

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****43 CFR Part 3160**

[WO-310-1310-PB-24 1A]

RIN 1004-AC54

**Oil and Gas Leasing: Onshore Oil and Gas Operations****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Final rule; delay of effective date.

**SUMMARY:** The Bureau of Land Management (BLM) is further delaying the effective date to remove 43 CFR 3162.2(a) and to add 43 CFR 3162.2-7 until November 6, 2001.

**DATES:** The effective date to remove 43 CFR 3162.2(a) and to add 43 CFR 3162.2-7 was originally published in a final rule in the **Federal Register** on January 10, 2001 (66 FR 1883). The effective date was delayed in **Federal Register** documents published on February 8, 2001 (66 FR 9527) and April 10, 2001 (66 FR 18569). This document further delays the effective date for 90 days to November 6, 2001.

**FOR FURTHER INFORMATION CONTACT:** Donnie Shaw, Fluid Minerals Group, Bureau of Land Management, Mail Stop 401LS, 1849 "C" Street, NW., Washington, DC 20240; telephone (202) 452-0382 (Commercial or FTS). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8330, 24 hours a day, seven days a week, except holidays, for assistance in reaching Mr. Shaw.

**SUPPLEMENTARY INFORMATION:** To the extent that 5 U.S.C. 553 applies to this action, the action is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, we find pursuant to 5 U.S.C. 553(b)(3)(b) that the provision of an opportunity for public comment on whether to delay the effective date of the rule is impracticable and unnecessary inasmuch as the Department cannot adequately review the comments previously filed and reach a conclusion before August 8, 2001. The Department sought public comment on specific components of the rule in the **Federal Register** notice published on April 10, 2001. We received several highly technical comments and cannot complete the review before August 8, 2001. The Department is further delaying the effective date to November

6, 2001, to provide for continued review.

Dated: July 31, 2001.

**J. Steven Griles,***Deputy Secretary of the Interior.*

[FR Doc. 01-19669 Filed 8-6-01; 8:45 am]

BILLING CODE 4310-84-P

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 54**

[CC Docket No. 96-45; FCC 01-195]

**Federal-State Joint Board on Universal Service****AGENCY:** Federal Communications Commission.**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** This document announces the effective date of the amendments to our rules that will extend the deadline for receipt of non-recurring services. The Commission also adopts a rule that will establish a deadline for the implementation of non-recurring services for certain qualified applicants who are unable to complete implementation by the September 30 deadline. We believe these modifications will ensure that schools and libraries have a reasonable and predictable deadline for implementation of non-recurring services. The Report and Order was published in the **Federal Register** on July 24, 2001. Some of the rules contained information collection requirements.

**DATES:** Section 54.507(d) published at 66 FR 38375, July 24, 2001 was approved by the Office of Management and Budget (OMB) and effective on July 23, 2001.

**FOR FURTHER INFORMATION CONTACT:** Katherine Tofigh, Attorney, Common Carrier Bureau, Accounting Policy Division, (202) 418-7400 TTY: (202) 418-0484.

**SUPPLEMENTARY INFORMATION:** On June 29, 2001 the Commission released a Report and Order (Order), 66 FR 38375 (July 24, 2001), that adopted a rule that will provide additional time for recipients under the schools and libraries universal service support mechanism to implement contracts or agreements with service providers for non-recurring services. Specifically, the rule will extend the deadline for receipt of non-recurring services from June 30, to September 30 following the close of the funding year. Finally, the Commission adopts a rule that will

establish a deadline for the implementation of non-recurring services for certain qualified applicants who are unable to complete implementation by the September 30 deadline. The Commission believes these modifications will provide schools and libraries with more time to install non-recurring services, and thereby make greater use of their universal service discounts. A summary of the Order was published in the **Federal Register**. See 65 FR 38375 (July 24, 2001). Some of the rules contained information collection requirements that required OMB approval. On July 23, 2001, OMB approved the information collections. See OMB No. 3060-0992. The rule amendments adopted by the Commission in the Order took effect on July 23, 2001. This publication satisfies the statement in the Order that the Commission would publish a document in the **Federal Register** announcing the effective date of the rules.

