiut, then back to Lower Kalskag, you may not use aircraft for hunting any ungulate, bear, wolf, or wolverine, including the transportation of any hunter and ungulate, bear, wolf, or wolverine part; however, this does not apply to transportation of a hunter or ungulate, bear, wolf, or wolverine part by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the Area and points outside the Area;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area which consists of Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 18 from Apr. 1–Jun. 10;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou south of the Yukon River on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(C) You may take caribou from a boat moving under power in Unit 18.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear by State registration permit only	Sept. 1–May 31.
Caribou:	
Unit 18—that portion south of the Yukon River—A harvest limit of up to 5 caribou will be determined at the time the season is announced and will be based on the management objectives in the ''Qavilnguut (Kilbuck) Caribou Herd Cooperative Management Plan.'' The season will be closed when the total harvest reaches guidelines as described in the approved ''Qavilnguut (Kilbuck) Caribou Herd Cooperative Management Plan''.	Season to occur between Aug. 25 and Mar. 31 to be announced by the Yukon Delta National Wildlife Refuge Manager.
Unit 18—that portion north of the Yukon River—5 caribou per day	Aug. 1–Mar. 31.
Moose:	
Unit 18—that portion north and west of a line from Cape Romanzof to Kuzilvak Mountain, and then to Mountain Village, and west of, but not including, the Andreafsky River drainage—1 antlered bull.	Sept. 5–Sept. 25.
Unit 18—south of and including the Kanektok River drainages	No open season.
Unit 18—Kuskokwim River drainage—1 antlered bull. A 10-day hunt to occur between Dec. 1 and Feb. 28 (1 bull, evidence of sex required) will be opened by announcement.	Aug. 25–Sept. 25. Winter season to be announced.
Unit 18—remainder—1 antlered bull. A 10-day hunt to occur between Dec. 1 and Feb. 28 (1 bull, evidence of sex required) will be opened by announcement. Winter season to be announced.	Sept. 1–Sept. 30.
Public lands in Unit 18 are closed to the hunting of moose, except by Federally-qualified rural Alaska residents during seasons identified above.	
Beaver: No limit	July 1–June 30.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct.	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Mar. 31.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–May 30.
TRAPPING	
Beaver: No limit	July 1–June 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White Phase): No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Mar. 31.
Lynx: No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Mar. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Mar. 31.

(19) *Unit 19.* (i) Unit 19 consists of the Kuskokwim River drainage upstream from a straight line drawn between Lower Kalskag and Piamiut:

(A) Unit 19(A) consists of the Kuskokwim River drainage downstream from and including the Moose Creek drainage on the north bank and downstream from and including the Stony River drainage on the south bank, excluding Unit 19(B);

(B) Unit 19(B) consists of the Aniak River drainage upstream from and including the Salmon River drainage, the Holitna River drainage upstream from and including the Bakbuk Creek drainage, that area south of a line from the mouth of Bakbuk Creek to the radar dome at Sparrevohn Air Force Base, including the Hoholitna River drainage upstream from that line, and the Stony River drainage upstream from and including the Can Creek drainage;

(C) Unit 19(C) consists of that portion of Unit 19 south and east of a line from Benchmark M#1.26 (approximately 1.26 miles south of the northwest corner of the original Mt. McKinley National Park boundary) to the peak of Lone Mountain, then due west to Big River, including the Big River drainage upstream from that line, and including the Swift River drainage upstream from and including the North Fork drainage;

(D) Unit 19(D) consists of the remainder of Unit 19.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(19) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) In the Upper Kuskokwim Controlled Use Area, which consists of that portion of Unit 19(D) upstream from the mouth of Big River including the drainages of the Big River, Middle Fork, South Fork, East Fork, and Tonzona River, and bounded by a line following the west bank of the Swift Fork (McKinley Fork) of the Kuskokwim River to 152°50′W. long., then north to the boundary of Denali National Preserve, then following the western boundary of Denali National Preserve north to its intersection with the Minchumina-Telida winter trail, then west to the crest of Telida Mountain, then north along the crest of Munsatli Ridge to elevation 1,610, then northwest to Dyckman Mountain and following the

crest of the divide between the Kuskokwim River and the Nowitna drainage, and the divide between the Kuskokwim River and the Nixon Fork River to Loaf benchmark on Halfway Mountain, then south to the west side of Big River drainage, the point of beginning, you may not use aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the Controlled Use Area, or between a publicly owned airport within the area and points outside the area;

(C) You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area, which consists of Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30.

(B) [Reserved]

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 19(A) and (B)—those portions which are downstream of and including the Aniak River drainage—1 bear by State registration permit.	Sept. 1–May 31.
Unit 19(A)—remainder, 19(B)—remainder, and Unit 19(D)—1 bear	Sept. 1–May 31.
Caribou:	
Unit 19(A)—north of Kuskokwim River—1 caribou	Aug. 10–Sept. 30. Nov. 1–Feb. 28.
Unit 19(A)—south of the Kuskokwim River and Unit 19(B) (excluding rural Alaska residents of Lime Village)—5 caribou.	Aug. 1–Apr. 15.
Unit 19(C)—1 caribou	Aug. 10–Oct. 10.
Unit 19(D)—south and east of the Kuskokwim River and North Fork of the Kuskokwim River—1 caribou	Aug. 10–Sept. 30. Nov. 1–Jan. 31.
Unit 19(D)—remainder—1 caribou	Aug. 10–Sept. 30.
Unit 19—rural Alaska residents domiciled in Lime Village only—no individual harvest limit but a village harvest quota of 200 caribou; cows and calves may not be taken from Apr. 1–Aug. 9. Reporting will be by a community reporting system.	July 1–June 30.
Sheep: 1 ram with 7/8 curl horn or larger	Aug. 10–Sept. 20.
Moose:	
Unit 19—Rural Alaska residents of Lime Village only—no individual harvest limit, but a village harvest quota of 40 moose (including those taken under the State Tier II system); either sex. Reporting will be by a community reporting system.	July 1–June 30.
Unit 19(A)—that portion north of the Kuskokwim River upstream from, but not including, the Kolmakof River drainage and south of the Kuskokwim River upstream from, but not including, the Holokuk River drainage—1 moose; however, antlerless moose may be taken only during the Feb. 1–Feb. 10 season.	Sept. 1–Sept. 20. Nov. 20–Nov. 30. Jan. 1–Jan. 10. Feb. 1–Feb. 10.
Unit 19(A)—remainder—1 bull	Sept. 1–Sept. 20. Nov. 20–Nov. 30. Jan. 1–Jan. 10. Feb. 1–Feb. 10.
Unit 19(B)—1 antlered bull	Sept. 1–Sept. 30.
Unit 19(C)—1 antlered bull	Sept. 1–Oct. 10.
Unit 19(C)—1 bull by State registration permit	Jan. 15–Feb. 15.
Unit 19(D)—that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 antlered bull.	Sept. 1–Sept. 30.
Unit 19(D)—remainder of the Upper Kuskokwim Controlled Use Area—1 bull	Sept. 1–Sept. 30. Dec. 1–Feb. 28.
Unit 19(D)—remainder—1 antlered bull	Sept. 1–Sept. 30. Dec. 1–Dec. 15.
Coyote: 10 coyotes; however, no more than 2 coyotes may be taken before October 1	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx.	Nov. 1–Feb. 28.
Wolf:	
Unit 19(D)—10 wolves per day	Aug. 10–Apr. 30.
Unit 19—remainder—5 wolves	Apr. 10–Apr 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver: No limit	Nov. 1–Jun. 10.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Mar. 31.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.

Harvest limits	Open season
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(20) *Unit 20.* (i) Unit 20 consists of the Yukon River drainage upstream from and including the Tozitna River drainage to and including the Hamlin Creek drainage, drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, the Ladue River and Fortymile River drainages, and the Tanana River drainage north of Unit 13 and downstream from the east bank of the Robertson River:

(A) Unit 20(A) consists of that portion of Unit 20 bounded on the south by the Unit 13 boundary, bounded on the east by the west bank of the Delta River, bounded on the north by the north bank of the Tanana River from its confluence with the Delta River downstream to its confluence with the Nenana River, and bounded on the west by the east bank of the Nenana River;

(B) Unit 20(B) consists of drainages into the north bank of the Tanana River from and including Hot Springs Slough upstream to and including the Banner Creek drainage;

(C) Unit 20(C) consists of that portion of Unit 20 bounded on the east by the east bank of the Nenana River and on the north by the north bank of the Tanana River downstream from the Nenana River;

(D) Unit 20(D) consists of that portion of Unit 20 bounded on the east by the east bank of the Robertson River and on the west by the west bank of the Delta River, and drainages into the north bank of the Tanana River from its confluence with the Robertson River downstream to, but excluding the Banner Creek drainage;

(E) Unit 20(E) consists of drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, and the Ladue River drainage;

(F) Unit 20(F) consists of the remainder of Unit 20.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (m)(20) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) You may not use motorized vehicles or pack animals for hunting from Aug. 5–Aug. 25 in the Delta Controlled Use Area, the boundary of which is defined as: A line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle bench mark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Canwell Glacier, then west along the north bank of the Canwell Glacier and Miller Creek to the Delta River;

(C) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(D) You may not use any motorized vehicle for hunting from August 5–September 20 in the Glacier Mountain Controlled Use Area, which consists of that portion of Unit 20(E) bounded by a line beginning at Mile 140 of the Taylor Highway, then north along the highway to Eagle, then west along the cat trail from Eagle to Crooked Creek, then from Crooked Creek southwest along the west bank of Mogul Creek to its headwaters on North Peak, then west across North Peak to the headwaters of Independence Creek, then southwest along the west bank of Independence Creek to its confluence with the North Fork of the Fortymile River, then easterly along the south bank of the North Fork of the Fortymile River to its confluence with Champion Creek, then across the North Fork of the Fortymile River to the south bank of Champion Creek and easterly along the south bank of Champion Creek to its confluence with Little Champion Creek, then northeast along the east bank of Little Champion Creek to its headwaters, then northeasterly in a direct line to Mile 140 on the Taylor Highway; however, this does not prohibit motorized access via, or transportation of harvested wildlife on, the Taylor Highway or any airport;

(E) You may by permit only hunt moose on the Minto Flats Management Area, which consists of that portion of Unit 20 bounded by the Elliot Highway beginning at Mile 118, then northeasterly to Mile 96, then east to the Tolovana Hotsprings Dome, then east to the Winter Cat Trail, then along the Cat Trail south to the Old Telegraph Trail at Dunbar, then westerly along the trail to a point where it joins the Tanana River three miles above Old Minto, then along the north bank of the Tanana River (including all channels and sloughs except Swan Neck Slough), to the confluence of the Tanana and Tolovana Rivers and then northerly to the point of beginning;

(F) You may hunt moose by bow and arrow only in the Fairbanks Management Area, which consists of that portion of Unit 20(B) bounded by a line from the confluence of Rosie Creek and the Tanana River, northerly along Rosie Creek to Isberg Road, then northeasterly on Isberg Road to Cripple Creek Road, then northeasterly on Cripple Creek Road to the Parks Highway, then north on the Parks Highway to Alder Creek, then westerly along Alder Creek to its confluence with Emma Creek, then upstream along Emma Creek to its headwaters, then northerly along the hydrographic divide between Goldstream Creek drainages and Cripple Creek drainages to the summit of Ester Dome, then down Sheep Creek to its confluence with Goldstream Creek, then easterly along Goldstream Creek to Sheep Creek Road, then north on Sheep Creek Road to Murphy Dome Road, then west on Murphy Dome Road to Old Murphy Dome Road, then east on Old Murphy Dome Road to the Elliot Highway, then south on the Elliot Highway to Goldstream Creek, then easterly along Goldstream Creek to its confluence with

First Chance Creek, then up First Chance Creek to Tungsten Hill, then southerly along Steele Creek to its confluence with Ruby Creek, then upstream along Ruby Creek to Esro Road, then south on Esro Road to Chena Hot Springs Road, then east on Chena Hot Springs Road to Nordale Road, then south on Nordale Road to the Chena River, then along the north bank of the Chena River to the Moose Creek dike, then southerly along the Moose Creek dike to its intersection with the Tanana River, and then westerly along the north bank of the Tanana River to the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) You may not use a steel trap, or a snare using cable smaller than 3/32 inch diameter to trap wolves in Unit 20(E) during April and October;

(C) Residents of Unit 20 and 21 may take up to three moose per regulatory year for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Tanana. This three moose limit is not cumulative with that permitted by the State.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bear	July 1–June 30.
Brown Bear:	
Unit 20(E)—1 bear	Aug. 10–June 30.
Unit 20—remainder—1 bear every four regulatory years	Sept. 1–May 31.
Caribou:	
Unit 20(E)—1 caribou by joint State/Federal registration permit only. The fall season will close when a combined State/Federal harvest of 320 caribou has been reached. The Sept. winter season will close when the combined quota of 210 caribou for Units 20(E) and 25(C) Remainder has been reached. The season closures will be announced by the Northern Field Office Manager, Bureau of Land Management after consultation with the National Park Service and Alaska Department of Fish and Game.	Aug. 10–Sept. 30. Nov. 1–Feb. 28.
Unit 20(F)—north of the Yukon River—1 caribou	Aug. 10–Mar. 31.
Unit 20(F)—east of the Dalton Highway and south of the Yukon River—1 caribou. However, during the November 1–March 31 season a State registration permit is required.	Aug. 10–Sept. 20 Nov. 1–Mar. 31.
Moose:	
Unit 20(A)—1 antlered bull	Sept. 1–Sept. 20.
Unit 20(B)—that portion within the Minto Flats Management Area—1 bull by Federal registration permit only	Sept. 1–Sept. 20. Jan. 10–Feb. 28.
Unit 20(B)—remainder—1 antlered bull	Sept. 1–Sept. 20.
Unit 20(C)—that portion within Denali National Park and Preserve west of the Toklat River, excluding lands within Mount McKinley National Park as it existed prior to December 2, 1980—1 antlered bull; however, white-phased or partial 10 albino (more than 50 percent white) moose may not be taken..	Sept. 1–Sept. 30. Nov. 15–Dec. 15.
Unit 20(C)—remainder—1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sept. 1–Sept. 30.
Unit 20(E)—that portion within Yukon Charley National Preserve—1 bull	Aug. 20–Sept. 30.
Unit 20(E)—that portion drained by the Forty-mile River (all forks) from Mile 9½ to Mile 145 Taylor Highway, including the Boundary Cutoff Road—1 antlered bull; however during the period Aug. 20–Aug. 28 only a bull with Spike/fork antlers may be taken.	Aug. 20–Aug. 28. Sept. 1–Sept. 15.
Unit 20(F)—that portion within the Dalton Highway Corridor Management Area—1 antlered bull by Federal registration permit only.	Sept. 1–Sept. 25.
Unit 20(F)—remainder—1 antlered bull	Sept. 1–Sept. 25
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx:	
Unit 20(E)—2 lynx	Nov. 1–Jan. 31.
Unit 20—remainder—2 lynx	Dec. 1–Jan. 31.
Wolf:	Aug. 10–Apr. 30.
Wolverine:	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed):	
Unit 20(D)—that portion south of the Tanana River and west of the Johnson River—15 per day, 30 in possession, provided that not more than 5 per day and 10 in possession grouse.	Aug. 25–Mar. 31.
Unit 20—remainder—15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock and Willow):	
Unit 20—those portions within five miles of Alaska Route 5 (Taylor Highway, both to Eagle and the Alaska-Canada boundary) and that portion of Alaska Route 4 (Richardson Highway) south of Delta Junction—20 per day, 40 in possession.	Aug. 10–Mar. 31.
Unit 20—remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver:	
Units 20(A), 20(B), Unit 20(C), and 20(F)—No limit	Nov. 1–Apr. 15.
Units 20(D) and (E)—25 beaver	Nov. 1–Apr. 15.
Coyote:	
Unit 20(E)—No limit	Oct. 15–Apr. 30.
Remainder Unit 20—No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx:	
Unit 20(A), (B), (D), and (C) east of the Teklanika River— No limit.	Dec. 1–Feb. 15.

Harvest limits	Open season
Unit 20(E)—5 lynx	Nov. 1–Nov. 30.
—No limit	Dec. 1–Mar. 15.
Unit 20(F) and the remainder of 20(C)—No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat:	
Unit 20(E)—No limit	Sept. 20–June 10.
Unit 20—remainder—No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf:	
Unit 20(A, B, C, & F)—No limit	Nov. 1–Apr. 30.
Unit 20(D)—No limit	Oct. 15–Apr. 30.
Unit 20(E)—No limit	Oct. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Feb. 28.

(21) *Unit 21.* (i) Unit 21 consists of drainages into the Yukon River upstream from Paimiut to, but not including the Tozitna River drainage on the north bank, and to, but not including the Tanana River drainage on the south bank; and excluding the Koyukuk River drainage upstream from the Dulbi River drainage:

(A) Unit 21(A) consists of the Innoko River drainage upstream from and including the Iditarod River drainage, and the Nowitna River drainage upstream from the Little Mud River;

(B) Unit 21(B) consists of the Yukon River drainage upstream from Ruby and east of the Ruby-Poorman Road, downstream from and excluding the Tozitna River and Tanana River drainages, and excluding the Nowitna River drainage upstream from the Little Mud River, and excluding the Melozitna River drainage upstream from Grayling Creek;

(C) Unit 21(C) consists of the Melozitna River drainage upstream from Grayling Creek, and the Dulbi River drainage upstream from and including the Cottonwood Creek drainage;

(D) Unit 21(D) consists of the Yukon River drainage from and including the Blackburn Creek drainage upstream to Ruby, including the area west of the Ruby-Poorman Road, excluding the Koyukuk River drainage upstream from the Dulbi River drainage, and excluding the Dulbi River drainage upstream from Cottonwood Creek;

(E) Unit 21(E) consists of the Yukon River drainage from Paimiut upstream to, but not including the Blackburn Creek drainage, and the Innoko River drainage downstream from the Iditarod River drainage.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Koyukuk Controlled Use Area, which consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65°57′ N. lat., 156°41′ W. long.), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochtla Mountain, then southwest to the mouth of Cottonwood Creek then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning, is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters on the Koyukuk River passing the ADF&G operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station;

(B) The Paradise Controlled Use Area, which consists of that portion of Unit 21 bounded by a line beginning at the old village of Paimiut, then north along the west bank of the Yukon River to Paradise, then northwest to the mouth of Stanstrom Creek on the Bonasila River, then northeast to the mouth of the Anvik River, then along the west bank of the Yukon River to the lower end of Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River, then down the east bank of the Innoko River to its confluence with Paimiut Slough, then south along the east bank of Paimiut Slough to its mouth, and then to the old village of Paimiut, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or part of moose; however, this does not apply to transportation of a moose hunter or part of moose by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the area and points outside the area.

(iii) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 21(D), Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears, or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iv) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30; and in the Koyukuk Controlled Use Area, you may also use bait to hunt black bear between September 1 and September 25;

(B) You may use a firearm to take beaver in Unit 21(E) from Nov. 1–June 10;

(C) The residents of Units 20 and 21 may take up to three moose per regulatory year for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Tanana. This three moose limit is not cumulative with that permitted by the State;

(D) The residents of Unit 21 may take up to three moose per regulatory year

for the celebration known as the Kaltag/Nulato Stickdance, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Kaltag or Nulato. This three moose limit is not cumulative with that permitted by the State.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 21(D)—1 bear by State registration permit only	Sept. 1–June 15.
Unit 21—remainder—1 bear every four regulatory years	Sept. 1–May 31.
Caribou:	
Unit 21(A)—1 caribou	Aug. 10–Sept. 30. Dec. 10–Dec. 20.
Unit 21(B), (C), and (E)—1 caribou	Aug. 10–Sept. 30.
Unit 21(D)—north of the Yukon River and east of the Koyukuk River 1 caribou; however, 2 additional caribou may be taken during a winter season to be announced.	Aug. 10–Sept. 30. Winter season to be announced.
Unit 21(D)—remainder—5 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Moose:	
Unit 21(A)—1 bull	Aug. 20–Sept. 25. Nov. 1–Nov. 30.
Unit 21(B) and (C)—1 antlered bull	Sept. 5–Sept. 25.
Unit 21(D)—Koyukuk Controlled Use Area—1 moose; however, antlerless moose may be taken only during Aug. 27–31 and the February season. During the Aug. 27–Sept. 20 season a State registration permit is required. Moose may not be taken within one-half mile of the mainstem Yukon River during the February season. A 10-day winter hunt to occur between Feb. 1 and Feb. 28 will season to be opened by announcement of the Koyukuk/Nowitna National Wildlife Refuge Manager after consultation with the ADF&G area biologist and the Chairs of the Western Interior Regional Advisory Council and Middle Yukon Fish and Game Advisory Committee.	Aug. 27–Sept. 20. Winter season to be announced.
Unit 21(D)—remainder—1 moose; however, antlerless moose may be taken only during Sept. 21–25 and the February season. Moose may not be taken within one-half mile of the mainstem Yukon River during the February season. A 10-day winter hunt to occur between Feb. 1 and Feb. 28 will be opened by announcement of the Koyukuk/Nowitna National Wildlife Refuge Manager after consultation with the ADF&G area biologist and the Winter Chairs of the Western Interior Regional Advisory Councilseason to and Middle Yukon Fish and Game Advisory Committee.	Sept. 5–Sept. 25. Winter season to be announced.
Unit 21(E)—1 moose; however, only bulls may be taken from Aug. 20–Sept. 25; moose may not be taken within one-half mile of the Innoko or Yukon River during the February season.	Aug. 20–Sept. 25. Feb. 1–Feb. 10.
Beaver:	
Unit 21(E)—No limit	Nov. 1–June 10.
Unit 21—remainder	No open season.
Coyote: 10 coyotes; however, no more than 2 coyotes may be taken before October 1	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver: No limit	Nov. 1–June 10.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(22) *Unit 22.* (i) Unit 22 consists of Bering Sea, Norton Sound, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from, but excluding, the Pastolik River drainage in southern Norton Sound to, but not including, the Goodhope River drainage in Southern Kotzebue Sound, and all adjacent islands in the Bering Sea between the mouths of the Goodhope and Pastolik Rivers:

(A) Unit 22(A) consists of Norton Sound drainages from, but excluding, the Pastolik River drainage to, and including, the Ungalik River drainage, and Stuart and Besboro Islands;

(B) Unit 22(B) consists of Norton Sound drainages from, but excluding, the Ungalik River drainage to, and including, the Topkok Creek drainage;

(C) Unit 22(C) consists of Norton Sound and Bering Sea drainages from, but excluding, the Topkok Creek drainage to, and including, the Tisuk River drainage, and King and Sledge Islands;

(D) Unit 22(D) consists of that portion of Unit 22 draining into the Bering Sea north of, but not including, the Tisuk River to and including Cape York, and St. Lawrence Island;

(E) Unit 22(E) consists of Bering Sea, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from Cape York to, but excluding, the Goodhope River drainage, and including Little Diomede Island and Fairway Rock.

(ii) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears, or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 22 during the established seasons;

(B) Coyote, incidentally taken with a trap or snare intended for red fox or wolf, may be used for subsistence purposes;

(C) A snowmachine may be used to position a hunter to select individual caribou for harvest provided that the animals are not shot from a moving snowmachine.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 22(A)—1 bear by State registration permit by residents of Unit 22(A) only	Sept. 1–May 31.
Unit 22(B)—1 bear by State registration permit by residents of Unit 22(B) only	Sept. 1–May 31.
Unit 22(C)	No open season.
Unit 22(E)—1 bear by State registration permit only	Aug. 1–May 31.
Unit 22—remainder—1 bear by State registration permit	Sept. 1–May 31.
Caribou: Unit 22(A) and (B)—5 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Moose:	
Unit 22(A)—1 bull; however, the period of Dec. 1–Jan. 31 is closed to hunting except by residents of Unit 22(A) only.	Aug. 1–Sept. 30. Dec. 1–Jan. 31.
Unit 22(B)—1 bull	Aug. 1–Jan. 31.
Unit 22(C)—1 antlered bull	Sept. 1–Sept. 14.
Unit 22(D)—that portion within the Kuzitrin River drainage—1 antlered bull	Aug. 1–Jan. 31.
Unit 22(D)—remainder—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31; no person may take a cow accompanied by a calf.	Aug. 1–Jan. 31.
Unit 22(E)—1 moose; no person may take a cow accompanied by a calf	Aug. 1–Mar. 31.
Muskox:	
Unit 22(B)—1 bull by Federal permit or State Tier II permit. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. The total combined harvest may not exceed 8 bulls.	Aug. 1–Mar. 15.
Unit 22(D)—That portion west of the Tisuk River drainage and Canyon Creek—1 muskox by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Not more than 3 cows may be taken, and the total combined harvest may not exceed 7 animals.	Sept. 1–Mar. 15.
Remainder of Unit 22(D)—1 muskox by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of muskox except by Federally-qualified Subsistence users. Not more than 13 cows may be taken, and the total combined harvest may not exceed 32 animals.	Aug. 1–Mar. 15.
Unit 22(E)—1 muskox by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Not more than 14 cows may be taken, and the total combined harvest may not exceed 23 animals.	Aug. 1–Mar. 15.
Unit 22—remainder	No open season.
Beaver:	
Unit 22(A), (B), (D), and(E)—50 beaver	Nov. 1–June 10.
Unit 22—remainder	No open season.
Coyote: Federal public lands are closed to the taking of No open coyotes	No open season.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes	Nov. 1–Apr. 15.
Hare (Snowshoe and Tundra): No limit	Sept. 1–Apr. 15.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Marten:	
Unit 22(A) 22(B)—No limit	Nov. 1–Apr. 15.
Unit 22—remainder	No open season.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 15.
Wolverine: 3 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow):	
Unit 22(A) and 22(B) east of and including the Niukluk River drainage—40 per day, 80 in possession	Aug. 10–Apr. 30.
Unit 22 (E)—20 per day, 40 in possession	July 15–May 15.
Unit 22 Remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.

Harvest limits	Open season
TRAPPING	
Beaver:	
Unit 22(A), (B), (D), and (E)—50 beaver	Nov. 1–June 10.
Unit 22(C)	No open season.
Coyote: Federal public lands are closed to the taking of coyotes	No open season.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

(23) *Unit 23*. (i) Unit 23 consists of Kotzebue Sound, Chukchi Sea, and Arctic Ocean drainages from and including the Goodhope River drainage to Cape Lisburne.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area, which consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek, is closed for the period August 25–September 15. This does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A); if you have obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) You may take caribou from a boat moving under power in Unit 23;

(B) In addition to other restrictions on method of take found in this § ____.26, you may also take swimming caribou with a firearm using rimfire cartridges;

(C) If you have a trapping license, you may take beaver with a firearm in all of Unit 23 from Nov. 1–Jun. 10;

(D) For the Baird and DeLong Mountain sheep hunts—A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(E) A snowmachine may be used to position a hunter to select individual caribou for harvest provided that the animals are not shot from a moving snowmachine.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 23—except the Baldwin Peninsula north of the Arctic Circle—1 bear by State registration permit	Sept. 1–May 31.
Unit 23—remainder—1 bear every four regulatory years	Sept. 1–Oct. 10. Apr. 15–May 25.
Caribou:	
15 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Sheep:	
Unit 23—south of Rabbit Creek, Kyak Creek and the Noatak River, and west of the Cutler and Redstone Rivers (Baird Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 20 full curl rams, based on a quota to be announced locally after the annual sheep of the population survey is completed. Federal public lands are closed to the taking of sheep except by Federally-qualified subsistence users.	Aug. 1–Sept. 30. The season will be closed when half of the quota has been harvested.
Unit 23—south of Rabbit Creek, Kyak Creek and the Noatak River, and west of the Cutler and Redstone Rivers (Baird Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 20 full curl rams, based on a quota to be announced locally after the annual sheep population survey is completed. Federal public lands are closed to the taking of sheep except by Federally-qualified subsistence users.	Oct. 1–Apr. 1. The season will be closed when the total quota of sheep has been harvested including those harvested during the Aug. 1–Sept. 30 season.

