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Rules and Regulations

Federal Register
Vol. 66, No. 159
Thursday, August 16, 2001

FEDERAL RESERVE SYSTEM

12 CFR Part 208

[Regulation H; Docket No. R–1064]

Membership of State Banking Institutions in the Federal Reserve System: Financial Subsidiaries

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board has adopted a final rule implementing the financial subsidiary provisions of the Gramm-Leach-Bliley Act for state member banks. The Gramm-Leach-Bliley Act authorizes state member banks that comply with the requirements of the rule to control, or hold an interest in, a financial subsidiary which may conduct certain financial activities that are not permissible for the parent bank to conduct directly. The final rule is substantially similar to the interim rule that the Board adopted in March 2000.

DATES: The final rule is effective on September 17, 2001.

FOR FURTHER INFORMATION CONTACT: Kieran J. Fallon, Senior Counsel (202/452–5270), Michael J. O'Rourke, Counsel (202/452–3288), Legal Division; Betsy Cross, Deputy Associate Director (202/452–2574), Division of Banking Supervision and Regulation; Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Background

Section 121 of the Gramm-Leach-Bliley Act (GLB Act) (Pub. L. 106–102; 113 Stat. 1373–82) authorizes qualifying state member banks to own or control a new type of subsidiary—referred to as a financial subsidiary. A financial subsidiary may engage in activities that have been determined to be financial in nature or incidental to financial activities under the GLB Act, including general insurance agency activities in any location and travel agency activities. In addition, a financial subsidiary may engage in underwriting, dealing in and making a market in all types of securities—activities previously prohibited for subsidiaries of state member banks by the Glass-Steagall Act. A financial subsidiary of a state member bank also may conduct any activity that the bank is permitted to conduct directly.

The GLB Act prohibits financial subsidiaries from engaging in certain types of activities. As a general matter, a financial subsidiary may not engage as principal in underwriting insurance, providing or issuing annuities, real estate development or real estate investment, and merchant banking and insurance company investment activities.

In March 2000, the Board adopted and requested comment on an interim rule that implemented the financial subsidiary provisions of the GLB Act for state member banks (65 FR 14810). The interim rule set forth the criteria that a state member bank and its depository institution affiliates must meet for the bank to own or control a financial subsidiary; the activities that a financial subsidiary may and may not conduct; the procedures that a state member bank must follow to establish a financial subsidiary; and the procedures and restrictions that would apply if a state member bank or any of its depository institution affiliates ceased to continue to meet the requirements of the rule. The interim rule paralleled the rule adopted by the Office of the Comptroller of the Currency (OCC) governing financial subsidiaries of national banks. (*See* 65 FR 12905.)

The Board received three comments from the public on the interim rule, each of which was submitted by a trade association for the banking industry. All commenters supported the interim rule and one commenter noted that the interim rule was conveniently formatted and easy to understand. Commenters also asked that the Board modify the rule in minor respects or address issues suggested by the commenter. For example, one commenter suggested that the Board make available a list of the newly authorized financial activities that may be conducted by a financial subsidiary. Another commenter requested that the Board further streamline the 15-day prior notice process established by the interim rule for obtaining the Federal Reserve System's approval to establish a financial subsidiary or commence a new financial activity through an existing financial subsidiary.

In addition, one commenter urged the Board and the other Federal banking agencies to closely monitor financial subsidiaries of banks to ensure that these newly authorized entities do not threaten the safety and soundness of affiliated depository institutions. Another commenter asserted that the Board should allow a state member bank that has received a less-than-satisfactory management rating or rating under the Community Reinvestment Act (12 U.S.C. 2901 *et seq.*) (CRA) to request that a follow-up examination occur expeditiously and, thereby, permit the bank the opportunity to quickly restore its compliance with the rule's criteria.

The Board has carefully reviewed the comments received on the interim rule. As described further below, the Board has modified certain provisions of the interim rule in light of these comments and the Federal Reserve System's experience in administering the interim rule since March 2000. The final rule remains substantially similar to the Board's interim rule and the financial subsidiary rule adopted by the OCC.

Description of Final Rule

The final rule, like the interim rule, permits qualifying state member banks to control, or hold an interest in, a new type of subsidiary, referred to as a ''financial subsidiary.'' A financial subsidiary is defined as any company that is controlled by one or more insured depository institutions, but does not include (1) a subsidiary that the state member bank is specifically authorized to hold by the express terms of a Federal statute (other than section 9 of the Federal Reserve Act), such as an Edge Act subsidiary held under section 25 of the Federal Reserve Act, or (2) a subsidiary that engages only in activities that the parent bank may conduct directly and that are conducted on the same terms and conditions that govern the conduct of the activity by the state member bank. As discussed further below, a financial subsidiary of a bank may only engage in activities

permissible for the parent bank and certain other financial activities. The final rule clarifies that a financial subsidiary includes any of its direct or indirect subsidiaries.

The authority for a state member bank to own or control a financial subsidiary is in addition to the existing authority of state member banks to establish operations subsidiaries, which are subsidiaries that engage only in activities that the parent bank may conduct directly and that are conducted on the same terms and conditions that govern the conduct of these activities by the bank. *See* 12 CFR 250.141. State member banks may continue to retain and establish new operations subsidiaries permitted under state law and the Board's interpretations without complying with the requirements of this rule.[1]

Section 208.71—What Are the Requirements To Invest in or Control a Financial Subsidiary?

Under the GLB Act, a state member bank may control, or hold an interest in, a financial subsidiary only if certain criteria are met. Section 208.71 of the rule sets forth these criteria.

Capital and Management Requirements

First, the state member bank and each of its depository institution affiliates must be well capitalized and well managed. An insured depository institution is well capitalized if it meets or exceeds the capital levels designated as ''well capitalized'' by the institution's appropriate Federal banking agency under section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o) (FDI Act). The final rule provides that an *uninsured* depository institution will be considered ''well capitalized'' if it has and maintains at least the capital levels its appropriate Federal banking agency has established under section 38 of the FDI Act for an insured depository institution to be well capitalized.[2]

Well managed is defined by reference to the achievement of specific examination ratings.[3] The FDI Act allows the appropriate Federal banking agency for a depository institution to use an examination conducted by a state banking agency in lieu of a Federal examination if the state examination meets the criteria set forth in section 10(d) of the FDI Act (12 U.S.C. 1820(d)). Accordingly, the final rule allows a depository institution to be deemed ''well managed'' on the basis of a qualifying state examination.[4] The final rule continues to provide that a depository institution that has not been examined will be considered well managed if its appropriate Federal banking agency determines that the institution's managerial resources are satisfactory.

In the course of administering the interim rule, questions have arisen concerning whether a well managed depository institution would retain its well managed status if it merged with another depository institution. The final rule clarifies that a depository institution that results from the merger of two or more well managed depository institutions will be considered well managed unless the appropriate Federal banking agency for the resulting institution determines otherwise. However, where a merger involves an institution that is not well managed, the managerial status of the combined organization likely will depend on the facts and circumstances of the particular case. Accordingly, the final rule provides that a depository institution resulting from the merger of a well managed institution with an institution that is not well managed or that has not been examined will be considered well managed if the appropriate Federal banking agency determines that the resulting institution is well managed.

Asset Limitation

Under the GLB Act and the rule, the aggregate consolidated total assets of the bank's financial subsidiaries may not exceed the lesser of 45 percent of the bank's consolidated total assets or $50 billion. The GLB Act requires the Board and the Secretary of the Treasury to establish a mechanism for indexing the $50 billion limit.[5]

Debt Rating or Alternative Requirement for Large Banks

If the state member bank is one of the largest 100 insured banks, the bank must have at least one issue of outstanding eligible debt that is currently rated in one of the three highest investment grade rating categories by a nationally recognized statistical rating organization. Eligible debt refers to unsecured debt that has an initial maturity of more than 360 days. The debt must be issued and outstanding, may not be supported by any form of credit enhancement, and may not be held in whole or in any significant part by affiliates or insiders of the bank or by any other person acting on behalf of or with funds from the bank or an affiliate.

If the state member bank is one of the second 50 largest insured banks, the GLB Act allows the bank to meet this debt rating requirement or an alternative criteria established jointly by the Board and the Secretary of the Treasury by regulation. The final rule includes the alternative criteria established by the Board and the Secretary of the Treasury (*see* 66 FR 8748). A bank meets this alternative criteria if the bank has a current long-term issuer credit rating (as defined in § 208.77(f) of the rule) from at least one nationally recognized statistical rating organization that is within the three highest investment grade rating categories used by the organization.[6] The debt rating and alternative criteria do not apply to a large bank if its financial subsidiaries do not engage in any newly authorized financial activity as principal.

Notice to Federal Reserve

Finally, the state member bank must obtain the Federal Reserve's approval to acquire control of, or an interest in, the financial subsidiary using the streamlined notice procedures set forth in § 208.76 of the rule. The state member bank also must obtain any necessary approvals from its state supervisory authority.

Section 208.72—What Activities May a Financial Subsidiary Conduct?

A financial subsidiary of a state member bank may conduct only three types of activities.

First, a financial subsidiary may engage in activities that section 4(k)(4) of the Bank Holding Company Act of 1956 (BHC Act) defines by statute to be financial in nature or incidental to a financial activity and permissible for a financial holding company. These activities are listed in § 225.86(a), (b) and (c) of the Board's Regulation Y (12 CFR 225.86(a), (b) and (c)) and include securities underwriting and dealing, selling insurance as agent, and operating a travel agency in connection with the offering of other financial services.

Second, a financial subsidiary may engage in activities that the Secretary of the Treasury, in consultation with the Board, determines to be financial in nature or incidental to financial activities and permissible for financial

[1] The Board recently determined that a state member bank may, consistent with Federal law and 12 CFR 250.141, acquire less than 100 percent of the shares of an operations subsidiary so long as the bank controls the subsidiary within the meaning of the Bank Holding Company Act. *See* Letter from Jennifer J. Johnson, Secretary of the Board, to Ronald C. Mayer, The Chase Manhattan Bank, dated August 16, 2000.

[2] *See* 12 CFR 208.77(g)(2).

[3] *See* 12 CFR 208.77(h).

[4] *See* 12 CFR 208.77(h)(1).

[5] *See* 12 U.S.C. 24a(a)(6).

[6] *See* 66 FR 8748 for a discussion of the types of ratings that qualify as a long-term issuer credit rating.

subsidiaries of national banks pursuant to section 5136A(b) of the Revised Statutes of the United States (12 U.S.C. 24a(b)). These activities currently are listed in 12 CFR 1501.2 of the Treasury Department's rules.[7]

Third, a financial subsidiary of a state member bank may engage in activities that the bank is permitted to engage in directly, subject to the same terms and conditions that govern the conduct of the activity by the state member bank.

As required by the GLB Act, the rule prohibits a financial subsidiary of a state member bank from engaging as principal in insurance underwriting (except to the extent permitted under state law and the GLB Act), providing or issuing annuities, real estate investment or development (except to the extent expressly authorized by applicable state and Federal law), and merchant banking and insurance company investment activities permitted for financial holding companies under sections 4(k)(4)(H) or (I) of the BHC Act.

As noted above, one commenter requested that the Board make available a list of the financial activities that a financial subsidiary may conduct. The Board expects to issue shortly a list of the newly authorized financial activities permissible for a financial subsidiary. This list, which may be obtained from the Reserve Banks, will not identify activities that a state member bank may be permitted to engage in directly and that would, therefore, also be permissible for a financial subsidiary of the bank.

Section 208.73—What Additional Restrictions Are Applicable to State Member Banks With Financial Subsidiaries?

The GLB Act requires that a state member bank that owns or controls a financial subsidiary comply with a number of prudential safeguards. Section 208.73 of the rule implements these requirements.

For purposes of determining its compliance with all applicable regulatory capital standards, the state member bank must ''de-consolidate'' the assets and liabilities of its financial subsidiaries from those of the bank and then deduct the aggregate amount of its equity investment (including retained earnings) in all financial subsidiaries from the bank's capital and assets. The final rule clarifies how to make the capital adjustments required by the GLB Act. Specifically, the bank must deduct (i) 50 percent of the aggregate amount of its equity investment (including retained earnings) in all financial subsidiaries from both the bank's Tier 1 capital and Tier 2 capital for purposes of determining its risk-based capital ratios, (ii) 50 percent of the aggregate amount of its equity investment (including retained earnings) in all financial subsidiaries from the bank's Tier 1 capital for purposes of determining its leverage ratio, and (iii) 100 percent of the aggregate amount of its equity investment (including retained earnings) in all financial subsidiaries from its tangible equity for purposes of determining its tangible equity capital ratio.[8] In addition, the bank must deduct the entire amount of its equity investment (including retained earnings) in all financial subsidiaries from the bank's risk-weighted assets, average total assets and total assets for purposes of determining its risk-based, leverage and tangible capital ratios, respectively.

The bank must meet all applicable capital requirements—including the well capitalized requirement of § 208.71 and the capital levels established by the Board under section 38 of the FDI Act—after these adjustments. In addition, although the GLB Act requires a bank to ''de-consolidate'' the assets and liabilities of any financial subsidiary for regulatory capital purposes, a financial subsidiary remains a subsidiary of a state member bank and the Board will continue to review the operations and financial and managerial resources of the bank on a consolidated basis as part of the supervisory process. The Board may take appropriate supervisory action if the Board believes that the bank, either on a fully consolidated basis or on a basis that de-consolidates the bank's financial subsidiaries, does not have the appropriate financial and managerial resources (including capital resources and risk management controls) to conduct its direct or indirect activities in a safe and sound manner.

The rule also requires that the state member bank establish and maintain policies and procedures to manage the financial and operational risks arising from its ownership of a financial subsidiary and preserve the bank's separate corporate identity. A financial subsidiary also is considered a subsidiary of a bank holding company (and not a subsidiary of a bank) for purposes of the anti-tying prohibitions of the Bank Holding Company Act Amendments of 1970.

In addition, the rule specifies that a financial subsidiary of a state member bank is considered an affiliate (and not a subsidiary) of the bank for purposes of sections 23A and 23B of the Federal Reserve Act, and includes the GLB Act's special provisions governing the application of section 23A to investments in, and extensions of credit to, a financial subsidiary. The Board recently requested comment on a new rule (Regulation W) that would implement all aspects of sections 23A and 23B of the Federal Reserve Act, including the provisions of sections 23A and 23B that relate to financial subsidiaries of banks.[9] Proposed Regulation W addresses, among other things, the definition of a ''financial subsidiary'' for purposes of sections 23A and 23B, how to value a bank's investment in a financial subsidiary for purposes of section 23A, and when extensions of credit by an affiliate of a state member bank to a financial subsidiary of the bank will be considered an extension of credit by the bank itself under the GLB Act's special anti-evasion rules applicable to financial subsidiaries.[10] The Board may make modifications to this rule as appropriate in connection with the adoption of a final Regulation W.

Section 208.74—What Happens If the State Member Bank or a Depository Institution Affiliate Fails To Continue To Meet Certain Requirements?

The Board will give notice to a state member bank that owns or controls a financial subsidiary if the Board finds that the state member bank or any of its depository institution affiliates fails to continue to be well capitalized and well managed, that the assets of the bank's financial subsidiaries exceed the asset limitation imposed on financial subsidiaries, or that the state member bank has failed to comply with the operational safeguards required by the rule.

To assist the Board in enforcing the requirements of the GLB Act, the final rule continues to require that a state member bank notify the appropriate

[7] *See* 66 FR 257. A financial subsidiary may not engage in activities that the Board determines are complementary to a financial activity and permissible for financial holding companies under section 4(k)(1) of the BHC Act (12 U.S.C. 1843(k)(1)). Similarly, a financial subsidiary may not engage in activities that the *Board* determines are financial in nature or incidental to financial activities under section 4(k) of the BHC Act unless the Secretary of the Treasury also finds that such activities are financial in nature or incidental to financial activities and permissible for financial subsidiaries under 12 U.S.C. 24a(b).

[8] *See* 12 CFR part 208 Appendix A (risk-based ratios) and Appendix B (leverage ratio); 12 CFR 208.43(b)(5) (tangible equity ratio). The rule provides that, if the deduction from Tier 2 capital exceeds the bank's Tier 2 capital, any excess must be deducted from the bank's Tier 1 capital for purposes of determining its risk-based capital ratios.

[9] *See* 66 FR 24186.

[10] *See id.* at 24194 and 24204.

Reserve Bank if the bank becomes aware that any of its depository institution affiliates has ceased to be well capitalized and well managed. The final rule provides that the bank must submit this notice within 15 calendar days of becoming aware of the change in the affiliate's capital or managerial status, and that the notice must identify the relevant depository institution affiliate and the area(s) of noncompliance.

If a state member bank receives a notice from the Board that it is not in compliance with the rule's requirements, the bank must execute an agreement with the Board to bring itself back into compliance with the requirements of the rule. The agreement must explain the actions the bank will take to correct the areas of noncompliance and when such actions will be taken and provide any other information the Board may require. If the notice relates to a depository institution affiliate, the affiliate must execute an agreement with its appropriate Federal banking agency to restore itself to well capitalized and well managed status. The Board and the appropriate Federal banking agency may impose conditions on the direct or indirect activities of the state member bank or depository institution affiliate, respectively, until the institution restores its compliance with the rule's requirements. If the deficiencies are not corrected within 180 days (or such longer period as the Board may permit), the Board may require the state member bank to divest its financial subsidiaries.

If a state member bank that is one of the largest 100 insured banks fails to continue to meet the debt rating requirement or alternative criteria of § 208.71(b), if applicable, the state member bank may not acquire any additional equity capital (including debt qualifying as capital) of the financial subsidiary until the bank once again meets these requirements.

Section 208.75—What Happens if the State Member Bank or Any of Its Insured Depository Institution Affiliates Receives Less Than a ''Satisfactory'' CRA Rating?