**List of Subjects in 47 CFR Part 54**

Communications common carriers, Libraries, Reporting and recordkeeping requirements, Schools, Telecommunications, Telephone.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

[FR Doc. 01-19679 Filed 8-6-01; 8:45 am]

BILLING CODE 6712-01-P

**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration****49 CFR Part 578**

[Docket No. NHTSA 2001-9404; Notice 2]

RIN 2127-A142

**Civil Penalties****AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.**ACTION:** Final rule.

**SUMMARY:** This document adjusts certain civil penalties authorized for violations of odometer tampering and theft prevention statutes administered by the National Highway Traffic Safety Administration (NHTSA). The Federal Civil Monetary Penalty Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, requires us to take this action at least every four years. The penalties that are increased were last adjusted in March 1997.

**DATES:** The final rule is effective September 6, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Taylor Vinson, Office of Chief Counsel, NHTSA, telephone (202) 366-5263, facsimile (202) 366-3820, electronic mail "TVinson@nhtsa.dot.gov", 400 Seventh Street, SW, Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:****Background**

In order to preserve the remedial impact of civil penalties and to foster compliance with the law, the Federal Civil Monetary Penalty Inflation Adjustment Act of 1990 ("Adjustment Act"), 28 U.S.C. Sec. 2461 note, Pub. L. 101-410, as amended by the Debt Collection Improvement Act of 1996 ("Collection Act," Pub. L. 104-134), requires us and other Federal agencies to regularly adjust certain civil penalties for inflation. Under these laws, each agency must make an initial inflationary adjustment for all applicable civil penalties, and must make further adjustments of these penalty amounts at least once every four years. The Collection Act limited the initial increase to 10 percent of the penalty being adjusted.

Our initial adjustment of civil penalties under these legislative authorities was published on February 4, 1997 (62 FR 5167). We established 49 CFR part 578, *Civil Penalties*, which applies to violations that occur on and after March 6, 1997. These adjustments resulted in the maximum permissible increases of 10 percent. On July 14, 1999, we further adjusted certain penalties to enhance their deterrent effect (64 FR 37876), effective August 13, 1999. As we are now at the end of the four-year period following the initial adjustment, we reviewed the penalties that have remained unchanged since 1997, and, on May 18, 2001, proposed adjusting those penalties where the statutory formulae authorize it (66 FR 27621). We received one comment on the proposal, from the National Automobile Dealers Association (NADA), which confirmed our methodology. NADA "expects these higher penalty figures will help to deter odometer and theft law violations and thus will help to protect dealers and their customers."

**Method of Calculation**

Under the Adjustment Act as amended by the Collection Act, we determine the inflation adjustment for each applicable civil penalty by increasing the maximum civil penalty amount per violation by the cost-of-living adjustment, and then applying a rounding factor. Sec. 5(b) of the

Adjustment Act defines the "cost-of-living" adjustment as:

"the percentage (if any) for each civil monetary penalty by which—

(1) the Consumer Price Index for the month of June of the calendar year preceding the adjustment exceeds

(2) the Consumer Price Index for the month of June of the calendar year in which the amount of such civil monetary penalty was last set or adjusted pursuant to law."

Since the adjustment will be effective before December 31, 2001, the "Consumer Price Index [CPI] for the month of June of the calendar year preceding the adjustment" is the CPI for June 2000. This figure is 172.4. NHTSA's penalties were initially adjusted in February 1997 based on the CPI figure for June 1996, which was 156.7. The factor that we have used in calculating the increase, then, is 172.4 divided by 156.7, or 1.1001914, rounded to 1.1. Any calculated increase under this adjustment is then subject to a specific rounding formula set forth in Sec. 5(a) of the Adjustment Act. Under the formula:

Any increase shall be rounded to the nearest:

- (1) multiple of \$10 in the case of penalties less than or equal to \$100;
- (2) multiple of \$100 in the case of penalties greater than \$100 but less than or equal to \$1,000;
- (3) multiple of \$1,000 in the case of penalties greater than \$1,000 but less than or equal to \$10,000;
- (4) multiple of \$5,000 in the case of penalties greater than \$10,000 but less than or equal to \$100,000;
- (5) multiple of \$10,000 in the case of penalties greater than \$100,000 but less than or equal to \$200,000; and
- (6) multiple of \$25,000 in the case of penalties greater than \$200,000.