Harvest limits	Open season
Unit 23—north of Rabbit Creek, Kyak Creek and the Noatak River, and west of the Aniuk River (DeLong Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 10 full curl rams in the DeLong Mountains, Units 23 and 26(A), based on a quota to be announced locally after the annual sheep population survey is completed.	Aug. 1–Sept. 30. The season will be closed when half of the quota has been harvested in the DeLong Mountains
Unit 23—north of Rabbit Creek, Kyak Creek and the Noatak River, and west of the Aniuk River (DeLong Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 10 full curl rams in the DeLong Mountains, Units 23 and 26(A), based on a quota to be announced locally after the annual sheep population survey is completed.	Oct. 1–Apr. 1. The season will be closed when the total quota of sheep has been harvested in the DeLong Mountains including those harvested during the Aug. 1–Sept. 30 season.
Unit 23, remainder (Schwatka Mountains)—1 ram with 7/8 curl horn or larger	Aug. 10–Sept. 20.
Unit 23, remainder (Schwatka Mountains)—1 sheep	Oct. 1–Apr. 30.
Moose:	
Unit 23—that portion north and west of and including the Singoalik River drainage, and all lands draining into the Kukpuk and Ipewik Rivers—1 moose; no person may take a cow accompanied by a calf.	July 1–Mar. 31.
Unit 23—that portion lying within the Noatak River drainage—1 moose; however, antlerless moose may be taken only from Nov. 1–Mar. 31; no person may take a cow accompanied by a calf.	Aug. 1–Sept. 15. Oct. 1–Mar. 31.
Unit 23—remainder—1 moose; no person may take a cow accompanied by a calf	Aug. 1–Mar. 31.
Muskox:	
Unit 23—south of Kotzebue Sound and west of and including the Buckland River drainage—1 muskox by Federal permit or State Tier II permit; however, cows may only be taken during the period Jan. 1–Mar. 15. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Not more than 8 cows may be taken, and the total combined harvest may not exceed 13 animals.	Aug. 1–Mar. 15.
Unit 23—remainder	No open season.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare: (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 1–Jan. 15.
Wolf: 5 wolves	Nov. 10–Mar. 31.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce and Ruffed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver:	
Unit 23—the Kobuk and Selawik River drainages—50 beaver	July 1–June 30.
Unit 23—remainder—30 beaver	July 1–June 30.
Coyote: No limit	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: 3 lynx	Dec. 1–Jan. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

(24) *Unit 24.* (i) Unit 24 consists of the Koyukuk River drainage upstream from but not including the Dulbi River drainage.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(B) You may not use aircraft for hunting moose, including transportation of any moose hunter or moose part in the Kanuti Controlled Use Area, which consists of that portion of Unit 24 bounded by a line from the Bettles Field VOR to the east side of Fish Creek Lake, to Old Dummy Lake, to the south end of Lake Todatonten (including all waters of these lakes), to the northernmost headwaters of Siruk Creek, to the highest peak of Double Point Mountain, then back to the Bettles Field VOR; however, this does not apply to transportation of a moose hunter or

moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area;

(C) You may not use aircraft for hunting moose, including transportation of any moose hunter or moose part in the Koyukuk Controlled Use Area, which consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65°′57' N. lat., 156°41′ W. long.), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochtla Mountain, then southwest to the mouth of Cottonwood Creek, then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters on the Koyukuk River passing the ADF&G operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station;

(D) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. You may not use aircraft in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30; and in the Koyukuk Controlled Use Area, you may also use bait to hunt black bear between September 1 and September 25;

(B) Arctic fox, incidentally taken with a trap or snare intended for red fox, may be used for subsistence purposes.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 24—1 bear by State registration permit	Sept. 1–June 15.
Caribou:	
Unit 24—that portion south of the south bank of the Kanuti River, upstream from and including that portion of the Kanuti-Kilolitna River drainage, bounded by the southeast Mar. bank of the Kodosin-Nolitna Creek, then downstream along the east bank of the Kanuti-Kilolitna River to its confluence with the Kanuti River—1 caribou.	Aug. 10–Mar. 31.
Remainder of Unit 24—5 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Sheep:	
Unit 24—(Anaktuvuk Pass residents only)—that portion within the Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person no more than 1 of which may be a ewe.	July 15–Dec. 41.
Unit 24—(excluding Anaktuvuk Pass residents)—that portion within the Gates of the Arctic National Park—3 sheep	Aug. 1–Apr. 30.
Unit 24—that portion within the Dalton Highway Corridor Management Area; except, Gates of the Arctic National Park—1 ram with ⅞ curl horn or larger by Federal registration permit only.	Aug. 10–Sept. 20.
Unit 24—remainder—1 ram with ⅞ curl horn or large	Aug. 10–Sept. 20.
Moose:	
Unit 24—that portion within the Koyukuk Controlled Use Area—1 moose; however, antlerless moose may only be taken during the periods of Aug. 27–31, Dec. 1–Dec. 10, and Mar. 1–Mar. 10. During Aug. 27–Sept. 20, a State 20. registration permit is required.	Aug. 27–Sept. 20 Dec. 1–Dec. 10. Mar. 1–Mar. 10.
Unit 24—that portion that includes the John River drainage within the Gates of the Arctic National Park—1 moose	Aug. 1–Dec. 31.
Unit 24—the Alatna River drainage within the Gates of the Arctic National Park—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Mar. 1–Mar. 10.	Aug. 5–Dec. 31. Mar. 1–Mar. 10.
Unit 24—all drainages to the north of the Koyukuk River upstream from and including the Alatna River to and including the North Fork of the Koyukuk River, except those portions of the John River and the Alatna River drainages within the Gates of the Arctic National Park—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Mar. 1–Mar. 10.	Aug. 25–Sept. 25. Mar. 1–Mar. 10.
Unit 24—that portion within the Dalton Highway Corridor—Management Area; except, Gates of the Arctic National Park—1 antlered bull by Federal registration permit only.	Aug. 25–Sept. 25.
Unit 24—remainder—1 antlered bull. Public lands in the Kanuti Controlled Use Area are closed to taking of moose, except by eligible rural Alaska residents.	Aug. 25–Sept. 25.
Coyote: 10 coyotes; however, no more than 2 coyotes may be taken before October 1	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver: No limit	Nov. 1–June 10.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.

Harvest limits	Open season
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(25) *Unit 25*. (i) Unit 25 consists of the Yukon River drainage upstream from but not including the Hamlin Creek drainage, and excluding drainages into the south bank of the Yukon River upstream from the Charley River:

(A) Unit 25(A) consists of the Hodzana River drainage upstream from the Narrows, the Chandalar River drainage upstream from and including the East Fork drainage, the Christian River drainage upstream from Christian, the Sheenjek River drainage upstream from and including the Thluichohnjik Creek, the Coleen River drainage, and the Old Crow River drainage;

(B) Unit 25(B) consists of the Little Black River drainage upstream from but not including the Big Creek drainage, the Black River drainage upstream from and including the Salmon Fork drainage, the Porcupine River drainage upstream from the confluence of the Coleen and Porcupine Rivers, and drainages into the north bank of the Yukon River upstream from Circle, including the islands in the Yukon River;

(C) Unit 25(C) consists of drainages into the south bank of the Yukon River upstream from Circle to the Subunit 20(E) boundary, the Birch Creek drainage upstream from the Steese Highway bridge (milepost 147), the Preacher Creek drainage upstream from and including the Rock Creek drainage, and the Beaver Creek drainage upstream from and including the Moose Creek drainage;

(D) Unit 25(D) consists of the remainder of Unit 25.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(B) The Arctic Village Sheep Management Area consists of that portion of Unit 25(A) north and west of Arctic Village, which is bounded on the east by the East Fork Chandalar River beginning at the confluence of Red Sheep Creek and proceeding southwesterly downstream past Arctic Village to the confluence with Crow Nest Creek, continuing up Crow Nest Creek, through Portage Lake, to its confluence with the Junjik River; then down the Junjik River past Timber Lake and a larger tributary, to a major, unnamed tributary, northwesterly, for approximately 6 miles where the stream forks into 2 roughly equal drainages; the boundary follows the easternmost fork, proceeding almost due north to the headwaters and intersects the Continental Divide; the boundary then follows the Continental Divide easterly, through Carter Pass, then easterly and northeasterly approximately 62 miles along the divide to the head waters of the most northerly tributary of Red Sheep Creek then follows southerly along the divide designating the eastern extreme of the Red Sheep Creek drainage then to the confluence of Red Sheep Creek and the East Fork Chandalar River.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) You may take caribou and moose from a boat moving under power in Unit 25;

(C) The taking of bull moose outside the seasons provided in this part for food in memorial potlatches and traditional cultural events is authorized in Unit 25(D) west provided that:

(*1*) The person organizing the religious ceremony or cultural event contact the Refuge Manager, Yukon Flats National Wildlife Refuge prior to taking or attempting to take bull moose and provide to the Refuge Manager the name of the decedent, the nature of the ceremony or cultural event, number to be taken, the general area in which the taking will occur;

(*2*) Each person who takes a bull moose under this section must submit a written report to the Refuge Manager, Yukon Flats National Wildlife Refuge not more than 15 days after the harvest specifying the harvester's name and address, and the date(s) and location(s) of the taking(s);

(*3*) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in Unit 25(D) west;

(*4*) Any moose taken under this provision counts against the annual quota of 60 bulls.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 25(D)—1 bear	July 1–June 30.
Unit 25—remainder—1 bear	Sept. 1–May 31.
Caribou:	
Unit 25(C)—that portion west of the east bank of the mainstem of Preacher Creek to its confluence with American Creek, then west of the east bank of American Creek—1 caribou by Federal registration permit only. The winter season will close when the winter State/Federal harvest quota of 30 caribou has been reached. The season closures will be announced by the Northern Field Office Manager, Bureau of Land Management.	Aug. 10–Sept. 20. Nov. 1–Mar. 31.

Harvest limits	Open season
25(C)—remainder—1 caribou by joint State/Federal registration permit only. The fall season will close when a combined State/Federal harvest of 225 caribou has been reached. The winter season will close when the combined quota of 210 caribou for Units 20(E) and 25(C) Remainder has been reached. The season closures will be announced by the Northern Field Office Manager, Bureau of Land Management after consultation with the National Park Service and Alaska Department of Fish and Game.	Aug. 10–Sept. 30. Nov. 1–Feb. 28.
Unit 25 (D)—that portion of Unit 25(D) drained by the west fork of the Dall River west of 150° W. long.—1 bull	Aug. 10–Sept. 30. Dec. 1–Dec. 31.
Unit 25(A), (B), and the remainder of Unit 25(D)—10 caribou	July 1–Apr. 30.
Sheep:	
Unit 25(A)—that portion within the Dalton Highway Corridor Management Area	No open season.
Units 25(A)—Arctic Village Sheep Management Area—2 rams by Federal registration permit only. Public lands are closed to the taking of sheep except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik, and Chalkytsik during seasons identified above..	Aug. 10–Apr. 30.
Unit 25(A)—remainder—3 sheep by Federal registration permit only	Aug. 10–Apr. 30.
Moose:	
Unit 25(A)—1 antlered bull	Aug. 25–Sept. 25. Dec. 1–Dec. 10.
Unit 25(B)—that portion within Yukon Charley National Preserve—1 bull	Aug. 20–Sept. 30.
Unit 25(B)—that portion within the Porcupine River drainage upstream from, but excluding the Coleen River drainage—1 antlered bull.	Aug. 25–Sept. 30. Dec. 1–Dec. 10.
Unit 25(B)—that portion, other than Yukon Charley National Preserve, draining into the north bank of the Yukon River upstream from and including the Kandik River drainage, including the islands in the Yukon River—1antlered bull.	Sept. 5–Sept. 30. Dec. 1–Dec. 15.
Unit 25(B)—remainder—1 antlered bull	Aug. 25–Sept. 25. Dec. 1–Dec. 15.
Unit 25(C)—1 antlered bull	Sept. 1–Sept. 15.
Unit 25(D)(West)—that portion lying west of a line extending from the Unit 25(D) boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek and Lower Mouth Birch Creek to the Yukon River, then downstream along-the north bank of the Yukon River (including islands) to the confluence of the Hadweenzik River, then upstream along the west bank of the Hadweenzik River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25(D) boundary—1 bull by a Federal registration permit. Alternate permits allowing for designated hunters are available to qualified applicants who reside in Subunit 25(D) West. Permits will be available in the following villages: Beaver (25 permits), Birch Creek (10 permits), and Stevens Village (25 permits). Additional permits for residents of 25(D) West who do not live in one of the three villages will be available by contacting the Yukon Flats National Wildlife Refuge Office in Fairbanks or a local Refuge Information Technician. Moose hunting on public land in Unit 25(D) (West) is closed at all times except for residents of Unit 25(D) West during seasons identified above. The moose season will be closed when 60 moose have been harvested in the entirety (from Federal and non-Federal lands) of Unit 25(D)(West).	Aug. 25–Feb. 28.
Unit 25(D)—remainder—1 antlered moose	Aug. 25–Sept. 25. Dec. 1–Dec. 20.
Beaver:	
Unit 25, excluding Unit 25(C)—1 beaver per day; 1 in possession	Apr. 16–Oct. 31.
Unit 25(C)	No Federal open season.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe): No limit	July 1–June 30.
Lynx:	
Unit 25(C)—2 lynx	Dec. 1–Jan. 31.
Unit 25—remainder—2 lynx	Nov. 1–Feb. 28.
Wolf:	
Unit 25(A)—No limit	Aug. 10–Apr. 30.
Remainder of Unit 25—10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Ruffed, and Sharp-tailed):	
Unit 25(C)—15 per day, 30 in possession	Aug. 10–Mar. 31.
Unit 25—remainder—15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock and Willow):	
Unit 25(C)—those portions within 5 miles of Route 6 (Steese Highway)—20 per day, 40 in possession	Aug. 10–Mar. 31.
Unit 25—remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
TRAPPING	
Beaver:	
Unit 25(C)—No limit	Nov. 1–Apr. 15.
Unit 25—remainder—50 beaver	Nov. 1–Apr. 15.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.

Harvest limits	Open season
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine:	
Unit 25(C)—No limit	Nov. 1–Feb. 28.
Unit 25—remainder—No limit	Nov. 1–Mar. 31.

(26) *Unit 26*. (i) Unit 26 consists of Arctic Ocean drainages between Cape Lisburne and the Alaska-Canada border including the Firth River drainage within Alaska:

(A) Unit 26(A) consists of that portion of Unit 26 lying west of the Itkillik River drainage and west of the east bank of the Colville River between the mouth of the Itkillik River and the Arctic Ocean;

(B) Unit 26(B) consists of that portion of Unit 26 east of Unit 26(A), west of the west bank of the Canning River and west of the west bank of the Marsh Fork of the Canning River;

(C) Unit 26(C) consists of the remainder of Unit 26.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use aircraft in any manner for moose hunting, including transportation of moose hunters or parts of moose from Aug. 1–Aug. 31 and from Jan. 1–Mar. 31 in Unit 26(A). No hunter may take or transport a moose, or part of a moose in Unit 26(A) after having been transported by aircraft into the unit. However, this does not apply to transportation of moose hunters or moose parts by regularly scheduled flights to and between villages by carriers that normally provide scheduled service to this area, nor does it apply to transportation by aircraft to or between publicly owned airports;

(B) You may not use firearms, snowmobiles, licensed highway vehicles or motorized vehicles, except aircraft and boats in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending 5 miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor only for subsistence taking of wildlife;

(C) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. You may not use aircraft in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) You may take caribou from a boat moving under power in Unit 26;

(B) In addition to other restrictions on method of take found in this § ____.26, you may also take swimming caribou with a firearm using rimfire cartridges;

(C) In Kaktovik, a Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(D) For the DeLong Mountain sheep hunts—A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 26(A)—1 bear by State registration permit	Sept. 1–May 31.
Unit 26(B) and (C)—1 bear	Sept. 1–May 31.
Caribou:	
Unit 26(A)—10 caribou per day; however, cow caribou may not be taken May 16—June 30. Federal lands south of the Colville River and east of the Killik River are closed to the taking of caribou by non-Federally qualified subsistence users from Aug. 1–Sept. 30.	July 1—June 30.
Unit 26(B)—10 caribou per day; however, cow caribou may be taken only from Oct. 1–Apr. 30	July 1–June 30.
Unit 26(C)—10 caribou per day	July 1–Apr. 30.
You may not transport more than 5 caribou per regulatory year from Unit 26 except to the community of Anaktuvuk Pass	
Sheep:	
Unit 26(A) and (B)—(Anaktuvuk Pass residents only)—that portion within the Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person no more than 1 of which may be a ewe.	July 15–Dec. 31.
Unit 26(A)—(excluding Anaktuvuk Pass residents)—those portions within the Gates of the Arctic National Park—3 sheep.	Aug. 1–Apr. 30.

Harvest limits	Open season
Unit 26(A)—that portion west of Howard Pass and the Etivluk River (DeLong Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 10 full curl rams in the DeLong Mountains, Units 23 and 26(A), based on a quota to be announced locally after the annual sheep population survey is completed.	Aug. 1–Sept. 30. The season will be closed when half of the quota has been harvested in the DeLong Mountains.
Unit 26(A)—that portion west of Howard Pass and the Etivluk River (DeLong Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 10 full curl rams in the DeLong Mountains, Units 23 and 26(A), based on a quota to be announced locally after the annual sheep population survey is completed. The season will be closed when the total quota of sheep has been harvested in the DeLong Mountains including those harvested during the Aug. 1–Sept. 30 season.	
Oct. 1–Apr. 1.	
Unit 26(B)—that portion within the Dalton Highway Corridor Management Area—1 ram with 7/8 curl horn or larger by Federal registration permit only.	Aug. 10–Sept. 20.
Unit 26(A)—remainder and 26(B)—remainder—including the Gates of the Arctic National Preserve—1 ram with 7/8 curl horn or larger.	Aug. 10–Sept. 20.
Unit 26(C)—3 sheep per regulatory year; the Aug. 10–Sept. 20 season is restricted to 1 ram with 7/8 curl horn or larger. A Federal registration permit is in the required for the Oct. 1–Apr. 30 season.	Aug. 10–Sept. 20. Oct. 1–Apr. 30.
Moose:	
Unit 26(A)—that portion of the Colville River drainage downstream from the mouth of the Anaktuvuk River—1 bull. Federal public lands are closed to the taking of moose by non-Federally qualified subsistence users.	Aug. 1–31.
Unit 26—remainder	No open season.
Muskox: Unit 26(C)—1 muskox by Federal registration permit only; 12 permits for bulls and 3 permits for cows may be issued to rural Alaska residents of the village of Kaktovik only. However, cows may be taken only from September 15–March 31. Public lands are closed to the taking of muskox, except by rural Alaska residents of the village of Kaktovik during open seasons.	July 15–Mar. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases):	
Unit 26(A) and (B)—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Unit 26(C)—10 foxes	Nov. 1–Apr. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Wolf: 15 wolves	Aug. 10–Apr. 30.
Wolverine: 5 wolverine	Sept. 1–Mar. 31.
Ptarmigan (Rock and Willow): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Coyote: No limit	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

Dated: May 30, 2001.

Kenneth E. Thompson,

Subsistence Program Manager, USDA-Forest Service.

Thomas H. Boyd,

Acting Chair, Federal Subsistence Board.

[FR Doc. 01–15283 Filed 6–22–01; 8:45 am]

BILLING CODE 3410–11–P; 4310–55–P

Federal Register

Monday,
June 25, 2001

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 193

Protection of Voluntarily Submitted Information; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 193

[Docket No. FAA–1999–6001; Amendment No. 193–1]

RIN 2120–AG36

Protection of Voluntarily Submitted Information

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adding a new part to its regulations to provide that certain safety and security information submitted to the FAA on a voluntarily basis will not be disclosed. This rule implements a new statutory provision. It is intended to encourage people to provide information that will assist the FAA in carrying out its safety and security duties.

DATES: Effective July 25, 2001.

FOR FURTHER INFORMATION CONTACT: Marisa Mullen, Office of Rulemaking, ARM–205; or Mardi Ruth Thompson, Office of Assistant Chief Counsel, AGC–200, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–7653 or (202) 267–3073, respectively.

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Documents

You can get an electronic copy using the Internet by taking the following steps:

(1) Go to the search function of the Department of Transportation's electronic Docket Management System (DMS) web page (*http://dms.dot.gov/search*).

(2) On the search page type in the last four digits of the Docket number shown at the beginning of this notice. Click on ''search.''

(3) On the next page, which contains the Docket summary information for the Docket you selected, click on the document number for the item you wish to view.

You can also get an electronic copy using the Internet through FAA's web page at *http://www.faa.gov/avr/arm/nprm/nprm.htm* or the **Federal Register's** web page at *http://www.access.gpo.gov/su_docs/aces/aces140.html.*

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket number, notice number, or amendment number of this rulemaking.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. Therefore, any small entity that has a question regarding this document may contact their local FAA official, or the person listed under **FOR FURTHER INFORMATION CONTACT.** You can find out more about SBREFA on the Internet at our site, *http://www.gov/avr/arm/sbrefa.htm.* For more information on SBREFA, e-mail us at *9–AWA–SBREFA@faa.gov.*

Background

Statement of the Problem

The FAA is committed to make continuing improvements in aviation safety and security. To do so, the FAA must have an increasing amount of information regrading current safety and security systems and how they are functioning today. The FAA is developing information-sharing programs in which persons in the aviation community may share with the FAA information related to safety and security.

In one such program, Flight Operations Quality Assurance (FOQA), participating air carriers routinely collect data from flight data recorders and perform trend analyses, which are made available for FAA inspection. See the General Statement of Policy, 63 FR 67505 (December 7, 1998), and the Notice of Proposed Rulemaking, 65 FR 41528 (July 5, 2000). In the Aviation Safety Action Program (ASAP), certain employees for participating air carriers or major repair stations voluntarily report safety issues and events. ASAP is described in Advisory Circular 120–66A.

An impediment to further development of voluntary information sharing programs is the reluctance of some persons to share information that, when in the hands of a government agency, may be required to be released to the public through FOIA or other means. There is a strong public policy, and laws such as the Freedom of Information Act (FOIA) (5 U.S.C. 552), in favor of Federal agencies releasing information to the public, to ensure that the public is informed as to how the government is doing business. Carriers participating in FOQA will not permit the FAA to remove information from their premises for further study, because the carriers do not want the information from their premises for further study, because the carriers do not want the information subject to disclosure by the FAA under FOIA or other laws.

The Federal Aviation Reauthorization Act of 1996 (Pub. L. 104–264) provides relief from these concerns by adding new section 40123 to Title 49, United States Code. The new section provides:

(a) IN GENERAL.—Notwithstanding any other provision of law, neither the Administrator of the Federal Aviation Administration, nor any agency receiving information from the Administrator, shall disclose voluntarily-provided safety or security related information if the Administrator finds that—

(1) The disclosure of the information would inhibit the voluntary provision of that type of information and that the receipt of that type of information aids in fulfilling the Administrator's safety and security responsibilities; and

(2) Withholding such information from disclosure would be consistent with the Administrator's safety and security responsibilities.

(b) REGULATIONS.—The Administrator shall issue regulations to carry out this section.

In the legislative history, Congress cited the data-sharing programs being developed that could help improved safety by allowing the FAA to spot trends before they result in accidents. It noted the concern in the aviation community about the confidentiality of the data. ''Much of the information could be incomplete, unreliable, and quite sensitive. There will be a reluctance to share such information if it will be publicly released because it could easily be misinterpreted, misunderstood, or misapplied.'' H.R. Rep. No. 104–714, 104th Cong., 2d Sess. 41. Congress noted that protecting this information from public disclosure will not reduce the information available to the public, because the information is not provided to the public now. It further noted that the information ''should be useful in the development of safety policies and regulations.'' H.R. Rep. No. 104–714, 104 Cong., 2d Sess. 42.

In addition, in the February 23, 1997 final report, the White House Commission on Aviation Safety and Security issued a recommendation on this subject. In Recommendation 1.8 the Commission noted that the most effective way to identify problems is for the people who operate the system to self-disclose the information, but that people will not provide information to the FAA unless it can be protected. It

recommended that the FAA expeditiously complete rulemaking to implement the legislation for protecting voluntarily provided information.

Section 40123 reflects a recognition that there is a significant benefit to providing exceptions to the laws and policies calling for release of information in order for the FAA to receive additional safety and security information that it is not now receiving. On July 26, 1999, the FAA published a Notice of Proposed Rulemaking setting out how the FAA would implement this new authority (64 FR 40472.) After review of the comments, this final rule carries out section 40123. The FAA anticipates that information received in programs under this part will be used to carry out the FAA's safety and security responsibilities in a number of ways. These may include identifying potentially unsafe conditions and appropriate corrective action identifying a need for and the contents of rulemaking, identifying a need for and the contents of policies, and identifying a need for an investigation or inspection.

It should be noted that there are several interrelated policy decisions that the FAA makes when it establishes an information sharing program. For instance, enforcement policy—what use the FAA will make of the information to take enforcement action—is of prime interest to persons who may be interested in submitting information. A favorable enforcement policy may encourage more participation. Information sharing programs also generally include procedures for corrective action to be taken if the information reveals a need.

Part 193 does not dictate the enforcement policy and corrective action procedures for an information sharing program. However, if enforcement action or corrective action based on information received under part 193 may result in disclosure of information that is protected, the order designating the information as protected must state the circumstances under which this might happen.

Discussion of Comments and Section-by-Section Analysis

The FAA received some 34 comments on the proposed rule. The commenters included air carriers (America West Airlines, Continental Airlines, Inc., Northwest Airlines, Inc., Comair), airport operators (Denver International Airport, The Port Authority of New York and New Jersey), representatives of employees (Air Line Pilots Association, Association of Professional Flight Attendants, Independent Association of Continental Pilots, International Brotherhood of Teamsters), the media (USA Today, The Reporters Committee for Freedom of the Press, The Washington Post, The New York Times Company), associations (National Air Carrier Association, Inc., Air Traffic Control Association, Inc., Air Transport Association of America, American Association of Airport Executives, Airports Council International—North America, Regional Airline Association, OMB Watch), Embry-Riddle Aeronautical University, the National Transportation Safety Board, and individuals. The comments are discussed below along with the provisions of the final rule.

The Rule in General

Proposal: The proposed rule was intended to furnish a way for people to provide information to the FAA for safety or security purposes, yet protect the information from disclosure to others (with exceptions discussed below). Section 40123 requires that the FAA and other agencies not release information that meets the standards in the statute and implementing rules. The information that is protected is defined in section 40123 as information that is voluntarily provided and that is safety or security related. Section 40123 requires that the Administrator make certain findings before its protections apply. The FAA proposed to add a new part 193 that would describe how the Administrator would determine that the requirements of section 40123 are met, thereby making the information protected from disclosure.

Comment: A number of commenters state that the best way to identify problems is let industry self-disclose. They state that if the data were released to the general public it could be misinterpreted or misused, which discourages the industry from submitting it to the FAA without protection. The National Transportation Safety Board strongly endorses programs that encourage the provision and sharing of safety information and supports the proposed rule. It states that similar regulations govern the Safety Board's handling of voluntarily provided information.

FAA response: The FAA agrees that letting industry self-disclose can be a highly effective means for the FAA to gather safety and security information.

Comment: A commenter states that withholding information because ''it could be misinterpreted or misused'' is not appropriate and is paternalistic.

FAA response: The FAA agrees that the industry's concern that the public would misuse the information is not, in itself, grounds for the FAA to withhold it from public disclosure. However, section 40123 is not ''paternalistic.'' It responds to the *industry's* reluctance to submit information if ''it could be misinterpreted or misused,'' not the FAA's concerns. We will not receive this valuable information if the industry continues to have concerns about release of the information to the general public.

Comment: Some commenters note the strong public interest in disclosure and in monitoring how the FAA is performing its duties. They point out that public confidence in how the agency handles safety issues is important and should be promoted by full disclosure. They sate that the public needs to be able to monitor safety and how to the government is responding to safety concerns.

FAA response: The FAA agrees with these statements. However, in order to make more progress in aviation safety, the FAA must acquire much information from the industry. In addition to the public interest in disclosure, the FOIA and other disclosure laws have long made exceptions to disclosure, including to protect various private interests. Section 40123 made such an exception.

Comment: Some commenters believe that the FAA should require by rule that safety and security information be submitted, and that the FAA should not request that it be submitted voluntarily.

FAA response: The FAA agrees that it must, in each case, consider whether safety and security will best be served by mandatory reporting or by voluntary submission of information. We acknowledge, and section 40123 reflects, that voluntary cooperation between industry and the government often produces a more robust exchange of information and ideas, leading to more valuable insights. When the private sector is required by rule to report, it tends to report exactly what is required and nothing more. We recognize that people in the industry know a great deal of information that is valuable, and feel that in many cases we will have the most effective exchange of information and ideas if it is under a voluntary program rather than mandated. Further, the Final Report of the White House Commission on Aviation Safety and Security, issued on February 12, 1997, strongly urged that the FAA work in partnership with industry to develop the most effective ways to improve safety and security.

Comment: Some urge that the FAA release de-identified, summarized versions of the information that will be submitted to the FAA under part 193.

FAA response: The FAA agrees that for each program under part 193 it will consider whether de-identified, summarized versions of the information can be released while maintaining an effective information sharing program. However, the industry was concerned that even de-identified information ''could be misinterpreted or misused,'' which was a basis for section 40123. It thus appears that if the FAA committed to releasing de-identified, summarized information in each case, we would have less participation. For each program the FAA will determine what we can release and have strong participation from submitters. The circumstances under which the FAA will disclose the information will be stated in the designation for each information sharing program so participants will know what to expect.

Comment: Several commenters state that the FAA can obtain all necessary information now, and that people can and will report safety and security information, and can report anonymously if they wish.

FAA response: It is true that over the years the FAA has received quite a bit of voluntarily provided information without providing any protection against disclosure of the information. The ability of the FAA to receive such information will not change, and the FAA expects to continue to receive such information without regard to part 193. However, we see that the industry will not submit some important information without the protections afforded under section 40123, such as the information in FOQA. Industry will not fully submit that information unless the FAA can provide protection against release.

It is also true that people now can submit information anonymously. There are limits to the usefulness of such information, however. The information is in the form the commenter wishes, and there is little opportunity for the FAA to ask questions and clarify details. There also is no chance for the FAA to require that the person reporting take corrective action. Further, anonymous information is wholly inadequate for the FAA to obtain detailed technical data on a routine basis such as is involved in FOQA. Indeed, one of the most useful features of the FOQA program is that FAA experts can work closely with industry experts to extract and analyze safety information. This could not be done on an anonymous basis.

Comment: Some state that the rule would allow industry to hide safety problems.

FAA response: To the contrary, this rule will encourage industry to report safety information that otherwise the FAA would not hear about. This will give the FAA the opportunity to analyze it and initiate corrective measures when needed. The rule will not give the industry any new means to hide information.

Comment: Several commenters noted that the rule does not address whistleblowers and the need to protect them if they report safety or security issues to the FAA. A commenter states that the rule should provide for protection of persons who report on an individual basis.

FAA response: The proposed rule, and the final rule, provide for submission of information by any person, including individuals. It is true that the proposed rule did not include protection from retaliation from employers and others, that is, ''whistleblower'' protection. That was beyone the scope of sec. 40123 and this rulemaking. However, section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (FAIR–21) (Pub. L. 106–181, new 49 U.S.C. 42121) does provide protection for employees of air carriers, contractors, and subcontractors who provide information to the Federal government regarding safety violations.

Under this final rule, air carrier or contractor employees could submit safety or security information to the FAA and have their names designated as protected from disclosure. FAIR–21, in turn, would protect the employees from retaliation from the air carriers or contractors if they found through another means that the individuals had reported the problem.