The GLB Act requires the Board to prohibit a state member bank from acquiring control of a financial subsidiary, or commencing any additional activity or acquiring control of any company through an existing financial subsidiary, if the bank or any insured depository institution affiliate has received less than a ''satisfactory'' rating from its appropriate Federal banking agency at its most recent examination under the CRA.[11] Section 208.75 includes these prohibitions. The rule clarifies that, if this prohibition is in effect, the financial subsidiary may not acquire control of another company by acquiring substantially all of the assets of the company. The rule also provides that any prohibition under § 208.75 does not affect the ability of a financial subsidiary to commence any additional activity, or acquire control of a company engaged only in activities, that the state member bank is permitted to engage in directly. The terms of the GLB Act require the Board to apply the prohibitions in § 208.75 if the state member bank ''or any of its insured depository institution affiliates has received in its most recent examination under the [CRA] a rating of less than 'satisfactory record of meeting community credit needs'.''[12] The Board recently considered how a parallel provision in the GLB Act should apply to a financial holding company that acquires an insured depository institution with a less-than-satisfactory CRA rating. The Board concluded, based on the Act's language and purposes, that the activity prohibitions would apply to a financial holding company only when an insured depository institution receives a less-than-satisfactory CRA rating while it is a subsidiary of the financial holding company.[13] For the same reasons discussed in that rulemaking, the Board believes that the parallel restrictions in the GLB Act and § 208.75 concerning financial subsidiaries apply only if the state member bank has a less-than-satisfactory CRA rating or an insured depository affiliate of the bank receives a less-than-satisfactory CRA rating while it is an affiliate of the state member bank. If a state member bank becomes affiliated with an insured depository institution that, at the time of the affiliation, has a less-than-satisfactory CRA rating, the institution must achieve at least a ''satisfactory'' CRA rating in its first CRA examination after becoming affiliated with the state member bank or the prohibitions in § 208.75 would apply to the state member bank and its financial subsidiaries.

The GLB Act's CRA prohibitions apply only if the state member bank or any of its insured depository institution affiliates has received less than a ''satisfactory'' CRA rating at its most recent examination under the CRA. Accordingly, the CRA rating requirement does not apply to special purpose banks that are not subject to CRA examination under the Federal banking agencies' CRA regulations,[14] or to *de novo* insured depository institutions that have not yet received (and are not the successor of an institution that has received) a CRA rating.

One commenter recommended that the Board allow a state member bank that has received a less-than-satisfactory management or CRA rating to request that a follow-up examination occur on an expedited basis. For many banks, the Board's rules and procedures already provide for a shorter safety and soundness and CRA examination cycle if the bank has received a less-than-satisfactory rating.[15] In addition, a Reserve Bank may, on request, move forward the scheduled date of a bank's next examination where such action is appropriate and consistent with available resources.

Section 208.76—What Federal Reserve Approvals Are Necessary for Financial Subsidiaries?

The final rule retains the streamlined notice procedures included in the interim rule for state member banks to engage in newly authorized financial activities through a financial subsidiary. A state member bank must file a notice with the appropriate Reserve Bank prior to acquiring control of, or an interest in, a financial subsidiary, or engaging in an additional financial activity through an existing financial subsidiary. A notice is not required for a financial subsidiary to engage in an additional activity that the parent state member bank is permitted to conduct directly. The notice must provide basic information on the financial subsidiary and its existing and proposed activities and include a certification that the state member bank and its depository institution affiliates meet the requirements of the GLB Act and the rule. The final rule also provides that a notice must provide the capital ratios for the bank and its depository institution affiliates. The Board has found that the capital data available to a banking organization at times differs from the data available to the Board, and that requiring the filing organization to include this data in a notice assists in ensuring that the organization meets the relevant capital levels required by statute.

If the notice relates to the initial affiliation of the state member bank with a company engaged in insurance activities, the notice also must describe the company's insurance activities and identify the states where the company

[11] *See* 12 U.S.C. 1843 (*l*)(2); 12 U.S.C. 24a(a)(7).

[12] *See* 12 U.S.C. 1843(*l*)(2).

[13] *See* 66 FR 400, 404 (Jan. 3, 2001).

[14] *See* 12 CFR 228.11(c)(3).

[15] *See, e.g.* 12 CFR 208.64.

holds an insurance license. The Board will use this information in fulfilling its obligations to consult with the relevant state insurance authorities under section 307(c) of the GLB Act (15 U.S.C. 6716(c)).

The rule provides that a notice will be deemed approved on the fifteenth day after receipt by the appropriate Reserve Bank of an informationally complete submission unless, prior to that time, the notice is disapproved or the bank is notified that additional time to review the notice is needed. In addition, the appropriate Reserve Bank may approve the notice prior to the expiration of the 15-day period by informing the bank in writing of such action. For purposes of calculating the 15-day review period, the day on which an informationally complete notice is received is considered day zero.

The Board believes that this streamlined 15-day notice procedure provides state member banks with the ability to respond quickly to market conditions while, at the same time, providing the Board adequate time to verify that the bank meets applicable statutory criteria. Accordingly, the Board has not adopted a procedure that would allow a state member bank to acquire a financial subsidiary (or commence a new financial activity through an existing financial subsidiary) immediately upon the filing of a notice with the Federal Reserve.

The GLB Act permits a state member bank to acquire an interest in or control a financial subsidiary if it meets the criteria and requirements set forth in the rule. The Board, however, retains its general supervisory authority for state member banks and may restrict or limit the activities of, or the acquisition or ownership of a subsidiary by, a state member bank if the Board finds the bank does not have the appropriate financial and managerial resources to conduct the activities or acquire or retain ownership of the company.

II. Regulatory Flexibility Analysis

In accordance with section 4(a) of the Regulatory Flexibility Act (5 U.S.C. 604(a)), the Board must publish a final regulatory flexibility analysis with this rulemaking. The rule implements the new authority granted by the GLB Act to state member banks to acquire financial subsidiaries. Because the rule authorizes state member banks to acquire this new type of subsidiary, and thereby engage in new activities, the rule does not place any additional burden on state member banks and should, in fact, enhance the overall efficiency and flexibility of state member banks. The GLB Act makes this new authority available to all state member banks, provided the bank meets the qualifying criteria established by the Act. Accordingly, the rule applies to all state member banks, regardless of size. As of December 31, 2000, there were 991 state member banks, of which 593 had total assets of less than $150 million. The rule permits a state member bank to take advantage of this new authority by following a streamlined notice procedure, which should impose minimal burdens on small banking organizations.

III. Paperwork Reduction Act

The Board previously has reviewed, under the authority delegated to the Board by the Office of Management and Budget (OMB), the collection of information requirements of the final rule in accordance with section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Ch. 35; 5 CFR 1320 Appendix A.1). *See* 66 FR 29325. The OMB control number for this rule is 7100–0292. The Federal Reserve may not conduct or sponsor, and an organization is not required to respond to, any information collection unless the Board has displayed a currently valid OMB control number.

The Federal Reserve has a continuing interest in the public's opinions of our collections of information. At any time, comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, may be sent to: Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551; and to the Office of Management and Budget, Paperwork Reduction Project (7100–0292), Washington, DC 20503.

IV. Administrative Procedure Act

The provisions of the rule are effective on September 17, 2001, on a final basis. The interim rule became effective, on an interim basis, on March 11, 2000, in order to allow state member banks to immediately take advantage of the new authority granted by the GLB Act to own or control financial subsidiaries. This new statutory authority became effective on March 11, 2000. Pursuant to the Administrative Procedure Act (5 U.S.C. 553), the Board requested comments on all aspects of the interim rule and has amended the rule as appropriate after reviewing the comments received.

V. Use of ''Plain Language''

Section 722 of the GLB Act requires the Board to use ''plain language'' in all proposed and final rules published after January 1, 2000. The Board invited comment on whether the interim rule was written in ''plain language'' and how to make the interim rule easier to understand. Commenters stated that the interim rule was effectively organized and easy to understand. The final rule is substantially similar to the interim rule and the Board believes the final rule is written plainly and clearly.

List of Subjects in 12 CFR Part 208

Accounting, Agriculture, Banks, Banking, Confidential business information, Crime, Currency, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements, Securities.

Authority and Issuance

For the reasons set forth in the preamble, Title 12, Chapter II, Part 208 of the Code of Federal Regulations is amended as follows:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

1. The authority citation for Part 208 is revised to read as follows:

Authority: 12 U.S.C. 24, 24a, 36, 92a, 93a, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1816, 1818, 1820(d)(9), 1823(j), 1828(o), 1831, 1831o, 1831p–1, 1831r–1, 1831w, 1835a, 1843(l)(2), 1882, 2901–2907, 3105, 3310, 3331–3351, and 3906–3909; 15 U.S.C. 78b, 78l(b), 78l(g), 78l(i), 78o–4(c)(5), 78q, 78q–1, and 78w; 31 U.S.C. 5318; 42 U.S.C. 4012a, 4104a, 4104b, 4106 and 4128.

2. Subpart G is revised to read as follows:

Subpart G—Financial Subsidiaries of State Member Banks

Subpart G—Financial Subsidiaries of State Member Banks

§ 208.71 What are the requirements to invest in or control a financial subsidiary?

(a) *In general.* A state member bank may control, or hold an interest in, a financial subsidiary only if:

(1) The state member bank and each depository institution affiliate of the state member bank are well capitalized and well managed;

(2) The aggregate consolidated total assets of all financial subsidiaries of the state member bank do not exceed the lesser of:

(i) 45 percent of the consolidated total assets of the parent bank; or

(ii) $50 billion, which dollar amount shall be adjusted according to an indexing mechanism jointly established by the Board and the Secretary of the Treasury;

(3) The state member bank, if it is one of the largest 100 insured banks (based on consolidated total assets as of the end of the previous calendar year), meets the debt rating or alternative requirement of paragraph (b) of this section, if applicable; and

(4) The Board or the appropriate Reserve Bank has approved the bank to acquire the interest in or control the financial subsidiary under § 208.76.

(b) *Debt rating or alternative requirement for 100 largest insured banks.*—(1) *General.* A state member bank meets the debt rating or alternative requirement of this paragraph (b) if:

(i) The bank has at least one issue of eligible debt outstanding that is currently rated in one of the three highest investment grade rating categories by a nationally recognized statistical rating organization; or

(ii) If the bank is one of the second 50 largest insured banks (based on consolidated total assets as of the end of the previous calendar year), the bank has a current long-term issuer credit rating from at least one nationally recognized statistical rating organization that is within the three highest investment grade rating categories used by the organization.

(2) *Financial subsidiaries engaged in financial activities only as agent.* This paragraph (b) does not apply to a state member bank if the financial subsidiaries of the bank engage in financial activities described in § 208.72(a)(1) and (2) only in an agency capacity and not directly or indirectly as principal.

§ 208.72 What activities may a financial subsidiary conduct?

(a) *Authorized activities.* A financial subsidiary of a state member bank may engage in only the following activities:

(1) Any financial activity listed in § 225.86(a), (b), or (c) of the Board's Regulation Y (12 CFR 225.86(a), (b), or (c));

(2) Any activity that the Secretary of the Treasury, in consultation with the Board, has determined to be financial in nature or incidental to a financial activity and permissible for financial subsidiaries pursuant to Section 5136A(b) of the Revised Statutes of the United States (12 U.S.C. 24a(b)); and

(3) Any activity that the state member bank is permitted to engage in directly (subject to the same terms and conditions that govern the conduct of the activity by the state member bank).

(b) *Impermissible activities.* Notwithstanding paragraph (a) of this section, a financial subsidiary may not engage as principal in the following activities:

(1) Insuring, guaranteeing, or indemnifying against loss, harm, damage, illness, disability or death (except to the extent permitted under applicable state law and section 302 or 303(c) of the Gramm-Leach-Bliley Act (15 U.S.C. 6712 or 6713(c));

(2) Providing or issuing annuities the income of which is subject to tax treatment under section 72 of the Internal Revenue Code of 1986 (26 U.S.C. 72);

(3) Real estate development or real estate investment, unless otherwise expressly authorized by applicable state and Federal law; and

(4) Any merchant banking or insurance company investment activity permitted for financial holding companies by section 4(k)(4)(H) or (I) of the Bank Holding Company Act (12 U.S.C. 1843(k)(4)(H) and (I)).

§ 208.73 What additional provisions are applicable to state member banks with financial subsidiaries?

(a) *Capital deduction required.* A state member bank that controls or holds an interest in a financial subsidiary must comply with the following rules in determining its compliance with applicable regulatory capital standards (including the well capitalized standard of § 208.71(a)(1)):

(1) The bank must not consolidate the assets and liabilities of any financial subsidiary with those of the bank.

(2) For purposes of determining the bank's risk-based capital ratios under Appendix A of this part, the bank must—

(i) Deduct 50 percent of the aggregate amount of its outstanding equity investment (including retained earnings) in all financial subsidiaries from both the bank's Tier 1 capital and Tier 2 capital; and

(ii) Deduct the entire amount of the bank's outstanding equity investment (including retained earnings) in all financial subsidiaries from the bank's risk-weighted assets.

(3) For purposes of determining the bank's leverage capital ratio under Appendix B of this part, the bank must—

(i) Deduct 50 percent of the aggregate amount of its outstanding equity investment (including retained earnings) in all financial subsidiaries from the bank's Tier 1 capital; and

(ii) Deduct the entire amount of the bank's outstanding equity investment (including retained earnings) in all financial subsidiaries from the bank's average total assets.

(4) For purposes of determining the bank's ratio of tangible equity to total assets under § 208.43(b)(5), the bank must deduct the entire amount of the bank's outstanding equity investment (including retained earnings) in all financial subsidiaries from the bank's tangible equity and total assets.

(5) If the deduction from Tier 2 capital required by paragraph (a)(2)(i) of this section exceeds the bank's Tier 2 capital, any excess must be deducted from the bank's Tier 1 capital.

(b) *Financial statement disclosure of capital deduction.* Any published financial statement of a state member bank that controls or holds an interest in a financial subsidiary must, in addition to providing information prepared in accordance with generally accepted accounting principles, separately present financial information for the bank reflecting the capital deduction and adjustments required by paragraph (a) of this section.

(c) *Safeguards for the bank.* A state member bank that establishes, controls or holds an interest in a financial subsidiary must:

(1) Establish and maintain procedures for identifying and managing financial and operational risks within the state member bank and the financial subsidiary that adequately protect the state member bank from such risks; and

(2) Establish and maintain reasonable policies and procedures to preserve the separate corporate identity and limited liability of the state member bank and the financial subsidiary.

(d) *Application of Sections 23A and 23B of the Federal Reserve Act.* For purposes of sections 23A and 23B of the Federal Reserve Act (12 U.S.C. 371c, 371c–1):

(1) A financial subsidiary of a state member bank shall be deemed an affiliate, and not a subsidiary, of the bank;

(2) The restrictions contained in section 23A(a)(1)(A) of the Federal Reserve Act (12 U.S.C. 371c(a)(1)(A)) shall not apply with respect to covered transactions between the bank and any individual financial subsidiary of the bank;

(3) The bank's investment in a financial subsidiary shall not include retained earnings of the financial subsidiary;

(4) Any purchase of, or investment in, the securities of a financial subsidiary by an affiliate of the bank will be considered to be a purchase of, or investment in, such securities by the bank; and

(5) Any extension of credit by an affiliate of the bank to a financial subsidiary of the bank will be considered to be an extension of credit by the bank to the financial subsidiary if the Board determines that such treatment is necessary or appropriate to prevent evasions of the Federal Reserve Act and the Gramm-Leach-Bliley Act.

(e) *Application of anti-tying prohibitions.* A financial subsidiary of a state member bank shall be deemed a subsidiary of a bank holding company and not a subsidiary of the bank for purposes of the anti-tying prohibitions of section 106 of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1971 *et seq.*).

§ 208.74 What happens if the state member bank or a depository institution affiliate fails to continue to meet certain requirements?

(a) *Qualifications and safeguards.* The following procedures apply to a state member bank that controls or holds an interest in a financial subsidiary.

(1) *Notice by Board.* If the Board finds that a state member bank or any of its depository institution affiliates fails to continue to be well capitalized and well managed, or the state member bank is not in compliance with the asset limitation set forth in § 208.71(a)(2) or the safeguards set forth in § 208.73(c), the Board will notify the state member bank in writing and identify the areas of noncompliance. The Board may provide this notice at any time before or after receiving notice from the state member bank under paragraph (a)(2) of this section.

(2) *Notification by state member bank.* A state member bank must notify the appropriate Reserve Bank in writing within 15 calendar days of becoming aware that any depository institution affiliate of the bank has ceased to be well capitalized or well managed. The notification must identify the depository institution affiliate and the area(s) of noncompliance.

(3) *Execution of agreement.* Within 45 days after receiving a notice from the Board under paragraph (a)(1) of this section, or such additional period of time as the Board may permit, the:

(i) State member bank must execute an agreement acceptable to the Board to comply with all applicable capital, management, asset and safeguard requirements; and

(ii) Any relevant depository institution affiliate of the state member bank must execute an agreement acceptable to its appropriate Federal banking agency to comply with all applicable capital and management requirements.

(4) *Agreement requirements.* Any agreement required by paragraph (a)(3)(i) of this section must:

(i) Explain the specific actions that the state member bank will take to correct all areas of noncompliance;

(ii) Provide a schedule within which each action will be taken; and

(iii) Provide any other information the Board may require.

(5) *Imposition of limits.* Until the Board determines that the conditions described in the notice under paragraph (a)(1) of this section are corrected:

(i) The Board may impose any limitations on the conduct or activities of the state member bank or any subsidiary of the bank as the Board determines to be appropriate under the circumstances and consistent with the purposes of section 121 of the Gramm-Leach-Bliley Act, including requiring the Board's prior approval for any financial subsidiary of the bank to acquire any company or engage in any additional activity; and

(ii) The appropriate Federal banking agency for any relevant depository institution affiliate may impose any limitations on the conduct or activities of the depository institution or any subsidiary of that institution as the agency determines to be appropriate under the circumstances and consistent with the purposes of section 121 of the Gramm-Leach-Bliley Act.

(6) *Divestiture.* The Board may require a state member bank to divest control of any financial subsidiary if the conditions described in a notice under paragraph (a)(1) of this section are not corrected within 180 days of receipt of the notice or such additional period of time as the Board may permit. Any divestiture must be completed in accordance with any terms and conditions established by the Board.

(7) *Consultation.* The Board will consult with all relevant Federal and state regulatory authorities in taking any action under this paragraph (a).

(b) *Debt rating or alternative requirement.* If a state member bank does not continue to meet any applicable debt rating or alternative requirement of § 208.71(b), the bank may not, directly or through a subsidiary, purchase or acquire any additional equity capital of any financial subsidiary until the bank restores its compliance with the requirements of that section. For purposes of this paragraph (b), the term ''equity capital'' includes, in addition to any equity instrument, any debt instrument issued by the financial subsidiary if the debt instrument qualifies as capital of the subsidiary under any Federal or state law, regulation or interpretation applicable to the subsidiary.

§ 208.75 What happens if the state member bank or any of its insured depository institution affiliates receives less than a ''satisfactory'' CRA rating?

(a) *Limits on establishment of financial subsidiaries and expansion of existing financial subsidiaries.* If a state member bank, or any insured depository institution affiliate of the bank, has received less than a ''satisfactory'' rating in meeting community credit needs in its most recent examination under the Community Reinvestment Act of 1977 (12 U.S.C. 2901 *et seq.*):

(1) The state member bank may not, directly or indirectly, acquire control of any financial subsidiary; and

(2) Any financial subsidiary controlled by the state member bank may not commence any additional activity or acquire control, including all or substantially all of the assets, of any company.