**Review of Civil Penalties Prescribed by Section 578.6**

Sec. 578.6 contains the civil penalties authorized by the statutes that we enforce. We have reviewed these penalties, multiplied each of them by 1.1, considered the nearest higher multiple specified in the rounding provisions, and concluded that only the penalties discussed below may be increased.

Sec. 578.6(f) Odometer tampering and disclosure. The maximum civil penalty for a related series of violations of 49 U.S.C. Chapter 327 is \$110,000, as specified in Sec. 578.6(f)(1). The inflation factor raises this figure to \$121,000. Under the formula, any increase in a penalty shall be rounded to the nearest multiple of \$10,000 in the case of penalties greater than \$100,000 but less than or equal to \$200,000.

Accordingly, we are amending Sec. 578.6(f)(1) to increase the maximum civil penalty to \$120,000 for a related series of violations of the odometer tampering and disclosure provisions. However, the maximum civil penalty for a single violation remains at \$2,200 because the inflation-adjusted figure of \$2,420 is not yet at a level to be rounded to the nearest multiple of \$1,000.

Sec. 578.6(g) Vehicle theft prevention. Under Sec. 578.6(g)(1), the maximum civil penalty for a related series of violations of 49 U.S.C. 33114(a)(1-4) is \$275,000. The inflation factor raises this figure to \$302,500. Under the formula, any increase in a penalty shall be rounded to the nearest multiple of \$25,000 in the case of penalties greater than \$200,000. Accordingly, we are amending Sec. 578.6(g)(1) to increase the maximum civil penalty to \$300,000 for a related series of violations of the vehicle theft prevention provisions. However, the maximum penalty for a single violation remains at \$1,100.

Under Sec. 578.6(g)(2), a person that violates 49 U.S.C. 33114(a)(5) is liable for a civil penalty of not more than \$110,000 a day for each violation. The inflation factor modified by the rounding factor results in this penalty being raised to \$120,000, and we are amending Sec. 578.6(g)(2) to reflect this adjustment as well.

**Effective Date**

The amendments are effective September 6, 2001. The adjusted penalties will apply to violations occurring on and after the effective date.

**Rulemaking Analyses and Notices***Executive Order 12866 and DOT Regulatory Policies and Procedures*

We have considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." This action is limited to the adoption of adjustments of certain civil penalties under statutes that the agency enforces, and has been determined to be not "significant" under the Department of Transportation's regulatory policies and procedures.

*Regulatory Flexibility Act*

We have also considered the impacts of this notice under the Regulatory Flexibility Act. I certify that this final rule will have no significant economic impact on a substantial number of small entities. The following is my statement providing the factual basis for the

certification (5 U.S.C. Sec. 605(b)). The amendments primarily affect manufacturers of motor vehicles. Manufacturers of motor vehicles are generally not small businesses within the meaning of the Regulatory Flexibility Act.

The Small Business Administration's regulations define a small business in part as a business entity "which operates primarily within the United States." (13 CFR 121.105(a)) SBA's size standards are organized according to Standard Industrial Classification Codes (SIC), SIC Code 3711 "Motor Vehicles and Passenger Car Bodies" has a small business size standard of 1,000 employees or fewer.

For manufacturers of passenger cars and light trucks, NHTSA estimates there are at most five small manufacturers of passenger cars in the U.S. Since each manufacturer serves a niche market, often specializing in replicas of "classic" cars, production for each manufacturer is fewer than 100 cars per year. Thus, there are at most 500 cars manufactured per year by U.S. small businesses.

In contrast, in 2001, there are approximately nine large manufacturers producing passenger cars, and light trucks in the U.S. Total U.S. manufacturing production per year is approximately 15 to 15 and a half million passenger cars and light trucks. We do not believe small businesses manufacture even 0.1 percent of total U.S. passenger car and light truck production per year.