Comment: One commenter states that the FAA must have sophisticated, user friendly, networked computer systems that can be the conduit and repository of voluntarily disclosed data.

FAA response: The FAA agrees that we must develop secure computer systems for voluntarily submitted safety related information. The design and development of such systems are already underway.

Comment: One commenter states that the FAA should review all voluntary information programs to form a cohesive and consistent policy. The commenter states that there are subtle differences between existing programs that are confusing.

FAA response: The FAA does have several programs (such as ASAP, ASRP, and the Voluntary Reporting Program under Advisory Circular 00–58). While the programs all have the common goal of obtaining safety information, each program has different objectives and uses different methods to obtain that information from specified persons within the aviation community. The policies and procedures that govern each program are geared toward the program's objectives and what is necessary to make it effective. These are explained in advisory circulars, which are available to persons who may be covered under the programs and to any other interested persons. The FAA believes that each program must be unique to best accomplish its goals.

Section 193.1 What Does This Part Cover? (Proposed § 193.1(a) Scope and Delegations)

Proposal: This section explained that part 193 implements 49 U.S.C. 40123, protection of voluntarily submitted information. It also provided for delegation of the authority under this part, which has been moved to new § 193.15 and discussed under that section.

No comments were received on this section. It is adopted essentially as proposed.

Section 193.3 Definitions

Proposal: This section proposed definitions for some of the terms used in part 193.

Agency: No comments were received on this definition and it is adopted as proposed. Section 40123 refers to ''any agency receiving information from the Administrator,'' but does not define ''agency.'' There are many definitions of that term in the United States Code. It appears that in this context, the most appropriate definition is essentially the one in the Administrative Procedure Act, 5 U.S.C. 551(1). This part uses a simplified version of this definition. It defines ''agency'' as each authority of the Federal Government of the United States, whether or not it is within or subject to review by another agency, but does not include—(A) the Congress; (B) the courts of the United States; (C) the governments of the territories or possessions of the United States; (D) the government of the District of Columbia; or (E) court martial and military commissions. This definition would permit the FAA to give information to the National Transportation Safety Board (NTSB), and to other agencies such as the FBI, in the interest of safety or security. See discussion of § 193.5(d).

De-identified: Two comments were received on this definition. The comments are discussed under new§ 193.9(a)(1) (proposed § 193.7(a)(1)). The definition is adopted as proposed. This rule provides for some limited disclosure of ''de-identified'' information, which is defined to mean that the identity of the source of the information and the names

of persons are removed from the information. Under Part 1, ''person'' is broadly defined to include not only individuals, but also such entities as companies and firms. Thus, information from an air carrier that is ''de-identified'' will not include the name of the air carrier or the names of any crewmembers, maintenance personnel, repair stations, or other persons that may have been in the original information. It will also not include street addresses, phone numbers, or e-mail addresses.

Disclose: No comments were received on this definition and it is adopted as proposed. Section 40123 provides that ''notwithstanding any other provision of law,'' the FAA and other agencies shall not ''disclose'' information under specified circumstances. By referring to ''any other provision of law,'' it appears that ''disclose'' was meant to be read broadly to cover all circumstances under which the FAA and other agencies might otherwise be required or permitted to disclosure information. ''Disclose'' is defined broadly to mean the release of information or a portion of information to other than another agency. Release to another agency, such as the NTSB, would not be considered disclosure under this rule, because section 40123 states that other agencies are under the same requirements as the FAA not to disclose the information.

The most common definition of disclosing agency information generally arises in connection with release under the FOIA. ''Disclose'' in this regulation also includes release in rulemaking proceedings, in a press release, or to a party in a legal action. In some legal actions, such as some enforcement actions or criminal prosecutions, the rule permits disclosure of the information. See the discussion of new § 193.9.

Information: The definition of ''information'' in the proposed rule included ''data, reports, source, and other information.'' One commenter is concerned about those provisions of the rule that would allow for disclosure of de-identified, summarized information to explain rulemaking or policy (proposed § 193.7(a)(1), new § 193.9(a)(1)). The commenter is concerned that the wording of the rule could be interpreted to mean disclosure of underlying data. The commenter notes that the input element ''data'' transformed into useful ''information'' following appropriate analysis. The commenter states that if this distinction were incorporated within the rule, then disclosure of de-identified summarized ''information'' might be acceptable.

It is not the FAA's intent in this rulemaking to require the release of underlying data for the purpose of explaining new rules or policies based on information submitted under part 193. The FAA acknowledges that were it to do so, continued participation in voluntary safety data reporting programs would be unlikely. New § 193.9(a)(1) also includes the terms ''de-identified'' and ''summarized.'' Summarized means that individual incidents are not specifically described, but are presented in statistical or other more general form. De-identified means that the identity of the source of the information, and the names of the persons, are removed from the information. Taken together, the rule does in fact meet the commenter's concerns, in that underlying data will not be disclosed, that disclosed information will be in the form of generalizations or statistical summaries, and that any such disclosures will not reveals the source of the information.

We also note that Congress intended ''information,'' as used in section 40123, to be read broadly. The legislative history refers to ''data sharing programs.'' H.R. Rep. No. 104–714, 104th Cong., 2nd Sess., 40–41. A change to the definition of ''information'' to preclude ''data'' might prevent the FAA from developing programs in which raw data were submitted to the FAA for analysis. The FAA wishes to retain the ability to have such programs under part 193.

Summarized: No comments were received on this definition and it is adopted as proposed. ''Summarized'' information means that individual incidents are not specifically described, but are presented in statistical or other more general form. Summarized information might be used in rulemaking, for instance, to explain the need for the rule.

Voluntary: Several commenters state that ''voluntary provided information'' should be limited to information that cannot otherwise be obtained. However, the limited availability of the information is a factor in section 40123(a)(1) (and appears in new § 193.7(b)(3)). It is unnecessary to add this to the definition of ''voluntary.''

Section 40123 protections apply only to information submitted voluntarily. ''Voluntary'' is defined in this rule to mean that the information was submitted without mandate or compulsion, and not as a condition of doing business with the government. It does not include information submitted as part of a means of complying with statutory, regulatory, or contractual requirements. Under this definition, information that is required to be submitted under a regulation would not be considered voluntarily provided. If a regulation gives several options for compliance, information provided as part of complying with any option chosen is not voluntarily provided.

The definition of ''voluntary'' also provides that a program under this part may be published in the Code of Federal Regulation (CFR) and the information submitted under it will be considered ''voluntarily provided.'' The FAA anticipates that some programs adopted under § 193.9 may be published in Title 14 of the Code of Federal Regulations (CFR). Other programs may be adopted as notices that are published in the **Federal Register** but not incorporated into the CFR. The definition of ''voluntary'' is intended to make clear that a part 193 program can be published in the CFR without destroying its voluntary nature. For example, the CFR may contain a voluntary program under which participants must submit specified information in order to continue participation in the program. This participation, however, is voluntary, and the information is considered voluntarily submitted and protected under part 193. They may stop participating in the program at will.

The FAA has various arrangements under which it receives information from foreign authorities, generally under a bilateral agreement. Whether such information would be considered to be ''voluntarily provided'' would depend on all of the circumstances. For instance, in some cases the foreign country inspects an FAA-certificated repair station, production certificate holder, or other FAA-regulated party to determine whether it is in compliance with applicable rules and requirements, and forwards its findings to the FAA. The regulated party is required to submit to such inspections, and thus the information is not voluntarily provided by the regulated party any more than information obtained during an inspection by FAA personnel would be voluntarily provided. In other cases, the information provided by a foreign authority might be considered voluntarily provided.

Section 193.5 How May I Submit Safety or Security Information and Have It Protected From Disclosure? (Not Proposed)

This section was not proposed, but has been added to the final rule to provide an overview of how the process works.

Section 193.5(a) explains that a person may submit information under a program under this part. The program

may be developed based on the person's proposal, a proposal from another person, or a proposal developed by the FAA. Section 193.5(b) makes clear that the person may be an individual, a company, an organization, or any other person. Section 193.5(c) points out that the person may propose to develop a program under this part using either the notice procedure in § 193.11 or the no-notice procedure in § 193.13. Paragraph (d) states that if the FAA decides to protect the information that the person proposes to submit, it issues an order designating the information as protected under this part.

Section 193.5(e) states that the FAA only designates information as protected if the FAA makes the findings in § 193.7. Paragraph (f) explains that the designation may be for a program in which all similar persons may participate (referred to as a ''national'' program in the NPRM), or for a program in which only one person submits information.

Section 193.5(g) explains that even if the person receives protection from disclosure under this part, this part does not establish the extent to which the FAA may or may not use the information to take enforcement action. Limits on enforcement action, if any, for a given program under this part will be in another policy or rule applicable to that program.

Section 193.7 What Does It Mean for the FAA to Designate Information as Projected? (Proposed § 193.5 Withholding Information From Disclosure)

Proposal: This section proposed the general provisions for withholding information from disclosure. Section 19.35(a) proposed to provide that, except as provided in this part and in individual programs, the FAA does not disclose voluntarily provided safety or security information that has been designated as protected under this part. It set out the findings that must be made under section 40123, and described how the FAA would deal with sharing information with other agencies, disclosing information if the submitter agrees, and responding to subpoenas.

Comment: A number of commenters discuss what they believe the appropriate scope of the protected information should be. Several state that the FAA should only protect information that will discourage further reporting if it is released, and that the FAA should limit the information covered by this rule to the extent possible. One states that if a submitter provides additional data and reports, they should be released unless there was a substantial reason to believe that release would lead the submitters to refuse to submit information in the future. The commenter states that withholding information should not be a ''rubber-stamp operation.'' Another commenter believes that the FAA will make findings to protect information post-hoc, after it is submitted.

FAA response: The FAA agrees that the protection afforded under this part must be limited, and that the FAA may only protect information that will discourage further reporting if it is released. That is what is called for in section 40123. However, the FAA usually must decide what information to protect at the time the designation is issued, not after the program is underway. The protection is based on the idea that we will not receive the information without this protection, and submitters must have predictability—they must know ahead of time whether their information will be protected. The findings set out in section 40123 and new § 193.7 will be made when the designation is issued.

In the normal case, the designation will cover only information that will be submitted after the designation is issued. However, there may be some instances in which industry has begun voluntarily submitting limited information with the understanding that Exemption 4 of the FOIA applies (relating to trade secrets and commercial or financial information obtained from a person and privileged or confidential), and in anticipation that the FAA would consider protecting it under section 40123 (which is an Exemption 3 statute). In such cases, the FAA may use the notice process in § 193.11 to consider whether to apply these protections to information already submitted to the FAA.

Comment: Section 40123 provides for protection if ''disclosure of the information would inhibit the voluntary provision of that type of information.'' In the Notice, the FAA interpreted ''inhibit'' to mean to discourage or to repress or to restrain, but not to mean to prevent the submission of information. (64 FR at 40474.) Some commenters object to this interpretation, and one calls for an objective standard.

FAA response: The FAA agrees that it must use sound discretion in determining whether this element of section 40123 is met, but it is not possible to have a truly objective standard. The FAA must evaluate the possible action of the persons who hold the information and determine whether they might provide the information without the non-disclosure protection. We note the legislative history that refers to the FAA withholding voluntarily provided information if disclosure would ''discourage'' people from providing it. H.R. Rep. No. 104–714, 104th Cong., 2d Sess. 49. Indeed, the first choice for the FAA would be to receive the information with no strings attached, without going through the process in part 193, because that would be far easier. The FAA will only use part 193 when it is apparent that this is the only way to obtain information that is likely to be of significant benefit in meeting the FAA's safety or security duties.

Comment: A commenter requests that we add to the end of proposed § 193.5(b)(5) (new § 193.7(b)(5)) that, in making the determination on whether withholding information from disclosure is consistent with the FAA's safety and security duties, the FAA shall take into account the public interest in disclosure of safety and security information.

FAA response: We do not believe it is appropriate to place this factor in § 193.7(b)(5), which is essentially repeating section 40123(a)(2). Section 40123 and part 193 strike a balance between the release of government-held information and the interests of the private sector in preventing full disclosure of its information. Congress has determined that there are limited circumstances under which the safety and security of the public are enhanced by the Federal government committing to withhold information from disclosure.

Comment: Some commenters believe there are insufficient controls on when the FAA can release information to other agencies. One suggests that the same process used for subpoenas be used, that is, the FAA should contact the submitter before releasing information to another agency.

FAA response: We cannot commit to contacting the submitter before each release to another agency. We cannot predict all circumstances under which information may be released to another agency. However, under new § 193.7(e), the other agency will have to commit in writing to protect the information from disclosure in accordance with section 40123, this part, and the designation. In response to commenters' concerns, the new rule expands the commitments we request from the other agency. Under this process sharing information with other agencies will not be a casual matter.

Comment: One commenter states that the FAA should take the position that it will not disclose voluntarily submitted information in response to a subpoena.

FAA response: The FAA concurs that if information is designated as protected under this part, the FAA should not disclose the information unless both the submitter and the FAA agree to disclosing the information, or the court orders disclosure. The final rule has been changed to reflect this, see the discussion of new § 193.7(g) below.

Comment: One commenter, an attorney in private practice, describes difficulties he encountered in discovering information regarding the type certification process for a large transport category aircraft. He expresses concern that the part 193 process would make it harder for litigants in tort cases to obtain information necessary to pursue their cases.

FAA response: Part 193 will have no impact on discovery of type certification data. Such information will not be under part 193. First, to the extent such data is submitted to the FAA in connection with an application for a type certificate, it is not ''voluntarily'' submitted, because it is submitted to show compliance with FAA rules. Second, much of the data is never submitted to the FAA, it is only kept by the holder of the type certificate and made available to the FAA for inspection. Parties must seek such information from the type certificate holder, not the FAA. Litigants will continue to use normal discovery rules to seek such data in litigation. New part 193 will not affect how these matters are handled.

New § 193.7: This section describes what it means for the FAA to designate information as protected under part 193. The protections of this part apply only to information covered under a designated program, because the Administrator must make findings in accordance with section 40123 before the protections are invoked.

Section 193.7(a) provides that, except as provided in this part and in individual programs, the FAA does not disclose voluntarily provided safety or security information that has been designated as protected under this part.

Section 193.7(b) states the elements for the FAA's designation of a program under this part. It includes the elements that are in section 40123.

Section 193.7(b)(1) requires a finding that the information would be provided voluntarily. Only information that is provided voluntarily may be protected under section 40123. Some information that is provided other than voluntarily may receive protection under other laws, such as exceptions to the FOIA.

Section 193.7(b)(2) requires a finding that the information is safety or security related.

Section 193.7(b)(3) requires a finding that the disclosure of the information would inhibit the voluntary provision of that type of information. The FAA will consider whether the possibility of disclosing the information would sufficiently inhibit the provision of the information to warrant granting the protections of section 40123.

Section 193.7(b)(4) requires a finding that the receipt of that type of information aids in fulfilling the FAA's safety and security responsibilities. This generally will be done by describing how the FAA intends to use the information.

Section 193.7(b)(5) requires a finding that withholding such information from disclosure, under the circumstances stated in the program, will be consistent with the FAA's safety and security responsibilities. There are circumstances under which disclosure would be consistent with safety and security. They are set out in new § 193.9, and there may be additional circumstances for specific programs. By including the circumstances in the designation, submitters will know ahead of time when their information may be released.

In most cases the designation will apply only to information provided after the designation is made. There may be instances, however, when information of that type already has been submitted to the FAA, but that future submissions may be inhibited without further protection. In such cases the FAA might propose to retroactively designate as protected information that it has received already under an information-sharing program.

Section 193.7(c) has been added to clearly state the FAA's stance on disclosing part 193 information in response to a FOIA request. The FAA does not disclose information protected under this part in response to a FOIA request.

Section 193.7(d) makes clear that only information submitted under a program designated under this part is protected from disclosure as described in this part. The FAA may receive information on a particular incident both under a part 193 program and from another source. Information received by the FAA through another means is not protected under part 193. For instance, the FAA might receive information about an airspace deviation both from air traffic control (ATC) and from a part 193 designated program. The information received from ATC would not be protected under this part while the information received under part 193 would be protected from disclosure.

Section 193.7(e) makes clear that the Administrator may provide to other agencies with safety or security responsibilities information submitted under part 193. Section 40123 specifically makes such agencies subject to its requirements regarding nondisclosure of information, and thus clearly contemplates that the FAA may give information to such agencies. For instance, the FAA might share information with the NTSB, and it may be important for security to share information with the FBI or other agencies with security responsibilities. The FAA may be required to share information with agencies that oversee FAA activities. For example, if the FAA drafts a regulation based on voluntarily submitted information, the FAA may provide that information to the Department of Transportation's Office of the Secretary or the Office of Management and Budget in connection with their review of the draft regulation.

The FAA will only give the information to another agency if the other agency provides certain written assurances. The agency must state that it has a safety or security need for the information, including the general nature of the need. This might include, for instance, review of draft FAA safety rulemaking, or a criminal investigation involving possible safety or security related violations. The agency also will provide assurance it will protect the information from disclosure, in accordance with section 40123, this part, and the designation, including marking the information as provided in the designation. Further, the agency will assure the FAA that it will limit access to those with a need to know to carry out safety and security responsibilities.

The provisions in new § 193.7(e) are intended to give confidence to submitters that their information will not be released to other agencies in an uncontrolled manner that may lead to unauthorized disclosure of the information. Rather, it will be released only for safety and security purposes, with adequate controls to protect it from release.

New § 193.7(f) provides the procedure in the event that the FAA receives a subpoena for protected information. This might happen, for instance, in litigation between an air carrier and an individual who alleges he was harmed by the air carrier's negligence. The rule provides that when the FAA receives a subpoena for information designated as protected under this part, the FAA contacts the person who submitted the information to determine whether the submitter objects to disclosure of the information or wishes to participate in

responding to the subpoena. If the submitter has no objection the FAA would have the option of disclosing the information. If the submitter wanted the information to continue to be protected, that submitter would have the option of participating in the response to the subpoena such as by filing an appropriate motion with the court. The submitter would not be required to participate, however, and may not wish to if that submitter wishes to remain anonymous.

New § 193.7(g) provides that if either the submitter or the FAA wish to resist the subpoena the FAA will not release information designated as protected under this part unless ordered to do so by a court of competent jurisdiction. This includes any appeals to higher courts. The FAA will ask the Department of Justice to file the appropriate motion to resist the subpoena or the FAA will file the motion. The rule provides that both the FAA and the submitter must agree to the release of the voluntarily submitted information. If the submitter did not object to releasing the information we usually would release it. However, there may be instances in which the submitter of particular material does not object to its release but release may comprise other aspects of the program, in which case the FAA may decide to continue to protect it from release. In that case, the FAA would resist the subpoena. Note that under new § 193.15 the FAA's decisions to release the information would be made by a high-level official, the same level that can designate information as protected.

Section 193.9 Will the FAA Ever Disclose Information That Is Designated as Protected Under This Part? (Proposed § 193.7 Disclosure of Information)

Proposal: Section 40123(a)(2) requires that, for information to be protected, the Administrator must find that withholding the information would be consistent with safety and security. Some reasons for disclosing information apply to all FAA programs and activities and were described in proposed § 193.7(a). They involve developing new policies and regulations (§ 193.7(a)(1)), evaluating or correcting current deficiencies (§ 193.7(a)(2)), conducting criminal investigations or prosecutions (§ 193.7(a)(3)), and complying with 49 U.S.C. 44905, regarding information about threats to civil aviation (§ 193.7(a)(4)). Proposed § 193.7(b) provided for other disclosures in individual information sharing programs.

Comment: One commenter states that there appears to be a presumption of non-disclosure, and that the FAA has a responsibility to provide the public with safety and security information. Another commenter believes that the rule appears to have a bias toward disclosure of information.

FAA response: The FAA agrees that the intended bias of part 193 is the same bias as for section 40123, that is, to protect the voluntarily submitted information from disclosure, with limited exceptions to promote safety and security. Section 40123 emphasizes the non-disclosure of information received under the circumstances of that statute. It is, in fact, an exemption from the usual laws and public policy calling for disclosing government-held information. However, that statute also provides for disclosure when safety or security requires, and the FAA must disclose in limited circumstances in order to carry out those duties.

Comment: One commenter states that disclosure to correct a condition that may compromise safety or security in proposed § 193.7(a)(2) is vague.

FAA response: The FAA agrees that clarification of the rule language is appropriate. The rule language is modified to indicate that the FAA retains the discretion to disclose information submitted under this part that compromises safety or security, if that condition continues uncorrected. In many cases corrective action may be accomplished without the FAA disclosing the information. For instance, if the FAA can work with a certificate holder to bring it into compliance without the need for enforcement action, there may be no need to disclose the part 193 information.

Comment: One commenter notes that when explaining the need for changes in policies and regulations the FAA is committing only to releasing summarized information. The commenter states that the public may gain a clearer understanding of the safety problem from anecdotal information than from statistical and general information.

FAA response: The FAA agrees that the more information, the better the understanding. However, if the FAA does not commit to protecting the details, the information will not be voluntarily submitted. Our commitment to release of de-identified, summarized information in connection with developing new rules and policies is a compromise between releasing nothing (and getting none of the benefits of informed comment on proposed rules and policies) and releasing so much information as to inhibit voluntary submission of information.

Comment: One commenter states that there is no need for the FAA to disclose protected information, even information that is de-identified and summarized, in rulemaking. The commenter states that there is no statutory authority to disclose individual pieces of data to support new policies or rulemaking, that generalized findings and conclusions based on aggregated data, or information summaries, are sufficient.

FAA response: The proposed rule and new § 193.9(a)(1) provide that individual pieces of data will not be released for this purpose, only summarized, de-identified information. A specific designation may state with more specificity what the FAA will release if we find a need for a new rule or policy based on the protected information. If an air carrier, for instance, is applying for a designation or is commenting on a proposed designation, it may state what it feels is an appropriate level of summarization for the data involved. The FAA recognizes that if the potential submitters are not comfortable with the FAA's commitments in this regard, we will receive fewer voluntary submissions.

We understand the argument that under sec. 40123 the FAA has the authority to adopt a new rule based on protected information without disclosing even summarized, de-identified information. However, we believe there is a safety benefit to providing that summarized, de-identified information to the public. The public, including the aviation industry, will be better informed and therefore better able to provide comments to improve the rulemaking decisions. This will also give the industry a better understanding of the need for the new rule and the safety or security issues it is intended to address, leading to more informed compliance.

Comment: Several persons commented on the FAA's release of ''de-identified information,'' stating that we must ensure that the source of the information cannot be traced through such items as letterheads and email addresses.

FAA response: The FAA agrees that such things as letterheads, e-mail addresses, and other identifying information must not be released. We consider this to be included in the definition of ''de-identified'' where its states ''the identity of the source of the information, * * * are removed * * *.'' Further, only summarized information is released to explain the need for new rules and policies, so that photocopies of the submitted information will not be released. Only

summarized de-identified versions prepared by the FAA will be released, such as descriptions, charts, or tables of aggregate information. Finally, we note that the details of how this might be done may be worked out for each information sharing program. Submitters may work with the FAA to ensure they are confident in how the information will be handled.

Comment: One commenter requests that we change proposed § 193.7(a)(1) and (2) (new § 193.9(a)(1) and (2)) from referring to what the FAA ''may'' disclose, to referring to what the FAA ''shall'' disclose.

FAA response: The FAA disagrees. The word ''may'' has been retained in new § 193.9(a)(1) through (4) to indicate that the FAA retains the discretion to disclose the information, but may not necessarily do so in all cases. The FAA must retain latitude to both carry out its safety and security duties and to encourage the submission of voluntarily submitted information.

Comment: A commenter asks that proposed § 193.7(a)(2) (new § 193.9(a)(2)) provide for disclosure of information ''to show corrective action already taken to correct'' a condition that may compromise safety or security.

FAA response: We do not agree that disclosure under those conditions would be consistent with the requirements of section 40123. New § 193.9 is intended to show circumstances in which withholding information would be inconsistent with safety or security. However, if the condition already has been corrected, there likely is no safety or security need to release the protected information.

Comment: Two persons comment on the possible need for the FAA to reveal some part 193 information under proposed § 193.7(a)(2) to design and production approval holders so they can evaluate airworthiness conditions. See 64 FR at 40476. One commenter states that the information should be released only to those with a need to know. Another commenter states that the person receiving the information should be required to refrain from disclosing it.

FAA response: We agree that design and production approval holders must protect the information from disclosure. New § 193.17 contains this provision. See the discussion of this section below.

Comment: One commenter recommended that any data submitted under part 193 be submitted to an independent third party who would be responsible for maintaining security, archiving, and summarizing the information for the FAA.

FAA response: Third party programs are an option for the FAA to obtain safety or security information. The Aviation Safety Reporting Program (ASRP, Advisory Circular 00–46D) is such a program. In ASRP, pilots and others may submit reports of incidents to the National Aeronautics and Space Administration (NASA). NASA in turn analyzes the data and provides reports to the FAA under its Aviation Safety Reporting System (ASRS). This is a valuable program that the FAA expects to continue. The ASRP, however, does not provide for the FAA to interact with the person providing the information or to address corrective measures with that person.

Section 40123 reflects that there is great benefit to the FAA dealing directly with those who submit the information. This relationship allows the FAA to directly interact with industry experts, which allows for a more robust exchange of information and ideas. It also allows for development of corrective action, when needed, that most efficiently addresses the problem. If that corrective action involves changes in the air carrier's operation, this direct relationship allows the FAA to monitor the progress and success of that corrective action. These tasks would not be possible, or would be much less efficient, if the FAA received the information anonymously through a third party.

With regard to ASAP and FOQA, the FAA believes that the benefits of voluntary sharing of safety related information with the agency are better served by a direct relationship with the submitter, rather than through an independent third party intermediary. These programs are considered extensions of the direct relationship that already exists between an air carrier and the FAA office responsible for direct oversight of the air carrier. This direct relationship permits the FAA to accomplish timely interpretation of trends within the context of the operations of the specific air carrier, to work cooperatively with the air carrier to develop feasible strategies for corrective action when warranted, and to track the effectiveness of corrective actions on a timely basis. Since both ASAP and FOQA programs are approved on an airline by airline basis, and continued approval is subject to FAA monitoring of corrective actions by particular airlines, the FAA believes that using third party data collectors for these particular programs is not appropriate.

Comment: Many comments note that in order for all stakeholders in government and the aviation industry to share lessons from voluntary safety data reporting programs, the government must prescribe a method of protecting individuals and companies from enforcement action for voluntarily provided information. They state that a failure to have such protection from enforcement action would chill participation in the information-sharing program.

FAA response: Part 193 does not contain enforcement policy. Part 193 is intended to include only what is necessary to carry out section 40123. There is no need to address enforcement policy to carry out section 40123, except to the extent that enforcement action that the FAA initiates based on information received under part 193 may result in disclosure of that information. Further, to the extent that certain limitations on enforcement may be appropriate, they can only be offered in the context of the specific program to which they are intended to apply. Each program must be examined on an individual basis to determine the appropriateness, if any, of such protection. For example, the ASAP program contains a detailed policy governing when enforcement action may or may not be taken for violations that have been reported through ASAP. See AC–120–66A, paragraph 11.

Although part 193 is not intended to address protection fro enforcement action, the FAA understands that this issue is closely linked to the present rulemaking. Individuals and airlines are unlikely to participate in voluntary safety data reporting programs for which no protections from enforcement or other reprisals are provided. In FOQA and ASAP there are in fact limits on possible enforcement action that might be taken based on information obtained under those programs. We understand that appropriate enforcement policies, along with non-disclosure under part 193, may be needed to encourage participated in information-sharing programs.

Comment: Several commenters object to proposed § 193.7(a)(3) (new § 193.9(a)(3)) that would allow for disclosure of information for use in criminal investigations or prosecutions. They state that these provisions will discourage voluntary participation. A commenter notes that new section 40123 authorizes the FAA to designate safety and security information as protected ''notwithstanding any other provisions of law,'' and the commenter therefore recommends that the proposed use and disclosure of protected information for criminal investigations or prosecutions be eliminated from the rule. This commenter also recommends using the conditions in Advisory Circular 00–46D, Aviation Safety

Reporting Program (ASRP) as grounds for taking action.

FAA response: The FAA does not consider it to be in the interest of safety or security to forego reporting of possible criminal violations. Indeed, criminal violations related to aviation may pose extreme danger to the flying public and possible violations must be investigated, and if warranted, prosecuted. The ASRP, cited by the commenter, provides that NASA will refer information concerning criminal offenses to the Department of Justice and the FAA. See AC–00–46D, paragraph 7.a.(1) and 14 CFR 91.25. ASAP, too, provides that reports of possible criminal activity will be referred to a law enforcement agency. See AC 121120–66A, paragraph 11.c.(2).

New § 193.9: New § 193.9 describes when withholding voluntarily submitted information will not be consistent with safety or security, as provided in section 40123(a)(2).

The FAA anticipates that if all other requirements in section 40123 are met, it will be infrequent that the FAA will find it necessary to disclose the information. This is partly because the types of information we anticipate collecting the procedures under which it will be collected are unlikely to reveal criminal offenses. This is also true because we anticipate including in the information sharing programs a method to carry out corrective action without the need for enforcement action or other process that would call for disclosing the protected information.

Under FOQA, for example, it is highly unlikely that routine flight data will reveal criminal activity or a lack of qualifications of a certificate holder. In ASAP, there is a detailed procedure for initiating corrective action without the need for enforcement action. If this process is carried out there will no need for the FAA to disclose the information. If this process is not carried out the FAA may have to take enforcement action (see AC 120–66A paragraph 10.b.), but we expect this to happen rarely.

There are some circumstances under which safety or security will make it necessary for the FAA to disclose at least portions of protected information, which circumstances are stated in this section. Where disclosure will be necessary, attempts will be made to limit the disclosure to the extent practicable, such as releasing only de-identified and summarized information. Any information sharing program may reveal a need for the FAA to change its rules or policies, for instance. These will be handled as provided in new § 193.9(a)(1), discussed below, and will involve release of de-identified, summarized information.