(b) *Exception for certain activities.* The prohibition in paragraph (a)(2) of this section does not apply to any activity, or to the acquisition of control of any company that is engaged only in activities, that the state member bank is permitted to conduct directly and that are conducted on the same terms and conditions that govern the conduct of the activity by the state member bank.

(c) *Duration of prohibitions.* The prohibitions described in paragraph (a) of this section shall continue in effect until such time as the state member bank and each insured depository institution affiliate of the state member bank has achieved at least a ''satisfactory'' rating in meeting community credit needs in its most recent examination under the Community Reinvestment Act.

§ 208.76 What Federal Reserve approvals are necessary for financial subsidiaries?

(a) *Notice requirements.* (1) A state member bank may not acquire control

of, or an interest in, a financial subsidiary unless it files a notice (in letter form, with enclosures) with the appropriate Reserve Bank.

(2) A state member bank may not engage in any additional activity pursuant to § 208.72(a)(1) or (2) through an existing financial subsidiary unless the state member bank files a notice (in letter form, with enclosures) with the appropriate Reserve Bank.

(b) *Contents of Notice.* Any notice required by paragraph (a) of this section must:

(1) In the case of a notice filed under paragraph (a)(1) of this section, describe the transaction(s) through which the bank proposes to acquire control of, or an interest in, the financial subsidiary;

(2) Provide the name and head office address of the financial subsidiary;

(3) Provide a description of the current and proposed activities of the financial subsidiary and the specific authority permitting each activity;

(4) Provide the capital ratios as of the close of the previous calendar quarter for all relevant capital measures, as defined in section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o), for the bank and each of its depository institution affiliates;

(5) Certify that the bank and each of its depository institution affiliates was well capitalized at the close of the previous calendar quarter and is well capitalized as of the date the bank files its notice;

(6) Certify that the bank and each of its depository institution affiliates is well managed as of the date the bank files its notice;

(7) Certify that the bank meets the debt rating or alternative requirement of § 208.71(b), if applicable; and

(8) Certify that the bank and its financial subsidiaries are in compliance with the asset limit set forth in § 208.71(a)(2) both before the proposal and on a pro forma basis.

(c) *Insurance activities.* (1) If a notice filed under paragraph (a) of this section relates to the initial affiliation of the bank with a company engaged in insurance activities, the notice must describe the type of insurance activity that the company is engaged in or plans to conduct and identify each state where the company holds an insurance license and the state insurance regulatory authority that issued the license.

(2) The appropriate Reserve Bank will send a copy of any notice described in paragraph (c)(1) of this section to the appropriate state insurance regulatory authorities and provide such authorities with an opportunity to comment on the proposal.

(d) *Approval procedures.* A notice filed with the appropriate Reserve Bank under paragraph (a) of this section will be deemed approved on the fifteenth day after receipt of a complete notice by the appropriate Reserve Bank, unless prior to that date the Board or the appropriate Reserve Bank notifies the bank that the notice is approved, that the notice will require additional review, or that the bank does not meet the requirements of this subpart. Any notification of early approval of a notice must be in writing.

§ 208.77 Definitions.

The following definitions shall apply for purposes of this subpart:

(a) *Affiliate, Company, Control, and Subsidiary.* The terms ''affiliate'', ''company'', ''control'', and ''subsidiary'' have the meanings given those terms in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841).

(b) *Appropriate Federal Banking Agency, Depository Institution, Insured Bank and Insured Depository Institution.* The terms ''appropriate Federal banking agency'', ''depository institution'', ''insured bank'' and ''insured depository institution'' have the meanings given those terms in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(c) *Capital-related definitions.*

(1) The terms ''Tier 1 capital'', ''tangible equity'', ''risk-weighted assets'' and ''total assets'' have the meanings given those terms in § 208.41 of this part.

(2) The terms ''Tier 2 capital'' and ''average total assets'' have the meanings given those terms in Appendix A and Appendix B of this part, respectively.

(d) *Eligible Debt.* The term ''eligible debt'' means unsecured debt with an initial maturity of more than 360 days that:

(1) Is not supported by any form of credit enhancement, including a guarantee or standby letter of credit; and

(2) Is not held in whole or in any significant part by any affiliate, officer, director, principal shareholder, or employee of the bank or any other person acting on behalf of or with funds from the bank or an affiliate of the bank.

(e) *Financial Subsidiary*—(1) *In general.* The term ''financial subsidiary'' means any company that is controlled by one or more insured depository institutions *other than:*

(i) A subsidiary that engages only in activities that the state member bank is permitted to engage in directly and that are conducted on the same terms and conditions that govern the conduct of the activities by the state member bank; or

(ii) A subsidiary that the state member bank is specifically authorized by the express terms of a Federal statute (other than section 9 of the Federal Reserve Act (12 U.S.C. 335)), and not by implication or interpretation, to control, such as by section 25 or 25A of the Federal Reserve Act (12 U.S.C. 601–604a, 611–631) or the Bank Service Company Act (12 U.S.C. 1861 *et seq.*).

(2) *Subsidiaries of financial subsidiaries.* A financial subsidiary includes any company that is directly or indirectly controlled by the financial subsidiary.

(f) *Long-term Issuer Credit Rating.* The term ''long-term issuer credit rating'' means a written opinion issued by a nationally recognized statistical rating organization of the bank's overall capacity and willingness to pay on a timely basis its unsecured, dollar-denominated financial obligations maturing in not less than one year.

(g) *Well Capitalized*—(1) *Insured depository institutions.* An insured depository institution is ''well capitalized'' if it has and maintains at least the capital levels required to be well capitalized under the capital adequacy regulations or guidelines adopted by the institution's appropriate Federal banking agency under section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o).

(2) *Uninsured depository institutions.* A depository institution the deposits of which are not insured by the Federal Deposit Insurance Corporation is ''well capitalized'' if the institution has and maintains at least the capital levels required for an insured depository institution to be well capitalized.

(h) *Well Managed*—(1) *In general.* The term ''well managed'' means:

(i) Unless otherwise determined in writing by the appropriate Federal banking agency, the institution has received a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System (or an equivalent rating under an equivalent rating system) and at least a rating of 2 for management (if such rating is given) in connection with its most recent examination or subsequent review by the institution's appropriate Federal banking agency (or the appropriate state banking agency in an examination described in section 10(d) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)); or

(ii) In the case of any depository institution that has not been examined by its appropriate Federal banking agency or been subject to an examination by its appropriate state

banking agency that meets the requirements of section 10(d) of the Federal Deposit Insurance Act (18 U.S.C. 1820(d)), the existence and use of managerial resources that the appropriate Federal banking agency determines are satisfactory.

(2) *Merged depository institutions*—(i) *Merger involving well managed institutions.* A depository institution that results from the merger of two or more depository institutions that are well managed will be considered to be well managed unless the appropriate Federal banking agency for the resulting depository institution determines otherwise.

(ii) *Merger involving a poorly rated institution.* A depository institution that results from the merger of a well managed depository institution with one or more depository institutions that are not well managed or that have not been examined shall be considered to be well managed if the appropriate Federal banking agency for the resulting depository institution determines that the institution is well managed.

By order of the Board of Governors of the Federal Reserve System, August 13, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–20656 Filed 8–15–01; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–232–AD; Amendment 39–12386; AD 2001–16–17]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–300 Series Airplanes Modified by Supplemental Type Certificate SA5765NM or SA5978NM

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Boeing Model 767–300 series airplanes modified by supplemental type certificate (STC) SA5765NM or SA5978NM, that requires removal or modification of the in-flight entertainment (IFE) system installed by those STCs. This action is necessary to prevent the inability of the flight crew to remove power from the IFE system when necessary. Inability to remove power from the IFE system during a non-normal or emergency situation could result in inability to control smoke or fumes in the airplane flight deck or cabin. This action is intended to address the identified unsafe condition.

DATES: Effective September 20, 2001.

ADDRESSES: Information related to this amendment may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Stephen S. Oshiro, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2793; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Boeing 767–300 series airplanes modified by supplemental type certificate (STC) SA5765NM or SA5978NM was published in the **Federal Register** on March 2, 2001 (66 FR 13192). That action proposed to require removal of the in-flight entertainment (IFE) system installed by those STCs.

Comments

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

Allow Modification of Installed IFE Systems

The commenter questions why the FAA is proposing to require removal of IFE systems installed per STC SA5765NM or SA5978NM rather than modification of the installed systems. The commenter states that a modification that transfers power from the main to the utility power bus, or that installs a master power switch for the IFE system on the video control center, along with appropriate changes to flight crew and cabin crew procedures, would adequately address the identified unsafe condition. The commenter also notes that it operates two Boeing Model 767–300 series airplanes affected by the proposed AD and is contracting with the STC holder for modification of the installed IFE system on these airplanes.

We concur with the commenter's request to allow modification of the subject IFE systems in lieu of removal of these systems. We stated in the proposed rule that the STC holder informed us that IFE systems installed by STC SA5765NM or SA5978NM had been removed from all affected airplanes. Based on the commenter's statements, however, we now know that there are at least two Model 767–300 series airplanes in the worldwide fleet with the subject IFE systems still installed.

The FAA concurs with the commenter that it may be possible to modify the subject IFE systems to adequately address the unsafe condition. Therefore, we have revised paragraph (a) of this AD to provide two options for compliance:

1. Removal of the subject IFE system per a method approved by the FAA (as proposed). Or,

2. Modification of the subject IFE system to provide the flight crew or cabin crew with a means of removing electrical power from the IFE system equipment and wiring during a non-normal or emergency situation involving smoke or fire on the flight deck or in the passenger cabin. Depending on the method of modification, it may also be necessary to revise the Airplane Flight Manual and cabin crew procedures manual to provide the airplane crew with information regarding the use of the power switches or controls installed during the modification. If this compliance option is chosen, the modification and any necessary manual revisions must be done per a method approved by the FAA.

Additionally, we have revised the Cost Impact section of this AD based on the information provided by the commenter, and paragraph (b) of this AD to state that installation of an IFE system per STC SA5765NM or SA5978NM after the effective date of this AD is prohibited unless the modification of the IFE system is done per this AD. Lastly, a new Note 2 has been added (and a subsequent note renumbered) to explain that, as part of the modification, it may be necessary to revise crew procedures.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The holder of the STCs previously informed the FAA that the subject IFE systems have been removed from all affected Boeing Model 767–300 series airplanes modified by STC SA5765NM or SA5978NM. However, based on

information provided by a commenter to the proposal, we now know that there are at least 2 Model 767–300 series airplanes of the affected design in the worldwide fleet. These airplanes are currently operated by a non-U.S. operator under foreign registry; therefore, they are not directly affected by this AD action. The FAA knows of no airplanes of U.S. registry that will be affected by this AD. Therefore, the FAA expects that there will be no future cost impact on U.S. operators as a result of the adoption of this rule.

If a U.S.-registered airplane subject to this AD is identified, the FAA estimates that removal of the IFE system, which is provided as one option for compliance with this AD, will take approximately 12 work hours per airplane, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this AD on an affected airplane is estimated to be $720 per airplane.

In lieu of removing the IFE system, this AD provides for modification of the IFE system. Since we have not yet approved any such modification, we do not know what the cost impact would be. However, based on the estimates for modification of another IFE system installed on Model 767–300 series airplanes, if a U.S.-registered airplane subject to this AD is identified, we estimate that it will take approximately 50 work hours per airplane to accomplish the modification, at an average labor rate of $60 per work hour. The cost of required parts is unknown. Based on these figures, we estimate the labor required for such a modification on an affected airplane to be $3,000 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–16–17 Boeing: Amendment 39–12386. Docket 2000–NM–232–AD.

Applicability: Model 767–300 series airplanes modified by supplemental type certificate (STC) SA5765NM or SA5978NM, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent the inability of flight crew to remove power from the in-flight entertainment (IFE) system when necessary; which, during a non-normal or emergency situation, could result in inability to control smoke or fumes in the airplane flight deck or cabin; accomplish the following:

Removal or Modification of IFE System

(a) Within 18 months after the effective date of this AD, do the actions in either paragraph (a)(1) or (a)(2) of this AD.

(1) Remove the IFE system installed by STC SA5765NM or STC SA5978NM by a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. For a removal method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

(2) Modify the IFE system installed by STC SA5765NM or STC SA5978NM to provide the flight crew or cabin crew with a means of removing electrical power from the IFE system equipment and wiring during a non-normal or emergency situation involving smoke or fire on the flight deck or in the passenger cabin. Do this modification by a method approved by the Manager, Seattle ACO. For a modification to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Note 2: Depending on the method of modification, as part of the requirements of paragraph (a)(2) of this AD, it may be necessary to revise the FAA-approved Airplane Flight Manual and cabin crew procedures to provide the airplane crew with information regarding the use of the power switch or other controls installed during the modification. Such revision to the AFM and cabin crew procedures, if necessary, is considered part of the modification and must be submitted for approval by the Manager, Seattle ACO, along with the method of modification.

Spares

(b) As of the effective date of this AD, no person shall install an IFE system in accordance with STC SA5765NM or SA5978NM on any airplane, unless the IFE system is modified per paragraph (a)(2) of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Effective Date

(e) This amendment becomes effective on September 20, 2001.

Issued in Renton, Washington, on August 9, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–20584 Filed 8–15–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–138–AD; Amendment 39–12383; AD 2001–16–14]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Airbus Model A319, A320, and A321 series airplanes. This action requires modification of the telescopic girt bar of the escape slide/raft assembly, and follow-on actions. This action is necessary to prevent failure of the escape slide/raft to deploy correctly, which could result in the slide being unusable during an emergency evacuation and consequent injury to passengers or airplane crewmembers. This action is intended to address the identified unsafe condition.

DATES: Effective August 31, 2001.

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

Comments for inclusion in the Rules Docket must be received on or before September 17, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–138–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via the Internet must contain ''Docket No. 2001–NM–138–AD'' in the subject line and need not be submitted in triplicate. Comments sent via fax or the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Airbus Industrie, Customer Services Directorate, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A319, A320, and A321 series airplanes. The DGAC advises that there have been several reports of the telescopic girt bar of the slide/raft assembly detaching from the door sill fittings and preventing proper deployment of the emergency escape slide. The telescopic girt bar is designed to be retractable and removable from the door sill to ensure the raft is accessible in an emergency evacuation. The telescopic girt bar is normally locked in an extended position by a trigger mechanism that prevents retraction unless pulled. Investigation of the affected girt bars revealed that the trigger mechanism was not operational due to an incorrectly machined chamfer of the girt bar, which allowed the mechanism to retract and detach from the door sill when opening the door. Such conditions, if not corrected, could result in failure of the escape slide/raft to deploy correctly, which could result in the slide being unusable during an emergency evacuation and consequent injury to passengers or airplane crewmembers.

Following the incidents previously described, Airbus Industrie issued All Operators Telex A320–52A1110, dated April 11, 2001, to address the identified unsafe condition. However, one report was received that, during accomplishment of the functional test specified in that AOT, an operator did the scheduled slide deployment and the girt bar detached from the door sill. Investigation revealed that the chamfer was slightly out of tolerance and damage was found in the area of the trigger lever. The girt bar trigger end deviated from the production drawing and the deviation was not identified until after the AOT had been issued. Subsequently, it has been determined that the actions specified in that AOT are not sufficient to identify all defective girt bars, and a new AOT has been issued.

Explanation of Relevant Service Information

Airbus Industrie has issued AOT A320–52A1111, Revision 01, dated July 23, 2001, including Technical Disposition 959.1492/01, Issue C, dated July 17, 2001; which describes procedures for modification of the telescopic girt bar of the escape slide/raft assembly, and follow-on actions. The modification consists of rework of the trigger end of the telescopic girt bar, and installation of a U-shaped reinforcement section on the bar. The follow-on actions include repetitive inspections of the telescopic girt bar for discrepancies (damage or corrosion), and functional tests of the telescopic girt bar to ensure it does not retract when a measured force (34 to 45 pounds) is applied. If discrepancies are found, the service bulletin describes procedures for replacement of the U-shaped section or rivets with new parts.

The DGAC classified AOT A320–52A1111, dated July 5, 2001, as mandatory and issued French airworthiness directive 2001–275(B), dated July 11, 2001, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or

develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent failure of the escape slide/raft to deploy correctly, which could result in the slide being unusable during an emergency evacuation and consequent injury to passengers or airplane crewmembers. This AD requires modification of the telescopic girt bar of the escape slide/raft assembly, and follow-on actions. The actions are required to be accomplished in accordance with the AOT described previously, except as discussed below.

Differences Between This AD and the AOT

The AOT specifies performing a ''visual inspection'' of the U-shaped section and rivet heads of the girt bar within 18 months after the modification, and repeat the inspection at intervals not to exceed 18 months. As the compliance time would allow opportunity for public comment, the FAA may consider additional rulemaking to require these inspections.

Additionally, the AOT does not describe procedures for corrective action if the telescopic girt bar retracts when performing the functional test; however, this AD requires replacement of any discrepant parts with new parts and accomplishment of another functional test after replacement of the parts to ensure the girt bar does not retract.

Interim Action

This is interim action. The manufacturer has advised that a new modification is currently being developed that will positively address the unsafe condition addressed by this AD. Once that modification is developed, approved, and available, the FAA may consider additional rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption ''**ADDRESSES**.'' All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–138–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–16–14 Airbus Industrie: Amendment 39–12383. Docket 2001–NM–138–AD.

Applicability: Model A319, A320, and A321 series airplanes equipped with telescopic girt bars of the escape slide/raft assembly, as listed in Airbus Industrie All Operators Telex (AOT) A320–52A1111, Revision 01, dated July 23, 2001; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the escape slide/raft to deploy correctly, which could result in the slide being unusable during an emergency evacuation and consequent injury to passengers or airplane crewmembers, accomplish the following:

Modification/Follow-On Actions

(a) Within 1,500 flight hours after the effective date of this AD: Modify the telescopic girt bar of the escape slide/raft assembly installed on all passenger and crew doors and do a functional test to ensure the girt bar does not retract, per Airbus Industrie AOT A320–52A1111, Revision 01, dated July 23, 2001.

(1) If the girt bar retracts, before further flight, replace any discrepant parts and do another functional test to ensure the girt bar does not retract, per the AOT. Repeat the functional test after that at intervals not to exceed 18 months.

(2) If the girt bar does not retract, repeat the functional test as required by paragraph (a)(1) of this AD.