Further, small organizations and governmental jurisdictions will not be significantly affected as the price of motor vehicles ought not to change as the result of this rule. As explained above, this action is limited to the adoption of a statutory directive, and has been determined to be not "significant" under the Department of Transportation's regulatory policies and procedures.

Finally, this action will not affect our civil penalty policy under the Small Business Regulatory Enforcement Fairness Act (62 FR 37115, July 10, 1997). We shall continue to consider the appropriateness of any civil penalty to the size of the business charged.

#### *Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act of 1980 (PL 96-511), we state that there are no requirements for information collection associated with this rulemaking action.

#### *National Environmental Policy Act*

We have also analyzed this rulemaking action under the National

Environmental Policy Act and determined that it has no significant impact on the human environment.

#### *Executive Order 12612 (Federalism)*

We have analyzed this proposed rule in accordance with the principles and criteria contained in E.O. 12612, and have determined that it has no significant federalism implications to warrant the preparation of a Federalism Assessment.

#### *Civil Justice Reform*

This proposed rule does not have a retroactive or preemptive effect. Judicial review of a rule based on this proposal may be obtained pursuant to 5 U.S.C. § 702. That section does not require that a petition for reconsideration be filed prior to seeking judicial review.

#### *Unfunded Mandates Reform Act of 1995*

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) requires agencies to prepare a written assessment of the cost, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually. Because this rule will not have a \$100 million effect, no Unfunded Mandates assessment will be prepared.

#### **List of Subjects in 49 CFR Part 578**

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires, Penalties.

#### **PART 578—CIVIL PENALTIES**

1. The authority citation for 49 CFR Part 578 continues to read as follows:

**Authority:** Pub. L. 101-410, Pub. L. 104-134, 49 U.S.C. 30165, 30505, 32308, 32309, 32507, 32709, 32710, 32912, and 33115; delegation of authority at 49 CFR 1.50.

2. Section 578.6 is amended by revising the last sentence of paragraph (f)(1), the last sentence of paragraph (g)(1), and paragraph (g)(2) to read as follows:

\* \* \* \* \*

#### **578.6 Civil penalties for violations of specified provisions of Title 49 of the United States Code.**

\* \* \* \* \*

(f) *Odometer tampering and disclosure.* (1) \* \* \* The maximum civil penalty under this paragraph for a related series of violations is \$120,000.

\* \* \* \* \*

(g) *Vehicle theft prevention.* (1) \* \* \* The maximum penalty under this paragraph for a related series of violations is \$300,000.

(2) A person that violates 49 U.S.C. 33114(a)(5) is liable to the United States government for a civil penalty of not more than \$120,000 a day for each violation.

\* \* \* \* \*

Issued on: August 1, 2001.

**L. Robert Shelton,**

*Executive Director.*

[FR Doc. 01-19740 Filed 8-6-01; 8:45 am]

**BILLING CODE 4910-59-P**

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 648**

**[Docket No. 0102208032-110902-02; I.D. 072301E]**

#### **Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Transfer and Fishery Reopening**

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

**ACTION:** Commercial quota transfer; fishery reopening.

**SUMMARY:** NMFS announces that the State of Maryland, the Commonwealth of Virginia, and the State of Florida have transferred a total of 700,000 lb (317,515 kg) of commercial bluefish quota to the State of North Carolina from their respective 2001 quotas. NMFS has adjusted the quotas and announces the revised commercial quotas of Atlantic bluefish for each state involved and the reopening of the commercial Atlantic bluefish fishery in North Carolina. This action is permitted under the regulations implementing the Fishery Management Plan for the Bluefish Fishery (FMP) and is intended to reduce discards and economic impacts in the North Carolina commercial bluefish fishery.

**DATES:** Effective August 2, 2001 through December 31, 2001.

**FOR FURTHER INFORMATION CONTACT:** Allison Ferreira, Fishery Management Specialist, (978) 281-9103, fax (978) 281-9135, e-mail Allison.Ferreira@noaa.gov.

**SUPPLEMENTARY INFORMATION:** Regulations governing the Atlantic bluefish fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through Florida. The