New § 193.9(a)(1) provides for the disclosure of limited information to explain the need for changes in policies and regulations. As is explained in the legislative history for section 40123, the information collected in these voluntary programs ''could help to improve air safety by helping safety official identify trends before they cause accidents.'' H.R. Rep. No. 104–714, 104th Cong., 2d Sess. 41. ''The data and information that would be available to the FAA as a result of this provisions * * * should be very useful in the formulation of the FAA's safety policy and regulations.'' Id. at 42.

Generally, during rulemaking the agency is required to make data available that it relied on in developing the proposed rule and is required to give the public an opportunity to comment on the proposal. Providing the data gives the public a chance to look at how the agency analyzed and interpreted the data and provides an opportunity to comment on the conclusions reached. See 5 U.S.C. 553. This informed comment assists the agency in developing rules that best promote safety and security. Commenters are able to better understand the reasons for the proposed rule, offer alternate interpretations of the underlying data, and offer solutions that they feel would best address the safety or security problem.

Section 40123, however, specifically provides that information voluntarily provided under that section shall not be disclosed ''notwithstanding any other provision of law * * *'' It would not be consistent with the intent of section 40123 for the FAA to make available to the public all of the raw data on which it relied if that data was submitted voluntarily in a program under this part. On the other hand, it would not be consistent with safety and security for the FAA to completely forego the benefits of informed comment that comes with disclosing the data supporting a proposed rule.

The FAA has determined that if we enter into rulemaking or policy making based on data submitted under part 193, we will not release all of the data. Rather, we will release only data that is de-identified and that is summarized. In this way, we will not reveal the source of the data, but we will reveal enough information to explain to the public how the FAA made its decisions on the new rule or policy. This approach balances the public's interest in understanding the basis for agency rulemaking and policy making, and the need to encourage the voluntary submission of safety and security information.

Data could be summarized in a number of ways, depending on the rulemaking. For instance, charts might show how often a specific maintenance problem was discovered in different air carriers, without revealing the names of the air carriers. This would show how the maintenance problem was distributed across the industry, leading the FAA to propose a general rulemaking instead of a correction for one air carrier. This approach is similar to that currently used with information that is of a very personal or private nature. Rulemaking based on a review of medical records, for instance, may provide summarized findings without revealing individuals' names.

New § 193.9(a)(2) provides for disclosure of information received in a program under this part to evaluate or correct a condition that may compromise safety or security. This would only be done if the condition continues uncorrected. We anticipate that in many or most cases the corrective action can be accomplished without the release of protected information.

There are a number of instances in which this might occur. Examples include evaluating airworthiness conditions, assuring that the holder of an FAA certificate is qualified for that certificate, and preventing on-going violations of safety or security regulations.

The rule language is modified to indicate that the FAA retains the discretion to disclose information submitted under this part to correct a condition that compromises safety or security, if that condition continues uncorrected. In many cases corrective action may be accomplished without the FAA disclosing the information. For instance, if the FAA can work with a certificate holder to bring it into compliance without the need for enforcement action, there may be no need to disclose the part 193 information.

Under new § 193.9(a)(2) the FAA may need to make a limited disclosure to evaluate airworthiness conditions. If, for instance, information indicates an unsafe condition in a type of aircraft, engine, or other product, the FAA may consider issuing an Airworthiness Directive (AD, under part 39) to require that the deficiency be corrected. The FAA works with design approval holders and production approval holders to identify the need for action to correct airworthiness problems and to develop what that action should be. Design approval holders hold the rights

to a design for a product approved by the FAA, such as a type certificate under part 21. Production approval holders hold an approval from the FAA to produce a product, such as a production certificate, parts manufacturer approval, or technical standard order authorization under part 21. The holders of design and production approvals have expertise in their own products that the FAA does not have, and it is important that their expertise be available to help the FAA analyze potential airworthiness problems. Under § 193.9(a)(2), the FAA will disclose voluntarily-provided information to a design or production approval holder to assist the FAA in assessing the need for, and the content of, required corrective action. See, for example, § 21.99, which requires the holder of a type certificate to submit appropriate changes to the FAA for approval when an AD is issued. If an AD is issued, it may include de-identified, summarized information in accordance with § 193.9(a)(1). Under new § 193.17, those design and production approval holders will be required to protect the information from unauthorized disclosure. See the further discussion for new § 193.17.

Section 193.9(a)(3) provides for disclosure of information to conduct a criminal investigation or prosecution. While the FAA does not prosecute criminal actions, in those rare circumstances in which it is appropriate the agency refers such matters to the Department of Justice or other appropriate agency. It is not in the interest of safety or security to forego reporting of possible criminal violations. Criminal violations related to aviation may pose extreme danger to the flying public and possible violations must be investigated, and if warranted, prosecuted.

Finally, § 193.9(a)(4) provides for disclosure of information to comply with 49 U.S.C. 44905 regarding information about threats to civil aviation. That section requires that public notice be made in specified circumstances about threats to civil aviation, generally involving possible terrorists threats. The legislative history makes clear that such information should be disclosed even if voluntarily provided under sec. 40123. H.R. Rep. No. 104–714, 104th Cong., 2d Sess. 49.

Section 193.9(b) provides for other circumstances in which withholding information provided under this part would not be consistent with the Administrator's safety and security responsibilities. These circumstances may be different depending on the program. Those circumstances will be described in the designation for that program, so participants, and the public, will know. The FAA cannot predict how information programs may develop in the future. As new programs under this part are developed, these uses would be proposed in specific programs. This way both the participants in the information sharing programs and the public will know how the information will be disclosed. Possible examples include disclosure to foreign aviation authorities, disclosure after a period of time in which the information would no longer be protected, and disclosure in punitive enforcement actions.

Section 193.11 What Is the Notice Procedure? (Proposed § 193.9 Designating Information as Protected Under This Part: Notice Procedure)

Proposal: This section proposed to describe the procedure normally used to designate information as protected under part 193. This procedure would be for use where there is not an immediate need for the information. It generally would be used for programs in which a specific type of information is to be provided by types of persons on a continuing basis. The process would include the FAA publishing a proposed designation in the **Federal Register**, considering the comments,and then publishing a final designation.

Comment: Several comments were received on the need for the notice and comment procedure proposed in this section. One commenter stresses that the notice procedure is important to protecting the public's interest in safety and security information. One commenter states that the only interested parties left entirely without the ability to know what sorts of information will be kept secret are the press and the public. Another commenter objects that publishing a notice of proposed designation is an unnecessary, arduous, public, and bureaucratic process, which is not required or authorized by section 40123. The commenter is of the opinion that public comment will not aid the Administrator in understanding the agency's goals with respect to designating a particular program as protected from disclosure, or expand her knowledge or qualifications to make such judgements. The commenter also objects to the proposal to publish a notice withdrawing of designation, stating that such withdrawal would be better handled by direct agency correspondence with affected industry persons.

FAA response: The FAA firmly believes that, when possible, designating information as protected under part 193 should be done by the notice procedure. The FAA must balance the industry's legitimate concerns about disclosure of sensitive information with the public's interest in safety and security related information. The notice and comment procedure provides the public the opportunity to comment on whether the FAA should issue the designation, including whether the designation of a particular program is consistent with the Administrator's safety and security responsibilities. Further, this process gives public notice as to what sort of information the FAA may be collecting and not making available to the public.

The FAA does not believe that providing the aviation industry and the public with the opportunity to comment on such notices imposes an arduous or bureaucratic process. Rather, it will provide all interested parties with an opportunity to express their viewpoints for consideration by the FAA in making its final designation determination. Once a program has been designated as protected from disclosure under part 193, that designation continues indefinitely, unless subsequently withdrawn by the FAA.

Although the FAA may withdraw a designation at any time it determines that continuation of the designation does not meet the elements of new § 193.7, the rule requires that a notice of withdrawal be published in the **Federal Register**. This process is necessary to inform the public (which will have had notice of the creation of the designation), and because a designation is issued for a particular program rather than a particular person or persons. When a designation is withdrawn for a particular program, that withdrawal impacts all program participants, and potential future participants, that the program no longer is effective.

Comment: One commenter asks whether the comments on the notice of proposed designation will be published.

FAA response: The proposal was silent on this point, but we have decided to add this feature to the rule. New § 193.11(c)(7) provides that the designation includes a summary of the significant comments received and the FAA's responses. This will assist the public in understanding how the FAA made the final decision to designate information as protected.

Comment: One commenter states that the FAA should assess whether it would benefit from certain voluntary information sharing programs with designations under this part, and not wait for applications from individuals.

FAA response: The FAA agrees, and is considering what programs would be

of value under this part. As noted, the FAA expects to propose to designate information it will receive under FOQA and under ASAP as protected under this part.

Comment: The preamble for the proposal discussed that some information sharing programs would be national programs, in which all persons who are similarly situated could participate. An example is FOQA, in which all air carriers may choose to participate. Two commenters endorse the use of national programs, stating that it reduces the administrative burden for each participant.

FAA response: The final rule retains the ability for the FAA to designate a program level such that all similar persons may participate, such as all air carriers, or all producers of engines. These programs will state what is needed for persons to participate in the program.

New § 193.11: This section describes the procedure normally used to designate information as protected under part 193. This procedure is for use where there is not an immediate need for the information. It generally is used for programs in which a specific type of information is to be provided by types of person on a continuing basis. For instance, under FOQA, access to aggregate flight recorder data may be made available by air carriers on a regular basis.

The scope of § 193.11 programs would vary. The FAA create a program that is available to all individuals or companies that meet the basic requirements of that program. For this type of program, the FAA would designate information received from all participants as protected under section 40123, then different persons would have the option of participating in the program without obtaining a separate designation under part 193.

Examples of these programs are FOQA and ASAP. The FAA anticipates that it will propose to designate FOQA and ASAP programs as protected under section 40123. The proposed designations would include all of the items in § 193.7, such a description of the type of information that may be voluntarily provided. The comments we receive will be available to the public on the DMS web site. If, after public comment, the FAA decides to designate these programs as protected under section 40123, then each company that participates would receive the protections of section 40123 without each obtaining a designation under part 193 for their company FOQA or ASAP program.

Another way to have an information program designated as protected under section 40123 is for a person to submit an application for a single participant program, in which only that person submits information.

Any person may apply to have information designated as protected under this part. The application must include the designation described in paragraph (c) of § 193.11 that the applicant would like the FAA to issue. The FAA will evaluate the application and either publish a proposed designation for public comment or deny the application. The FAA could deny an application if it did not contain the information required. It also could be denied if the FAA determined that the potential benefits of the proposed program did not warrant use of FAA resources at that time, given other priorities.

You may apply to have information designated as protected under this part by submitting an application addressed to the Docket Management System (DMS), U.S. Department of Transportation, Room PL 401, 400 Seventh Street, SW., Washington, DC 20590–0001 for paper submissions, and the DMS web page at *http://dms.dot.gov/* for electronic submissions.

The FAA may decide to issue a proposed designation based either on an application or the FAA's internal decision. In either event, if the FAA determines that the designation may be advisable, the FAA will publish a proposed designation in the **Federal Register** and request comment.

If after review of the comments the FAA finds that the elements in § 193.7 were met and the designation is otherwise advisable, it will publish in the **Federal Register** an order designating the information received under the program as protected. The order includes a summary of the significant comments received and the FAA's responses, and summaries of why the FAA finds that the elements are met. By publishing the order in the **Federal Register**, all interested persons will be able to see what information they may provide under the program and receive the protection described in section 40123 and this part. They may also see what information the FAA is collecting but not making available to the public.

Five items in the order are the elements of section 40123. Section 193.11(c)(1) provides for a summary of why the FAA finds that the information will be provided voluntarily. Paragraph (c)(2) of that section provides for a description of the type of information that may be voluntarily provided under the program and a summary of why the FAA finds that the information is safety or security related. Paragraph (c)(3) calls for a summary of why the FAA finds that the disclosure of the information would inhibit the voluntary provision of that type of information. Paragraph (c)(4) is for a summary of why the receipt of that type of information aids in fulfilling the FAA's safety and security responsibilities. Paragraph (c)(5) calls for a summary of why withholding such information from disclosure is consistent with the FAA's safety and security responsibilities, including a statement as to the circumstances under which, and a summary of why, withholding such information from disclosure will not be consistent with the FAA's safety and security responsibilities, as described in new § 193.9.

New § 193.11(c)(6) provides for a summary of how the FAA will distinguish information protected under this part from other information. This might include such items as the method for persons to become involved in the program, how information is submitted under the program, and how the information is segregated within the FAA to ensure that it is handled properly. It might also include such procedures as marking documents as protected under part 193.

New § 193.11(c)(7) provides a summary of the significant comments received and the FAA's responses.

The FAA anticipates that the designation published in the **Federal Register** may not contain all the details, conditions, and procedures that apply to the program. For instance, if the FAA issues a designation for ASAP, it will contain the items listed in § 193.11(c). But the designation likely will not include many of the items in AC 120–66A, such as description of how reports are processed, the enforcement policies that apply, and how corrective action is handled. The approvals for each air carrier would not need to be published in the **Federal Register** as long as they meet the requirements in the designation that was published.

Under § 193.11(d), the FAA may amend a designation using the procedures in paragraphs (a), (b), and (c). The amendment may be based on either an application of one of the submitters, another person, or the FAA's own work. The amendment would be processed using the notice and comment procedure.

Section 193.11(e) provides for withdrawal of the designation if the FAA determines that the program no longer meets the elements in § 193.7, or if the requirements of the individual program are not met. The withdrawal

would be published in the **Federal Register** and would state the effective date of the withdrawal. Information that was received under the program while the designation was effective would remain protected even after the program was discontinued. No newly receive information would receive the protection of section 40123 and part 193.

Section 193.13 What Is the No-Notice Procedure? (Proposed § 193.11 Designating Information as Protected Under This Part: No Notice Procedure)

Proposal: This section proposed a procedure for situations in which there was an immediate need for the FAA to received safety or security information. This process would be a way for the FAA to assure the submitter of information that the information would be protected under this part, but would not require publication in the **Federal Register** and a comment period.

Comment: One comment felt that this procedure is helpful.

FAA response: The procedure is being adopted, with some changes discussed below.

New § 193.13: This procedure is for when there is an immediate need for the FAA to receive safety or security information without taking the time for publication in the **Federal Register** and a comment period. The FAA might need to obtain the information quickly in order to evaluate the need for immediate remedial or corrective action.

The FAA anticipates using this procedure in rare circumstances. There may be a serious safety or security issue for which the FAA needs to collect information immediately without first using the procedure in § 193.11. This procedure would allow the FAA to do so.

The person can request the protection by stating their name, the general nature of the information, and whether they are willing to provide the information without the protection of this part. If the person is unwilling to provide their name, the information will not be designated as protected under this part. There are other means to submit information anonymously, such as through the FAA Hotline at (202) 267–9532. The FAA will accept the application either verbally or in writing.

The FAA protects information under this section only when the Administrator has found that the elements of § 193.7 are met and that there is an immediate need to obtain the information without carrying out the more time-consuming procedures in § 193.11. The designation is in writing.

We anticipate that this procedure may often involve an individual who has information regarding a specific condition, where the information can be provided all at once or over a short time. This is different than the notice procedure in § 193.11, which generally will involve long-term information sharing programs.

Section 193.13(c) contains limitations on the length of time the procedures in § 193.13 may be used. That paragraph provides that this procedure usually may be used only for 60 days. If an enforcement or criminal investigation is underway, the information could continue to be provided under the protection of part 193. In addition, if there is a critical safety or security need to immediately adopt a program and begin collecting information in a program that normally would be under § 193.11, the FAA could use § 193.13 to begin obtaining the information right away, and initiate the procedure in § 193.11 to adopt a long-term program.

This rule does not include the provisions of proposed § 193.11(d), which would have provided that usually the FAA would be able to disclose information from no-notice programs in the conduct of enforcement actions. After further evaluation, we believe that it is not clear that this will be necessary in all cases. Each program will deal with this issue as appropriate.

New § 193.13(d) provides for amending the designation using the procedures in paragraphs (a) and (b) of this section.

Finally, new § 193.13(e) provides that the designation may be withdrawn by written notice to the person providing the information.

Section 193.15 What FAA Officials Exercise the Authority of the Administrator Under This Part? (Proposed § 193.1(a) Scope and Delegations)

Proposal: The proposal provided for delegation of the authority under this part. It stated that the authority of the Administrator to issue, amend, and withdraw designations under this part may be delegated to specified high-level FAA officials. Because of the strong public policy in favor of disclosure of information held by a Federal agency, authority to grant the final designations, with their extensive non-disclosure protections under this part, should be the decision of senior officials in the agency.

Comment: Two commenters note that only high-level FAA officials may designate information as protected. They state that the ability to disclose the protected information also should be delegated to the same high level officials.

FAA response: The FAA agrees.

New § 193.15: This section provides the same delegation for release of information that applies to designating information as protected. These officials are Associate Administrators and Assistant Administrators and the Chief Counsel, their deputies, and any individual formally designated to act in their capacity. For instance, if an Associate Administrator were on leave, the person designated as Acting Associate Administrator will have the authority under this part. This section further states that the authority of the Administrator to issue proposed designations under this part may be further delegated, which could be below the level of Associate Administrator.

Section 193.17 How Must Design and Production Approval Holders Handle Information They Receive From the FAA Under This Part? (Not Proposed)

As discussed above for new § 193.9(a)(2), the FAA may need to make a limited disclosure of protected information to the holders of design approvals or production approvals to evaluate airworthiness conditions. In the NPRM the FAA asked whether the approval holders should be required to protect the information from further disclosure. Two commenters agreed that the approval holders should be required to protect the information.

Under § 193.9(a)(2) the FAA will disclose voluntarily-provided information to a design or production approval holder to assist the FAA in assessing the need for, and the content of, required corrective action. Under new § 193.17, those design and production approval holders will be required to protect the information from unauthorized disclosure.

New § 193.17 provides that if the FAA discloses information under § 193.9(a)(2) to an approval holder, the approval holder must disclose that information only to persons who need to know the information to address the safety or security condition. Approval holders may disclose the information to their engineers and other individuals working on the problem. They may also disclose the information to a licensee or supplier if their expertise is needed to address the safety problem.

Approval holders should use such practices as marking the materials and storing them in safe places to avoid unauthorized disclosure.

We believe that approval holders are well positioned to protect part 193 information. Approval holders are used to handling proprietary information,

such as trade secrets, which must be protected from unauthorized disclosure.

New § 193.17(b) provides that unless an emergency exists, before disclosing information to approval holders the FAA will contact the submitter of the information. The FAA must retain its discretion on whether an AD, and disclosure to an approval holder, is needed, but the submitter will have notice of the disclosure.

Paperwork Reduction Act

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has submitted a copy of these sections to the Office of Management and Budget for its review. The collection of information was approved and assigned OMB Control Number 2120–0646. Comments on the proposal have been addressed previously. However, no specific comments were received on this information collection submission.

This final rule will impose a negligible paperwork burden for persons that choose to participate in a voluntary submission program. The person will submit a letter or other application notifying the FAA that they wish to participate in a current program. The FAA believes that approximately 10 air carriers and other persons will participate and prepare one application each. Assuming that each of the 10 persons file one application, divided by 10 years, equals approximately one (1) hour per application times five (5) programs, equals a total of 5 hours each year. The estimated hour burden is 5 hours (one time application). The FAA anticipates approximately five (5) programs within the next 10 years.

Occasionally, a person may want to propose a program to the FAA that will require voluntarily submitted information that will have to be protected. The FAA anticipates that there will only be one (1) such proposal per decade.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO standards and Recommended Practices and has identified no differences with these regulations.

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Trade Agreements Act of 1979 (19 U.S.C. 2531–2533) prohibits agencies from settling standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act also requires the consideration of international standards and, where appropriate, that they be the basis of U.S. standards. And fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires federal agencies to assess the impact of any federal mandates on State, local, or tribal governments.

The FAA has determined that this regulation is a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and Department of Transportation policies and procedures (44 FR 11034, February 26, 1979) because of significant Congressional and public interest in this rulemaking. This rule will not have a significant impact on a substantial number of small entities, will not constitute a barrier to international trade, and does not impose a federal mandate on state, local, or tribal governments, or the private sector of $100 million per year.

The FAA has determined that since the rule will have only a negligible economic impact, positive or negative, on the aviation industry, a full regulatory evaluation is not necessary.

The purpose of this rule is to encourage the aviation community to voluntarily share information with the FAA so that the agency may work cooperatively with industry to identify modifications to rules, policies, and procedures needed to improve safety, security, and efficiency of the National Airspace System (NAS). To facilitate this process, the FAA has initiated a number of programs designed to capture safety and security related information normally not available to the public or to governmental agencies.

One such program envisioned under this rule is the Flight Operational Quality Assurance Program (FOQA), which entails the routine extraction and analysis of digital flight data from line operations. The program enables collection of objective information that can be used to identify trends relating to the safety and efficiency of the NAS. Voluntary sharing of such information with the FAA could accelerate agency decision making in many areas of mutual interest, for example, published airport area arrival and departure procedures, air traffic control data, updates to certification criteria for aircraft, agency guidance for the use and performance of key aircraft subsystems, i.e., Traffic Alert and Collision Avoidance System (TCAS) and global Positioning System (GPS), or the approval under the Advanced Qualification Program of departures from traditional pilot training methods and media. Another benefit of data sharing programs envisioned through the final rule is that it provides an objective tool by which the FAA could improve its safety surveillance. For example, voluntarily shared data could provide the FAA and industry with an alternative means of monitoring the continued safety of Reduced Vertical Separation Maneuvers (RVSM).

Under current FOQA guidelines, an FAA inspector may review data and information while at the operator's facility. The inspector is not authorized to remove either a paper or electronic copy of data provided under the program from an operator's premises. Not having a voluntarily provided copy of the information severely limits the ability of the FAA to use the information in agency decision making. This circumstance is not always in the interest of the FAA, the airline industry, or the public as it can preclude timely realization of a safety problem or potential efficiency benefits that might otherwise be realized from the shared information.

Adopting this proposed rule would encourage data sharing by ensuring that the information shared will be protected from public disclosure, even if requested under the Freedom of Information Act (FOIA). The final rule will protect the confidentiality of the individual submitting the information and, therefore, alleviate aviation industry fears that information provided would be used by the public, competitors, or other government agencies for purposes other than those related to safety and security of the aviation system.

In order to participate in any FAA sponsored program where voluntarily submitted information is protected, the person will have to submit a letter or an application notifying the FAA that it wishes to participate in the program. The FAA believes that this application

will cost approximately $100 to generate. The FAA also believes that approximately 10 persons may participate. The FAA anticipates approximately five (5) new programs will be in existence within the next 10 years. The total cost to the industry of notifying the FAA concerning their participation in these programs would be $5,000 over 10 years. Occasionally, a person may want to propose a program to the FAA that would require voluntarily submitted information that would have to be protected. The FAA anticipates that it would cost approximately $1,000 to develop such a proposal, and we anticipate that there would only be one (1) such proposal per decade.

The benefits of this proposed rule are unquantifiable, but nevertheless are positive because the protected information can be used proactively to correct safety concerns, thus preventing avoidable accidents and potentially saving many lives and millions of dollars.

There are negligible application costs associated with implementing the proposed rule. The proposal, if adopted, imposes no reporting requirements on the aviation community and would assure aviation interests such as air carrier operators, pilot associations, airframe manufacturers, and trade associations that voluntarily submit proprietary information would be protected from public disclosure. The cost to the public of having this data or information protected from public disclosure is considered negligible.

On the other hand, the benefit to the FAA of voluntarily submitted sensitive, proprietary, safety, and security information protected from public disclosure will outweigh any potential costs to the public of being denied access to this information.

Regulatory Flexibility Act

The Rgulatory Flexibility Act of 1980 (5 U.S.C. 60–612) directs the FAA to fit regulatory requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation. We are required to determine whether a proposed or final action will have a ''significant economic impact on a substantial number of small entities'' as defined in the Act. If we find that the action will have a significant impact, we must do a ''regulatory flexibility analysis.''

This final rule will assist the FAA in carrying out its safety and security duties by providing that certain information submitted to the FAA on a voluntary basis will not be disclosed. The economic impact is minimal. Small entities wishing to participate in any program where voluntarily submitted information is protected, must submit a letter or an application to the FAA notifying the agency that the entity wishes to participate. Generating this letter or application will only cost $100. If a small entity wishes to propose a program that would require voluntarily submitted information, preparing the proposal will only cost $1,000. Both of these costs are considered minimal and will be voluntarily incurred. Therefore, we certify that this action will not have a significant economic impact on a substantial number of small entities.

International Trade

The Trade Agreement Act of 1979 (19 U.S.C. 2531–2533) prohibits Federal agencies from engaging in any standards or related activity that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and where appropriate, that they be the basis for U.S. standards. In addition, consistent with the Administration's belief in the general superiority and desirability of free trade, it is the policy of the Administration to remove or diminish, to the extent feasible, barriers to international trade, including both barriers affecting the export of American goods and services to foreign countries and barriers affecting the import of foreign goods and services into the U.S.

In accordance with the above statute and policy, the FAA has assessed the potential effect of this final rule and has determined that it will have only a domestic impact and therefore no effect on any trade-sensitive activity.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532–1538) requires the FAA to assess the effects of Federal regulatory actions on state, local, and tribal governments, and on the private sector of proposed or final rules that contain a Federal intergovernmental or private sector mandate that exceeds $100 million in any one year (adjusted annually for inflation). Such a mandate is deemed to be a ''significant regulatory action.''

This action does not contain such a mandate and, therefore, the requirements of Act do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action would not have a substantial direct effect on the States, or the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, we determined that this final rule does not have federalism implications.

Plain Language

In response to the June 1, 1998, Presidential Memorandum regarding the use of plain language, the FAA re-examined the writing style currently used in the development of regulations. The memorandum requires federal agencies to communicate clearly with the public. We are interested in your comments on whether the style of this document is clear, and in any other suggestions you might have to improve the clarity of FAA communications that affect you. You can get more information about the Presidential memorandum and the plain language initiative at *http://www.plainlanguage.gov.*

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j), this rulemaking action qualifies for a categorical exclusion.

Energy Impact

The energy impact of the notice has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) Pub. L. 94–163, as amended (42 U.S.C. 6362) and FAA Order 1053.1. It has been determined that the final rule is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 14 CFR Part 193

Air transportation, Aircraft, Aviation safety, Safety, Security.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration adds part 193 to Title 14, Code of Federal Regulations as follows:

PART 193—PROTECTION OF VOLUNTARILY SUBMITTED INFORMATION

Sec.
193.1 What does this part cover?
193.3 Definitions.
193.5 How may I submit safety or security information and have it protected from disclosure?

193.7 What does it mean for the FAA to designate information as protected?
193.9 Will the FAA ever disclose information that is designated as protected under this part?
193.11 What is the notice procedure?
193.13 What is the no-notice procedure?
193.15 What FAA officials exercise the authority of the Administrator under this part?
193.17 How must design and production approval holders handle information they receive from the FAA under this part?

Authority: 49 U.S.C. 106(g), 40113, 40123.

§ 193.1 What does this part cover?

This part describes when and how the FAA protects from disclosure safety and security information that you submit voluntarily to the FAA. This part carries out 49 U.S.C. 40123, protection of voluntarily submitted information.

§ 193.3 Definitions.

Agency means each authority of the Government of the United States, whether or not the agency is within or subject to review by another agency, but does not include—

(1) The Congress;

(2) The courts of the United States;

(3) The governments of the territories or possessions of the United States;

(4) The government of the District of Columbia;

(5) Court martial and military commissions.

De-identified means that the identity of the source of the information, and the names of persons have been removed from the information.

Disclose means to release information to a person other than another agency. Examples are disclosures under the Freedom of Information Act (5 U.S.C. 552), in rulemaking proceedings, in a press release, or to a party to a legal action.

Information includes data, reports, source, and other information. ''Information'' may be used to describe the whole or a portion of a submission of information.

Summarized means that individual incidents are not specifically described, but are presented in statistical or other general form.

Voluntary means that the information was not required to be submitted as part of a mandatory program, and was not submitted as a condition of doing business with the government. ''Voluntarily-provided information'' does not include information submitted as part of complying with statutory, regulatory, or contractual requirements, except that information submitted as part of complying with a voluntary program under this part is considered to be voluntarily provided.

§ 193.5 How may I submit safety or security information and have it protected from disclosure?

(a) You may do so under a program under this part. The program may be developed based on your proposal, a proposal from another person, or a proposal developed by the FAA.

(b) You may be any person, including an individual, a company, or an organization.

(c) You may propose to develop a program under this part using either the notice procedure in § 193.11 or the no-notice procedure in § 193.13.

(d) If the FAA decides to protect the information that you propose to submit it issues an order designating the information as protected under this part.

(e) The FAA only issues an order designating information as protected if the FAA makes the findings in § 193.7.

(f) The designation may be for a program in which all similar persons may participate, or for a program in which only you submit information.

(g) Even if you receive protection from disclosure under this part, this part does not establish the extent to which the FAA may or may not use the information to take enforcement action. Limits on enforcement action applicable to a program under this part will be in another policy or rule.

§ 193.7 What does it mean for the FAA to designate information as protected?

(a) *General.* When the FAA issues an order designating information as protected under this part, the FAA does not disclose the information except as provided in this part.

(b) *What findings does the FAA make before designating information as protected?* The FAA designates information as protected under this part when the FAA finds that—

(1) The information is provided voluntarily;

(2) The information is safety or security related;

(3) The disclosure of the information would inhibit the voluntary provision of that type of information;

(4) The receipt of that type of information aids in fulfilling the FAA's safety and security responsibilities; and

(5) Withholding such information from disclosure, under the circumstances provided in this part, will be consistent with the FAA's safety and security responsibilities.

(c) *How will the FAA handle requests for information under the Freedom of Information Act (FOIA)?* The FAA does not disclose information that is designated as protected under this part in response to a FOIA request.