Note 2: Modification and follow-on actions accomplished prior to the effective date of this AD per Airbus Industrie AOT A320–52A1111, dated July 5, 2001, are considered acceptable for compliance with the applicable actions specified in this amendment.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Manager, International Branch. ANM–116.

Special Flight Permits

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

Incorporation by Reference

(d) The actions shall be done in accordance with Airbus Industrie All Operators Telex A320–52A1111, Revision 01, dated July 23, 2001, including Airbus Industrie Technical Disposition 959.1492/01, Issue C, dated July 17, 2001. All Operators Telex A320–52A1111 contains the following list of effective pages:

Page number	Revision level shown on page	Date shown on page
1–4	01	July 23, 2001.
Technical Disposition 959.1492/01		
1–4	C	July 17, 2001.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directive 2001–275(B) dated July 11, 2001.

Effective Date

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

Issued in Renton, Washington, on August 9, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–20590 Filed 8–15–01; 8:45 am]

BILLING CODE 4910–13–U

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 232

[Release Nos. 33–7999; 34–44660; 35–27430; 39–2391; IC–25102]

RIN 3235–AG96

Adoption of Updated EDGAR Filer Manual

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Securities and Exchange Commission (the Commission) is adopting revisions to the EDGAR Filer Manual to reflect updates to the EDGAR system made in EDGAR Release 7.5.b. The main purpose of EDGAR Release 7.5.b is to deploy internal Commission software. At the same time, certain corrections and improvements are being made to the modernized EDGARLink software. The revisions to the Filer Manual reflect these changes. In addition, since the Commission has retired the Legacy EDGARLink software, the Commission is eliminating Volume I of the manual, which governed the Legacy EDGAR system, and is renumbering the remaining two volumes. The updated manual will be incorporated by reference into the Code of Federal Regulations.

EFFECTIVE DATE: August 16, 2001. The incorporation by reference of the EDGAR Filer Manual is approved by the Director of the Federal Register as of August 16, 2001.

FOR FURTHER INFORMATION CONTACT: In the Office of Information Technology, Richard Heroux at (202) 942–8800; for questions concerning Investment Management company filings, Ruth Armfield Sanders, Senior Special Counsel, or Shaswat K. Das, Senior Counsel, Division of Investment Management, at (202) 942–0978; and for questions concerning Corporation Finance company filings, Herbert Scholl, Office Chief, EDGAR and Information Analysis, Division of Corporation Finance, at (202) 942–2940.

SUPPLEMENTARY INFORMATION: Today we are adopting an updated EDGAR Filer Manual (Filer Manual). The Filer Manual describes the technical formatting requirements for the preparation and submission of electronic filings through the Electronic Data Gathering, Analysis, and Retrieval (EDGAR) system.[1] It also describes the requirements for filing using modernized EDGARLink.[2]

The Filer Manual contains all the technical specifications for filers to submit filings using the new modernized EDGAR system. Filers must comply with the applicable provisions of the Filer Manual in order to assure the timely acceptance and processing of filings made in electronic format.[3] Filers should consult the Filer Manual in conjunction with our rules governing mandated electronic filing when preparing documents for electronic submission.[4]

EDGAR Release 7.5.b, the most recent step in the Commission's modernization project, was implemented on July 30, 2001. The main purpose of EDGAR Release 7.5.b is to deploy internal Commission software. At the same time, as detailed below, certain corrections

[1] We originally adopted the Filer Manual on April 1, 1993, with an effective date of April 26, 1993. Release No. 33–6986 (Apr. 1, 1993) [58 FR 18638]. We implemented the most recent update to the Filer Manual on February 2, 2001. *See* Release No. 33–7933 (January 16, 2001) [66 FR 8764].

[2] This is the Filer Assistance software we provide filers filing on the EDGAR system.

[3] *See* Rule 301 of Regulation S–T (17 CFR 232.301).

[4] *See* Release Nos. 33–6977 (Feb. 23, 1993) [58 FR 14628], IC–19284 (Feb. 23, 1993) [58 FR 14848], 35–25746 (Feb. 23, 1993) [58 FR 14999], and 33–6980 (Feb. 23, 1993) [58 FR 15009] in which we comprehensively discuss the rules we adopted to govern mandated electronic filing. *See also* Release No. 33–7122 (Dec. 19, 1994) [59 FR 67752], in which we made the EDGAR rules final and applicable to all domestic registrants; Release No. 33–7427 (July 1, 1997) [62 FR 36450], in which we adopted minor amendments to the EDGAR rules; Release No. 33–7472 (Oct. 24, 1997) [62 FR 58647], in which we announced that, as of January 1, 1998, we would not accept in paper filings that we require filers to submit electronically; Release No. 34–40934 (Jan. 12, 1999) [64 FR 2843], in which we made mandatory the electronic filing of Form 13F; Release No. 33–7684 (May 17, 1999) [64 FR 27888], in which we adopted amendments to implement the first stage of EDGAR modernization; Release No. 33–7855 (April 24, 2000) [65 FR 24788], in which we implemented EDGAR Release 7.0.

and improvements are being made to the modernized EDGARLink software. These changes are now reflected in the updated Filer Manual.

We have updated the template screens of the EDGARLink software. Certain fields have been expanded (including phone number and group members); redundant and unnecessary fields have been removed; and validation of some template fields has been improved. The new EDGARLink filer software contains an Integrity Checker that allows filers to verify the correct installation of each portion of their EDGARLink software.

In addition, we have also made improvements to and updated the EDGAR Filing Web Site <https://www.edgarfiling.sec.gov>. Filers must use this site to transmit their documents to the Commission. They can download the latest version of the EDGARLink software, receive notification of a filing's status, change their password and company information, receive on-line help, and perform other functions. Error messages for password changes are more specific, certain fields have been designated as ''non-critical'' when a filer changes company information (and are therefore not required) and all SGML header tags have been removed from Return Copies.

We have updated old error messages and created new ones for the new Receipt and Acceptance system to enhance the clarity of error-reporting within the suspense notifications that filers receive. Test filings that require fees will generate a warning if fees are not present in the payor's account at the time of processing. Test submissions will also be checked for duplicates (if applicable) against all similar live, accepted submissions. Those filers who transmit filings to the Commission using a dedicated leased line will undergo a modernization of the software used with those lines. Finally, modules containing more than one document are not supported in the modernized system.

Since the Legacy EDGAR system was discontinued as of April 20, 2001, we are also eliminating the former Volume I of the Filer Manual, which described that system, and renumbering the remaining volumes. The Manual will now consist of these two parts: EDGAR Filer Manual (Release 7.5), Volume I—Modernized EDGARLink; and EDGAR Filer Manual (Release 7.0), Volume II—N–SAR Supplement.

Finally, we are amending Rule 301 of Regulation S–T to provide for the incorporation by reference into the Code of Federal Regulations of today's revisions to the Filer Manual. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

You may obtain paper copies of the updated Filer Manual at the following address: Public Reference Room, U.S. Securities and Exchange Commission, 450 Fifth Street, NW., Washington DC 20549–0102. We will post electronic format copies on the Commission's Web Site; the address for the Filer Manual is <http://www.sec.gov/info/edgar/filermanual.htm>. You may also obtain copies from Disclosure Incorporated, the paper and microfiche contractor for the Commission, at (800) 638–8241.

Since the Filer Manual relates solely to agency procedures or practice, publication for notice and comment is not required under the Administrative Procedure Act (APA).[5] It follows that the requirements of the Regulatory Flexibility Act[6] do not apply.

The effective date for the updated Filer Manual and the rule amendments is August 16, 2001. In accordance with the APA,[7] we find that there is good cause to establish an effective date less than 30 days after publication of these rules. The EDGAR system upgrade to Release 7.5.b took place on July 30, 2001. The Commission believes that it is necessary to coordinate the effectiveness of the updated Filer Manual with the scheduled system upgrade in order to minimize confusion to EDGAR filers.

Statutory Basis

We are adopting the amendments to Regulation S–T under Sections 6, 7, 8, 10, and 19(a) of the Securities Act,[8] Sections 3, 12, 13, 14, 15, 23, and 35A of the Securities Exchange Act of 1934,[9] Section 20 of the Public Utility Holding Company Act of 1935,[10] Section 319 of the Trust Indenture Act of 1939,[11] and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.[12]

List of Subjects in 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

Text of the Amendment

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

[5] 5 U.S.C. 553(b).

[6] 5 U.S.C. 601–612.

[7] 5 U.S.C. 553(d)(3).

[8] 15 U.S.C. 77f, 77g, 77h, 77j and 77s(a).

[9] 15 U.S.C. 78c, 78*l*, 78m, 78n, 78o, 78w and 78*ll*.

[10] 15 U.S.C. 79t.

[11] 15 U.S.C. 77sss.

[12] 15 U.S.C. 80a–8, 80a–29, 80a–30 and 80a–37.

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

1. The authority citation for Part 232 continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78*l*, 78m, 78n, 78o(d), 78w(a), 78*ll*(d), 79t(a), 80a–8, 80a–29, 80a–30 and 80a–37.

2. Section 232.301 is revised to read as follows:

§ 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. The requirements for filers using modernized EDGARLink are set forth in EDGAR Filer Manual (Release 7.5), Volume I—Modernized EDGARLink, dated July 2001. Additional provisions applicable to Form N–SAR filers are set forth in EDGAR Filer Manual (Release 7.0), Volume II—N–SAR Supplement, dated July 2001. All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You must comply with these requirements in order for documents to be timely received and accepted. You can obtain paper copies of the EDGAR Filer Manual from the following address: Public Reference Room, U.S. Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549–0102 or by calling Disclosure Incorporated at (800) 638–8241. Electronic format copies are available on the Commission's Web Site. The address for the Filer Manual is <http://www.sec.gov/info/edgar/filerman.htm>. You can also photocopy the document at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

By the Commission.

Dated: August 7, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–20183 Filed 8–15–01; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[DEA–209F]

RIN 1117–AA59

Schedule of Controlled Substances: Placement of Dichloralphenazone Into Schedule IV

AGENCY: Drug Enforcement Administration (DEA), Department of Justice.

ACTION: Final rule.

SUMMARY: With the issuance of this final rule, the Acting Administrator of the DEA specifically lists the substance dichloralphenazone, including its salts, isomers, and salts of isomers in Schedule IV of the Controlled Substances Act (CSA, 21 U.S.C. 801 et seq.). As a result of this rule, the regulatory controls and criminal sanctions of Schedule IV will be applicable to the manufacture, distribution, dispensing, importation and exportation of dichloralphenazone and products containing dichloralphenazone.

EFFECTIVE DATE: Effective August 16, 2001.

FOR FURTHER INFORMATION CONTACT: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, (202) 307–7183.

SUPPLEMENTARY INFORMATION:

What Is Dichloralphenazone?

Dichloralphenazone (also known as dichloralantipyrine) is a compound containing two molecules of chloral hydrate (2,2,2-trichloro-1,1-ethanediol) and one molecule of phenazone (1,2-dihydro-1,5-dimethyl-2-phenyl-3H-pyrazol-3-one); CAS No. 480–30–8. Dichloralphenazone is a sedative typically used in combination with isometheptene mucate and acetaminophen in formulating prescription pharmaceuticals for the relief of tension and vascular headaches. When dichloralphenazone is administered or placed in an aqueous solution (a liquid preparation of any substance dissolved in water) it dissociates to form chloral hydrate and phenazone.

Why Is DEA Issuing This Rulemaking?

Schedule IV controlled substances are listed in 21 CFR 1308.14. Section 1308.14(c) lists 49 depressants, including chloral hydrate, that are Schedule IV controlled substances. The first sentence of 21 CFR 1308.14(c) states that the category of Schedule IV depressants includes ''any material, compound, mixture, or preparation which contains any quantity of'' the substances listed in the section. Since dichloralphenazone is a compound containing chloral hydrate, it is likewise a Schedule IV depressant.

Since dichloralphenazone has not been recognized as a compound containing chloral hydrate and confusion has existed with regard to its control status, the DEA published a proposed rule in the **Federal Register** on December 11, 2000 (65 FR 77328) to expressly list dichloralphenazone as a Schedule IV depressant. This proposed rule provided 60 days for comments.

Were There Any Comments Regarding the Proposed Rule?

The DEA received two comments regarding the proposal. The Healthcare Distribution Management Association (formerly the National Wholesale Druggists' Association), whose members operate over 200 distribution centers throughout the U.S., requested an additional 30 days from the date of publication of this final rule to comply with security, inventory, recordkeeping and reporting, and importing and exporting requirements for the handling of dichloralphenazone. They felt that moving dichloralphenazone from an uncontrolled status to a controlled status required system and operational changes that could not be implemented immediately upon publication of this final rule. The DEA has no objection to the additional 30 days and is incorporating this change into this final rule.

Elan Pharmaceuticals, manufacturer of Midrin® (a prescription product containing isometheptene, dichloralphenazone and acetaminophen marketed in the U.S. for over 30 years) commented that federal and state authorities have not regulated dichloralphenazone as a Schedule IV substance, physicians and pharmacists have not treated Midrin® as a controlled drug product and major drug compendiums (*Physician's Desk Reference, Merck Index, Drug Facts and Comparisons*) have not identified dichloralphenazone or Midrin® as a controlled substance. In addition they noted that the DEA interpretation that Midrin® is a scheduled drug would likely affect prescribing practices and raise DEA registration, labeling, recordkeeping and reporting issues and create confusion among practitioners and patients. Further, Elan poses that there is little evidence that Midrin® or any other dichloralphenazone product has been misused, abused or diverted. The DEA received a formal request from Elan Pharmaceuticals for an exemption for Midrin® as an exempt non-narcotic prescription product. That request will be evaluated according to 21 CFR 1308.31.

The DEA is aware that dichloralphenazone and products containing this substance have not been identified or treated as controlled substances. The determination that dichloralphenazone is a controlled substance is based, in part, on its status as a compound containing chloral hydrate. In addition, numerous drug abuse emergency room episodes have involved Midrin®. The DEA has made every effort to reduce any confusion on the part of handlers of dichloralphenazone or products containing this substance and chose to expressly list this substance in order to eliminate confusion. The DEA invites any other company to submit a formal request for an exemption from Schedule IV regulation for any dichloralphenazone product. The data submitted under 21 CFR 1308.31 are evaluated to determine if such an exemption is warranted.

What Regulatory Requirements Will Be Applied to Handlers of Dichoralphenazone?

Persons who manufacture, distribute, dispense, import, export, store or engage in research with dichloralphenazone must comply with the following regulatory requirements:

1. *Registration.* Any person who manufactures, distributes, dispenses, imports or exports dichloralphenazone or engages in research or conducts instructional activities or chemical analysis with respect to this preparation must be registered to conduct such activities in accordance with 21 CFR part 1301. Any person who is currently engaged in any of the above activities must submit an application for registration by September 17, 2001 and may continue their activities until the DEA has approved or denied that application.

2. *Disposal of stocks.* Any person who elects not to obtain a Schedule IV registration or is not entitled to such registration must surrender all quantities of currently held dichloralphenazone in accordance with procedures outlined in 21 CFR 1307.21 on or before September 17, 2001, or may transfer all quantities of currently held dichloralphenazone to a person registered under the CSA and authorized to possess Schedule IV control substances on or before

September 17, 2001.
Dichloralphenazone to be surrendered to DEA must be listed on a DEA Form 41, ''Inventory of Controlled Substances Surrendered for Destruction.'' DEA Form 41 and instructions can be obtained from the nearest DEA office.

3. *Security.* Dichloralphenazone must be manufactured, distributed and stored in accordance with 21 CFR 1301.71, 1301.72(b), (c), and (d), 1301.73, 1301.74, 1301.75(b) and (c) and 1301.76 after September 17, 2001.

4. *Labeling and packaging.* All commercial containers of dichloralphenazone that are packaged on or after February 12, 2002 must have the appropriate Schedule IV labeling and packaging as required by 21 CFR 1302.03–1302.07. Commercial containers of dichloralphenazone packaged before February 12, 2002 and not meeting the requirements specified in 21 CFR 1302.03–1302.07 may be distributed until May 13, 2002. On and after May 13, 2002 all commercial containers of dichloralphenazone must bear the CIV labels as specified in 21 CFR 1302.03–1032.07.

5. *Inventory.* Registrants possessing dichloralphenazone are required to take inventories pursuant to 21 CFR 1304.03, 1304.04 and 1304.11 after September 17, 2001.

6. *Records.* All registrants must keep records pursuant to 21 CFR 1304.03, 1304.04 and 1304.21–1304.23 after September 17, 2001.

7. *Prescriptions.* All prescriptions for dichloralphenazone or prescriptions for products containing dichloralphenazone or prescriptions for products containing dichloralphenazone are to be issued pursuant to 21 CFR 1306.03–1306.06 and 1306.21–1306.26. All prescriptions for dichloralphenazone or products containing dichloralphenazone issued on or before October 15, 2001, if authorized for refilling, shall, as of that date, be limited to five refills and shall not be refilled after February 12, 2002.

8. *Importation and Exportation.* All importation and exportation of dichloralphenazone shall be in compliance with 21 CFR part 1312 after September 17, 2001.

9. *Criminal Liability.* Any activity with dichloralphenazone not authorized by, or in violation of, the CSA or the Controlled Substances Import and Export Act shall be unlawful on or after August 16, 2001, except as authorized in this rule.

Regulatory Certifications

Regulatory Flexibility Act

The Acting Administrator hereby certifies that this rulemaking has been drafted in a manner consistent with the principles of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). It will not have a significant economic impact on a substantial number of small business entities. Most handlers of dichloralphenazone or prescription products containing this substance are already registered to handle controlled substances and are subject to the regulatory requirements of the CSA.

Executive Order 12866

The Acting Administrator further certifies that this rulemaking has been drafted in accordance with the principles in Executive Order 12866 section 1(b). DEA has determined that this is not a significant rulemaking action. Therefore, this action has not been reviewed by the Office of Management and Budget.

Executive Order 12988

This regulation meets the applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform.

Executive Order 13132

This rulemaking does not preempt or modify any provision of state law; nor does it impose enforcement responsibilities on any state; nor does it diminish the power of any state to enforce its own laws. Accordingly, this rulemaking does not have federalism implications warranting the application of Executive Order 13132.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Plain Language Instructions

The Drug Enforcement Administration makes every effort to write clearly. If you have suggestions as to how to improve the clarity of this regulation, call or write Patricia M. Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, telephone (202) 307–7297.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by section 201(a) of the CSA [21 U.S.C. 811(a)], and delegated to the Administrator of the DEA by the Department of Justice regulations (21 CFR 0.100), the Acting Administrator hereby rules that 21 CFR part 1308 be amended as follows:

PART 1308—[AMENDED]

1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b) unless otherwise noted.

2. Section 1308.14 is amended by redesignating the existing paragraphs (c)(15) through (c)(49) as (c)(16) through (c)(50) and by adding a new paragraph (c)(15) to read as follows:

§ 1308.14 Schedule IV.

* * * * *

(c) * * *

(15) Dichloralphenazone—2467.

* * * * *

Dated: August 3, 2001.

William B. Simpkins,

Acting Administrator.

[FR Doc. 01–20579 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

[DEA–156FF]

RIN #1117–AA43

Listed Chemicals; Establishment of Non-Regulated Transactions in Anhydrous Hydrogen Chloride

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Final rule confirmation.

SUMMARY: Effective October 3, 1996, the Comprehensive Methamphetamine

Control Act of 1996 (MCA) had the practical effect of directing the DEA to place domestic controls on anhydrous hydrogen chloride. Previously, exports of the listed chemical hydrochloric acid (including anhydrous hydrogen chloride, referred to in the MCA as hydrochloric gas, which is a form of hydrogen chloride) were already regulated pursuant to 21 CFR 1310. A domestic threshold of zero (0.0 kilograms) for anhydrous hydrogen chloride became effective September 1, 2000, by a Final Rule published on August 2, 2000 (65 FR 47309).

Although the threshold for anhydrous hydrogen chloride is established at 0.0 kilogram, DEA has concluded that certain transactions in anhydrous hydrogen chloride are not sources for diversion. The Final Rule establishing a zero threshold for anhydrous hydrogen chloride also provided exemption, on an interim basis, from the recordkeeping and reporting requirements for: (1) Domestic transactions involving pipeline distributions; and (2) domestic distributions of 12,000 pounds (net weight) or more in a single container. Because these exemptions were not discussed in the Notice of Proposed Rulemaking published on September 30, 1997 (62 FR 51072), DEA requested public comment with respect to the exemption for these two types of transactions involving anhydrous hydrogen chloride. The period for public comment closed on September 1, 2000. Two comments were received supporting these exemptions. This publication finalizes the interim rule without change.

EFFECTIVE DATE: The final rule published at 65 FR 47309 remains effective as of August 2, 2000.

FOR FURTHER INFORMATION CONTACT: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7183.

SUPPLEMENTARY INFORMATION:

A. What Is Anhydrous Hydrogen Chloride?

Anhydrous hydrogen chloride is the water free form of hydrochloric acid and is a List II chemical under the Controlled Substances Act (CSA). The statutory term ''hydrochloric gas'' used in the MCA refers to a form of hydrogen chloride more properly called anhydrous hydrogen chloride. Anhydrous hydrogen chloride is hydrogen chloride that is free from water. At ambient temperature and normal atmospheric pressure, anhydrous hydrogen chloride exists as a gas. Therefore, sometimes anhydrous hydrogen chloride is referred to as hydrogen chloride gas or hydrochloric gas.

When the atmospheric pressure is increased and/or the temperature is decreased, anhydrous hydrogen chloride can change from a gas to a liquid. This is sometimes referred to as refrigerated hydrogen chloride. Refrigerated hydrogen chloride is the same as anhydrous hydrogen chloride although the physical state has been changed from a gas to a liquid.

B. What Is DEA Doing in this Rulemaking?

The DEA is finalizing the interim portion of the Final Rule ''Listed Chemicals; Final Establishment of Thresholds for Iodine and Hydrochloric Gas (Anhydrous Hydrogen Chloride),'' published on August 2, 2000 (65 FR 47309). That rulemaking provided that there would be a zero threshold for domestic transactions involving anhydrous hydrogen chloride. However, it also provided an exemption, on an interim basis, from the recordkeeping and reporting requirements for transactions of anhydrous hydrogen chloride involving pipeline distributions and distributions of 12,000 pounds (net weight) or more in a single container. That is, two new paragraphs were added to Title 21 Section 1310.08 to exclude these types of transactions from the definition of regulated transactions. Although the exemption for these categories became effective upon publication in the **Federal Register**, the DEA sought public comment on these exemptions.

C. Why Is DEA Exempting These Categories of Transactions

The CSA authorizes DEA, pursuant to 21 U.S.C. 802(39)(A)(iii), to remove certain transactions in listed chemicals from the definition of regulated transaction. DEA has determined that transactions in anhydrous hydrogen chloride in the form of refrigerated liquid and transactions involving the direct transfer of anhydrous hydrogen chloride by pipeline are unlikely sources for diversion and should be removed from the definition of regulated transaction. DEA became aware of these types of transactions by the comments received in response to the **Federal Register** proposal to establish thresholds for iodine and anhydrous hydrogen chloride (62 FR 51072).

To better evaluate this request, DEA collected additional information from the affected industry. DEA learned that rail and truck carriers ship refrigerated liquid only in large containers. The average payload of a rail car is approximately 135,000 pounds. The capacity for tank trucks is approximately 12,000 to 30,000 pounds. These shipments are in single containers holding the specified weights. Specialized equipment and engineering skills are needed to off-load this commodity. Distributors are aware of their customers and are involved in tracking shipments. The DEA believes that anhydrous hydrogen chloride in this form and in these quantities is not likely to be diverted.

DEA has not identified any shipment of refrigerated anhydrous hydrogen chloride less than the tank truck size of approximately 12,000 pounds. Therefore, domestic distributions of anhydrous hydrogen chloride in single container shipments of 12,000 pounds (net weight) or more will be excluded from the definition of regulated transaction. Transactions that involve multiple containers, each containing less than 12,000 pounds of the chemical are regulated transactions even if the aggregate weight is over 12,000 pounds.

D. Comments Received

The DEA received two comments on the exemption of certain transactions of anhydrous hydrogen chloride. Both favored the exemptions as written. One comment supports the exempt categories because of technological restraints that prevent diversion from these sources. The other comment states that these exemptions are in concert with DEA's desire to control sales of cylinders that are used in illicit methamphetamine production.

The DEA will finalize the interim rule without change to exempt the following categories of transactions involving anhydrous hydrogen chloride: (1) Domestic distribution of anhydrous hydrogen chloride weighing 12,000 pounds (net weight) or more in a single container; and (2) Domestic distribution of anhydrous hydrogen chloride by pipeline. Therefore, the interim rule amending 21 CFR Part 1310, which was published in the **Federal Register** on August 2, 2000, at 65 FR 47309 is adopted as a final rule.

Regulatory Flexibility and Small Business Concerns

This regulation will not have a significant economic impact upon a substantial number of small entities that trade in anhydrous hydrogen chloride. This Final Rule excludes from the definition of ''regulated transaction'' domestic transactions involving anhydrous hydrogen chloride in bulk quantities of 12,000 pounds (net weight)

or more and domestic distribution made by pipeline.

The Administrator in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact upon a substantial number of small entities for the following reasons: This Rulemaking removes recordkeeping and reporting requirements for certain transactions in anhydrous hydrogen chloride. This action is being taken in response to industry's request to relieve them of regulatory burdens.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, Section 1(b), Principles of Regulation. The DEA has determined that this rule is not a ''significantly regulatory action'' under Executive Order 12866, Section 3(f), Regulatory Planning and Review, and accordingly this rule has not been reviewed by the Office of Management and Budget.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of $100,000,000 or more; a major increase in cost or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete in domestic and export markets.

Executive Order 13132

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

Executive Order 12988

This regulation meets the applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform.

Plain Language Instructions

The Drug Enforcement Administration makes every effort to write clearly. If you have suggestions as to how to improve the clarity of this regulation, call or write Patricia M. Good, Chief, Liaison and Policy Section, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537, Telephone (202) 307–7297.

Therefore, DEA confirms the final rule with request for comment amending 21 CFR Part 1310, which was published in the **Federal Register** on August 2, 2000, at 65 FR 47309, without change.

Dated: August 3, 2001.

William B. Simpkins,

Acting Administrator.

[FR Doc. 01–20578 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09–01–110]

RIN 2115–AA97

Safety Zone; Indian Summer Festival 2001, Milwaukee, Wisconsin

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in Port Washington harbor for the Indian Summer Festival 2001 fireworks display. This safety zone is necessary to protect spectators and vessels from the hazards associated with the storage, preparation, and launching of fireworks. This safety zone is intended to restrict vessel traffic from a portion of the Milwaukee harbor, Milwaukee, Wisconsin.

DATES: This temporary rule is effective from 9:45 p.m. (CST) on September 7, 2001, until 10:15 p.m. (CST) on September 9, 2001.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD09–01–110] and are available for inspection or copying at U.S. Coast Guard Marine Safety Office Milwaukee, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207 between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Timothy Sickler, Port Operations Chief, Marine Safety Office Milwaukee, 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207. The phone number is (414) 747–7155.

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. The permit application did not allow sufficient time for publication of an NPRM followed by a temporary final rule effective 30 days after publication. Any delay of the effective date of this rule would be contrary to the public interest by exposing the public to the known dangers associated with fireworks displays and the possible loss of life, injury, and damage to property.

Background and Purpose

This safety zone is established to safeguard the public from the hazards associated with launching of fireworks from Harbor Island in the outer Milwaukee Harbor. The size of the zone was determined by using previous experiences with fireworks displays in the Captain of the Port Milwaukee zone and local knowledge about wind, waves, and currents in this particular area.

The safety zone will be in effect on both September 7 and 8, 2001, from 9:45 p.m. until 10:45 p.m. (CST). The safety zone will encompass all waters of Lake Michigan bounded by the following coordinates: from the point of origin at 43° 02.209′N, 087° 53.714′W, southeast to 43° 02.117′N, 087° 53.417′W, south to 43° 01.767′N, 087° 53.417′W, southwest to 43° 01.555′N, 087° 53.772′W, and then north along the shoreline back to the point of origin. This also includes the Harbor Island Lagoon area.

All persons and vessels shall comply with the instructions of the Captain of the Port Milwaukee or his designated on scene patrol personnel. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Milwaukee or his designated on scene representative. The Captain of the Port Milwaukee may be contacted via VHF Channel 16.

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).

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities: the owners or operators of vessels intending to transit or anchor in the vicinity of Harbor Island in Milwaukee's outer harbor from 9:45 p.m. until 10:45 p.m. (CST) on both September 7 and 8, 2001.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be in effect for only one hour on two days and late in the day when vessel traffic is minimal. Vessel traffic may enter or transit through the safety zone with the permission of the Captain of the Port Milwaukee or his designated on scene representative. Before the effective period, we will issue maritime advisories widely available to users of Port Washington harbor.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Milwaukee (See **ADDRESSES.**)

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34) (g), of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation.

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.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. From 9:45 p.m. on September 7, 2001, until 10:15 p.m. (CST) on September 9, 2001, add a new temporary § 165.T09–990 to read as follows:

§ 165.T09–990 Safety Zone: Milwaukee Harbor, Milwaukee, WI.

(a) *Location.* All waters of the Milwaukee Harbor encompassed by the following coordinates: from the point of origin at 43° 02.209′N, 087° 53.714′W, southeast to 43° 02.117′N, 087° 53.417′W, south to 43° 01.767′N, 087°

53.417′ W, southwest to 43° 01.555′N, 087° 53.772′W, and then north along the shoreline back to the point of origin. This includes the Harbor Island Lagoon area. All geographic coordinates are North American Datum of 1983 (NAD83).

(b) *Enforcement times and dates.* This section will be enforced from 9:45 p.m. until 10:45 p.m. on both September 7 and 8, 2001. In the event of inclement weather, the safety zone will be enforced on September 9, 2001 from 9:15 p.m. until 10:15 p.m.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port Milwaukee or the designated on scene patrol personnel. Coast Guard patrol personnel include commissioned, warrant or petty officers of the U.S. Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator shall proceed as directed.

(3) This safety zone should not adversely effect shipping. However, commercial vessels may request permission from the Captain of the Port Milwaukee to enter or transit the safety zone. Approval will be made on a case-by-case basis. Requests must be in advance and approved by the Captain of the Port Milwaukee before transits will be authorized. The Captain of the Port Milwaukee may be contacted via U.S. Coast Guard Group Milwaukee on Channel 16, VHF–FM.

Dated: August 07, 2001.

M.R. DeVries,

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

[FR Doc. 01–20636 Filed 8–15–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD09–01–111]

RIN 2115–AA97

Safety Zone; Maumee River, Rossford, Ohio

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Maumee River, Rossford, Ohio. This zone is intended to restrict vessels from a portion of the Maumee River during the City of Rossford's Hometown Celebration September 1, 2001, fireworks display. This temporary safety zone is necessary to protect spectators and vessels from the hazards associated with fireworks displays.

DATES: This rule is effective from 2 p.m. until 10 p.m. on September 1, 2001.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD09–01–111] and are available for inspection or copying at U.S. Coast Guard Marine Safety Office Toledo, 420 Madison Ave, Suite 700, Toledo, Ohio, 43604 between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT Herb Oertli, Chief of Port Operations, Marine Safety Office, 420 Madison Ave, Suite 700, Toledo, Ohio 43604; (419) 418–6050.

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, and, under 5 U.S.C. 553(d)(3), good cause exists for making this rule it effective less than 30 days after publication in the **Federal Register**. The Coast Guard had insufficient advance notice to publish an NPRM followed by a temporary final rule. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to prevent possible loss of life, injury, or damage to property.

Background and Purpose

A temporary safety zone is necessary to ensure the safety of spectators and vessels during the setup, loading and launching of a fireworks display in conjunction with the City of Rossford's Hometown Celebration Fireworks. The fireworks display will occur between 2 p.m. and 10 p.m. on September 1, 2001.

This safety zone will encompass all waters and the adjacent shoreline of the Maumee River, Rossford, Ohio, bounded by an arc of a circle with a 420-foot radius with its center in approximate position 41°36′59″N, 083°33′59″W. The Captain of the Port Toledo or his designated on scene representative has the authority to terminate this event.

All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Toledo or his designated on scene representative. The Captain of the Port or his designated on scene representative may be contacted via VHF Channel 16.

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). This finding is based on the historical lack of vessel traffic during this time of year.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: the owners and operators of vessels intending to transit or anchor in a portion of the Maumee River off Rossford, Ohio.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: this rule will be in effect for only eight hours for one event and vessel traffic can pass safely around the safety zone. In the event that shipping is affected by this temporary safety zone, commercial vessels may request permission from the Captain of the Port Toledo to transit through the safety zone.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule would affect your

small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Marine Safety Office Toledo (see **ADDRESSES**.)

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

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 regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. A new temporary § 165.T09–987 is added as follows:

§ 165.T09–987 Safety zone: Maumee River, Toledo, Ohio.

(a) *Location.* All waters and the adjacent shoreline of the Maumee River, Rossford, Ohio, bounded by the arc of a circle with a 420-foot radius with its center in approximate position 41°36′59″N, 083°33′59″W. All geographic coordinates are North American Datum of 1983 (NAD 1983).

(b) *Effective period.* This section is effective from 2 p.m. until 10 p.m., September 1, 2001.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: August 6, 2001.

David L. Scott,

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

[FR Doc. 01–20637 Filed 8–15–01; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WI42–7306a; FRL–7029–3]

Approval and Promulgation of State Implementation Plans; Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Wisconsin. This revision requires the implementation of an enhanced motor vehicle inspection and maintenance (I/M) program in seven counties in southeast Wisconsin. The program reduces air pollution from motor vehicles by identifying and requiring repair of high emitting vehicles. This action is being taken under the Clean Air Act (CAA).

DATES: This ''direct final'' rule is effective October 15, 2001, unless EPA receives adverse written or critical comments by September 17, 2001. If the rule must be withdrawn, EPA will publish timely notice in the **Federal Register**.

ADDRESSES: Send written comments to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (A–18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. (We recommend that you telephone John Mooney at (312) 886–

6043 before visiting the Region 5 Office.)

A copy of the SIP revision is available for inspection at the Office of Air and Radiation (OAR) Docket and Information Center (Air Docket 6102), Room M1500, United States Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 260–7548.

FOR FURTHER INFORMATION CONTACT: John M. Mooney, Regulation Development Section (A–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6043.

SUPPLEMENTARY INFORMATION:

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I. What Action Is EPA Taking Today?

EPA is approving Wisconsin's enhanced I/M plan for the Milwaukee-Kenosha-Racine and Sheboygan areas. Wisconsin originally submitted the I/M SIP to EPA on November 15, 1992, and made several supplements, dated January 15, 1993, November 15, 1993, July 28, 1994, February 13, 1996, July 3, 1997, August 11, 1998, December 30, 1998, December 22, 2000, and July 27, 2001.

II. What Wisconsin SIP Revision Is EPA Approving?

On November 15, 1992, the Wisconsin Department of Natural Resources (WDNR) submitted its original I/M SIP revision to the EPA. Since that time, the state has made a number of program revisions to address changes to federal I/M regulations and to meet subsequent I/M program submittal deadlines. As the state made changes to its I/M program, the WDNR submitted additional I/M SIP revisions to the EPA. The following list contains a general description of the contents of each supplement to Wisconsin's I/M SIP. Full copies of the SIP revisions are located in EPA's docket.

—November 15, 1992—Wisconsin's initial revision which contains the general program description, program elements, and submittal schedules.
—January 15, 1993—commitments for submitting additional program revisions.
—November 15, 1993—implementation schedules for I/M program.
—July 28, 1994—response to EPA's July 14, 1994 (59 FR 35883) proposed conditional approval.
—February 13, 1996—response to EPA's January 12, 1995 (60 FR 2881) conditional approval, includes the final, signed I/M contract (I/M contract), final versions of NR 484, and 485, Wiscosnsin Administrative Code and the emergency rule for TRANS 131, Wisconsin Administrative Code.
—July 3, 1997—final version of TRANS 131.
—August 11, 1998—submittal addressing federal on-board diagnostic (OBD) testing of motor vehicles.
—December 30, 1998—revisions to NR 485 with revised emissions cutpoints.
—December 22, 2000—revisions to NR 485 authorizing the implementation of oxides of nitrogen tailpipe testing.
—July 27, 2001—revisions to TRANS 131 detailing final procedures for OBD testing and performance standard modeling.

These submittals revise the Wisconsin SIP for the enhanced I/M program, which is required by EPA's I/M regulation, codified at 40 CFR part 51, subpart S—Requirements for Preparation, Adoption, and Submittal of Implementation Plans (I/M regulation). This approval will apply to the I/M program that is now operating in the state and will not require any changes to the program. Motor vehicle testing is required in the Milwaukee-Kenosha-Racine severe ozone nonattainment area, comprised of Kenosha, Racine, Milwaukee, Waukesha, Ozaukee, and Washington Counties, and in the Sheboygan moderate ozone nonattainment area (Sheboygan County). Wisconsin's rules require testing every two years, using the IM240 loaded mode, transient emission test using a dynamometer. Starting in July 2001, Wisconsin will test 1996 and newer vehicles through a computer link to the OBD system, instead of the tailpipe test. Wisconsin enforces the program through registration denial.