(d) *What if the FAA obtains from another source the same information I submit?* Only information received under a program under this part is protected from disclosure under this part. Information obtained by the FAA through another means is not protected under this part.

(e) *Sharing information with other agencies.* The FAA may provide information that you have submitted under this part to other agencies with safety or security responsibilities. The agencies are subject to the requirements of 49 U.S.C. 40123 regarding nondisclosure of information. The FAA will give the information to another agency only if, for each such request, the other agency provides the FAA with adequate assurance, in writing, that—

(1) The agency has a safety or security need for the information, including the general nature of the need.

(2) The agency will protect the information from disclosure as required in 49 U.S.C. 40123, this part, and the designation. This includes a commitment that the agency will mark the information as provided in the designation.

(3) The agency will limit access to those with a need to know to carry out safety or security responsibilities.

(f) *What if the FAA receives a subpoena for the information I submit?* When the FAA receives a subpoena for information you have submitted under this part, the FAA contacts you to determine whether you object to disclosure of the information or you wish to participate in responding to the subpoena. If both you and the FAA determine that release of the information is appropriate, the information is released. Otherwise, the FAA will not release information designated as protected under this part unless ordered to do so by a court of competent jurisdiction.

§ 193.9 Will the FAA ever disclose information that is designated as protected under this part?

The FAA discloses information that is designated as protected under this part when withholding it would not be consistent with the FAA's safety and security responsibilities, as follows:

(a) *Disclosure in all programs.* (1) The FAA may disclose de-identified, summarized information submitted under this part to explain the need for changes in policies and regulations. An example is the FAA publishing a notice of proposed rulemaking based on your information, and including a de-identified, summarized version of your information (and the information from other persons, if applicable) to explain the need for the notice of proposed rulemaking.

(2) The FAA may disclose information provided under this part to correct a condition that compromises safety or security, if that condition continues uncorrected.

(3) The FAA may disclose information provided under this part to carry out a criminal investigation or prosecution.

(4) The FAA may disclose information provided under this part to comply with 49 U.S.C. 44905, regarding information about threats to civil aviation.

(b) *Additional disclosures.* For each program, the FAA may find that there are additional circumstances under which withholding information provided under this part would not be consistent with the FAA's safety and security responsibilities. Those circumstances are described in the designation for that program.

§ 193.11 What is the notice procedure?

This section states the notice procedure for the FAA to designate information as protected under this part. This procedure is used when there is not an immediate safety or security need for the information. This procedure generally is used to specify a type of information that you and others like you will provide on an on-going basis.

(a) *Application.* You may apply to have information designated as protected under this part by submitting an application addressed to the Docket Management System (DMS), U.S. Department of Transportation, Room PL 401, 400 Seventh Street, SW., Washington, DC 20590–0001 for paper submissions, and the DMS web page at *http://dms.dot.gov/* for electronic submissions. Your application must include the designation described in paragraph (c) of this section that you want the FAA to issue. You should not include in your application any information that you do not want available to the public. The FAA may issue a proposed designation based on the application or may deny your application.

(b) *Proposed designation.* Before issuing a designation under this section, based either on your application or the FAA's own initiative, the FAA publishes a proposed designation in the **Federal Register** and requests comment.

(c) *Designation.* The FAA designates information as protected under this part if, after review of the comments, the FAA makes the findings in § 193.7. The FAA publishes in the **Federal Register** an order designating the information provided under the program as protected under this part. The designation includes the following:

(1) A summary of why the FAA finds that you and others, if applicable, will provide the information voluntarily.

(2) A description of the type of information that you and others, if applicable, may voluntarily provide under the program and a summary of why the FAA finds that the information is safety or security related.

(3) A summary of why the FAA finds that the disclosure of the information would inhibit you and others, if applicable, from voluntarily providing of that type of information.

(4) A summary of why the receipt of that type of information aids in fulfilling the FAA's safety and security responsibilities.

(5) A summary of why withholding such information from disclosure would be consistent with the FAA's safety and security responsibilities, including a statement as to the circumstances under which, and a summary of why, withholding such information from disclosure would not be consistent with the FAA's safety and security responsibilities, as described in § 193.9.

(6) A summary of how the FAA will distinguish information protected under this part from information the FAA receives from other sources.

(7) A summary of the significant comments received and the FAA's responses.

(d) *Amendment of designation.* The FAA may amend a designation using the procedures in paragraphs (a), (b), and (c) of this section.

(e) *Withdrawal of designation.* The FAA may withdraw a designation under this section at any time the FAA finds that continuation of the designation does not meet the elements of § 193.7, or if the requirements of the designation are not met. The FAA withdraws the designation by publishing a notice in the **Federal Register**. The withdrawal is effective on the date of publication or such later date as the notice may state. Information provided during the time the program was designated remains protected under this part and the program. Information provided after the withdrawal of the designation is effective is not protected under this part or the program.

§ 193.13 What is the no-notice procedure?

This section states the no-notice procedure for the FAA to designate information as protected under this part. This procedure is used when there is an immediate safety or security need for the information. This procedure generally is used for specific information that you will provide on a short-term basis.

(a) *Application.* You may request that the FAA designate information you are offering as protected under this part. You must state your name, at least the general nature of information, and whether you will provide the information without the protection of this part. Your request may be verbal or writing.

(b) *Designation.* The FAA issues a written order designating information provided under this section as protected under this part. The FAA designates the information as protected under this part if the FAA—

(1) Makes the findings as § 193.7; and

(2) Finds that there is an immediate safety or security need to obtain the information without carrying out the procedures in § 193.11 of this part.

(c) *Time limit.* Except as provided in paragraphs (c)(1) and (c)(2) of this section, no designation under this section continues in effect for more than 60 days after the date of designation. Information provided during the time the designation was in effect remains protected under this part. Information provided that the designation ceases to be in effect is not protected under this part. The designation remains in effect for more than 60 days if—

(1) The procedures to designate such information under § 193.11(a) have been initiated, or

(2) There is an ongoing enforcement or criminal investigation, in which case the designation may continue until the investigation is completed.

(d) *Amendment of designation.* The FAA may amend a designation under this section using the procedures in paragraphs (a) and (b) of this section.

(e) *Withdrawal of designation.* The FAA may withdraw a designation under this section at any time the FAA finds that continuation does not meet the elements of § 193.7, or if the requirements of the designation are not met. The FAA withdraws the designation by notifying the person in writing that the designation is withdrawn. The withdrawal is effective on the date of receipt of the notice or such later date as the notice may state. Information provided during the time the designation was in effect remains protected under this part. Information provided after the withdrawal is effective is not protected under this part.

§ 193.15 What FAA officials exercise the authority of the Administrator under this part?

(a) The authority to issue proposed and final designations, to issue proposed and final amendments of designations, and to withdraw

designations under this part, and to disclose information that has been designated as protected under this part, is delegated by the Administrator to Associate Administrators and Assistant Administrators and to the Chief Counsel, their Deputies, and any individual formally designated as Acting Associate or Assistant Administrator, Acting Chief Counsel, or Acting Deputy of such offices.

(b) The officials identified in paragraph (a) of this section may further delegate the authority to issue proposed designations and proposed amendments to designations.

§ 193.17 How must design and production approval holders handle information they receive from the FAA under this part?

(a) If the FAA discloses information under § 193.9(a)(2) to the holders of design approvals of production approvals issued by the FAA, the approval holder must disclose that information only to persons who need to know the information to address the safety or security condition.

(b) Unless an emergency exists, before disclosing information to approval holders the FAA will contact the submitter of the information.

Issued in Washington, DC, on June 19, 2001.

Jane F. Garvey,

Administrator.

[FR Doc. 01–15853 Filed 6–22–01; 8:45 am]

BILLING CODE 4910–13–M

Federal Register

Monday,
June 25, 2001

Part IV

Department of Health and Human Services

Health Care Financing Administration

42 CFR Parts 431, 433, et al.

State Child Health; Revisions to the Regulations Implementing the State Children's Health Insurance Program; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 431, 433, 435, 436, and 457

[HCFA–2006–IFC]

RIN 0938–AL00

State Child Health; Revisions to the Regulations Implementing the State Children's Health Insurance Program

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Interim final rule with comment period; revisions, delay of effective date, and technical amendments to final rule.

SUMMARY: Title XXI authorizes the State Children's Health Insurance Program (SCHIP) to assist State efforts to initiate and expand the provision of child health assistance to uninsured, low-income children. On January 11, 2001 we published a final rule in the **Federal Register** to implement SCHIP that has not gone into effect. This interim final rule further delays the effective date, revises certain provisions and solicits public comment, and makes technical corrections and clarifications to the January 2001 final rule based on further review of the comments received and applicable law. Only the provisions set forth in this document have changed. All other provisions set forth in the January 2001 final rule will be implemented without change.

DATES: *Effective Date:* The effective date of the January 2001 rule (66 FR 2490), delayed on February 26, 2001 (66 FR 11547) and on June 11, 2001 (66 FR 31178) until June 25, 2001, is delayed for an additional 60 days, and will be effective, as amended by this rule, on August 24, 2001.

Comment date: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on July 25, 2001.

Compliance dates: To the extent contract changes are necessary, States will not be found out of compliance until the next contract cycle. By ''contract cycles'', we mean the earlier of the date of the original period of the existing contract, or the date of any extension or modification that would change the term of the contract. To the extent legislative changes are necessary, States will not be found out of compliance until the conclusion of the next legislative cycle following the effective date of the rule.

ADDRESSES: In commenting, please refer to file code HCFA–2006–IFC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

Mail written comments (one original and three copies) to the following address only: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–2006–IFC, P.O. Box 8016, Baltimore, MD 21244–1850.

Please allow sufficient time for mailed comments to be timely received in the event of delivery delays.

If you prefer, you may deliver (by hand or courier) your written comments (one original and three copies) to one of the following addresses:

Room 443–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or

Room C5–16–03, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and could be considered late.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT:

Regina Fletcher, (410) 786–3293;

Diona Kristian for subpart A, State plan, (410) 786–3283;

Maurice Gagnon for subpart C, Eligibility, (410) 786–0619;

Regina Fletcher for subpart D, Benefits, (410) 786–3293;

Dana Pryor for subpart E, Cost sharing, (410) 786–1304;

Kathleen Farrell for subpart G, Strategic planning,(410) 786–1236;

Maurice Gagnon for subpart I, Program integrity (410) 786–0619;

Terese Klitenic for subpart J, Allowable waivers, (410) 786–5942; and

Christina Moylan for subpart K, Applicant and enrollee protections (410) 786–6102.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Health Care Financing Administration, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, call telephone number: (410) 786–7195.

To order copies of the **Federal Register** containing this document, send your request to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at (202) 512–1800 or by faxing to (202) 512–2250. The cost for each copy is $9. As an alternative, you can view and photocopy the **Federal Register** document at most libraries designated as Federal Depository Libraries and at many other public and academic libraries throughout the country that receive the **Federal Register**. This **Federal Register** document is also available from the **Federal Register** online database through GPO access, a service of the U.S. Government Printing Office. The Website address is http://www.access.gpo.gov/nara/index.html.

I. Background

Section 490l of the BBA, Public Law 105–33, as amended by Public Law 105–100, added title XXI to the Act. Title XXI authorizes the State Children's Health Insurance Program (SCHIP) to assist State efforts to initiate and expand the provision of child health assistance to uninsured, low-income children. Under title XXI, States may provide child health assistance primarily for obtaining health benefits coverage through (1) a separate child health program that meets the requirements specified under section 2103 of the Act; (2) expanding eligibility for benefits under the State's Medicaid plan under title XIX of the Act; or (3) a combination of the two approaches. To be eligible for funds under this program, States must submit a State child health plan (State plan), which must be approved by the Secretary.

SCHIP is jointly financed by the Federal and State governments and is administered by the States. Within broad Federal guidelines, each State determines the design of its program, eligibility groups, benefit packages, payment levels for coverage, and administrative and operating procedures. SCHIP provides a capped amount of funds to States on a matching basis for Federal fiscal years (FY) 1998 through 2007. Federal payments under title XXI to States are based on State expenditures under approved plans effective on or after October 1, 1997.

On January 11, 2001, we published a final rule to implement SCHIP, which has not gone into effect (66 FR 2490). That final rule contained provisions regarding State plan requirements and plan administration, coverage and benefits, eligibility and enrollment, enrollee financial responsibility,

strategic planning, substitution of coverage, program integrity, waivers, and applicant and enrollee protections. The January 2001 final rule also included provisions to expand State options for coverage of children under the Medicaid program. On February 26, 2001, we delayed the effective date of the January 11, 2001 final rule for 60 days (66 FR 11547). On June 11, 2001, we delayed the effective date an additional 14 days, until June 25, 2001. We are further delaying the effective date of the January 11, 2001 final rule so that those provisions which were not revised by this interim final rule, as well as those which have been revised by this interim final rule (which are discussed in detail below), will all become effective on August 24, 2001.

After further Departmental review of the January 2001 final rule, and additional consideration of the public comments received on the November 8, 1999 proposed rule (64 FR 60882), we have decided to make revisions to certain provisions set forth in the January 2001 final rule. We note that only the provisions specified in this document have changed. All other provisions set forth in the January 2001 final rule will be implemented without change.

We note that we previously obtained public comments on the issues set forth in this document. We welcome parties to submit further comments on the issues presented in this interim final rule with comment period. To the extent that it is necessary to address any new concerns that are raised, we will do so.

II. Summary of Changes to the January 11, 2001 Final Rule

We received 109 timely comments on the November 8, 1999 proposed rule, which we responded to in the January 2001 final rule. As stated above, after further review of the public comments we are revising our responses to some of the comments set forth in the January 2001 final rule and revising the corresponding regulatory text. In addition, in this interim final rule, we are making certain technical changes to correct errors in the January 2001 final rule. In the following discussion we summarize the relevant public comments and present our revised responses.

A. State Plan Requirements: Eligibility, Screening, and Enrollment

1. Eligibility Standards (§ 457.320)

In the January 2001 final rule, § 457.320(b)(4) provided that a State may not require that any individual provide a social security number (SSN), including the SSN of the applicant child or that of a family member whose income or resources might be used in making the child's eligibility determination.

Comment: We received a large number of comments related to obtaining social security numbers (SSNs) during the application process. Many commenters specifically supported the prohibition against requiring the SSN in separate child health programs, while others recommended that SSNs be required for applicants as long as there is a Medicaid screen and enroll requirement. Some commenters indicated that the prohibition against requiring SSNs for a separate child health program while requiring it for Medicaid will cause referral, tracking and coordination problems; handicap enrollment in States using a joint application; make it difficult to implement the screen and enroll provision; reinforce stereotypes; and prevent automatic income verification in States that have reduced the documentation requirements. Another added that this prohibition would impede efforts to identify children with access to State health benefits. (66 FR 2541)

Response: We previously responded that the requirements and prohibitions related to the use of a social security number were statutory, based upon our interpretation of language in the Privacy Act. The Privacy Act makes it unlawful for States to deny benefits to an individual based upon that individual's failure to disclose his or her social security number, unless such disclosure is required by Federal law or was part of a Federal, State or local system of records in operation before January 1, 1975. Additionally, we responded that section 1137(a)(1) of the Act requires States to condition eligibility for specific benefit programs, including Medicaid, upon an applicant (and only the applicant) furnishing his or her SSN. Because SCHIP was not one of the programs identified in section 1137 of the Act, and title XXI does not require applicants to disclose their SSNs, we concluded that States were prohibited under the Privacy Act from requiring applicants to do so.

In our previous response, however, we did not discuss subsequent revisions to the Privacy Act that provided exceptions for ''general public assistance programs'' because we had interpreted that language to refer to only State-only welfare programs. Further investigation of the conference reports discussing the modifications made by Congress to the Privacy Act, namely the exceptions for ''general public assistance programs,'' revealed that Congress had a broader intent than referring to State-only welfare programs. We now interpret that term in a broader sense, and we believe SCHIP is a program that qualifies as an exception under the Privacy Act. We have been aware through our dialogue with the States that this provision inhibited the screen and enroll process, verification of private insurance, payment of premium assistance to an employee, and the evaluation capabilities for many States. The requirement also created significant administrative difficulties for those States that use joint applications with Medicaid.

Therefore, we are revising the final regulation to provide States with the option to require a SSN of applicants for SCHIP. However, similar to the requirements for Medicaid, only the SSN of the individual who is applying for benefits can be required as a condition of eligibility. States may not require other individuals not applying for coverage, including parents or other family members, to provide SSNs as a condition of the child's eligibility for either a Medicaid expansion program or a separate child health program. Section 457.320(b)(4) has been revised accordingly. We specifically solicit comments on the impact that this provision may have on immigrant populations.

Because we are now permitting States to require a social security number for each individual who is requesting services, we have also added a new provision at § 457.340(b) to assure necessary protections for use of a social security number consistent with the requirements currently set forth in the Medicaid regulations at § 435.910. This provision requires States to disclose the purpose for obtaining the social security number and to assist the applicant in obtaining or verifying an existing social security number. Section 435.910 also prohibits the State from denying or delaying services to an otherwise eligible individual pending issuance or verification of the individual's social security number. This provision makes the procedures and protections for a separate child health program consistent with procedures and protections under Medicaid. Consistency between the programs will facilitate the application process, particularly in States that use a joint application. We also note that in accordance with § 457.1110(b) of the January 2001 final rule, States are required to comply with regulations set forth at subpart F of part 431. These requirements specify that the State must provide safeguards that restrict the use or disclosure of information concerning

applicants and recipients to purposes directly connected with administration of the plan.

2. Eligibility Screening and Facilitation of Medicaid Enrollment (§ 457.350)

Paragraphs (e) and (g) of § 457.350 of the January 2001 final rule required States to provide SCHIP applicants with written information on the Medicaid program, but did not indicate the degree of flexibility as to the format and timing of that information.

Comment: Several commenters expressed their concern about the requirements that certain information about Medicaid should be provided to families if a State uses a screening procedure other than a full determination of Medicaid eligibility (66 FR 2547). Commenters indicated that they were concerned that this information could be confusing to families whose children were found eligible for a separate child health program. Commenters were also concerned that providing this information would slow down the eligibility determination process.

Response: We previously responded by providing clarifying language in § 457.350(e) and (g) regarding a State's responsibility to facilitate enrollment in Medicaid and to assist families in making informed application decisions. In these sections, we clarified that States must inform the family, in writing, that based on a limited review, the child does not appear to be eligible for Medicaid. We also required that a State provide certain information about the State's Medicaid program to enable a family to make an informed decision about applying for Medicaid or completing the Medicaid application process. These materials are to be provided in a simple and straightforward manner that can be understood by the average applicant and that meets all applicable civil rights requirements.

Upon further consideration of these public comments, we have decided to provide additional clarification and flexibility for States in meeting this requirement. We have added §§ 457.350(e)(4) and 457.350(g)(3) to reflect that the written format and timing of information regarding Medicaid eligibility, benefits, and the application process will be determined by the State. However, States will still be required to provide families with information about Medicaid eligibility, benefits, and the application process. The State must provide the information when the child is found potentially ineligible for Medicaid through a limited eligibility screening and when the child is found potentially eligible for Medicaid as described in § 457.350(e) and (g). These new revisions clarify that the required information may be in the form of handouts, brochures, or other written material provided during the application process. This approach may help to avoid lengthy, complex eligibility notices that are often confusing to families. As previously noted in the preamble, we are working to identify appropriate notice language and best practices and will disseminate this material to States (66 FR 2548). We note that, as discussed in detail below in section II.A.3. of this document, we have removed § 457.350(f)(5)(iii).

3. Presumptive Eligibility § 457.355

In the January 2001 final rule, we included § 457.355 regarding presumptive eligibility under a separate child health program as authorized under section 803 of BIPA. The BIPA had been enacted less than a month before the publication of the January 2001 final rule. The revisions to this section are technical changes to accurately reflect BIPA as we now understand it. These changes assure that the BIPA provision authorizing presumptive eligibility under a separate child health program is effectively and efficiently implemented.

Comment: We received one comment urging HCFA to include information about presumptive eligibility under a separate child health program in the preamble to the regulation that implemented the SCHIP financial provisions (65 FR 33616). Another urged HCFA to encourage States to provide presumptive eligibility for children as this is particularly important to children experiencing a mental health crisis (66 FR 2533).

Response: In our previous response, we stated that States were given explicit authority to implement a presumptive eligibility procedure under its separate child health program with the enactment of the Benefits Improvement and Protection Act of 2000 (BIPA) (Pub. L. 106–554). Under section 803 of BIPA, States were given the option to establish a presumptive eligibility procedure and to determine which entities must determine presumptive eligibility, subject to the approval of the Secretary.

Under the presumptive eligibility established under Medicaid and carried over to SCHIP under the BIPA legislation, a family has until the end of the month following the month in which the presumptive eligibility determination is made to submit an application for the separate child health program (or the presumptive eligibility application may serve as the application for the separate child health program, at State option). If an application is filed, the presumptive eligibility period continues until the State makes a determination of eligibility under the separate child health program (subject to the Medicaid screening requirements). In accordance with § 457.355, if a child enrolled in a separate child health program on a presumptive basis is later determined to have been eligible for the separate child health program, the costs for that child during the presumptive eligibility period will be considered expenditures for child health assistance for targeted low-income children and subject to the enhanced FMAP. If the child is found to have been Medicaid-eligible during the period of presumptive eligibility, the costs for the child during the presumptive eligibility period can be considered Medicaid program expenditures, subject to the appropriate Medicaid FMAP (the enhanced match rate or the regular match rate, depending on whether the child is an optional targeted low-income child).

We further stated that BIPA authorizes presumptive eligibility under separate child health programs in accordance with section 1920A of the Act, and the statute allows health coverage expenditures for children during the presumptive eligibility period to be treated as health coverage for targeted low-income children when the child is ultimately found not to be eligible for either the separate child health program or Medicaid, as long as the State implements presumptive eligibility in accordance with section 1920A and § 435.1101. This policy preserves State flexibility to design presumptive eligibility procedures and allows States that adopt the presumptive eligibility option in accordance with § 435.1101 to no longer be constrained by the 10 percent cap.

Upon further consideration and analysis of BIPA, we are correcting our previous analysis with respect to expenditures for a child who is found to have been Medicaid-eligible during a period of presumptive eligibility. Our analysis now concludes that the title XXI enhanced FMAP rate is available for services provided to a child during a period of presumptive eligibility implemented in accordance with section 1920A and § 435.1102. Since Medicaid presumptive eligibility is paid at the FMAP rate generally available in Medicaid, we believe SCHIP presumptive eligibility should be paid at the rate generally available under Title XXI, the enhanced FMAP rate. The expenditures for this period of presumptive eligibility will be

considered child health assistance that is not subject to the 10 percent limit on outreach and health services initiatives, regardless of whether the child is ultimately determined eligible for the separate child health program, eligible for Medicaid, or ineligible for both programs. SCHIP presumptive eligibility is not one of the listed categories of expenditures limited by section 2105(c)(2)(A), as amended by BIPA. Accordingly, we have revised § 457.355, ''Expenditures for coverage during a period of presumptive eligibility'' to indicate that these expenditures will be considered as child health assistance when implemented in accordance with § 435.1102. States that adopt presumptive eligibility in both their separate child health program and Medicaid expansion program should presumptively enroll children into the appropriate program based on their family income under the highest applicable income standard for Medicaid or the separate child health program in order to avoid the need to move children between programs when a final eligibility determination is made.

Comment: Two commenters recommended that HCFA encourage States that have separate child health programs to provide newborn infants the same eligibility protections granted under Medicaid. Another recommended that HCFA allow pre-enrollment of newborns or automatic enrollment of newborns of pregnant teens enrolled in a separate child health program (66 FR 2541).

Response: We previously responded that the statute does not provide for automatic and continuous eligibility for infants under a separate child health program but suggested using ''presumptive eligibility'' to enroll children in a separate child health program pending completion of the application process as a means to address this issue. We stated that, if the infant is ultimately found not to be eligible for Medicaid, costs of services provided during the period of presumptive eligibility may be treated as health coverage for targeted low-income children that is not subject to the 10 percent cap. This would apply whether or not the child is ultimately found eligible for the separate child health program, as long as the State implements presumptive eligibility in accordance with section 1920A of the Act and § 435.1101.

As a result of our review of the previous response and section 803 of BIPA, we clarify here that when a newborn is enrolled in a separate child health program pending a formal determination of eligibility for Medicaid or SCHIP, the costs for the presumptive eligibility period are considered child health assistance. These costs are not subject to the 10 percent cap on administration and health services initiatives, as long as presumptive eligibility is implemented in accordance with § 435.1102.

Comment: A few commenters indicated that the regulations should clarify that a child can be enrolled in a separate child health program while undertaking the full Medicaid application process. Other commenters recommended enrolling a child in a separate child health program for 45 days to allow processing of the Medicaid application (66 FR 2548).

Response: In our previous response to these comments, we stated that a State has the option to provisionally enroll or retain current enrollment of a child who has been found potentially eligible for Medicaid in a separate child health program, for a limited period of time, as specified by the State, pending a final eligibility decision. We stated, however, that a child cannot be ''eligible'' for the separate program unless a Medicaid application is completed and a determination made that the child is not eligible for Medicaid.

In that previous response, we indicated that BIPA permits health coverage expenditures for children during the presumptive eligibility period to be treated as health coverage for targeted low-income children whether or not the child is ultimately found eligible for the separate child health program, as long as the State implements presumptive eligibility in accordance with section 1920A and § 435.1101. We stated that, in that circumstance, the State would no longer be constrained by the 10 percent cap.

As a result of our review of the previous response and section 803 of BIPA, we clarify here that a child may be provisionally enrolled or retain current eligibility in a separate program, for a limited period of time, pending a final eligibility determination for Medicaid or SCHIP. When implementing presumptive eligibility consistent with § 435.1102, the presumptive eligibility period would begin on the date that a qualified entity determines that the child has family income below the applicable income level and end on the day a Medicaid or separate child health program eligibility determination is made, or, if an application is not filed, the last day of the month following the date presumptive eligibility began. The costs are considered child health assistance and are not subject to the 10 percent cap on administration and health services initiatives, as long as presumptive eligibility is implemented in accordance with § 435.1102.

Comment: Many commenters were concerned generally about families ''falling through the cracks'' because of the back and forth between separate child health programs and Medicaid or going without any health care for a period of time because of the process requirements. A significant number suggested that the regulation provide that a State cannot require a child to reapply for a separate child health program if the child is screened potentially eligible for Medicaid, but later determined ineligible for Medicaid. Most suggested that the separate child health program application should be suspended or provisionally denied when a child is found to be potentially eligible for Medicaid, pending a final Medicaid eligibility determination (66 FR 2549).

Response: We previously responded, in part, by clarifying § 457.350(f)(1) to indicate that a State may suspend, deny or provisionally deny the separate child health application of a child screened potentially eligible for Medicaid. Putting the application into suspense or provisionally denying an application would preserve the child's initial application date so prompt follow-up could occur when the State agency or contractor learns that the child has been determined ineligible for Medicaid. The child's initial application would then be reactivated. We indicated that the regulation at § 457.350(f)(5) requires that, if a child screened potentially eligible for Medicaid is ultimately determined not to be eligible for Medicaid, the child's original application for the separate child health program must be reopened or reactivated and his/her eligibility under the separate child health program determined without a new application. We also noted that a State could establish a presumptive eligibility process for a separate child health program to enroll an applicant in the separate child health program pending the formal determination of Medicaid eligibility.

After reviewing our previous response and section 803 of BIPA, we now provide further clarification that provisional denial or suspension of an application for a separate program would permit the child to be presumptively enrolled pending the outcome of a Medicaid eligibility determination. This presumptive eligibility period would be time limited. As indicated previously, when implementing presumptive eligibility consistent with § 435.1102, the

presumptive eligibility period would begin on the date that a qualified entity determines that the child has family income below the applicable income level and end on the day a Medicaid eligibility determination is made, or, if a Medicaid application is not filed, the last day of the month following the date presumptive eligibility began. However, if the application for the separate child health program is denied, then presumptive eligibility in the separate child health program would end.

In addition, we have decided to withdraw § 457.350(f)(5)(iii). While it is ordinarily advisable for States to reopen or reactivate the child's original application for the separate child health program following a denial of Medicaid eligibility, there may be circumstances in which a new application would be warranted. For example, considerable time may elapse following the initial application, for reasons beyond the State's control, and information on the initial application may no longer be valid. Therefore, while we strongly encourage States to reactivate the original application, we have removed § 457.350(f)(5)(iii) in order to allow State discretion in this matter.

B. Secretary-Approved Coverage (§ 457.450)

Section 457.450 of the January 2001 final rule provided examples of Secretary-approved coverage. After further review of the public comments, we are amending our prior responses and revising the final rule. This revision is intended to clarify that these examples were not meant to be exclusive. The revision also expands the list of examples to ensure that the regulation clearly reflects the breadth of possible Secretary-approved coverage.

Comment: One commenter argued that ''Secretary-approved coverage'' should provide HCFA with greater flexibility to approve SCHIP State plans. The commenter pointed out that Secretary-approved coverage is not simply another name for benchmark coverage; title XXI provides for Secretary-approved coverage as a flexible way for HCFA to approve a State plan. The statute requires no actuarial analysis for this option but rather requires only that the coverage be deemed ''appropriate'' for the targeted population.

The commenter recommended that the regulation should simply indicate that States must demonstrate, to the Secretary's satisfaction, that their coverage meets the needs of their SCHIP populations. The manner in which States make this demonstration should be left flexible in accordance with the discretion accorded to the States by title XXI (66 FR 2567).

Response: We previously responded to this comment by stating that the regulation text at § 457.450 was not meant to be an exhaustive list of examples of Secretary-approved coverage and that we remained open to reviewing other proposals for Secretary-approved coverage.