III. What Are the Major Items Included in This State Submittal?

The revisions include a narrative description of the program, copies of the pertinent Wisconsin statutes, the WDNR and Wisconsin Department of Transportation (WDOT) regulations, equipment and test specifications, emission factor modeling, the I/M contract, which contains information on vehicle inspection procedures, the quality assurance and quality control plan, technician training information, and a public awareness plan.

IV. What Are the EPA Requirements for Approving the Wisconsin I/M Program and How Has the State Addressed Each?

On January 12, 1995 (60 FR 2882), EPA approved many of the Wisconsin I/M program elements. At that time, however, EPA could not approve the entire program because the state had not finalized all of its I/M regulations and had not yet signed a formal contract with the contractor that performs the I/M inspections. Wisconsin has now completed these activities and EPA has reviewed Wisconsin's revised submittal to ensure that the program meets all aspects of the CAA and EPA's I/M regulation. The I/M program requirements and the analysis of Wisconsin's program are summarized below:

Applicability—40 CFR 51.350

Sections 182(c)(3) of the CAA and 40 CFR 51.350(a)(2) require states that contain ozone nonattainment areas, which are classified as serious or worse, with populations of over 200,000 to implement enhanced I/M programs. In addition, section 182(b)(4) of the CAA and 40 CFR 51.530(a)(3) require states that contain moderate ozone nonattainment areas, which were required to implement I/M programs prior to November 15, 1990, to upgrade those programs to meet the basic I/M program requirements.

Wisconsin contains two nonattainment areas that meet these criteria, the Milwaukee-Kenosha-Racine severe ozone nonattainment area and the Sheboygan moderate ozone nonattainment area. Wisconsin's program covers all required areas, and EPA approved Wisconsin's authorities establishing program boundaries in the January 1995 (60 FR 2882) approval of the program.

Enhanced and Basic I/M Performance Standards—40 CFR 51.351 and 40 CFR 51.351

The I/M program must be designed and implemented to meet or exceed a minimum performance standard, which is expressed as emission levels in area-wide average grams per mile (gpm) for certain pollutants. The performance standards are established using local characteristics, such as vehicle age mix and local fuel controls, and the following model I/M program parameters: network type, start date, test frequency, model year, vehicle type coverage, exhaust emission test type, emission standards, emission control device inspection, evaporative system function checks, stringency, waiver rate, compliance rate and evaluation date. The emission levels achieved by the state's program design must be calculated using the most current version of the EPA's computerized mobile source emission factor model at the time of submittal, MOBILE5a. Areas must meet the performance standard for the pollutants which cause them to be subject to enhanced I/M requirements. In the case of ozone nonattainment areas, the performance standard must be met for both nitrogen oxides (NO_X) and hydrocarbons (HC). Since the Milwaukee-Kenosha-Racine area is a severe ozone nonattainment area, Wisconsin must meet the enhanced I/M performance standard for HC and NO_X. The state must meet the basic I/M performance standard for the Sheboygan moderate ozone nonattainment area.

The Wisconsin submittal includes a MOBILE5a analysis with the following program design parameters:

Network type—Test only
Start date—1984
Test frequency—biennial
Model year/vehicle type coverage—1968 and newer, light and heavy duty, gasoline
Exhaust emission test type—IM240
Emission standards—1968–1986 = 1.2 HC, 20.0 CO, 3.0 NO_X 1987 and newer = 0.8 HC, 15 CO, 2.0 NO_X
Emission control device check—yes
Evaporative system function checks—gas cap only
Stringency (pre-1981 failure rate)—N/A
Waiver rate—3%
Compliance rate—96%
Evaluation date(s)—2000, 2003, 2006, and 2008

Wisconsin has submitted modeling demonstrations using the EPA computer model MOBILE5a showing that the low enhanced performance standard reductions will be met in 2000, 2003, 2006, and 2008, (the years required by EPA's I/M regulation) with the existing program, as well as with planned program changes. This demonstration assumed a 96% compliance rate, 3% waiver rate, and full IM240 credits.

Wisconsin's modeling shows that the program will meet the low enhanced I/M performance standard for HC and NO_X for all evaluation years. This part of the submittal meets the requirements of 40 CFR 51.351 of the federal I/M regulation.

Network Type and Program Evaluation—40 CFR 51.353

The enhanced program must include an ongoing evaluation to quantify the emission reduction benefits of the program, and to determine if the program is meeting the requirements of the CAA and the federal I/M regulation. The SIP must include details on the program evaluation and must include a schedule for submittal of biennial evaluation reports, data from a state monitored or administered mass emission test of at least 0.1% of the vehicles subject to inspection each year, description of the sampling methodology, the data collection and analysis system and the legal authority enabling the evaluation program.

Wisconsin operates a centralized I/M program and has made all necessary commitments and schedules for program evaluation. EPA approved these program elements in the January 1995 approval of the program.

Adequate Tools and Resources—40 CFR 51.354

The federal I/M regulation requires Wisconsin to demonstrate that adequate funding of the program is available. A portion of the test fee or separately assessed per vehicle fee must be collected, placed in a dedicated fund and used to finance the program. Alternative funding approaches are acceptable if it is demonstrated that the funding can be maintained. Reliance on funding from the state or local General Fund is not acceptable unless doing otherwise would be a violation of the state's constitution. The SIP must include a detailed budget plan that describes the source of funds for personnel, program administration, program enforcement, and purchase of equipment. The SIP must also detail the number of personnel dedicated to the quality assurance program, data analysis, program administration, enforcement, public education and assistance and other necessary functions.

EPA approved this program element in the January 1995 approval of the program.

Test Frequency and Convenience—40 CFR 51.355

The enhanced I/M performance standard assumes an annual test frequency; however, other schedules may be approved if the performance standard is achieved. The SIP must describe the test year selection scheme and how the test frequency is integrated into the enforcement process, and must include the legal authority, regulations or contract provisions to implement and enforce the test frequency. The program must be designed to provide convenient service to the motorist by ensuring short wait times, short driving distances and regular testing hours.

The Wisconsin program calls for biennial testing in a centralized, test-only network. The state has included this test frequency in its performance standard modeling and still meets the applicable standards. EPA approved this program element in the January 1995 approval of the program.

Vehicle Coverage—40 CFR 51.356

The performance standard for enhanced I/M programs assumes coverage of all 1968 and later model years light duty vehicles and light duty trucks up to 8,500 pounds gross vehicle weight rating (GVWR), and includes vehicles operating on all fuel types. Other levels of coverage may be approved if the necessary emission reductions are achieved. Vehicles registered or required to be registered within the I/M program area boundaries and fleets primarily operated within the I/M program area boundaries and belonging to the covered model year and vehicle classes comprise the subject vehicles. Fleets may be officially inspected outside of the normal I/M program test facilities, if such alternatives are approved by the program administration, but must be subject to the same test requirements using the same quality control standards as non-fleet vehicles and must be inspected in the same type of test network as other vehicles in the state, according to the requirements of 40 CFR 51.353(a).

The federal I/M regulation requires that the SIP include the legal authority or rule necessary to implement and enforce the vehicle coverage requirement, a detailed description of the number and types of vehicles to be covered by the program and a plan for how those vehicles are to be identified, including vehicles that are routinely operated in the area but may not be registered in the area, and a description of any special exemptions, including the percentage and number of vehicles to be

impacted by the exemption. Such exemptions must be accounted for in the analysis of the program's potential emission reduction.

The Wisconsin program tests 1968 and newer light and heavy duty gasoline vehicles. Legal authority is provided in section 110.20(6)(a) of the Wisconsin Statutes and TRANS 131.03(2). In the July 3, 1997 submittal letter, Wisconsin provides an estimate of covered vehicles, the methods for identifying covered vehicles, and a description of exempted vehicles. The MOBILE5a modeling uses this data in making the performance standard demonstration. Starting in July 2001, Wisconsin will exempt 1996 and newer model year vehicles from the tailpipe portion of the emissions test. Instead, Wisconsin will perform an inspection of the OBD systems on these vehicles. This is consistent with recent changes to 40 CFR 51.356 that EPA published on April 5, 2001 (66 FR 18156). This part of the submittal meets the requirements of 40 CFR 51.356.

Federally owned vehicles operated in Wisconsin are required to meet the same requirements as Wisconsin registered vehicles. However, EPA is not requiring states to implement 40 CFR 51.356(a)(4) dealing with federal installations within I/M areas at this time. The Department of Justice has recommended to EPA that this regulation be revised since it appears to grant states authority to regulate federal installations in circumstances where the federal government has not waived sovereign immunity. It would not be appropriate to require compliance with this regulation if it is not constitutionally authorized. EPA will be revising this provision in the future and will review state I/M SIPs with respect to this issue when this new rule is final. Therefore, for these reasons, EPA is not proposing approval or disapproval of the specific requirements which apply to federal facilities at this time.

Test Procedures and Standards—40 CFR 51.357

Written test procedures and pass/fail standards must be established and followed for each model year and vehicle type included in the program. Test procedures and standards are detailed in 40 CFR 51.357 and in the EPA documents entitled ''High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications,'' EPA–AA–EPSD–IM–93–1, dated April 1994. EPA's test procedure requirements were recently revised on April 5, 2001 (66 FR 18156) to incorporate new OBD test procedures for 1996 and newer vehicles. These new requirements provide detailed procedures and pass/fail standards for performing tests on OBD equipped vehicles as a replacement to the tailpipe test.

Wisconsin submitted its test procedures to EPA in its February 16, 1996, July 3, 1997, and July 27, 2001 submittals. Test procedures and standards are specified in: (1) Section C.7.b of the final I/M contract; (2) TRANS 131.03(4)–(9); and (3) NR 485.04. The OBD test procedures are contained in TRANS 131.03(6)(d). This part of the rule contains detailed procedures for connecting to the OBD system in 1996 and newer vehicles, information on readiness codes for OBD tests, and pass/fail standards for OBD equipped vehicles. This part of the submittal meets the requirements of 40 CFR 51.357 of the federal I/M regulation.

Test Equipment—40 CFR 51.358

Computerized test systems are required for performing any measurement on subject vehicles. The federal I/M regulation requires that the state SIP submittal include written technical specifications for all test equipment used in the program. The specifications must describe the emission analysis process, the necessary test equipment, the required features, and written acceptance testing criteria and procedures.

Wisconsin provides the technical specifications for program test equipment in section C.4 of the I/M contract and in TRANS 131.12(2). These requirements mirror EPA's requirements and guidance on test equipment specifications. This part of the submittal meets the requirements of 40 CFR 51.358 of the federal I/M regulation.

Quality Control—40 CFR 51.359

Quality control measures must ensure that emission measurement equipment is calibrated and maintained properly and that inspection, calibration records, and control charts are accurately created, recorded and maintained.

Wisconsin's quality control requirements are specified in section C.7.g of the I/M contract and in TRANS 131.12(1) and (3). In addition, quality control procedures are outlined in the document entitled ''Wisconsin Vehicle Inspection Program, Quality Assurance Procedures'', which Wisconsin submitted in the July 3, 1997 submittal. These requirements mirror EPA's recommended quality control procedures contained in the EPA ''High Tech Guidance'' document and include detailed procedures on system calibration surveillance and equipment maintenance. This part of the submittal meets the requirements of 40 CFR 51.359 of the federal I/M regulation.

Waivers and Compliance Via Diagnostic Inspection—40 CFR 51.360

The federal I/M regulation allows for the issuance of a waiver, which is a form of compliance with the program requirements that allows a motorist to comply without meeting the applicable test standards. An expenditure of at least $450 in repairs, adjusted annually to reflect the change in the Consumer Price Index (CPI) as compared to the CPI for 1989, is required in order to qualify for a waiver in enhanced I/M areas. An expenditure of at least $75 for pre-1981 vehicles and $200 for 1981 and newer vehicles is required in order to qualify for a waiver in basic I/M areas. Waivers can only be issued after a vehicle has failed a retest performed after all qualifying repairs have been made. Any available warranty coverage must be used to obtain repairs before expenditures can be counted toward the cost limit. Tampering related repairs must not be applied toward the cost limit. Repairs must be appropriate to the cause of the test failure. Repairs for 1980 and newer model year vehicles must be performed by a recognized repair technician. The federal regulation allows for compliance via a diagnostic inspection after failing a retest on emissions and requires quality control of waiver issuance. The SIP must set a maximum waiver rate and must describe corrective action that would be taken if the waiver rate exceeds that committed to in the SIP.

Wisconsin establishes waiver limits in section 110.20(13) of the Wisconsin Statutes and in NR 485.045(1). This regulation requires an expenditure of at least $75 for pre-1981 vehicles and $200 for 1981 and newer vehicles is required in order to qualify for a waiver in Sheboygan County and an expenditure of at least $450 in repairs, adjusted annually to reflect the change in the Consumer Price Index (CPI) as compared to the CPI for 1989, as established by the EPA, for the remaining I/M counties. Wisconsin is not currently making the CPI adjustment, pending the resolution of several issues associated with it. The Wisconsin regulation provides for this adjustment once the issues are resolved. Actual waiver rates in the area remain within the 3% assumed in the performance standard modeling, and emission reduction credit is unaffected. Therefore, EPA is approving this part of the regulation.

A description of the corrective action if waiver rates assumed in the

performance standard modeling are not met are contained in the document entitled ''U.S. EPA's Enhanced I/M Performance Standard, Wisconsin's Demonstration with Discussion,'' written by the Wisconsin Department of Natural Resources and dated July 28, 1994, which is part of ''Exhibit C'' of the July 28, 1994, submittal. Waiver issuance procedures are specified in TRANS 131.04. This part of the submittal is part of the basis for EPA's approval of the I/M SIP.

Motorist Compliance Enforcement—40 CFR 51.361

The federal regulation requires that compliance be ensured through the denial of motor vehicle registration in enhanced I/M programs unless an exception for use of an existing alternative is approved.

Wisconsin's program uses registration denial and has committed to a 96 percent compliance rate. EPA approved this program element in the January 1995 approval of the program.

Motorist Compliance Enforcement Program Oversight—40 CFR 51.362

The federal I/M regulation requires that the enforcement program be audited regularly and follow effective program management practices, including adjustments to improve operation when necessary. The SIP must include quality control and quality assurance procedures to be used to ensure the effective overall performance of the enforcement system. The regulation requires the establishment of an information management system that will characterize, evaluate, and enforce the program.

Contractor requirements pertaining to these enforcement program oversight activities are specified in section C.7.j of the I/M contract. This part of the contract requires the contractor to report test data to a centralized computer database which the state uses to ensure effective performance of the enforcement system. The contract also contains provisions regarding proper document handling and inspection procedures. This part of the submittal satisfies the requirements of 40 CFR 51.362 of the federal I/M regulation.

Quality Assurance—40 CFR 51.363

The state must implement an ongoing quality assurance to discover, correct and prevent fraud, waste, and abuse in the program. The program must include covert and overt performance audits of the inspectors, audits of station and inspector records, equipment audits, and formal training of all state I/M enforcement officials and auditors. The state must submit as part of the SIP a description of the quality assurance program that includes written procedure manuals on the above discussed items.

Requirements for audits of testing equipment, procedures, personnel and records are specified in TRANS 131.11 and 131.13(4). Section C.7.g(2) of the I/M contract sets forth the contractor requirements pertaining to 40 CFR 51.363. The requirements in the state rules and the I/M contract mirror EPA's recommendations for quality assurance procedures. In addition, the contractor's quality assurance procedures are presented in the document entitled ''Wisconsin Vehicle Inspection Program, Quality Assurance Procedures'' and the state's quality assurance and auditing procedures are presented in ''Section 6000—Contractor Audit Procedures,'' which Wisconsin included in its July 3, 1997 submittal. This part of the submittal meets the requirements of 40 CFR 51.363.

Enforcement Against Contractors, Stations and Inspectors—40 CFR 51.364

Enforcement against licensed stations, contractors and inspectors must include swift, sure, effective, and consistent penalties for violations of program requirements. The federal I/M regulation requires the establishment of minimum penalties for violations of program rules and procedures that can be imposed against stations, contractors and inspectors. The state must include in the SIP the legal authority for establishing and imposing penalties, civil fines, license suspensions and revocations. State quality assurance officials must have the authority to temporarily suspend station and/or inspector licenses immediately upon finding a violation that directly affects emission reduction benefits, unless constitutionally prohibited. An official opinion explaining any state constitutional impediments to immediate suspension authority must be included in the submittal. The SIP must describe the administrative and judicial procedures and responsibilities relevant to the enforcement process, including which agencies, courts and jurisdictions are involved, who will prosecute and adjudicate cases and the resources that will support this function.

The requirements for penalties for stations, contractors, and inspectors are specified in TRANS 131.11(3) and 131.13(5). Appendix G of the I/M contract sets forth the penalty schedules for stations, contractors, and inspectors. Appendix G includes penalties for a broad variety of improper practices, including failure to calibrate equipment, improper test procedures, extended wait times at test stations, and failure to provide proper training to technicians. Penalties are clearly specified and increase with subsequent violations. This part of the submittal meets the requirements of 40 CFR 51.364.

Data Collection—40 CFR 51.365

Accurate data collection is essential to the management, evaluation and enforcement of an I/M program. The federal I/M regulation requires data to be gathered on each individual test conducted and on the results of the quality control checks of test equipment required under 40 CFR 51.359.

A detailed description of these data is contained in section C.7.l of the I/M contract. This section requires data to be collected for each test, including data on waivers, quality control, repairs, and other program features. This part of the submittal meets the requirements of 40 CFR 51.365.

Data Analysis and Reporting—40 CFR 51.366

Monitoring and evaluation of the program by the state and EPA require data analysis and reporting. The federal I/M regulation requires annual reports to be submitted that provide information and statistics and that summarize activities performed for each of the following programs: testing, quality assurance, quality control and enforcement. These reports are due in July and must provide statistics for the period of January to December of the previous year. The state must submit a biennial report to EPA, which addresses changes in program design, regulations, legal authority, and program procedures, identifies any weaknesses found in the program during the two-year period and states how these problems will be or were corrected.

These procedures, including provisions for all required reports, are specified in section C.8 of the I/M contract. The state also commits to submit annual and biennial reports to the EPA in accordance with the I/M regulation and any ensuing EPA guidance in its July 3, 1997 submittal. This part of the submittal meets all of the requirements of 40 CFR 51.366 of the federal I/M regulation and is part of the basis for approving the Wisconsin I/M SIP.

Inspector Training and Licensing or Certification—40 CFR 51.367

The federal I/M regulation requires all inspectors to be formally trained and licensed or certified to perform inspections.

Requirements for the training and licensing of inspectors are specified in TRANS 131.13 and in section C.5.i of the I/M contract. This section requires all inspectors to undergo training prior to performing vehicle inspections. The training requires inspectors to pass a written and a practical exam administered by a third party for inspector licensing. In addition, Attachment I of the July, 3, 1997 submittal contains the contractor's training plan and Attachment J contains part of the contractor's training manual for new employees. This part of the submittal meets the requirements of 40 CFR 51.367 of the federal I/M regulation.

Public Information and Consumer Protection—40 CFR 51.368

The federal I/M regulation requires the SIP to include public information and consumer protection programs.

Public information provisions are specified in appendix E of the I/M contract, and in TRANS 131.03(15)(b) and (c) and 131.15(3)(b). Consumer protection program elements are specified in TRANS 131.13(6) and in sections C.5.c, and C.7.h(2) of the I/M contract. Wisconsin operates an extensive public information program that notifies the public of testing requirements, program changes, and environmental benefits of I/M testing. In addition, the I/M contract has detailed provisions for handling customer complaints, customer challenge mechanisms, and dispute resolution mechanisms. This part of the submittal meets the requirements of 40 CFR 51.368 of the federal I/M regulation.

Improving Repair Effectiveness—40 CFR 51.369

Effective repairs are the key to achieving program goals. The federal regulation requires states to take steps to ensure that the capability exists in the repair industry to repair vehicles. The SIP must include a description of the technical assistance program to be implemented, the procedures and criteria to be used in meeting the performance monitoring requirements of the federal regulation, and the repair technician training resources available in the community.

Requirements and procedures pertaining to technical assistance and repair facility monitoring are specified in TRANS 131.03(10)(a)2., 131.15, and 131.16 and in section C.9 of the I/M contract. In addition, WDOT periodically publishes a newsletter, ''The Analyzer,'' which presents information on the state's I/M program and vehicle diagnosis and repair. The last page of this newsletter lists the repair technician training resources available in the program area. This part of the submittal meets the requirements of 40 CFR 51.369 of the federal I/M regulation.

Compliance with Recall Notices—40 CFR 51.370

The federal regulation requires the states to establish methods to ensure that vehicles that are subject to enhanced I/M and are included in an emission related recall receive the required repairs prior to completing the emission test and/or renewing the vehicle registration.

EPA will adopt regulations to require submittal of this information by manufacturers to develop a database to support this requirement.

Requirements and procedures for compliance with recall notices are presented in TRANS 131.03(11)(j) and in section C.7.a(3) of the I/M contract. These procedures call for the operation of a recall database on the centralized host computer system. This database will be used to notify motorists of recall issues, as well as to determine whether vehicles have been repaired in accordance with recall notices. This part of the submittal meets the requirements of 40 CFR 51.370 of the federal I/M regulation.

On-Road Testing—40 CFR 51.371

On-road testing is required in enhanced I/M areas. The use of either remote sensing devices (RSD) or roadside pullovers including tailpipe emission testing can be used to meet the federal regulations. The program must include on-road testing of 0.5% of the subject fleet or 20,000 vehicles, whichever is less, in the nonattainment area or the I/M program area.

Requirements and procedures for the onroad testing program are presented in TRANS 131.14 and in appendix J of the I/M contract. The on-road testing program meets the minimum testing requirements of the federal I/M regulation.

V. Where is the Public Record and Where do I Send Comments?

The official record for this direct final rule is located at the addresses in the **ADDRESSES** section at the beginning of this document. The addresses for sending comments are also provided in the **ADDRESSES** section at the beginning of this document. If EPA receives adverse written comments on this action, we will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule. We will not open a second public comment period. Parties interested in commenting on this action should do so at this time.

VI. EPA Action

EPA is approving the Wisconsin I/M program as a revision to the Wisconsin SIP.

Nothing in this action should be construed as permitting or establishing a precedent for any future request for a revision to any SIP. Each request for a revision to the SIP must be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

VII. What Administrative Requirements did EPA Consider?

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

C. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the

rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

D. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by state and local governments, or EPA consults with state and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts state law unless the Agency consults with state and local officials early in the process of developing the proposed regulation.

This rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

E. Executive Order 13175

This final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

F. Executive Order 13211

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

G. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D, of the Clean Air Act do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the federal-state relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976).

H. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small government that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

I. 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective October 15, 2001 unless EPA receives adverse written comments by September 17, 2001.

J. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new

regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action, because it does not require the public to perform activities conducive to the use of VCS.

K. 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 October 15, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Hydrocarbons, Incorporation by reference, Volatile organic compounds, Ozone.

Authority: 42 U.S.C. 7401–7671 *et seq.*

Dated: July 31, 2001.

David A. Ullrich,

Acting Regional Administrator, Region 5.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart YY—Wisconsin

2. Section 52.2570 is amended by adding paragraph (c)(101) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(101) On November 15, 1992, the state of Wisconsin submitted a revision to the Wisconsin State Implementation Plan for ozone establishing an enhanced motor vehicle inspection and maintenance program in Southeast Wisconsin. The state made several supplements to the original plan, dated January 15, 1993, November 15, 1993, July 28, 1994, February 13, 1996, July 3, 1997, August 11, 1998, December 30, 1998, December 22, 2000, and July 27, 2001. This revision included Wisconsin statutes providing authorities for implementing the program, Wisconsin Administrative Rules, the contract between the state of Wisconsin and the vehicle testing contractor, schedules for implementation, and technical materials related to test equipment specifications, reports, and quality assurance procedures.

(i) Incorporation by reference.

(A) Wisconsin Statutes, Section 110.20, effective January 1, 1996, Section 285.30, effective January 1, 1997.

(B) Wisconsin Administrative Code, Chapter NR 485, effective February 1, 2001.

(C) Wisconsin Administrative Code, Chapter TRANS 131, effective June 1, 2001.

* * * * *

[FR Doc. 01–20503 Filed 8–15–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–7034–3]

Notice of Prevention of Significant Deterioration Final Determination for Three Mountain Power, LLC, Burney, CA

AGENCY: Environmental Protection Agency.

ACTION: Notice of final action.

SUMMARY: The purpose of this document is to announce that, on May 30, 2001, the U.S. Environmental Protection Agency (EPA) Environmental Appeals Board (''Board'') dismissed the petition for review filed by the Burney Resources Group of a permit issued to Three Mountain Power, LLC (''TMP'') by the Shasta County Air Quality Management District (''Shasta'' or ''District'') pursuant to the Prevention of Significant Deterioration of Air Quality (PSD) regulations under 40 CFR 52.21. This document also announces that a final PSD permit has been issued to TMP by the Shasta pursuant to the terms and conditions of the District's delegation of authority from the U.S. EPA under 40 CFR 52.21(u).

DATES: The effective date for the Board's decision is May 30, 2001.

FOR FURTHER INFORMATION CONTACT: Duong Nguyen, Permits Office (AIR3), Air Division, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744–1142.

SUPPLEMENTARY INFORMATION: On February 20, 2001, the District issued a revised Authority to Construct (ATC) to TMP for the construction of a new electricity generating plant in Burney, CA. The revised ATC reflected information and comments provided by TMP, interested parties, and the public through February 20, 2001. The revised ATC also constituted a final PSD Permit pursuant to 40 CFR 52.21, the terms and conditions of the District's delegation of authority from the U.S. EPA under 40 CFR 52.21(u), and Section 7 of the federal Endangered Species Act. Subsequent to the issuance of the revised ATC, the Burney Resources Group filed a petition for review of the ATC with the Board on March 21, 2001. On May 30, 2001, the Board denied review of the petition for the following reasons: (1) Petitioner has not shown that the District's selection of a 2.5 ppm (averaged over one hour) NO_X limit as BACT to be clearly erroneous or an exercise of discretion or an important policy consideration that the Board should, in its discretion, review; (2) the District's selection of a 4 ppm (averaged over three hours) CO limit is consistent with the BACT limit established for other sources in Region IX; (3) the District's elimination of $SCONO_X$, a new control technology, during the BACT review did not materially affect the final determination of the limit constituting BACT, since this limit would be achieved with either a selective catalytic reduction (SCR) system or $SCONO_X$; (4) the District's selection of a 5 ppm ammonia slip is the most stringent ammonia control in PSD permits issued in Region IX and Petitioner's argument that the ammonia slip will form secondary PM_{10} is highly speculative in nature; and (5) issues regarding PM_{10} and SO_2 offsets and mitigation measures are not within the purview of the federal PSD program. (*See In re: Three Mountain Power, LLC*, PSD Appeal No. 01–05.)

Pursuant to 40 CFR 124.19(f)(1), for purposes of judicial review, final Agency action occurs when a final PSD permit is issued and Agency review procedures are exhausted. This document is being published pursuant to 40 CFR 124.19(f)(2), which requires notice of any final agency action regarding a permit to be published in the **Federal Register**. This action being published today in the **Federal Register** constitutes notice of the final Agency action denying review of the PSD permit and, consequently, notice of the District's issuance of final PSD permit No. 99–PO–01 to Three Mountain Power, LLC, on February 20, 2001.

The proposed power plant, located near the town of Burney, Shasta County, California, will have a nominal electrical output of 500 MW and will be fired on natural gas. The proposed facility will be subject to PSD for Nitrogen Oxides (NO_X), Carbon Monoxide (CO), Volatile Organic Compounds (VOC), and Particulate Matter (PM_{10}). The permit includes the following Best Available Control Technology (BACT) emission limits: NO_X at 2.5 ppmvd (based on 1-hour averaging at 15% O_2), 4 ppmvd CO (based on 3-hour averaging at 15% O_2), 2 ppmvd VOC (based on 1-hour averaging at 15% O_2), and PM_{10} at 0.0012 grain/dscf (based on 1-hour averaging at 3% CO_2). The BACT requirements include use of Selective Catalytic Reduction (SCR) for the control of NO_X emissions, an oxidation catalyst for CO and VOC emissions, and a combination of good combustion control and natural gas for the control of PM_{10} emissions. Continuous emission monitoring is required for NO_X, CO and opacity. The facility is also subject to New Source Performance Standards, Subparts AA and GG, and the Acid Rain program under title IV of the Clean Air Act.

If available, judicial review of these determinations under section 307(b)(1) of the CAA may be sought only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days from the date on which this document is published in the **Federal Register**. Under section 307(b)(2) of this Act, this determination shall not be subject to later judicial review in any civil or criminal proceedings for enforcement.

Dated: July 30, 2001.

Jack P. Broadbent,

Director, Air Division, Region IX.

[FR Doc. 01–20661 Filed 8–15–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301129; FRL–6782–8]

RIN 2070–AB78

B-D-Glucuronidase from E. coli and the Genetic Material Necessary for its Production As a Plant Pesticide Inert Ingredient; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of *B*-D-glucuronidase from *Escherichia coli* and the genetic material necessary for its production in or on all food commodities when applied/used as a plant pesticide inert ingredient. Monsanto submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996, requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *B*-D-glucuronidase derived from *E. coli* and the genetic material necessary for its production.

DATES: This regulation is effective August 16, 2001. Objections and requests for hearings, identified by docket control number (OPP–301129), must be received by EPA, on or before October 15, 2001.

ADDRESSES: Written objections and hearing requests may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit IX. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number (OPP–301129) in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Linda Hollis, c/o Product Manager (PM) 90, Biopesticides and Pollution Prevention Division (7511C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703–308–8733); and e-mail address: hollis.linda@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have 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 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/. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html, a beta site currently under development.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–301129. The official record consists of the documents specifically referenced in this action, 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 Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of May 3, 2000 (65 FR 25719) (FRL–6553–2), EPA issued a notice pursuant to section 408

of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), as amended by the Food Quality Protection Act (FQPA) (Public Law 104–170) announcing the filing of a pesticide tolerance petition (PP) OE6066 by Monsanto. This notice included a summary of the petition prepared by the petitioner Monsanto. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.1216 be amended by establishing an exemption from the requirement of a tolerance for residues of *B*-D-glucuronidase derived from *E. coli* and the genetic material necessary for its production.

III. Risk Assessment

Section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(c)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....'' Additionally, section 408(b)(2)(D) requires that the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity. ''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

IV. Toxicological Profile

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness, and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Several types of data are required for proteinaceous plant-pesticide ingredients to provide a reasonable certainty that no harm will result from the aggregate exposure to these proteins. The information is intended to show that a proteinaceous plant-pesticide behaves as would be expected of a typical dietary protein, is not structurally related to any known food allergen or protein toxin, and does not display any oral toxicity when administered at high doses. These data consist of an *in vitro* digestion assay, amino acid sequence homology comparisons and an acute oral toxicity test. The acute oral toxicity test is done at a maximum hazard dose using purified protein of the plant-pesticide as a test substance.

EPA believes that protein instability in digestive fluids and the lack of adverse effects using the maximum hazard dose approach in general eliminate the need for longer-term testing of Bt protein plant-pesticide ingredients. Dosing of these animals with the maximum hazard dose, along with the product characterization data should identify potential toxins and allergens, and provide an effective means to determine the safety of these protein. The adequacy of the current testing requirements was discussed at the June 7, 200 Scientific Advisory Panel (SAP) meeting.

Toxicity studies submitted in support of this tolerance exemption included the following:

Acute oral toxicity (44988–01). One hundred CD-1 albino mice divided into groups of 10 male and 10 female each were treated with 1.0 milligrams/kilograms (mg/kg), 10.0 mg/kg or 100.0 mg/kg of the test substance (GUS protein) or 100.0 mg/kg control substance (bovine serum albumin). Treatment was administered by oral gavage at 33 ml/kg body weight. Three unscheduled deaths occurred on day 5. These animals were in each of the following groups: 100.0 mg control substance, 10.0 mg or 100.0 mg test substance. Since the deaths appeared in both control and test substance groups, there were no abnormal observations upon gross necropsy of the animals that died prematurely, the deaths were not dose related and only three deaths were seen in the one hundred animals of the study, it appears that the deaths were not related to the test substance. Minor weight loss was recorded in all groups and routine, minor organ abnormalities were also seen in both the treated and control groups during gross necropsy at schedules sacrifice. Based upon the data, there were no significant adverse effects reported upon dosing mice with up to 100.0 mg/kg body weight GUS protein.

In vitro digestibility (449394–07). This study was performed on *B*-D-glucuronidase purified from *E. coli* strain K12 engineered to express the GUS protein to determine the digestive fate of the protein in simulated gastric and intestinal fluid. The data submitted indicate that the GUS protein is broken down rapidly with incubation in simulated gastric fluids but is relatively stable in simulated intestinal fluids. GUS protein enzymatic activity rapidly disappears after incubation in simulated gastric fluid (2 minutes, the first timepoint examined). GUS protein also disappears when examined immunologically by western blot as quickly as 15 seconds after incubation in simulated gastric fluid. Although still degraded, GUS protein is more stable to intestinal digestion disappearing by 240 minutes by western blot yet still being detected by enzymatic activity (decreased about 90%) at this same time point. These results suggest that the protein breaks down in the human digestive tract as expected of a dietary protein and will not likely pose a risk in foods as part of the human diet.

The *B*-D-glucuronidase which is the subject of this rule is a protein originally isolated from *E. coli* and introduced into plants to serve as a transformation marker. GUS (*B*-D-glucuronide glucouronosohydrolase; E.C.3.2.1.31) from *E. coli* is a homotetrameric enzyme with an individual monomeric weight of 68kD. Individual subunits do not have enzymatic activity. GUS has a pH optima near 7.0 and maintains enzymatic activity for approximately 2 hours at 55 degrees C but is rapidly degraded at 60 degrees C. This bacterial enzymatic activity is ubiquitous in the digestive system of humans and other vertebrates. As a protein component of the normal microflora of the intestinal tract, there will be no change in exposure from the presence of this protein as a transformation marker. In addition, other types of GUS enzyme are present in the liver, spleen, kidneys, salivary glands, breast milk and a variety of other tissues in humans, other vertebrates and a number of invertebrates. While these proteins have similar activity, the mammalian safety data generated to date has been specifically for the *E. coli* derived GUS so the present tolerance is limited to that form.

Allergenic responses are very unlikely to occur and the Agency is currently unaware of any allergic reactions to this protein. The highest activity of the mammalian GUS protein is found primarily in the liver and kidneys. However, activity has also been seen in the spleen, breast milk, adrenal gland and alimentary tract. GUS protein is also found in many other bacteria besides *E. coli* and is also present in the environment (Ref. 1). The GUS protein is used as a marker gene during the plant transformation process in the development of genetically modified plants. During the plant transformation process, the GUS protein serves as an identifier which enables the separation of transformed plant cells containing an added gene from those plant cells that have failed to take up or maintain the additional gene of interest. Thus, the GUS protein allows a cell expressing that marker gene to be readily identified.

The mammalian health and safety of the GUS protein is based on its ubiquitous presence in the digestive system of humans and other tissues (Refs. 2 and 6), as well as its presence in anaerobic bacteria (Ref. 3), and other environmental bacteria (Ref. 7). Further, the mammalian health and safety of the GUS protein is based on the long history of safe consumption of the protein in the human and domestic animal food supply (Ref. 2), and in the tissue of various plant species from which foods such as potatoes, apples, almonds, rye, sugar beets, etc., are derived (Refs. 4, 8, and 9). There have been no reports of adverse effects to humans or domestic animals from the consumption of the GUS protein. Toxicity studies conducted in support of this tolerance exemption indicated a lack of toxicity of the *E. coli* derived GUS protein in mice. Moreover, *in vitro* digestibility studies further validate earlier findings that the *E. coli* derived GUS protein is broken down under conditions in mammalian digestive fluids. Therefore, the Agency concludes that the risk to humans when consuming foods containing the GUS protein is minimal to non-existent. The lack of heat stability of the GUS protein suggests that cooking foods would eliminate the protein activity (Ref. 5). Further, the data submitted suggest that upon ingestion, the GUS protein rapidly degrades in the digestive tract thus posing no risks of adverse effects to humans.

The genetic material necessary for the production of the plant pesticide inert ingredient are the nucleic acids (DNA) which comprise genetic material encoding the protein and their regulatory regions. Regulatory regions are the genetic material that control the expression of the genetic material encoding the proteins, such as promoters, terminators, and enhancers. DNA is common to all forms of plant and animal life and the Agency knows of no adverse effects related to their consumption as a component of food. These ubiquitous nucleic acids as they appear in the subject plant pesticide inert ingredient have been adequately characterized by the applicant. The EPA concludes that no mammalian toxicity is anticipated from dietary exposure to the genetic material necessary for the production of the GUS protein.