Upon further consideration of this comment; however, we are revising the regulation text to make our intent clear. We have added the phrase ''but is not limited to'' to clarify our intent to consider other benefit packages under Secretary-approved coverage. In addition, we have revised § 457.450(b) to permit comprehensive coverage for children under a Medicaid demonstration project approved by the Secretary under section 1115 of the Act to be considered Secretary-approved coverage. At § 457.450(c), we permit coverage that includes the full benefit for early and periodic screening, diagnosis, and treatment or that the State has extended to the entire Medicaid population in the State to be considered Secretary-approved coverage. We have also added a new § 457.450(e) to clarify that States may offer coverage that is the same as that provided by Florida, New York and Pennsylvania under their existing comprehensive State-based coverage programs. These benefit packages were acknowledged in the original title XXI statute as providing appropriate coverage for children by permitting those States to continue using the same coverage under SCHIP. These modifications will support our consideration of a wider range of benefit packages and provide additional flexibility to States in proposing coverage that is appropriate for the target populations.

C. State Assurance of Access to Care and Procedures to Assure Quality and Appropriateness of Care (§ 457.495(d))

Section 457.495(d) of the January 2001 final rule provided that decisions related to the prior authorization of health services must be completed in accordance with the medical needs of the patient, within 14 days after receipt of a request for services. After further review of the comments, we are amending our prior responses and revising the final rule.

Comment: Several commenters recommended that HCFA identify time frames for decisions related to prior authorization of services to assure that individuals have access to services without unreasonable delay and that services are provided as expeditiously as an enrollee's health condition requires.

Response: In the January 2001 final rule, we responded that we agreed with the commenter's recommendations and provided time frames for decisions related to prior authorization of services. These time frame requirements provided that the decision must be completed in accordance with the medical needs of the patient, within 14 days after receipt of a request for services. We also allowed for a possible extension of up to 14 days if the enrollee requested the extension or the physician or health plan determined that additional information was needed.

Upon further consideration, we have decided to amend § 457.495(d) to allow States to use either the standards established in § 457.495(d) or their existing State law procedures regarding prior authorization. Allowing States to use their existing State laws will reduce the administrative burden of these regulations for States with premium assistance programs, as States usually do not have direct contractual relationships with employers group health plans. Given that most States already have systems in place to regulate private health plans, this change in policy will allow them to use those existing systems. Those States that do not have such systems in place must comply with the standards set forth in § 457.495(d).

D. Subpart E—State Plan Requirements: Enrollee Financial Responsibilities

1. Computation of the Cumulative Cost-Sharing Maximum (§ 457.560(a))

Section 457.560(a) of the January 2001 final rule required States to count cost-sharing amounts that the family has a legal obligation to pay in computing whether the family has met the cumulative cost-sharing maximum. ''Legal obligation to pay'' is defined as amounts a provider actually charges the family for covered services, and any other amounts for which payment is required under applicable State law for covered services to eligible children, even if the family never pays those amounts. After further review of public comments and the applicable statutory requirement, we are revising these provisions to provide greater State flexibility in meeting the statutory requirements and in protecting beneficiaries.

Comment: A number of commenters disagreed with the proposed definition of ''legal obligation'' for use in connection with counting cost-sharing amounts against the cumulative cost-sharing maximum. They noted that it is

very difficult and time-consuming to track payments that have not occurred. One commenter suggested changing the definition of the term ''legal obligation'' to only those cost-sharing amounts, which families have actually paid (66 FR 2588).

Response: We previously responded that to track incurred costs, States could rely on documentation based upon provider bills that indicate the enrollee's share rather than relying only on evidence of payments made by the enrollee. We did not adopt the commenters' suggestion because it could result in families being legally obligated to pay cost-sharing amounts in excess of the cumulative maximum.

Upon further consideration of these comments, we are removing the definition of ''legal obligation to pay'' at § 457.560(a) because we have concluded that it does not ensure that enrollees' expenses are limited to the cost-sharing maximum in each year as intended. Requiring States to count incurred but not yet paid costs at the time that they are incurred could disadvantage some families, such as families that arrange payment plans. For these families, the payments made in a subsequent year would be counted in the year that they are incurred and not the year paid, which could result in the family paying an amount above the maximum in the subsequent year. Accordingly, we have eliminated § 457.560(a) in order to allow each State to define how it counts cost-sharing amounts against the cumulative cost-sharing maximum.

2. Children with Family Incomes at or Below 150 Percent of the FPL (§ 457.560(b))

Section 457.560(b) of the January 2001 final rule provided that for targeted low-income children with family income at or below 150 percent of the Federal poverty level (FPL), the State may not impose premiums, deductibles, copayments, coinsurance, enrollment fees, or similar cost-sharing charges that, in the aggregate, exceed 2.5 percent of total family income for the length of the child's eligibility period in the State.

Comment: We received several comments requesting that we reconsider the 2.5 percent cumulative cost-sharing maximum. These commenters raised specific concerns regarding the 2.5 percent cumulative cost-sharing maximum, including the following: the provision is not supported by the statute; it is very difficult to administer two caps (2.5 percent and 5 percent) and track against two caps; limits on copayments and deductibles are already found in § 457.555 and section 2103(e)(3)(A) of the Act; States have already implemented flat cumulative cost-sharing maximums that are administratively efficient and provide families with fluctuating incomes greater stability; HCFA's commissioned study by George Washington University clearly demonstrates that it is rare that enrollees will reach the 5 percent cost-sharing maximum; and, when a limit is set using a percentage, there is no need to make the percentage less.

One of the commenters also noted that the Medicaid maximum charges for premiums and other cost-sharing charges, which apply to families at or below 150 percent of the FPL, are minimal in amount and are not based upon income or family size. As a result, the addition of another level of cost sharing (2.5 percent) adds to an already complex cost-sharing structure, in this commenter's view. The commenter added that the requirements are virtually impossible to implement in a program that subsidizes employer sponsored insurance (66 FR 2588).

Response: We previously responded that a lower cost-sharing maximum for children is necessary in order for States to comply with section 2103(e)(2)(B) of the Act, which requires that separate child health plans may only vary cost sharing based on the family income of targeted low-income children in a manner that does not favor children in families with higher incomes over children in families with lower incomes. We further explained that a State could ease administration by implementing a cost-sharing structure that places a 2.5 percent cap on families at all income levels or imposing premiums rather than copayments.

We have reconsidered our policy related to the cumulative cost-sharing maximum for families with incomes at or below 150 percent of the FPL. We acknowledge that lower income families have less disposable income to spend on health services than families with higher incomes. However, cost sharing for children at or below 150 percent of the FPL is limited to nominal amounts under the statute and final rule. Because of this limit on cost-sharing amounts for children in families at or below 150 percent of the FPL, it is unlikely any family in this income range would approach spending 5 percent of income on health services. The application of a 5 percent maximum to all income ranges is sufficient to ensure that children in higher income families are not favored over lower income families.

Therefore, we are revising the regulatory requirements at § 457.560 to limit cumulative cost sharing to 5 percent of family income for all children enrolled in SCHIP, regardless of family income. Section 457.560(b) has been removed and § 457.560(c), (now § 457.560(a)), has been revised accordingly. States may apply a lower cumulative cost-sharing maximum to children in lower income families or may place the same limit on children in families at all income levels, so long as the cost sharing maximum for eligible children does not exceed 5 percent of family income.

For the same reasons, we are revising our cost-sharing requirements that we would apply in evaluating a request for the purchase of family coverage, as discussed in the preamble of the January 11, 2001 final rule (66 FR 2622). Our previous policy required that cost sharing for the entire family, both adults and children, must remain within the cumulative cost-sharing maximum. Upon further consideration, we are revising this policy to require that only the cost sharing for the children in the family must be counted toward the cumulative cost-sharing maximum. Section 2103(e)(3)(B) specifies that cost sharing with respect to all targeted low-income children in the family may not exceed 5 percent of such family's income for the year. Therefore, States need not count an adult family member's cost sharing toward the cumulative cost-sharing maximum when providing family coverage.

E. Annual Report (§ 457.750)

Section 457.750 of the January 2001 final rule required States to submit an annual report to HCFA by January 1 of each year and specified the contents of that report. Specifically, § 457.750(b)(7) of the January 2001 final rule required that annual reports submitted by the State to include data on the primary language of SCHIP enrollees. Based upon further review of public comments, we are revising the final rule to delete this requirement.

Comment: We received several comments requesting that HCFA require States to collect data pertaining to one or more of the following categories of information about enrollees and their SCHIP coverage: gender, ethnicity, race, primary language, English proficiency, age, service delivery system, family income, and geographic location. Certain commenters suggested that these data be collected and reported to HCFA in the State evaluations, annual reports, and/or quarterly statistical reports. These commenters felt this information would help target outreach, retention, enrollment, and service efforts to under-represented groups. These commenters also indicated that such reporting requirements are consistent with the

goals of Healthy People 2010 and recently enacted legislation directing the Secretary of Commerce to produce statistically reliable annual State data on the number of uninsured, low-income children categorized by race, ethnicity, age, and income. One commenter indicated that HCFA should require States to document the appropriate range of services and networks of providers available, given the various language groups represented by enrollees. Additionally, some commenters noted that HCFA should require States to provide an assessment of their compliance with civil rights requirements.

Response: We previously agreed with several of the comments summarized above. Several commenters urged us to require States to report data on gender, race, ethnicity and primary language of SCHIP enrollees to HCFA. We included a provision in the January 11, 2001 rule to require States to report on primary language of enrollees in their annual report. We also included a provision in the January 11, 2001 rule to require States to report data, on a quarterly basis, on the race, ethnicity, and gender of SCHIP enrollees using the format prescribed by the OMB Statistical Directive 15—Standards for Maintaining, Collecting and Presenting Data on Race and Ethnicity. We felt that this policy was consistent with overall program goals, as well as the civil rights requirements.

Upon further consideration, we have decided to withdraw § 457.750 (b)(7) and will no longer require States to report primary language in their annual reports. States currently collect information on primary language in different ways (for example, on applications, through statewide surveys, etc.) In addition, States may find that collecting information about the primary language of the head of household rather than the child applicant/enrollee is more useful, for example, for purposes of translating written materials about the program. Therefore, we find that providing States with flexibility to decide what information to collect about primary language, and how to collect it, will best serve the needs of the program and that withdrawing this provision will not inhibit the Federal government from effectively evaluating the program. We have retained the requirement for States to report data on gender, race, and ethnicity at § 457.740(a)(3)(ii) and § 457.740(c).

After reviewing this subpart, we find that further revision is not necessary. Therefore, we have retained the other requirements for the contents of the annual report as stated in the January 11, 2001 final rule, including the requirement to provide information related to a core set of national performance measures as developed by the Secretary. We want to reiterate our statements from the January 11, 2001 final rule that we are mindful of the complexities of developing these measures and will work closely with States to do so. We plan to convene a workgroup with States to develop a limited set of core performance goals and measures. As we undertake this effort, we will be guided by the objectives, goals, and measurement methods States have already developed.

F. Program Integrity

1. Procurement Standards (§ 457.940)

Section 457.940(d) of the January 2001 final rule requires that all contracts under part 457 include provisions that define a sound and complete procurement contract, in accordance with the procurement requirements of 45 CFR part 74. We are making a technical change to accommodate a possible change in Departmental policy.

Comment: Several commenters recommended that procurement standards in 45 CFR part 92 are more appropriate for non-entitlement programs, such as SCHIP, because they allow States to use their own procurement standards when purchasing services with Federal grant money. Commenters stated that flexibility will enable States to make cost-effective and quality health plan selections. One commenter noted that flexibility to establish higher rates to ensure provider participation should be coupled with stricter enforcement (66 FR 2615).

Response: We disagreed with the commenter's recommendation for changing the procurement standards applicable to SCHIP. We stated that the procurement requirements of 45 CFR 74.43 are more appropriate for separate child health programs because they allow for accountability as well as State flexibility in implementation.

Upon further consideration, we have decided to revise our policy to allow States to use the procurement requirements of either 45 CFR 74.43 or 45 CFR 92.36, as applicable. Currently, the Department has issued a Notice of Proposed Rulemaking in the **Federal Register** published on November 15, 2000, to amend 45 CFR 92. When this regulation change is final, the applicable procurement requirement for SCHIP will be 45 CFR 92.36. Until this regulation change is final, the provisions of 45 CFR 74.43 are applicable to SCHIP.

2. Verification of Enrollment and Provider Services Received

Section 457.980(a) of the January 2001 final rule provided that the State must establish methodologies to verify whether beneficiaries have received services for which providers have billed. Based upon further review of public comments, we are removing § 457.980(a) because we do not believe that this provision is necessary to comply with applicable statutory requirements or effective and efficient program operation.

Comment: Several commenters noted that the provisions in § 457.980 could be difficult to implement in managed care plans and that verification may be burdensome in a capitated system. The commenters requested that we clarify that it would be acceptable if there were a provision in the contract with the health plan to ensure provider services. One commenter expressed concern regarding external verification of provider services received in the managed care market, especially in capitation-based plans. The commenter felt that States should be able to handle this through the normal provider evaluation and review procedures used by managed care entities (66 FR 2618).

Response: In our previous response to these comments, we indicated that it is necessary for the effective and efficient administration of any State separate child health insurance program to monitor and verify enrollee receipt of services for which providers have billed or received payment, or that providers have contracted to furnish regardless of the method of payment. Therefore, the provisions of § 457.980(a) apply to States using managed care plans as well as other systems of health insurance and care delivery. Plans participating in SCHIP are accountable to the State for providing services and care to SCHIP participants. States must ensure, when contracting with providers, that beneficiaries are receiving care they are entitled to and for which States have provided funds.

Upon further consideration, we have decided to remove § 457.980(a). This provision would be difficult to apply to managed care settings in which individual services are not billed to the State. States also have interpreted this provision as holding them responsible for the internal workings of the managed care plans. Although the fiscal integrity of payments made under SCHIP is important, when this provision is removed, the provision at § 457.980(b) is

adequate to address the need for program integrity.

G. Applicant and Enrollee Protections

We previously explained that subpart K—Applicant and Enrollee Protections—was developed to consolidate and clarify certain provisions involving applicant and enrollee protections. More specifically, the subpart defined the components of a review process and established minimum requirements. The subpart applied only to separate child health programs.

Our previous policy required States to adopt all of the minimum requirements in subpart K in designing their review process for their separate child health program. States contracting with providers that were subject to applicable State consumer protection law that met or exceeded the requirements in the regulation could rely upon State law to satisfy the review requirements. In the absence of State law, States were required to adopt a review process that met the requirements of this regulation.

While we will continue to strongly support the need for consumer protections for all SCHIP-eligible children, we have revised our previous policy to afford States greater flexibility in designing their review processes. Our new policy will require States to either meet the requirements of §§ 457.1130–457.1180 *or* to demonstrate that participating providers comply with State-specific grievance and appeal requirements currently in effect for health insurance issuers (as defined in section 2791(b) of the Public Health Service Act) in the State. For example, if a State had a grievance and appeal law that applied to HMOs and the State provides coverage under SCHIP through managed care plans, then States would have the option of requiring the plans to meet the HMO review requirements under the State law. In absence of any State law governing grievance and appeals, a State is required to demonstrate compliance with Subpart K. We have revised § 457.1120 accordingly. Furthermore, we have revised §§ 457.1130, 457.1140, 457.1150, 457.1160, 457.1170, and 457.1180 by adding ''Program Specific Review Process:'' at the beginning of each section heading to clarify that these provisions apply to a program specific review process as defined in § 457.1120(a)(1), and not to a Statewide standard review as defined in § 457.1120(a)(2).

The basis for this decision is explained in greater detail in the following summary of public comments received on the proposed regulation and published in the January 11, 2001 final rule.

Overview of Enrollee Rights

Comment: A number of commenters supported HCFA's efforts to incorporate the Consumer Bill of Rights and Responsibilities (CBRR) provisions in the proposed regulations (66 FR 2627). Another supported HCFA's effort to offer States a good deal of flexibility in the application of these requirements.

Other commenters believed that HCFA exceeded its statutory authority in applying the CBRR to SCHIP regulations. Commenters noted that the requirements could be in conflict with existing State law, severely limited States' flexibility in contracting, and hampered their ability to adjust contract provisions that are not working well. The commenters asserted that applying the CBRR to SCHIP could result in coverage for children in Medicaid expansion programs under consumer protections available in Medicaid, while children in separate child health programs would be covered under State consumer protection laws. One commenter suggested that, where a conflict existed, or State law imposed similar requirements, State law should prevail. Other commenters indicated that the requirements presented an administrative burden to the State.

Response: Upon further consideration, we have revised review requirements to permit greater State flexibility. While we will continue to expect States to have adequate consumer protections for SCHIP children, we will not require that a State's review process adhere explicitly to the requirements identified in this subpart. We believe that State law will generally provide adequate protections for enrollees, and the benefits of using existing processes rather than creating a separate process solely for SCHIP children will greatly enhance the ease with which States can administer their programs. As discussed earlier, our new policy will require States to either meet the requirements of §§ 457.1130–457.1180 *or* to demonstrate that participating providers comply with State-specific grievance and appeal requirements currently in effect for health insurance issuers (as defined in section 2791(b) of the Public Health Service Act) in the State.

We recognize that the protection of enrollee rights is a critical component of program costs for the provision of child health assistance, and we have carefully balanced this concern against the administrative burden our requirements impose on the States. We believe that the revised requirements will address the commenter's concerns related to administrative burden, and we remain of the view that the costs of ensuring applicant and enrollee protections need not be large relative to the cost of services provided to enrollees. We believe that the revision of our previous policy affords States even broader flexibility to design and implement efficient and effective review processes.

Overview of Applicant and Enrollee Protections in Final Regulation

In the January 11, 2001 final rule, we discussed the protections for applicants and enrollees in separate child health programs that had been incorporated throughout the regulation (66 FR 2629). Given that we have revised our policy in this subpart and others, the following information updates references to this subpart and other subparts of the regulation:

- Review Process

Upon further consideration we have revised our requirements for a review process for health services matters. Previously, we defined minimum requirements in §§ 457.1130(b) and 457.1150(b) to provide enrollees in separate child health programs with an opportunity for an independent external review. Section 457.1160(b) set a standard and expedited time frame for reviews of health services matters.

We continue to expect that a State will have an independent, external review process for health services matters and that specific time frames be in place for such a review. However, we have revised our requirements to afford States greater flexibility in the design of such a review process. More specifically, rather than designing a new review process specifically for a separate child health program, States may choose to require providers to comply with State-specific grievance and appeal requirements currently in effect for health insurance issuers as a means to comply with this regulation.

Review Processes

In the January 2001 final rule, we clarified that matters subject to review included eligibility and enrollment matters and health services matters. We further defined that an appropriate ''review process'' in a separate child health program would address the matters subject to review and would include the following components: core elements of review, impartial review, time frames, continuation of enrollment, and notice. Finally, we explained the applicability of the review process when States offer premium assistance for group health plans.

In the January 2001 final rule, we clarified that a State had to implement a review process that included all of the components and met all of the minimum requirements in each of these areas. We also indicated that existing State law that governed private health plans would only apply to the extent that the State law met or exceeded the minimum requirements.

Upon further consideration of the public comments, we have decided to revise our review requirements as described earlier and have articulated our rationale in the responses to the following summary of comments received on subpart K published in the **Federal Register** published January 11, 2001.

Comment: Commenters noted that the lack of minimum standards for review processes may cause lengthy time periods for completion of grievance and appeals processes, leaving many enrollees without needed benefits (66 FR 2633). The commenters recommended that HCFA establish a set of minimum standards that States and participating providers must meet when providing services to enrollees. Other commenters expressed their view that the rules lack sufficient clarity and specificity to ensure that consumers will be accorded adequate due process protections in a State that does not adopt the Medicaid procedures.

As discussed we also received a number of comments that HCFA exceeded its statutory authority under title XXI in defining specific requirements for a review process (66 FR 2633). Several commenters believed States should be allowed to use existing appeal mechanisms for managed care. One commenter noted opposition to Federal requirements that would force the States to alter standard commercial plan contracts (for example, specific appeals criteria or procedures), and urged HCFA to allow States to develop appeals and grievance procedures that are consistent with State insurance regulations. Other commenters argued that Federal requirements for resolving enrollee complaints and grievances would reduce plan participation because many plans would not be willing to have separate processes for SCHIP enrollees that exceed existing State statutory requirements.

Response: Upon further consideration, we have decided to revise our policy related to establishing minimum standards. We had previously indicated that in an effort to strike a balance between State flexibility and enrollee protection consistent with the provisions and framework of title XXI, subpart K had been developed to assure a minimum set of standards for all individuals obtaining services through SCHIP. However, in light of the fact that the majority of States have existing consumer protection laws that govern the private insurance market; concerns that providers may elect not to participate in SCHIP if they must assure additional (and possibly duplicative) protections for enrollees; and concerns related to the potential administrative burden associated with developing and implementing the protections identified in this regulation we have decided to provide additional flexibility to States in this area.

Therefore, the revised regulation provides States with the option of either designing a review process that meets the requirements of §§ 457.1130—457.1180 or demonstrating that participating providers comply with State-specific grievance and appeal requirements currently in effect for health insurance issuers (as defined in section 2791(b) of the Public Health Service Act) in the State. States, with or without State law, may still elect to use the Medicaid fair hearing process to satisfy the requirements of this regulation, however it is not required.

Comment: Commenters recommended that HCFA further define matters that must be subject to review. Commenters also indicated that eligibility matters should be reviewed under separate processes than health services matters, and that the review process for eligibility determinations should be the Medicaid grievance and fair hearing process rather than deferring to internal appeals or State-specific insurance practices (66 FR 2637). Another noted that the external system of review should be as close as possible to that of Medicaid.

Response: We previously responded that matters subject to review would include eligibility and enrollment matters and health services matters. We agreed with the comment that internal and external review consistent with State insurance law may not be the appropriate form of review for eligibility and enrollment matters, but we left this matter to State discretion, as long as the minimum review requirements were met. We decided not to require that the external review for separate child health programs mirror the external review process required under Medicaid and to take a more flexible approach consistent with title XXI.

As discussed earlier, we have revised this regulation to allow States to either design a review process that meets the requirements of §§ 457.1130—457.1180 or to demonstrate that participating providers comply with State-specific grievance and appeal requirements currently in effect for health insurance issuers (as defined in section 2791(b) of the Public Health Service Act) in the State. States that elect to use State-specific grievance and appeal requirements still must provide an opportunity for review of all the matters listed in § 457.1130. We recognize that State law may not use the same terminology as § 457.1130; however the State law must be consistent with the intent of § 457.1130 to comply with this regulation. States without law that is consistent with § 457.1130 will have to identify a method for providing an opportunity for review for those items not covered by the State legislation.

Comment: We received a number of comments on the proposed scope of the review process (66 FR 2639). The following summarizes the key issues raised by commenters related to several of the minimum requirements (excluding matters subject to review or the applicability of the review process to States with premium assistance programs, which are addressed in separate comments):

Core Elements of Review: Several commenters suggested that HCFA develop minimum standards for a review process to assure that all enrollees in SCHIP are afforded basic consumer protections. Other commenters asserted that the establishment of minimum standards created an additional administrative expense for States, particularly given that many separate child health programs involved entities that are already subject to existing State consumer protection law. One commenter stated their view that a choice between Medicaid and State insurance practices is appropriate for issues other than eligibility and disenrollment determinations. Another commenter expressed that HCFA's intent was not clear and that they were unsure whether States without existing State laws requiring internal and external review procedures must establish any procedures for children enrolled in SCHIP.

Impartial Review: Several commenters recommended that the State be involved in all external reviews to assure that an independent and impartial review occurs.

Timeframes: Several commenters noted that the regulation should require that grievances and appeals be decided in a timely fashion, and a number of commenters suggested appropriate timeframes. A different commenter, representing providers, noted that it saw no reason why providers should not be expected to respond within seven days

to a request for treatment. The commenter also believed that HCFA should establish minimum requirements for an expedited procedure to meet the needs of enrollees with severe medical conditions. Another commenter requested that HCFA clarify whether a State that has existing laws relating to consumer protections is able to choose its Medicaid procedures instead.

Notice: Several commenters expressed support for the inclusion of rules setting minimum standards for procedural fairness. One commenter noted that notice is a basic due process right required by the U.S. Constitution under well-settled law whenever a citizen is denied a public benefit, and that the rules should specify that notice must be timely. The commenter also recommended that for current recipients, notice of an adverse action should be in advance of the action. Another commenter recommended notice include information regarding the right to appeal and to be accompanied to the hearing by a representative.

Response: We previously responded by expressing appreciation for all commenters supporting our decision to develop minimum requirements for a review process and stated that we had the statutory authority to require States to adopt such requirements.

Because we believed that all SCHIP-eligible children should be afforded a minimum set of consumer protections regardless of the State within which they reside, we did not support suggestions to allow existing State law to apply. We argued that State laws applicable to commercial plans may or may not apply to a separate child health program, depending on the provisions of the State law. Additionally, we said that the scope of State law varies from State to State and enrollees would be subject to a different degree of protection depending upon where they enrolled in the program. We also indicated that we expected that States that decide to adopt Medicaid procedures for the review process in their separate child health program would thereby be meeting State law requirements applicable to commercial health plans.

We also addressed commenters' concerns that certain enrollee protections may create an additional administrative expense for some States by indicating that the importance of ensuring an enrollee's basic right to a fair and efficient decision regarding eligibility and enrollment or health services matters justified the administrative expenses that may be incurred.

Upon further consideration, we have decided to revise this regulatory provision. Additional research regarding State consumer protection law reveals that most States do have existing laws that govern the private insurance market and many SCHIP providers are subject to this law. We also recognize the valid concern that providers may elect not to participate in SCHIP if they must assure additional (and possibly duplicative) protections for enrollees; the potential confusion for enrollees who could be subject to a different review process than other commercial enrollees in the same health plan, and the concern related to the potential administrative burden associated with developing and implementing the protections identified in this regulation.

Therefore, the revised regulation provides States with the option of either designing a review process that meets the requirements of 457.1130—457.1180 or demonstrating that participating providers comply with State-specific grievance and appeal requirements currently in effect for health insurance issuers (as defined in section 2791(b) of the Public Health Service Act) in the State. States—with or without State law—may still elect to use the Medicaid fair hearing process to satisfy the requirements of this regulation, however, it is not required.

Comment: Commenters noted the difficulty of applying the requirements of this subpart in States with a premium assistance program given that States do not directly contract with providers in this situation. Commenters expressed concern that no State could ever comply thus making a premium assistance model impossible to implement (66 FR 2644).

Response: We previously responded by acknowledging that States' SCHIP programs do not have direct authority over group health plans that may be providing coverage under premium assistance programs. At the same time, we noted that there is no basis for providing children fewer procedural protections because they may be enrolled in a premium assistance program under SCHIP. In order to balance these concerns, the regulations provided States flexibility so that they may offer premium assistance through plans that do not meet the review standards set out in these regulations, as long as families are not required to enroll their children in these plans. Under § 457.1190, we indicated that a State that has a premium assistance program through which it provides coverage under a group health plan that does not meet the requirements of §§ 457.1130(b), 457.1140, 457.1150(b), 457.1160(b), and 457.1180 must give applicants and enrollees the option to obtain health benefits coverage through its direct coverage plan. The State must provide this option at initial enrollment and at each redetermination of eligibility.

The revision of this regulation to allow States to either design a review process that complies with this subpart or to use State-specific grievance and appeal requirements currently in effect provides additional flexibility to States implementing premium assistance programs. In addition to the option discussed in our previous response, States may enroll eligible children in group health plans that provide procedures that comply with the state-specific review requirements for health insurance issuers in the State. If the health plan is not subject to either the program specific review or the Statewide standard review, then the State will need to notify the enrollee that the plan does not necessarily comply with review procedures and must give children in the family the option to obtain health benefits coverage through its direct coverage plan. We have revised § 457.1190 to reflect this new requirement.

H. Compliance Dates

In the ''Effective Dates'' section of the January 2001 final rule, we stated that to the extent contract changes are necessary, States will not be found out of compliance until the next contract cycle. By contract cycles, we mean the earlier of the date of the original period of the existing contract, or the date of any modification or extension of the contract (whether or not contemplated within the scope of the contract).

As mentioned on page 2490 of the **Federal Register** published on January 11, 2001, in establishing the effective date for the regulation, we made allowances for contract cycles. To the extent contract changes are necessary, States would not be found out of compliance until the next contract cycle. We previously defined ''contract cycle'' as the earlier of the date of the original period of the existing contract, or the date of any modification or extension of the contract (whether or not contemplated within the scope of the contract).

Upon further review, we note that the definition of ''contract cycle'' leaves open the possibility that compliance requirements could be based on an unrelated contract modification, such as an update in payment rates, regardless of whether the state had the authority or leverage to obtain the necessary contract changes. Therefore, we have amended

the definition of ''contract cycle'' to be the earlier of the date of the original period of the existing contract, or the date of any extension or modification that would change the term of the contract. This change will clarify our intent that states ensure compliance with this rule by no later than the end of the contract.

We also note that the previous definition did not allow for, to the extent legislative changes are necessary, states to not be found out of compliance until the conclusion of the next legislative cycle following the effective date of the rule. To the extent legislative changes are necessary, states will not be found out of compliance until the conclusion of the next legislative cycle following the effective date of the rule.

III. Technical Revisions and Clarifications

In this final rule, we have made the following technical revisions and clarifications to the January 11, 2001 final rule:

• In the final rule published on January 11, 2001, we inadvertently omitted one of the qualified entities that may perform presumptive eligibility for Medicaid. As a result we have made a technical correction to §§ 435.1101 and 436.1101, adding paragraph (5) to each of these sections. This technical change adds entities that are authorized under section 803 of BIPA to determine Medicaid or SCHIP eligibility as qualified entities for the purpose of performing presumptive eligibility for Medicaid. We have also made this same conforming change under § 457.301 under the definition of ''qualified entity''. These same entities may perform presumptive eligibility for a separate child health program. (*See* §§ 435.1101 and 436.1101)

• The definition for *State health benefits plan* was inadvertently omitted from the final rule published in January 2001. We define the term as follows: ''State health benefits plan means a plan that is offered or organized by the State government on behalf of State employees or other public agency employees within the State. The term does not include a plan in which the State provides no contribution toward the cost of coverage and in which no State employees participate, or a plan that provides coverage only for a specific type of care, such as dental or vision care.''

We revised the definition from the proposed rule in order to clarify that we would not consider a benefit plan with no State contribution toward the cost of coverage and in which no State employees participate as a State health benefits plan.

• We revised § 457.60(b)(2) to refer to the requirements regarding substitution of coverage set forth at §§ 457.805 and 457.810. We revised § 457.60(b)(7) and (b)(8) to remove cross-references to other sections of part 457 that have been removed or revised.

• In the final rule published on January 1, 2001, we used the terms ''enrollee'' and ''enrollees'' in section 457.505(d) and (e). We changed these terms to ''eligible child'' and ''eligible children'' to make clear that these provisions apply only to cost sharing imposed on the children in a family.

• In §§ 457.1000, 457.1005 and 457.1010, we removed the term ''waiver for'' from these sections in order to clarify that States need only obtain approval for an amendment to their existing State plan, and do not need to submit a section 1115 demonstration project or ''waiver'' in order to implement these sections.

IV. Summary of Revisions to the January 11, 2001 Final Rule

In this final rule we are adopting the provisions set forth in the January 11, 2001 final rule with the following substantive changes:

• Revise the requirement regarding use of social security numbers to provide that a State may not require any family member who is not requesting services to provide a social security number (including those family members whose income or resources might be used in making the child's eligibility determination). (*See* § 457.320(b)(4))

• Add an option to permit States to require any applicant seeking assistance under SCHIP to furnish a social security number. The regulation adds a cross-reference to the Medicaid regulations regarding the use of social security numbers, which would apply to States electing this option. (*See* § 457.340(b))

• Add a requirement for the State to determine the written format and timing of information regarding Medicaid eligibility, benefits, and the application process that must be given to SCHIP applicants. (*See* §§ 457.350 (e)(4) and (g)(3))

• Remove the provision that the State must not require the child to complete a new application for the separate child health program following a denial of Medicaid eligibility, but may require supplemental information to account for any changes in the child's circumstances that may affect eligibility. (*See* § 457.350 (f)(5)(iii))

• Revise § 457.355(b) to provide that expenditures for coverage during a period of presumptive eligibility implemented in accordance with § 435.1102 of this chapter will be considered as expenditures for child health assistance under the plan. (*See* § 457.355 (b))

• Revise the provisions regarding Secretary-approved coverage to permit comprehensive coverage for children under a Medicaid demonstration project under section 1115 of the Act to be considered Secretary-approved coverage. (*See* § 457.450(b))

• Add the requirement that States may offer coverage that is the same as that provided by Florida, New York, and Pennsylvania under their existing comprehensive State-based coverage programs. (*See* § 457.450(e))

• Revise § 457.495(d) to allow States to use either the standards established in § 457.495(d) or existing State law regarding prior authorization of health services.

• Remove § 457.560(a) regarding cost-sharing amounts that the family has a ''legal obligation to pay'' to allow each State to define how it counts cost-sharing amounts against the cumulative cost-sharing maximum.

• Revise § 457.560(b) to limit cumulative cost sharing to five percent of family income for all children enrolled in SCHIP, regardless of family income. We have also made a conforming change to revise the cross reference at § 457.540(f) to refer to § 457.560(a).

• Remove the requirement that States collect and provide data in the annual report regarding the primary language of SCHIP enrollees. (*See* § 457.750(b)(7))

• Revise the Procurement standards requirements to refer to part 92 or part 74 for defining a complete contract. (*See* § 457.940(b) and (d))

• Remove the requirement that the State must establish methodologies to verify whether beneficiaries have received services for which providers have billed, to allow State flexibility in establishing a program integrity system that identifies, reports, and verifies the accuracy of claims. (*See* § 457.980)

• Revise § 457.1120 to provide that the State must have either a program specific review process that meets the requirements of subpart K or a Statewide standard review process that complies with State review requirements currently in effect for health insurance issuers in the State.

• Amend §§ 457.1130, 457.1140, 457.1150, 457.1160, 457.1170, and 457.1180, by adding ''Program Specific Review Process:''.

• Revise § 457.1190 to refer to ''a program specific review or a statewide standard review.''

V. Waiver of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite prior public comment on proposed rules. A notice of proposed rulemaking includes a reference to legal authority under which the rule is proposed, and the terms and substance of the proposed rule or a description of the subjects and issues involved. In this case, a notice of proposed rulemaking was published on November 8, 1999 and a final rule was published on January 11, 2001 in response to comments received on the proposed rule. The January 11, 2001 rule's effective date was delayed so that we could give further consideration to the comments we had already received on the proposed rule. Because, this final rule including the modifications made in this publication is the product of notice and comment procedure, there is no need to engage in a further notice of proposed rulemaking before adopting this rule.

While we have decided to afford the public an opportunity to comment on the changes in the January 11, 2001 rule made by this document, we are doing this in the interest of openness and public participation, rather than as a legal obligation. In any event, the Administrative Procedure Act provides a mechanism under which advance notice and comment procedure may be waived, if the agency finds that good cause exists to waive that procedure. Good cause exists if the agency determines that notice and comment procedure is impracticable, unnecessary, or contrary to the public interest and the agency incorporates a statement of the finding and its reasons in the rule issued.

While under the Administrative Procedure Act we do not believe we are required to engage in notice and comment procedure at this juncture, we believe that good cause would exist were it necessary for dispensing with notice and comment because expeditious publication of the final rule will afford states with the additional certainty of the options which they will have available to them in implementing SCHIP programs. These will facilitate their ability to provide needed health care coverage to increased numbers of currently uninsured children. Accordingly, we find that notice and comment procedure in this instance would be contrary to the public interest since that procedure would unnecessarily impede furnishing needed health care coverage to needy children.

VI. Response to Comments

Because of the large number of items of correspondence we normally receive on **Federal Register** documents published for comment, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the ''DATES'' section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

VII. Regulatory Impact Statement

We have examined the impacts of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review) and the Regulatory Flexibility Act (RFA) (September 19, 1980 Public Law 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more annually).

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $25 million or less annually. Individuals and States are not included in the definition of a small entity.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditure in any one year by State, local, or tribal governments, in the aggregate, or by the private sector, of $110 million.

This interim final rule merely revises certain policies set forth in the January 11, 2001 final rule, which includes implementing regulations for the SCHIP program. The provisions set forth in this interim final rule will not have an impact of $110 million or more annually. Neither is this rule expected to impose an unfunded mandate on States exceeding $110 million annually. Therefore, we have not prepared an analysis of cost and benefits as required by E.O. 12866 and the Unfunded Mandates Act for rules with significant economic impacts or that impose significant unfunded mandates on States. Also, we believe the changes being promulgated in this document will have very little direct impact on small entities as defined under the RFA or on small rural hospitals as defined under section 1102(b) of the Social Security Act. Therefore, we are not preparing analyses for either the RFA or section 1102(b) of the Act because we have determined, and we certify, that this rule will not have a significant economic impact on a substantial number of small entities or a significant impact on the operations of a substantial number of small rural hospitals. For a detailed discussion of the impact of the SCHIP program, refer to the January 11, 2001 final rule (66 FR 2659).

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct costs on State and local governments, preempts State law, or otherwise has federalism implications. In the January 11, 2001 issuance, on pages 2662 and 2663 of the **Federal Register**, we described extensive agency activities that involved consultation with State and local officials on program issues that have directly resulted in policies in both the proposed and the final rules. These activities are ongoing and continue to inform the development of agency policies and procedures. The description of these activities set forth in the January issuance is still valid and the activities discussed have informed development of the revisions contained in this document. Indeed, these revisions are essential to address concerns raised by State and local officials and to minimize the burden on State and local governments.

VIII. Collection of Information Requirements

This rule does not impose any new information collection and record keeping requirements subject to the Paperwork Reduction Act of 1995 (PRA).

The information collection requirements in §§ 457.50, 457.60, 457.70, 457.350, 457.360, 457.361, 457.431, 457.440, 457.525, 457.740, 457.750, 457.760, 457.810, 457.940, 457.965, 457.985, 457.1005, 457.1015, and 457.1140 of the January 11, 2001 final rule (66 FR 2490), have been approved by OMB under OMB control number 0938–0841. We sought comments on these requirements in the November 8, 1999 proposed rule and in the January 11, 2001 final rule and have made no changes to the requirements in this interim final rule. For a detailed discussion of the paperwork burden imposed by these provisions, see the January 2001 final rule (66 FR 2663).

List of Subjects

42 CFR Part 435

Aid to Families with Dependent Children, Grant programs—health, Medicaid, Reporting and record keeping requirements, Supplemental Security Income (SSI), Wages.

42 CFR Part 436

Aid to Families with Dependent Children, Grant programs—health, Guam, Medicaid, Puerto Rico, Supplemental Security Income (SSI), Virgin Islands.

42 CFR Part 457

Administrative practice and procedure, Grant programs—health, Children's Health Insurance Program, Reporting and record keeping requirements.

42 CFR chapter IV, amended at 66 FR 2490 January 11, 2001, is further amended as set forth below:

A. Part 435 is amended as follows:

PART 435—ELIGIBILITY IN THE STATES, DISTRICT OF COLUMBIA, THE NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA

1. The authority citation for part 435 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

Subpart L—Option for Coverage of Special Groups

2. In § 435.1101, republish the introductory text of the definition of ''Qualified entity'' and amend the definition as follows:

A. Redesignate paragraphs (8), (9), and (10) as paragraphs (9)(i), (9)(ii), and (9)(iii), respectively.

B. Redesignate paragraphs (5) through (7) as paragraphs (6) through (8).

C. Add a new paragraph (5).

D. Revise newly redesignated paragraph (9).

E. Redesignate paragraph (11) as paragraph (10).

The addition and revision read as follows:

§ 435.1101 Definitions related to presumptive eligibility for children.

* * * * *

Qualified entity means an entity that is determined by the State to be capable of making determinations of presumptive eligibility for children, and that—

* * * * *

(5) Is authorized to determine eligibility of a child for medical assistance under the Medicaid State plan, or eligibility of a child for child health assistance under the State Children's Health Insurance Program;

* * * * *

(9) Is an organization that—

(i) Provides emergency food and shelter under a grant under the Stewart B. McKinney Homeless Assistance Act;

(ii) Is a State or Tribal office or entity involved in enrollment in the program under title XIX, Part A of title IV, or title XXI; or

(iii) Determines eligibility for any assistance or benefits provided under any program of public or assisted housing that receives Federal funds, including the program under section 8 or any other section of the United States Housing Act of 1937 (42 U.S.C. 1437) or under the Native American Housing Assistance and Self Determination Act of 1996 (25 U.S.C. 4101 *et seq.*); and

* * * * *

B. Part 436 is amended as follows:

PART 436—ELIGIBILITY IN GUAM, PUERTO RICO, AND THE VIRGIN ISLANDS

1. The authority citation for part 436 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

Subpart L—Option for Coverage of Special Groups

2. In § 436.1101, republish the introductory text of the definition of ''Qualified entity'' and amend the definition as follows:

A. Redesignate paragraphs (8), (9), and (10) as paragraphs (9)(i), (9)(ii) and (9)(iii), respectively.

B. Redesignate paragraphs (5) through (7) as paragraphs (6) through (8), respectively.

C. Add a new paragraph (5).

D. Revise newly redesignated paragraph (9).

E. Redesignate paragraph (11) as paragraph (10).

The addition and revision read as follows:

§ 436.1101 Definitions related to presumptive eligibility for children.

* * * * *

Qualified entity means an entity that is determined by the State to be capable of making determinations of presumptive eligibility for children, and that—

* * * * *

(5) Is authorized to determine eligibility of a child for medical assistance under the Medicaid State plan, or eligibility of a child for child health assistance under the State Children's Health Insurance Program;

* * * * *

(9) Is an organization that—

(i) Provides emergency food and shelter under a grant under the Stewart B. McKinney Homeless Assistance Act;

(ii) Is a State or Tribal office or entity involved in enrollment in the program under this title, Part A of title IV, or title XXI; or

(iii) Determines eligibility for any assistance or benefits provided under any program of public or assisted housing that receives Federal funds, including the program under section 8 or any other section of the United States Housing Act of 1937 (42 U.S.C. 1437) or under the Native American Housing Assistance and Self Determination Act of 1996 (25 U.S.C. 4101 *et seq.*); and

* * * * *

C. Part 457 is amended as follows:

PART 457—ALLOTMENTS AND GRANTS TO STATES

1. The authority citation for part 457 continues to read as follows:

Authority: Section 1102 of the Social Security Act (42 U.S.C. 1302).

Subpart A—Introduction; State Plans for Child Health Insurance Programs and Outreach Strategies

§ 457.60 [Amended]

2. Amend § 457.60 as follows:

A. Revise paragraph (b)(2).

B. In paragraph (b)(7) remove ''and 457.353''.

C. In paragraph (b)(8) remove ''§§ 457.1130, 457.1160, 457.1170, 457.1180 and 457.1190'' and add in its place ''§ 457.1120''.

§ 457.60 Amendments.

* * * * *

(b) * * *

(2) Procedures to prevent substitution of private coverage as described in § 457.805, and in § 457.810 for premium assistance programs.

* * * * *

Subpart C—State Plan Requirements: Eligibility, Screening, Applications, and Enrollment

§ 457.301 [Amended]

3. Amend § 457.301 as follows:

A. Republish the introductory text of the definition of ''Qualified entity'' and amend the definition as follows:

i. Redesignate the definition in alphabetical order.

ii. Redesignate paragraphs (8), (9), and (10) as paragraphs (9)(i), (9)(ii), and (9)(iii), respectively.

iii. Redesignate paragraphs (5) through (7) as paragraphs (6) through (8), respectively.

iv. Add a new paragraph (5).

v. Revise newly redesignated paragraph (9).

vi. Redesignate paragraph (11) as paragraph (10).

B. Add a definition of ''State health benefits plan,'' in alphabetical order.

The addition and revision read as follows:

§ 457.301 Definitions and use of terms.

* * * * *

Qualified entity means an entity that is determined by the State to be capable of making determinations of presumptive eligibility for children, and that—

* * * * *

(5) Is authorized to determine eligibility of a child for medical assistance under the Medicaid State plan, or eligibility of a child for child health assistance under the State Children's Health Insurance Program;

* * * * *

(9) Is an organization that—

(i) Provides emergency food and shelter under a grant under the Stewart B. McKinney Homeless Assistance Act;

(ii) Is a State or Tribal office or entity involved in enrollment in the program under this title, Part A of title IV, or title XXI; or

(iii) Determines eligibility for any assistance or benefits provided under any program of public or assisted housing that receives Federal funds, including the program under section 8 or any other section of the United States Housing Act of 1937 (42 U.S.C. 1437) or under the Native American Housing Assistance and Self Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

* * * * *

State health benefits plan means a health insurance coverage plan that is offered or organized by the State government on behalf of State employees or other public agency employees within the State. The term does not include a plan in which the State provides no contribution toward the cost of coverage and in which no State employees participate, or a plan that provides coverage only for a specific type of care, such as dental or vision care.

* * * * *

4. Amend § 457.320 by revising paragraph (b)(4) to read as follows:

§ 457.320 Other eligibility standards.

* * * * *

(b) * * *

(4) Require any family member who is not requesting services to provide a social security number (including those family members whose income or resources might be used in making the child's eligibility determination);

* * * * *

§ 457.340 [Amended]

5. Amend § 457.340 by redesignating paragraphs (b) through (e) as (c) through (f) and adding a new paragraph (b) to read as follows:

§ 457.340 Application for and enrollment in a separate child health program.

* * * * *

(b) *Use of social security number.* A State may require a social security number for each individual requesting services consistent with the requirements at § 435.910(b), (e), (f), and (g) of this chapter.

* * * * *

§ 457.350 [Amended]

6. Amend § 457.350 as follows:

A. Add paragraphs (e)(4) and (g)(3).

B. Remove paragraph (f)(5)(iii).

The additions read as follows:

§ 457.350 Eligibility screening and facilitation of Medicaid enrollment.

* * * * *

(e) * * *

(4) The State will determine the written format and timing of the information regarding Medicaid eligibility, benefits, and the application process required under this paragraph (e).

* * * * *

(g) * * *

(3) The State will determine the written format and timing of the information regarding Medicaid eligibility, benefits, and the application process required under this paragraph (g).

* * * * *

§ 457.355 [Amended]

7. Amend § 457.355 as follows:

A. Redesignate paragraph (a) as paragraph (b).

B. Add paragraph designation (a) and paragraph heading to the introductory text.

C. Revise newly redesignated paragraph (b).

The revisions read as follows:

§ 457.355 Presumptive eligibility.

(a) *General rule.* * * *

(b) *Expenditures for coverage during a period of presumptive eligibility.* Expenditures for coverage during a period of presumptive eligibility implemented in accordance with § 435.1102 of this chapter may be considered as expenditures for child health assistance under the plan.

Subpart D—State Plan Requirements: Coverage and Benefits

8. Revise § 457.450 to read as follows:

§ 457.450 Secretary-approved coverage.

Secretary-approved coverage is health benefits coverage that, in the determination of the Secretary, provides appropriate coverage for the population of targeted low-income children covered under the program. Secretary-approved coverage, for which no actuarial analysis is required, may include, but is not limited to the following:

(a) Coverage that is the same as the coverage provided to children under the Medicaid State plan.

(b) Comprehensive coverage for children offered by the State under a Medicaid demonstration project approved by the Secretary under section 1115 of the Act.

(c) Coverage that either includes the full Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit or that the State has extended to the entire Medicaid population in the State.

(d) Coverage that includes benchmark health benefits coverage, as specified in § 457.420, plus any additional coverage.

(e) Coverage that is the same as the coverage provided under § 457.440.

(f) Coverage, including coverage under a group health plan purchased by the State, that the State demonstrates to be substantially equivalent to or greater than coverage under a benchmark health benefits plan, as specified in § 457.420, through use of a benefit-by-benefit

comparison which demonstrates that coverage for each benefit meets or exceeds the corresponding coverage under the benchmark health benefits plan.

9. Revise § 457.495(d) to read as follows:

§ 457.495 State assurance of access to care and procedures to assure quality and appropriateness of care.

* * * * *

(d) That decisions related to the prior authorization of health services are completed as follows:

(1) In accordance with the medical needs of the patient, within 14 days after receipt of a request for services. A possible extension of up to 14 days may be permitted if the enrollee requests the extension or if the physician or health plan determines that additional information is needed; or

(2) In accordance with existing State law regarding prior authorization of health services.

Subpart E—State Plan Requirements: Enrollee Financial Responsibilities

§ 457.505 [Amended]

10. Amend § 457.505 as follows:

A. In paragraph (d)(1) remove ''enrollees'' and add ''eligible children'' in its place.

B. In paragraph (d)(3) remove ''enrollees'' and add ''eligible children'' in its place.

C. In paragraph (e) remove ''by an enrollee'' and add ''on behalf of an eligible child'' in its place.

§ 457.540 [Amended]

11. Amend § 457.540(f) by removing ''§ 457.560(b)'' and adding ''§ 457.560(a)'' in its place.

§ 457.560 [Amended]

12. Amend § 457.560 as follows:

A. Remove paragraphs (a) and (b).

B. Redesignate paragraphs (c) and (d) as paragraphs (a) and (b).

C. Revise newly redesignated paragraph (a) to read as follows:

§ 457.560 Cumulative cost-sharing maximum.

(a) A State may not impose premiums, enrollment fees, copayments, coinsurance, deductibles, or similar cost-sharing charges that, in the aggregate, exceed 5 percent of a family's total income for the length of a child's eligibility period in the State.

* * * * *

Subpart G—Strategic Planning, Reporting, and Evaluation

§ 457.750 [Amended]

13. In § 457.750 remove paragraph (b)(7) and redesignate paragraph (b)(8) as (b)(7).

Subpart I—Program Integrity

§ 457.940 [Amended]

14. Amend § 457.940 as follows:

A. In paragraph (b)(1), remove ''45 CFR 74.43'' and add in its place ''45 CFR 74.43 or 45 CFR 92.36, as applicable''.

B. In paragraph (d) remove ''45 CFR part 74'' and add in its place ''45 CFR part 74 or 45 CFR part 92, as applicable''.

§ 457.980 [Amended]

15. Amend § 457.980 as follows:

A. Remove paragraph (a); and

B. Remove paragraph designation (b).

Subpart J—Allowable Waivers: General Provisions

§ 457.1000 [Amended]

16. Amend § 457.1000 as follows:

A. In paragraph (a)(1) remove the phrase ''for a waiver''.

B. In paragraph (a)(2) remove the phrase ''a waiver for''.

§ 457.1005 [Amended]

17. Amend § 457.1005 by removing ''Waiver for'' from the section heading.

§ 457.1010 [Amended]

18. Amend § 457.1010 by removing ''Waiver for'' from the section heading.

Subpart K—State Plan Requirements: Applicant and Enrollee Protections

19. Section 457.1120 is revised to read as follows:

§ 457.1120 State plan requirement: Description of review process.

(a) The State must have one of the following review processes:

(1) *Program specific review.* A process that meets the requirements of §§ 457.1130, 457.1140, 457.1150, 457.1160, 457.1170, and 457.1180; or

(2) *Statewide Standard Review.* A process that complies with State review requirements currently in effect for all health insurance issuers (as defined in section 2791 of the Public Health Service Act) in the State.

(b) The State plan must include a description of the State's review process.

§§ 457.1130, 457.1140, 457.1150, 457.1160, 457.1170, and 457.1180 [Amended]

20. Amend §§ 457.1130, 457.1140, 457.1150, 457.1160, 457.1170, and 457.1180 by adding ''Program specific review process:'' at the beginning of each section heading.

§ 457.1190 [Amended]

21. In § 457.1190, remove ''§§ 457.1130(b), 457.1140, 457.1150(b), 457.1160(b), and 457.1180'' and add ''a program specific review or a Statewide standard review, as described in § 457.1120,'' in its place.

(Catalog of Federal Domestic Assistance Program No. 93.767, State Children's Health Insurance Program)

Dated: June 18, 2001.

Thomas A. Scully,

Administrator, Health Care Financing Administration.

Approved: June 20, 2001.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–15910 Filed 6–22–01; 8:45 am]

BILLING CODE 4120–01–P

Federal Register

Monday,
June 25, 2001

Part V

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Solicitation of Input From Stakeholders on Agricultural Research, Extension, and Education Grant Programs; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Solicitation of Input From Stakeholders on Agricultural Research, Extension, and Education Grant Programs Administered by the Cooperative State Research, Education, and Extension Service

AGENCY: Cooperative State Research, Education, and Extension Service.

ACTION: Notice of listening sessions.

SUMMARY: Section 102(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA) (7 U.S.C. 7612) requires the Cooperative State Research, Education, and Extension Service (CSREES) in establishing priorities for agricultural research, extension, and education activities conducted or funded by CSREES to solicit and consider input and recommendations from persons who conduct or use agricultural research, extension, or education. CSREES is planning to conduct listening sessions in four different geographic locations in the United States over the next six months to solicit stakeholder input. As part of this stakeholder input process, CSREES also will be soliciting input and comments on the effectiveness of existing agricultural research, education, and extension programs administered by CSREES in meeting current and future challenges to the United States' food and agriculture system. This notice announces the first two listening sessions. The remaining two listening sessions will be announced in the **Federal Register** at a later date. They will be held in the southern and western regions of the United States.

DATES AND ADDRESSES: The first listening session will be held on Thursday, July 12, 2001, from 8:30 a.m. to 5:00 p.m. at the Lancaster Host Resort and Conference Center; 2300 Lincoln Highway East; Lancaster, PA 17602. Attendees must make their own hotel arrangements. A block of sleeping rooms at a conference rate is being held until June 30, 2001, listed under the name of USDA. Rooms can be reserved by calling the hotel directly at 717–299–5500.

The second listening session will be held on Thursday, July 26, 2001, from 8:30 a.m. to 5:00 p.m. at the Embassy Suites Hotel, Minneapolis airport; 7901 34th Avenue South; Bloomington, MN 55425. Attendees must make their own hotel arrangements. A block of sleeping rooms at a conference rate is being held until June 27, 2001, listed under the name of USDA. Rooms can be reserved by calling the hotel directly at 952–854–2101.

To aid participants in scheduling their attendance, the following schedule is anticipated for each listening session:

8:30 a.m.–9:00 a.m.—Introductory Remarks and Background.

9:00 a.m.–12:00 p.m.—Scheduled 5-Minute Comment Periods.

1:00 p.m.–3:30 p.m.—Breakout Group Meetings.

3:30 p.m.–5:00 p.m.—Reports from Breakout Group Meetings and General Discussion.

FOR FURTHER INFORMATION CONTACT: Persons wishing to present oral comments at these meetings and/or attend the afternoon breakout sessions are requested to pre-register by contacting Ms. Mary H. Humphreys at (202) 720–6012, by fax at (202) 720–6199 or by e-mail to mhumphreys@reeusda.gov. CSREES is particularly interested in receiving comments during the 5-minute comment periods that address one or more of the topics listed in the ''Topics to Address'' section below. When making a reservation for a 5-minute comment period, participants should provide a title for their presentation. More time may be available in the morning session, depending on the number of people wishing to make a presentation and the time needed for questions following the presentations. Reservations will be confirmed on a first-come, first-served basis. To facilitate the afternoon breakout sessions, it is requested that participants pre-register for one of the five breakout sessions listed below. Although pre-registration is not required to attend the listening sessions, it is strongly recommended to ensure that adequate accommodations are available. Written comments also may be submitted for the record by mailing to: Ms. Mary Humphreys; Office of the Administrator; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2201; 1400 Independence Avenue, SW., Washington, DC 20250–2201. Please provide three copies of the comments. Comments also may be faxed or sent via e-mail to Ms. Humphreys.

The initial two, as well as subsequent, listening sessions will follow the same general format and comments from all sessions will be compiled and considered. All written comments from the July 12 and July 26 sessions must be received by November 15, 2001, to be considered. Information gathered from the Listening Sessions will be available for review on the CSREES web page (http://www.reeusda.gov). Participants who require a sign language interpreter or other special accommodations should contact Ms. Humphreys as directed above.

SUPPLEMENTARY INFORMATION:

Background and Purpose

Section 102(b) of AREERA requires that CSREES, in establishing priorities for agricultural research, extension, and education activities conducted or funded by CSREES, solicit and consider input and recommendations from persons who conduct or use agricultural research, extension, or education. As part of these listening sessions, CSREES simultaneously will be soliciting input and comments on the effectiveness of the existing agricultural research, education and extension programs administered by CSREES in meeting current and future challenges in the food and agricultural sciences.

Section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (NARETPA), 7 U.S.C. 3101, specifies that the purposes of agricultural research, extension, and education are to (1) enhance competitiveness of the United States agriculture and food industry in an increasingly competitive world environment; (2) increase the long-term productivity of the United States agriculture and food industry while maintaining and enhancing the natural resource base on which rural America and the United States agricultural economy depend; (3) develop new uses and new products for agricultural commodities, such as alternative fuels, and develop new crops; (4) support agricultural research and extension to promote economic opportunity in rural communities and to meet the increasing demand for information and technology transfer throughout the United States agriculture industry; (5) improve risk management in the United States agriculture industry; (6) improve the safe production and processing of, and adding value to, United States food and fiber resources using methods that maintain the balance between yield and environmental soundness; (7) support higher education in agriculture to give the next generation of Americans the knowledge, technology, and applications necessary to enhance the competitiveness of United States agriculture; and (8) maintain an adequate, nutritious, and safe supply of food to meet human nutritional needs and requirements.

Section 1404 of NARETPA, 7 U.S.C. 3103, defines ''Food and Agricultural Sciences'' as meaning basic, applied, and developmental research, extension, and teaching activities in food and fiber, agricultural, renewable natural resources, forestry, and physical and social sciences, including activities relating to the following: (1) Animal Health, production, and well-being, (2) Plant health and production, (3) Animal and plant germ plasm collection and preservation, (4) Aquaculture, (5) Food safety, (6) Soil and water conservation and improvement, (7) Forestry, horticulture, and range management, (8) Nutritional sciences and promotion, (9) Farm enhancement, including financial management, input efficiency, and profitability, (10) Home economics, (11) Rural human ecology, (12) Youth development and agricultural education, including 4–H clubs, (13) Expansion of domestic and international markets for agricultural commodities and products, including agricultural trade barrier identification and analysis, (14) Information management and technology transfer related to agriculture, (15) Biotechnology related to agriculture, and (16) The processing, distributing, marketing, and utilization of food and agricultural products.

CSREES currently supports agricultural research, extension and education activities through a broad array of programs which includes both formula funded and competitively awarded grant programs. The formula funded programs include the agricultural research programs authorized under the Hatch Act (7 U.S.C. 361a *et seq.*) for the State Agricultural Experiment Stations; section 1445 of NARETPA (7 U.S.C. 3222) for the 1890 Land-Grant Institutions including Tuskegee University; McIntire-Stennis Cooperative Forestry Act (16 U.S.C. 582a *et seq.*); and section 1433 of NARETPA (7 U.S.C. 3195) for the Animal Health and Disease Research program. The agricultural extension programs are funded under section 3 of the Smith-Lever Act (7 U.S.C. 343) for the cooperative extension services at the 1862 Land-Grant Institutions; section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) for targeted, national programs; and section 1444 of NARETPA (7 U.S.C. 3221) for the 1890 Land-Grant Institutions including Tuskegee University. West Virginia State College also receives funding for agricultural research and extension programs. Section 534(a) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) authorizes funding for the 1994 Institutions to strengthen their teaching programs in food and agricultural sciences.

The CSREES competitive grant programs include the National Research Initiative authorized under section 2(b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i); Initiative for Future Agriculture and Food Systems authorized under section 401 of AREERA (7 U.S.C. 7621); Integrated Research, Education, and Extension Competitive Grants Program authorized under section 406 of AREERA (7 U.S.C. 7626); Food and Agricultural Sciences National Needs Graduate Fellowship Grants Program authorized under section 1417(b)(6) of NARETPA (7 U.S.C. 3152(b)(6)); Higher Education Challenge Grants Program authorized under section 1417(b)(1) of NARETPA (7 U.S.C. 3152(b)(1)); Secondary Agriculture Education Challenge Grants Program authorized under section 1417(j) of NARETPA (7 U.S.C. 3152(j)); and Hispanic-Serving Institutions Education Grants Program authorized under section 1455 of NAREPTA (7 U.S.C. 3241). In addition, sections 535 and 536 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) authorize competitive capacity building and research grant programs for the 1994 Institutions. Further information about CSREES grant programs is available through the CSREES web page at http://www.reeusda.gov as the above list of CSREES grant programs is not exhaustive.

A majority of the agricultural research, extension, and education activities funded by CSREES are conducted through the 1862 Land-Grant Institutions which were established under the First Morrill Act (7 U.S.C. 301 *et seq.*); the 1890 Land-Grant Institutions under the Second Morrill Act (7 U.S.C. 321 *et seq.*); and the 1994 Institutions under the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).

Topics to Address

To ensure that Federally-supported agricultural research, extension and education activities remain effective in addressing priorities in United States food and agriculture, CSREES specifically is requesting input and recommendations on the following topic areas from persons who conduct or use agricultural research, extension and education. However, comments are not limited to these topics.

(1) The use of agricultural research, extension, and education programs to generate the science and educational programs necessary to address challenges facing United States food and fiber production.

(2) The development of human capacity (e.g., scientists, educators, and extension agents and specialists) in the food and agricultural sciences.

(3) The changes which should and could be made, if any, in the current funding mechanisms (i.e., formula funded and competitive grants) to more efficiently and effectively engage the agricultural research, extension, and education system in meeting the modern challenges to United States food and fiber production.

(4) The most effective methods for ensuring that agricultural research, education, and extension programs address the highest priority needs of the United States food and fiber system.

(5) The best means by which agricultural research, education, and extension programs can quickly respond to rapidly emerging challenges to the United States food and fiber system.

(6) The coordination of agricultural research, education, and extension activities with the activities of other Federal agencies to use scientific advances in other fields (e.g., health, information technology, geospatial, and sociological research) as well as disseminate information through educational and outreach programs.

(7) The application of agricultural research, education, and extension programs to economic development and revitalization needs of rural America.

Written comments should be submitted as directed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Breakout Session Workgroup Meetings

CSREES will conduct Breakout Session Workgroup Meetings at each listening session in the afternoon in the following specific subject areas: (1) Developing 21st Century Plant, Animal, and Forest Production System, (2) Revitalizing Rural America, (3) Managing and Conserving Natural Resources, (4) Linking Agriculture, Nutrition, and Health, (5) Improving Opportunities for Family and Youth Development, and (6) Developing Human Capacity in Agricultural Research, Extension and Education for the 21st Century. Listening session participants are encouraged to pre-register for one of these sessions as noted under the **FOR FURTHER INFORMATION CONTACT** section of this notice. The Breakout Session Workgroups will provide an opportunity for participants to address the above topics in relation to specific issues related to the food and agricultural sciences. Each Breakout

Session Workgroup will provide a summary of their discussions to the overall group.

Done at Washington, DC, this 20th day of June 2001.

Colien Hefferan,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 01–15983 Filed 6–21–01; 1:08 pm]

BILLING CODE 3410–22–P

Reader Aids

Federal Register

Vol. 66, No. 122

Monday, June 25, 2001

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids	**202–523–5227**
Laws	**523–5227**
Presidential Documents	
Executive orders and proclamations	**523–5227**
The United States Government Manual	**523–5227**
Other Services	
Electronic and on-line services (voice)	**523–4534**
Privacy Act Compilation	**523–3187**
Public Laws Update Service (numbers, dates, etc.)	**523–6641**
TTY for the deaf-and-hard-of-hearing	**523–5229**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications:

http://www.access.gpo.gov/nara

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

http://www.nara.gov/fedreg

E-mail

PENS (Public Law Electronic Notification Service) is an E-mail service for notification of recently enacted Public Laws. To subscribe, send E-mail to

listserv@listserv.gsa.gov

with the text message:

subscribe PUBLAWS-L your name

Use listserv@www.gsa.gov only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to:

info@fedreg.nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, JUNE

29661–29894 1
29895–30056 4
30057–30286 5
30287–30628 6
30629–30800 7
30801–31106 8
31107–31374 11
31375–31834 12
31835–32206 13
32207–32528 14
32529–32712 15
32713–32890 18
32891–33012 19
33013–33154 20
33155–33458 21
33459–33630 22
33631–33828 25

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
11 30340

3 CFR

Proclamations:
7208 (See Proc. 7445) 30053
7214 (See Proc. 7445) 30053
7445 30053
7446 30287
7447 31367
7448 31371
7449 31375
7450 32205
7451 32891

Executive Orders:
13035 (Amended by EO 13215) 30285
13092 (see EO 13215) 30285
13111 (Amended by EO 13218) 33627
13113 (see EO 13215) 30285
13125 (Amended by EO 13216) 31373
13159 (See notice of June 11, 2001) 32207
13174 (Revoked by EO 13218) 33627
13200 (see EO 13215) 30285
13215 30285
13216 31373
13217 33155
13218 33627

Administrative Orders:
Notices:
Notice of June 11, 2001 32207
Presidential Determinations:
No. 2001–16 of June 1, 2001 30631
No. 2001–17 of June 1, 2001 30633
Memorandums:
Memorandum of May 30, 2001 30629
Memorandum of May 31, 2001 31833
Memorandum of June 5, 2001 30799

5 CFR

330 29895
332 29895
351 29895
353 29895
1201 30635

7 CFR

2 31107
220 33631
272 29661
273 29661
301 ..... 32209, 32713, 33631, 33740
319 32210
360 32213
932 30289
985 30291
993 30642
1482 30801

Proposed Rules:
301 32268
319 29735
981 31850
1030 31185
1944 29739

8 CFR

100 29661
103 ..... 29661, 29682, 32138
212 32529
214 31107
236 29661
245a 29661
248 31107
274a 29661
299 ..... 29661, 29682, 31107
310 32138
320 32138
322 32138
334 32138
337 32138
338 32138
341 32138

9 CFR

78 32893
94 ..... 29686, 29897, 29899

Proposed Rules:
93 29921

10 CFR

2 33013
72 33013
150 32452
170 32452
171 32452

Proposed Rules:
2 29741
430 32914
1008 32272

12 CFR

8 29890
32 31114
502 33157
562 33632
567 33632
707 33159

Proposed Rules:
Ch. V....31186
223....33649
700....33211
701....33211
712....33211
715....33211
723....33211
725....33211
790....33211

13 CFR

107....30646
108....32894
115....30803
121....30646, 32416

14 CFR

23....30649
25....32717
39....29689, 29900, 30296, 30300, 30302, 30305, 30307, 31121, 31124, 31129, 31131, 31135, 31141, 31143, 31525, 31527, 31835, 31836, 31837, 32530, 32531, 32533, 32535, 32728, 32729, 32895, 32896, 33013, 33014, 33016, 33017, 33019, 33164, 33166, 33168, 33170, 33459, 33460
61....31145
63....31145
65....31145
71....29691, 32537, 32731, 32732, 32733, 32734, 32735, 32736, 32737, 33173, 33174
91....30310
95....30057
97....29691, 29693, 33632, 33634
108....31145
121....29888, 30310, 31145, 31146
125....30310
135....30310, 31145, 31146
193....33792
Proposed Rules:
39....30093, 30095, 30099, 30101, 30103, 30105, 30107, 30109, 30112, 30114, 30341, 30343, 30345, 31189, 31192, 31194, 31566, 31569, 32276, 32591, 33214, 33649, 33651, 33653
71....30117, 30118, 30119, 30120, 30654, 31196, 32593, 32781
91....33215

15 CFR

902....30651
922....33462
Proposed Rules:
922....30828

16 CFR

Proposed Rules:
1115....30655

17 CFR

1....32737
200....31839
231....33175
239....32538
241....33175
249....32538
251....33175
270....30311
271....33175
275....30311
450....29888
Proposed Rules:
3....33494
170....33494

19 CFR

206....32217

21 CFR

5....30992
101....30311
173....31840
510....32739
522....32539
558....32739
606....31165, 31146
607....31146
610....31146
630....31165
640....31146
660....31146
809....31146

22 CFR

41....32540, 32740
42....32740
51....29904

24 CFR

966....32775, 33134
972....33616
982....30566, 33610
Proposed Rules:
206....30262
982....32198

25 CFR

151....31976
Proposed Rules:
70....33654
502....33494

26 CFR

1....32541, 32897, 32901, 33463, 33636
31....32541
301....32541, 33464
602....32541, 33636
Proposed Rules:
1....31197, 31850, 32279, 32782
5c....31850
5f....31850
18....31850
31....32279
301....31850, 32279

27 CFR

9....29695
46....32218
70....32218
270....32218
275....32218
290....32218
296....32218

28 CFR

Proposed Rules:
16....29921

29 CFR

4022....32543
4044....32543
4902....32221

30 CFR

256....32902
917....33020
920....32743
926....31530
Proposed Rules:
206....30121
210....30121
216....30121
218....30121
920....31571
926....29741, 29744,
934....30347
948....33032

31 CFR

103....32746
Proposed Rules:
210....29746

32 CFR

989....31177, 31976

33 CFR

1....33637
25....33637
54....33637
62....33637
64....33637
66....33637
67....33637
72....33637
100....30313, 30314, 30316, 30805, 33023, 33467, 33469, 33637
110....32904
114....33637
117....30806, 32747, 32748, 32904, 33024, 33470, 33471, 33637
120....33637
151....33637
154....33637
159....33637
164....33637
165....29699, 29907, 30059, 30061, 30317, 30319, 31841, 32222, 32223, 32904, 32908, 33026, 33637
207....30063, 31277
Proposed Rules:
100....31868
165....31870, 31872, 32280, 32915

36 CFR

242....31533, 32750, 33642, 33744
Proposed Rules:
13....32282
1202....30134

37 CFR

252....29700
257....29700
Proposed Rules:
1....30828
2....30828

38 CFR

21....32225, 32226
36....32230
Proposed Rules:
46....30141

39 CFR

20....29704
111....30064, 33472
551....31822
3000....32544
Proposed Rules:
3001....33034

40 CFR

9....30806, 30807, 31086
52....29705, 30815, 31086, 31544, 31545, 31548, 31550, 31552, 31554, 32231, 32545, 32556, 32752, 32760, 32767, 32769, 33027, 33029, 33177, 33475, 33645, 33740
60....31177, 32545
61....32545
62....32545
63....30818
75....31842
81....32556
136....32774
141....31086
142....31086
180....29705, 30065, 30073, 30321, 30325, 30334, 30822, 33179, 33187, 33195, 33198, 33478, 33486
197....32074
271....29712
281....32564
282....32566
300....32235, 33200
435....30807, 33134
Proposed Rules:
52....30145, 30656, 30829, 31197, 31199, 31573, 31574, 31575, 32287, 32594, 32782, 32783, 33036, 33216, 33495, 33504, 33505, 33655
60....32484, 32594
61....32594
62....32484, 32594
63....30830
70....31575
72....31978
75....31978
78....31978
81....31873, 32594, 32595, 33505
86....30830
97....31978
261....30349
271....29746, 33037
300....31580, 31582, 32287, 33224

42 CFR

400....32776
405....33030
409....32777
410....32172, 32777
411....32777
412....32172
413....32172, 32777
424....32777
430....32776
431....31178, 32776, 33810
433....31178, 33810
434....32776
435....31178, 32776, 33810
436....31178, 33810

438 32776
440 32776
447 32776
457 ....31178, 33810
484 32777
485 32172

43 CFR

4 ....32884, 33740
3800 32571

44 CFR

64 31178
65 ....31181, 31183
209 32666
354 32575

Proposed Rules:

59 32293
64 32293

46 CFR

1 31842
110 29908
111 29908

47 CFR

1 ....29722, 32580
2 29722
15 ....31556, 32580
24 29911
25 31557
36 ....30080, 33202
54 ....30080, 30334
64 ....30334, 33208
73 ....29723, 29724, 29725, 29726, 30090, 30091, 30092, 30335, 30826, 31560, 31561, 32242
87 29722
90 ....30335, 32778
101 29722

Proposed Rules:

15 31585
17 ....30853, 30860
20 31878
22 31589
24 31589
25 30361
73 ....29747, 30365, 30366, 31596, 31597, 32296, 33655, 33656, 33657
95 31598
622 30866
660 ....30867, 30869

48 CFR

1803 29726
1811 29727
1830 29727
1832 29728
1852 29726

Proposed Rules:

801 30659
806 30659
812 30659
837 30659
852 30659
873 30659

49 CFR

40 32248
171 33316
172 33316
173 33316
175 33316
176 33316
177 33316
178 33316
179 33316
180 33316
393 30335
1180 32582

Proposed Rules:

171 32420
173 32420
174 32420
175 32420
176 32420
177 32420
178 32420
368 32918
571 ....29747, 30366, 31883, 33657

50 CFR

17 32250
20 32264
21 32264
100 ....31533, 32750, 33642, 33744
216 33209
222 33489
223 33489
600 29922
622 ....29924, 32779
635 ....30651, 31844
648 ....29729, 31184, 33210
660 ....29729, 31561
679 ....31845, 31849, 33031

Proposed Rules:

17 ....30148, 30368, 30372, 31760, 32052, 33046, 33620
20 32297
223 ....31600, 31603, 32304, 32305, 32787
224 ....32304, 32305, 32787
300 32310
622 ....31608, 31609, 32312
648 30149
660 32919
679 30396

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT JUNE 25, 2001

COMMERCE DEPARTMENT

International Trade Administration

Educational and scientific institutions; instruments and apparatus:

Florence Agreement Program; procedures changes; published 5-25-01

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):

Electronic and information technology accessibility; published 4-25-01

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Texas; published 4-25-01

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:

Idaho and Montana; published 6-1-01

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):

Electronic and information technology accessibility; published 4-25-01

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Medicaid:

State Children's Health Insurance Program; implementation

Effective date delay; published 6-11-01

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Low-income housing:

One-strike screening and eviction for drug abuse and other criminal activity; published 5-24-01

Correction; published 6-20-01

INTERIOR DEPARTMENT

Minerals Management Service

Royalty management:

Small refiner administrative fee; published 5-24-01

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR):

Electronic and information technology accessibility; published 4-25-01

TREASURY DEPARTMENT

Customs Service

Educational and scientific institutions; instruments and apparatus:

Florence Agreement Program; procedures changes; published 5-25-01

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes:

Earned income credit (EIC); eligibility requirements after denial; published 6-25-01

COMMENTS DUE NEXT WEEK

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

Federal Register, Administrative Committee

Federal Register publications; prices and availability; comments due by 7-6-01; published 6-6-01

AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

Meat and poultry inspection:

Ratites and squabs; mandatory inspection; comments due by 7-2-01; published 5-1-01

Republication; comments due by 7-2-01; published 5-7-01

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Northeastern United States fisheries—

Black sea bass; comments due by 7-5-01; published 6-5-01

West Coast States and Western Pacific fisheries—

Western Pacific pelagic; comments due by 7-2-01; published 5-18-01

COMMODITY FUTURES TRADING COMMISSION

Security futures products; designated contract markets; comments due by 7-2-01; published 5-31-01

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):

Contractor personnel; information technology services procurement; comments due by 7-2-01; published 5-2-01

Contractor responsibility, labor relations costs, and costs relating to legal and other proceedings; revocation; comments due by 7-6-01; published 5-7-01

Performance-based contracting; preference; comments due by 7-2-01; published 5-2-01

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

California; comments due by 7-5-01; published 6-5-01

Indiana; comments due by 7-2-01; published 5-31-01

Louisiana; comments due by 7-2-01; published 5-31-01

Virginia; comments due by 7-2-01; published 5-31-01

Hazardous waste program authorizations:

Maryland; comments due by 7-2-01; published 6-1-01

Hazardous waste:

Project XL program; site-specific projects—

IBM semiconductor manufacturing facility, Hopewell Junction, NY; comments due by 7-6-01; published 6-6-01

Water pollution; effluent guidelines for point source categories:

Metal products and machinery facilities; comments due by 7-2-01; published 4-27-01

Water supply:

Underground injection control program—

Class V wells; comments due by 7-6-01; published 5-7-01

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Public mobile services—

Cellular radiotelephone services; biennial review; comments due by 7-2-01; published 6-12-01

Satellite communications—

Non-geostationary satellite orbit, fixed satellite service in Ku-band; policies and service rules; comments due by 7-6-01; published 6-6-01

Radio stations; table of assignments:

Michigan; comments due by 7-2-01; published 6-6-01

South Carolina; comments due by 7-2-01; published 6-1-01

FEDERAL EMERGENCY MANAGEMENT AGENCY

Disaster assistance:

Public Assistance Program and Community Disaster Loan Program; comments due by 7-3-01; published 5-4-01

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Thrift Savings Plan:

Uniformed services account; comments due by 7-2-01; published 5-1-01

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):

Contractor personnel; information technology services procurement; comments due by 7-2-01; published 5-2-01

Contractor responsibility, labor relations costs, and costs relating to legal and other proceedings; revocation; comments due by 7-6-01; published 5-7-01

Performance-based contracting; preference; comments due by 7-2-01; published 5-2-01

Federal travel:

Travel expenses payment from non-Federal source; comments due by 7-3-01; published 5-4-01

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Medicare:

Hospital inpatient prospective payment systems and 2002 FY rates; comments due by 7-3-01; published 5-4-01

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Mortgage and loan insurance programs:

Home Equity Conversion Mortgage Program; insurance for mortgages to refinance existing loans; comments due by 7-5-01; published 6-5-01

INTERIOR DEPARTMENT

Indian Affairs Bureau

Law and order:

Santa Fe Indian School property; Court of Indian Offenses establishment; comments due by 7-2-01; published 5-3-01

INTERIOR DEPARTMENT

Land Management Bureau

Minerals mangement:

Fee changes; comments due by 7-2-01; published 4-16-01

INTERIOR DEPARTMENT

Fish and Wildlife Service

Migratory bird hunting:

Seasons, limits, and shooting hours; establishment, etc.; comments due by 7-6-01; published 6-14-01

INTERIOR DEPARTMENT

Minerals Management Service

Royalty management:

Solid minerals reporting requirements; comments due by 7-5-01; published 6-5-01

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Montana; comments due by 7-2-01; published 6-1-01

North Dakota; comments due by 7-6-01; published 6-6-01

JUSTICE DEPARTMENT

Privacy Act; implementation; comments due by 7-5-01; published 6-4-01

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR):

Contractor personnel; information technology services procurement; comments due by 7-2-01; published 5-2-01

Contractor responsibility, labor relations costs, and costs relating to legal and other proceedings; revocation; comments due by 7-6-01; published 5-7-01

Performance-based contracting; preference; comments due by 7-2-01; published 5-2-01

NUCLEAR REGULATORY COMMISSION

Production and utilization facilities; domestic licensing:

Unnecessary regulatory burden reduction while maintaining safety; workshop; comments due by 7-2-01; published 5-3-01

TRANSPORTATION DEPARTMENT

Coast Guard

Navigation aids:

Commercial vessels; electronic chart display and information systems; comments due by 7-2-01; published 5-2-01

Public vessels equipped with electronic charting and navigation systems; exemption from paper chart requirements; comments due by 7-2-01; published 5-2-01

Ports and waterways safety:

Cape Fear and Northeast Cape Fear Rivers, NC; regulated navigation area; comments due by 7-2-01; published 5-31-01

Notification of arrival; addition of charterer to required information; comments due by 7-2-01; published 5-1-01

Vessel documentation and measurement:

Lease-financing for vessels engaged in coastwise trade; comments due by 7-2-01; published 5-2-01

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

BAe Systems (Operations) Ltd.; comments due by 7-5-01; published 6-5-01

Boeing; comments due by 7-2-01; published 6-5-01

Bombardier; comments due by 7-6-01; published 6-6-01

GE Aircraft Engines; comments due by 7-2-01; published 5-2-01

Honeywell International, Inc.; comments due by 7-2-01; published 5-2-01

McDonnell Douglas; comments due by 7-2-01; published 5-2-01

Class E airspace; comments due by 7-2-01; published 5-31-01

TRANSPORTATION DEPARTMENT

Federal Motor Carrier Safety Administration

Motor carrier safety standards:

Mexican motor carriers operating in United States; safety monitoring system and compliance initiative; comments due by 7-2-01; published 5-3-01

Mexican motor carriers; applications to operate beyond U.S. municipalities and commercial zones on the U.S.-Mexico border; comments due by 7-2-01; published 5-3-01

Mexican-domiciled motor carriers; application form to operate in U.S. municipalities and commercial zones on U.S.-Mexico border; comments due by 7-2-01; published 5-3-01

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau

Alcohol; viticultural area designations:

Rockpile, Sonoma County, CA; comments due by 7-2-01; published 5-1-01

TREASURY DEPARTMENT

Customs Service

Financial and accounting procedures:

User and navigation fees and other reimbursement charges; comments due by 7-2-01; published 5-1-01

Tariff-rate quotas:

Worsted wool fabrics; licenses; comments due by 7-2-01; published 5-1-01

Uruguay Round Agreements Act (URAA):

Textile and apparel products; rules of origin; comments due by 7-2-01; published 5-1-01

Correction; comments due by 7-2-01; published 5-10-01

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes:

New markets tax credit; comments due by 7-2-01; published 5-1-01

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 1836/P.L. 107–16

Economic Growth and Tax Relief Reconciliation Act of 2001 (June 7, 2001; 115 Stat. 38)

Last List June 8, 2001

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to http://hydra.gsa.gov/archives/publaws-l.html or send E-mail to **listserv@listserv.gsa.gov** with the following text message:

SUBSCRIBE PUBLAWS-L Your Name.

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The CFR is available free on-line through the Government Printing Office's GPO Access Service at http://www.access.gpo.gov/nara/cfr/index.html. For information about GPO Access call the GPO User Support Team at 1-888-293-6498 (toll free) or 202-512-1530.

The annual rate for subscription to all revised paper volumes is $951.00 domestic, $237.75 additional for foreign mailing.

Mail orders to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954. All orders must be accompanied by remittance (check, money order, GPO Deposit Account, VISA, Master Card, or Discover). Charge orders may be telephoned to the GPO Order Desk, Monday through Friday, at **(202) 512–1800** from 8:00 a.m. to 4:00 p.m. eastern time, or FAX your charge orders to **(202) 512-2250**.

Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–044–00001–6)	6.50	[4] Jan. 1, 2001
3 (1997 Compilation and Parts 100 and 101)	(869–044–00002–4)	36.00	[1] Jan. 1, 2001
4	(869–044–00003–2)	9.00	Jan. 1, 2001
5 Parts:			
1–699	(869–044–00004–1)	53.00	Jan. 1, 2001
700–1199	(869–044–00005–9)	44.00	Jan. 1, 2001
1200–End, 6 (6 Reserved)	(869–044–00006–7)	55.00	Jan. 1, 2001
7 Parts:			
1–26	(869–044–00007–5)	40.00	[4] Jan. 1, 2001
27–52	(869–044–00008–3)	45.00	Jan. 1, 2001
53–209	(869–044–00009–1)	34.00	Jan. 1, 2001
210–299	(869–044–00010–5)	56.00	Jan. 1, 2001
300–399	(869–044–00011–3)	38.00	Jan. 1, 2001
400–699	(869–044–00012–1)	53.00	Jan. 1, 2001
700–899	(869–044–00013–0)	50.00	Jan. 1, 2001
900–999	(869–044–00014–8)	54.00	Jan. 1, 2001
1000–1199	(869–044–00015–6)	24.00	Jan. 1, 2001
1200–1599	(869–044–00016–4)	55.00	Jan. 1, 2001
1600–1899	(869–044–00017–2)	57.00	Jan. 1, 2001
1900–1939	(869–044–00018–1)	21.00	[4] Jan. 1, 2001
1940–1949	(869–044–00019–9)	37.00	[4] Jan. 1, 2001
1950–1999	(869–044–00020–2)	45.00	Jan. 1, 2001
2000–End	(869–044–00021–1)	43.00	Jan. 1, 2001
8	(869–044–00022–9)	54.00	Jan. 1, 2001
9 Parts:			
1–199	(869–044–00023–7)	55.00	Jan. 1, 2001
200–End	(869–044–00024–5)	53.00	Jan. 1, 2001
10 Parts:			
1–50	(869–044–00025–3)	55.00	Jan. 1, 2001
51–199	(869–044–00026–1)	52.00	Jan. 1, 2001
200–499	(869–044–00027–0)	53.00	Jan. 1, 2001
500–End	(869–044–00028–8)	55.00	Jan. 1, 2001
11	(869–044–00029–6)	31.00	Jan. 1, 2001
12 Parts:			
1–199	(869–044–00030–0)	27.00	Jan. 1, 2001
200–219	(869–044–00031–8)	32.00	Jan. 1, 2001
220–299	(869–044–00032–6)	54.00	Jan. 1, 2001
300–499	(869–044–00033–4)	41.00	Jan. 1, 2001
500–599	(869–044–00034–2)	38.00	Jan. 1, 2001
600–End	(869–044–00035–1)	57.00	Jan. 1, 2001
13	(869–044–00036–9)	45.00	Jan. 1, 2001
14 Parts:			
1–59	(869–044–00037–7)	57.00	Jan. 1, 2001
60–139	(869–044–00038–5)	55.00	Jan. 1, 2001
140–199	(869–044–00039–3)	26.00	Jan. 1, 2001
200–1199	(869–044–00040–7)	44.00	Jan. 1, 2001
1200–End	(869–044–00041–5)	37.00	Jan. 1, 2001
15 Parts:			
0–299	(869–044–00042–3)	36.00	Jan. 1, 2001
300–799	(869–044–00043–1)	54.00	Jan. 1, 2001
800–End	(869–044–00044–0)	40.00	Jan. 1, 2001
16 Parts:			
0–999	(869–044–00045–8)	45.00	Jan. 1, 2001
1000–End	(869–044–00046–6)	53.00	Jan. 1, 2001
17 Parts:			
1–199	(869–044–00048–2)	45.00	Apr. 1, 2001
*200–239	(869–044–00049–1)	51.00	Apr. 1, 2001
*240–End	(869–044–00050–4)	55.00	Apr. 1, 2001
18 Parts:			
1–399	(869–042–00051–0)	54.00	Apr. 1, 2000
400–End	(869–044–00052–1)	23.00	Apr. 1, 2001
19 Parts:			
*1–140	(869–044–00053–9)	54.00	Apr. 1, 2001
141–199	(869–042–00054–4)	40.00	Apr. 1, 2000
200–End	(869–044–00055–5)	20.00	[5] Apr. 1, 2001
20 Parts:			
1–399	(869–044–00056–3)	45.00	Apr. 1, 2001
400–499	(869–042–00057–9)	56.00	Apr. 1, 2000
500–End	(869–044–00058–0)	57.00	Apr. 1, 2001
21 Parts:			
1–99	(869–044–00059–8)	37.00	Apr. 1, 2001
100–169	(869–042–00060–9)	30.00	Apr. 1, 2000
*170–199	(869–044–00061–0)	45.00	Apr. 1, 2001
200–299	(869–044–00062–8)	16.00	Apr. 1, 2001
300–499	(869–044–00063–6)	27.00	Apr. 1, 2001
500–599	(869–044–00064–4)	44.00	Apr. 1, 2001
600–799	(869–042–00065–0)	10.00	Apr. 1, 2000
800–1299	(869–042–00066–8)	38.00	Apr. 1, 2000
1300–End	(869–044–00067–9)	20.00	Apr. 1, 2001
22 Parts:			
1–299	(869–044–00068–7)	56.00	Apr. 1, 2001
*300–End	(869–044–00069–5)	42.00	Apr. 1, 2001
23	(869–042–00070–6)	29.00	Apr. 1, 2000
24 Parts:			
0–199	(869–042–00071–4)	40.00	Apr. 1, 2000
200–499	(869–042–00072–2)	37.00	Apr. 1, 2000
500–699	(869–042–00073–1)	20.00	Apr. 1, 2000
700–1699	(869–042–00074–9)	46.00	Apr. 1, 2000
1700–End	(869–042–00075–7)	18.00	[5] Apr. 1, 2000
25	(869–044–00076–8)	57.00	Apr. 1, 2001
26 Parts:			
*§§ 1.0-1–1.60	(869–044–00077–6)	43.00	Apr. 1, 2001
§§ 1.61–1.169	(869–044–00078–4)	57.00	Apr. 1, 2001
§§ 1.170–1.300	(869–044–00079–2)	52.00	Apr. 1, 2001
§§ 1.301–1.400	(869–042–00080–3)	29.00	Apr. 1, 2000
§§ 1.401–1.440	(869–042–00081–1)	47.00	Apr. 1, 2000
§§ 1.441-1.500	(869-044-00082-2)	45.00	Apr. 1, 2001
*§§ 1.501–1.640	(869–044–00083–1)	44.00	Apr. 1, 2001
*§§ 1.641–1.850	(869–044–00084–9)	53.00	Apr. 1, 2001
§§ 1.851–1.907	(869–042–00085–4)	43.00	Apr. 1, 2000
§§ 1.908–1.1000	(869–044–00086–5)	53.00	Apr. 1, 2001
*§§ 1.1001–1.1400	(869–044–00087–3)	55.00	Apr. 1, 2001
*§§ 1.1401–End	(869–044–00088–1)	58.00	Apr. 1, 2001
2–29	(869–044–00089–0)	54.00	Apr. 1, 2001
30–39	(869–044–00090–3)	37.00	Apr. 1, 2001
40–49	(869–044–00091–1)	25.00	Apr. 1, 2001
*50–299	(869–044–00092–0)	23.00	Apr. 1, 2001
*300–499	(869–044–00093–8)	54.00	Apr. 1, 2001
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..