V. Aggregate Exposures

In examining aggregate exposure, FFDCA section 408 directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

A. Dietary Exposure

1. *Food*. The use of *B*-D-glucuronidase from *E. coli* and the genetic material necessary for its production as a plant pesticide inert ingredient will not result in new dietary exposure to human health or to the environment. The GUS protein is ubiquitous in the digestive tract of humans, other vertebrate, invertebrates, bacteria, in the environment and in foods in the human and domestic animal diet. Exposure from this protein has not posed any unreasonable risk or health concerns. The lack of mammalian toxicity and the rapid degradation of the protein by the stomach digestion of the GUS protein provide a scientific rationale for exempting from the requirement of a tolerance *B*-D-glucuronidase and the genetic material necessary for its production when used as a plant pesticide inert ingredient (Ref. 10). Moreover, there is no evidence indicating adverse effects due to aggregate exposure of the GUS protein through dietary, non-food oral, dermal and inhalation.

2. *Drinking water exposure*. Potential exposures in drinking water is negligible. Because GUS protein is contained within the cells of the plant and is naturally degraded upon plant senescence, the likely transfer of the GUS protein to drinking water is minimal to non-existent.

B. Other Non-Occupational Exposure

Other non-occupational exposure of *B*-D-glucuronidase via residential and indoor uses e.g., uses around homes, parks, recreation areas, athletic fields and golf courses will be minimal to non-existent as the GUS protein is contained within the plant cells.

1. *Dermal exposure*. Due to the nature of the GUS protein contained within the plant cells as part of the plant pesticide inert ingredient, exposure through any route (i.e., dermal, respiratory) other than dietary is unlikely to occur. Physical contact with the plant or raw agricultural food from the plant may present some limited opportunity for dermal exposure. However, on a per person basis, the potential amounts involved in this exposure is negligible in comparison to exposure through the dietary route.

2. *Inhalation exposure*. The occurrence of respiratory exposure of the GUS protein contained within the plant cells is negligible in comparison to potential exposure through the dietary route.

VI. Cumulative Effects

E. coli derived *B*-D-glucuronidase enzyme and its gene is present as part of a ubiquitous organism in the digestive systems of humans and other vertebrates. Based on the lack of mammalian toxicity and the long history of safe consumption of the protein in the human and domestic animal food supply and the rapid degradation of the protein in the digestive tract, no cumulative effects with other substances are expected.

VII. Determination of Safety for U.S. Population, Infants and Children

For the U.S. population, including infants and children, *B*-D-glucuronidase from *E. coli* and the genetic material necessary for its production as a plant pesticide inert ingredient has no known or reported adverse effects. The Agency's conclusions are based on the extensive use and experience with the GUS protein including the long history of safe consumption of the protein in the human and domestic animal food supply, the lack of mammalian toxicity associated with the protein, the rapid degradation of the protein by the stomach digestion prior to passage to the intestinal tract, along with no reported adverse effects due to aggregate exposure through the dietary, non-food oral, dermal and inhalation routes. Therefore, based on all available information, the EPA concludes that there is reasonable certainty that no harm will result from aggregate

exposure of the U.S. population, including infants and children, to the GUS protein when used as a plant pesticide inert ingredient, as expressed in plants in or on all food commodities.

VIII. Other Considerations

A. Endocrine Disruptors

EPA is required under the FFDCA, as amended by FQPA, to develop a screening program to determine whether certain substances (including all pesticide active and other ingredient) ''may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or other such endocrine effects as the Administrator may designate.'' Following the recommendations of the Endocrine Disruptor Screening and Testing Advisory Committee (EDSTAC), EPA determined that there was scientific basis for including, as part of the program, the androgen-and thyroid hormone systems, in addition to the estrogen hormone system. EPA also adopted EDSTAC's recommendation that the program include evaluations of potential effects in wildlife. For pesticide chemicals, EPA will use FIFRA and to the extent that FFDCA authority to require the wildlife evaluations. As the science develops and resources allow, screening of additional hormone systems may be added to the Endocrine Disruptor Screening Program (EDSP).

When the appropriate screening and or testing protocols being considered under the Agency's Endocrine Disruptor Screening Program have been developed, *B*-D-glucuronidase from *E. coli* and the genetic material necessary for its production may be subjected to additional screening and/or testing to better characterize effects related to endocrine disruption. Based on the weight of the evidence of available data, no endocrine system-related effects have been identified.

B. Analytical Method(s)

The Agency proposes to establish an exemption from the requirement of a tolerance without any numerical limitation for the reasons stated above. For the same reasons, the Agency has concluded that an analytical method is not required for enforcement purposes for *B*-D-glucuronidase from *E. coli* and the genetic material necessary for its production.

C. Codex Maximum Residue Level

There are no Codex Maximum Residue Levels (MRL's) established for residues of *B*-D-glucuronidase from *E. coli* and the genetic material necessary for its production.

IX. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP–301140 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before October 15, 2001.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential 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. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260–4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it ''Tolerance Petition Fees.''

EPA is authorized to waive any fee requirement ''when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection.'' For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305–5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit IX.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket number OPP–301140, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file

format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

X. References

1. Fuchs, R.L. and Astwood, J.D. 1996. Allergenicity assessment of foods derived from genetically modified plants. *Food Technology* 50: 83–88.

2. Gilissen, L. J. W., P. L. J. Metz, W. J. Stiekema and J. P. Nap. 1998. Biosafety of *E. coli b*-glucuronidase (GUS) in plants. Trans. Res. 7:157–163.

3. Hawkesworth, G., B.S. Draser and M.J. Hill. 1971. Intestinal bacteria and the hydrolysis of glycosidic bonds. *J. Med. Microbiol.* 4:451–9.

4. Hodal, L. A. Bochardt, J.E. Nielsen, O. Mattsson, and F.T. Okk. 1992. Detection, expression and specific elimination of endogenous *b*-glucuronidase activity in transgenic and non-transgenic plants. Plant Science. 87:115–22.

5. Jefferson, R.A. and K.J. Wilson. 1991. The GUS gene fusion system. Plant Mol. Biol. Manual B14:1–33.

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7. Levvy, G.A. and C.A. Marsh. 1959. Preparation and properties of *b*-glucuronidase. Adv. Carbohydrate Chem. 14:381–428.

8. Schulz, M. and G. Weissenbock. 1987. Dynamics of the tissue-specific metabolism of lutolin glucuronides in the mesophyll of rye primary leaves (*Secale cereale*) Z. Naturforsh. 43c: 187–93.

9. Wozniak, C.A. and L.D. Owens. 1994. Native *B*-glucuronidase activity in sugarbeet (*Beta vulgaris*). *Physiol. Plant.* 90: 763–771.

10. Kough, J. 2001. Note to file: Safety assessment of *B*-glucuronidase as a worker gene/inert ingredient.

XI. Regulatory Assessment Requirements

This final rule establishes an exemption from the tolerance requirement under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104 –4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemption in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

XII. 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 this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 11, 2001.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.1216 is added to subpart D to read as follows:

§ 180.1216 *B*-D-glucuronidase from *E. coli* and the genetic material necessary for its production as a plant-pesticide inert ingredient; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of *B*-D-glucuronidase from *E. coli* and the genetic material necessary for its production when used as a plant-

pesticide inert ingredient in or on all food commodities. Genetic material necessary for the production means both: Genetic material that encodes a substance or leads to the production of a substance; and regulatory regions. It does not include non-coding, non-expressed nucleotide sequences. Regulatory region means genetic material that controls the expression of the genetic material that encodes a pesticidal substance or leads to the production of a pesticidal substance. Examples of regulatory regions include, but are not limited to, promoters, enhancers, and terminators.

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BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL—7029–1]

Vermont: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Vermont has applied to EPA for Final authorization of a revision to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that the revision satisfies all requirements needed to qualify for Final authorization, and is authorizing the State's revision through this immediate final action. EPA is publishing this rule to authorize the revision without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we receive written comments which oppose this authorization during the comment period, the decision to authorize Vermont's revision to its hazardous waste program will take effect as provided below. If we receive comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect, and the separate document in the proposed rules section of this **Federal Register** will serve as the proposal to authorize the changes.

The rulemaking for which Vermont is being authorized stems from the EPA Project XL initiative. Project XL, which stands for ''eXcellence and Leadership,'' is a national initiative that tests innovative ways of achieving better and more cost-effective public health and environmental protection. It encourages testing of cleaner, cheaper, and smarter ways to attain environmental results superior to those achieved under current regulations and policies, in conjunction with greater accountability to stakeholders.

DATES: This Final authorization will become effective on October 15, 2001 unless EPA receives adverse written comments by September 17, 2001. If EPA receives such comments, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization will not take immediate effect.

ADDRESSES: Send written comments to Robin Biscaia, Hazardous Waste Unit, EPA New England, One Congress Street, Suite 1100 (CHW), Boston, MA 02114–2023; Phone number: (617) 918–1648. You can view and copy materials submitted by Vermont during normal business hours at the following locations: EPA New England Library, One Congress Street, Suite 1100 (LIB), Boston, MA 02114–2023; Phone number: (617) 918–1990; Business hours: 9:00 A.M. to 4:00 P.M.; or the Agency of Natural Resources, 103 South Main Street—West Office Building, Waterbury, VT 05671–0404; Phone number: (802) 241–3888; Business hours: 7:45 A.M. to 4:30 P.M.

FOR FURTHER INFORMATION CONTACT: Robin Biscaia, EPA New England, One Congress Street, Suite 1100 (CHW), Boston, MA 02114–2023; Phone number: (617) 918–1642.

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

On September 12, 2000 (65 FR 59955) EPA published a final rule for the Project XL Site-Specific Rulemaking for the IBM Semiconductor Manufacturing Facility in Essex Junction, Vermont. In this rule, EPA promulgated a site-specific exemption in 40 CFR 261.4(b) for the copper metallization process at the IBM Vermont facility from the F006 hazardous waste listing description. This rule was promulgated pursuant to non-HSWA authority. Since Vermont has received authority to implement non-HSWA regulations that specifically identify hazardous wastes by listing them, the rule to modify the listing for F006 would not be effective until Vermont adopted the modification. Vermont adopted the rule on March 15, 2001 and applied for Final authorization on April 10, 2001.

B. What Decisions Have We Made in this Rule?

We conclude that Vermont's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Vermont Final authorization to operate its hazardous waste program with the changes described in the authorization application. Vermont has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA).

C. What Is the Effect of Today's Authorization Decision?

The effect of this decision is that the IBM semiconductor manufacturing site, subject to RCRA, in Essex Junction, Vermont will now have to comply with the authorized State requirements in lieu of Federal requirements in order to comply with RCRA. Vermont has enforcement responsibilities under its state hazardous waste program for violations of such program, but EPA retains its full authority under RCRA sections 3007, 3008, 3013, and 7003.

This action does not impose additional requirements on the IBM Essex Junction facility because the regulation for which Vermont is being authorized by today's action is already effective under state law, and is not changed by today's action.

D. Why Wasn't There a Proposed Rule Before Today's Rule?

EPA did not publish a proposal before today's rule because we view this as a non-controversial program change and do not expect comments that oppose this approval. We are providing an opportunity for public comment now. In addition to this rule, in the proposed rules section of today's **Federal Register** we are publishing a separate document

that proposes to authorize the state program changes.

E. What Happens if EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, we will withdraw this rule by publishing a document in the **Federal Register** before the rule becomes effective. EPA will base any further decision on the authorization of the state program change on the proposal mentioned in the previous paragraph. We will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we will withdraw that part of this rule but the authorization of the program changes that the comments do not oppose will become effective on the date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

F. What Has Vermont Previously been Authorized for?

Vermont initially received Final authorization on January 7, 1985, effective January 21, 1985 (50 FR 775) to implement the RCRA hazardous waste management program. The Region published an immediate final rule for certain revisions to Vermont's program on May 3, 1993 (58 FR 26242) and reopened the comment period for these revisions on June 7, 1993 (58 FR 31911). The authorization became effective August 6, 1993 (58 FR 31911). The Region granted authorization for further revisions to Vermont's program on September 24, 1999 (64 FR 51702), effective November 23, 1999. On October 18, 1999 (64 FR 56174) the Region published a correction to the immediate final rule published on September 24, 1999, with the effective date of November 23, 1999. The Region granted authorization for further revisions to Vermont's program on October 26, 2000 (65 FR 65164), effective December 26, 2000.

G. What Changes Are We Authorizing With Today's Action?

On April 10, 2001 in accordance with 40 CFR 271.21(h), Vermont submitted a final complete program revision application seeking authorization for its revision adopted March 15, 2001. We now make an immediate final decision, subject to receipt of written comments that oppose this action, that Vermont's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final authorization. Therefore, we grant Vermont Final authorization for the following program changes:

Description of Federal requirement	Analogous State authority [1]
65 FR 59955, September 12, 2000: Project XL Site-specific Rulemaking for the IBM Semiconductor Manufacturing Facility in Essex Junction, VT	7–203(v)

[1] Hazardous Waste Management Regulations, effective March 15, 2001.

H. Where Are the Revised State Rules Different from the Federal Rules?

There are no differences between the Federal rule and the revised state rule.

I. Who Handles Permits After the Authorization Takes Effect?

Vermont will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will not issue any more new permits or new portions of permits for the provisions listed in the Table above after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which Vermont is not yet authorized.

J. What Is Codification and Is EPA Codifying Vermont's Hazardous Waste Program as Authorized in this Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. EPA is authorizing but not codifying Vermont's updated program at this time. We reserve the amendment of 40 CFR part 272, subpart UU for this State program until a later date.

K. Administrative Requirements

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB.

This action authorizes state requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by state law. This rule will not have a significant impact on a substantial number of small entities because it only affects the IBM facility in Essex Junction, VT, and it is not a small entity. Accordingly, I certify that this action 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 action is applicable only to one facility in Vermont, EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). There are no communities of Indians tribal governments located in Vermont. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action. This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes state requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make new decisions based on environmental health or safety risks.

Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings issued under the executive order. This rule does not

impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Intergovernmental relations, Penalties, Reporting and Recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 17, 2001.

Carl Dierker,

Acting Regional Administrator, EPA New England.

[FR Doc. 01–20046 Filed 8–15–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 4, 5, and 16

[USCG–2000–7759]

RIN 2115–AG00

Chemical Testing

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard revises its chemical drug testing regulations to conform with the Department of Transportation's (DOT) final rule on drug testing procedures published in the **Federal Register** on December 19, 2000. The Coast Guard amends the regulations on Marine Casualties and Investigations and Chemical Testing by removing obsolete sections and sections duplicating the DOT regulations; adding new definitions; and incorporating new terms and procedures contained in the DOT final rule.

DATES: This final rule is effective August 16, 2001.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2000–7759 and are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call LCDR Scott Budka, Coast Guard, at 202–267–2026. If you have questions on viewing the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, at 202–366–5149.

SUPPLEMENTARY INFORMATION:

Regulatory History

On April 30, 2001, the Coast Guard published a notice of proposed rulemaking NPRM entitled Chemical Testing in the **Federal Register** (66 FR 21502). On the same day, DOT published a common preamble (66 FR 21492) in the **Federal Register** as referred to in our NPRM. In our NPRM we proposed amendments that conformed our drug testing regulations with the Department of Transportation's (DOT) final rule entitled Procedures for Transportation Workplace Drug and Alcohol Testing published in the **Federal Register** (December 19, 2000 (65 FR 79462)). No public hearing was requested and none was held.

Background and Purpose

As discussed above, DOT published a comprehensive revision to their drug and alcohol testing procedural rules (49 CFR Part 40). The DOT final rule makes numerous changes in the way that drug and alcohol testing will be conducted. The DOT final rule is effective on August 1, 2001.

It is important that the six DOT agency rules that cover specific transportation industries be consistent with the DOT final rule to avoid duplication, conflict, or confusion among DOT regulatory requirements. For these reasons, the Coast Guard is revising its drug testing regulations affected by Part 40. Since the DOT rule is effective on August 1, 2001, we are making this final rule effective on the date of publication to ensure that these ''conforming amendments'' are effective as soon as possible. For these reasons, under 5 U.S.C. 553(b)(3) the Coast Guard finds good cause to make this rule effective in fewer than 30 days after publication in the **Federal Register**.

This preamble discusses the revisions to Coast Guard chemical testing regulations to ensure consistency with the DOT final rule.

Discussion of Comments and Changes

The Coast Guard is revising its chemical drug testing regulations to conform with the Department of Transportation's (DOT) final rule on drug testing procedures in 49 CFR part 40. We are revising 46 CFR parts 4, 5, and 16 by removing obsolete sections and sections duplicating the DOT regulations; adding new definitions required by the DOT regulations; and modifying existing text to incorporate new terms and procedures contained in the DOT procedural requirements.

Some new DOT requirements, such as the requirement for split specimens, are implemented without a revision or conforming amendment to our regulations. In this case, the requirement is in 49 CFR part 40, and our regulations require employers to follow the procedures in that part when conducting required chemical tests for dangerous drugs.

The DOT rule includes new qualification and training requirements for Medical Review Officers (MROs) and Substance Abuse Professionals (SAPs). The Coast Guard is not changing the ability of the MRO to perform a dual MRO/SAP function in the return-to-duty decision process. However, where an individual performs both SAP and MRO functions, Part 40 requires the individual to meet the qualification and training requirements for individuals performing each of these functions.

Another DOT change, the minimum number of follow-up drug tests required during the first year after return to work in a safety-sensitive position, requires a conforming amendment to add this requirement to our existing regulatory text.

The following is a discussion of the comments received addressing the Coast Guard's NPRM published in the **Federal Register** (April 30, 2001 (66 FR 21502)), as well as a discussion of how the Coast Guard has revised its regulations to conform to DOT's final rule.

In response to the NPRM published on April 30, 2001, we received a total

of 48 comment letters to the docket. The comment period closed on June 29, 2001. Twenty of the 48 comment letters received are not specifically discussed in this final rule because they were received after the close of the comment period. We have reviewed the issues presented in those 20 letters, however, and note that they address substantially the same issues raised in the 28 comment letters received during the comment period.

Several of the comment letters addressed issues that concern the requirements in 49 CFR part 40. All of these comments concentrated on discussions, analyses, and regulations published in DOT's final rule and did not address our NPRM. Copies of these comments were forwarded to DOT for inclusion in their docket and are discussed in the DOT common preamble published in Part II of the August 9, 2001 **Federal Register**.

In addition to having received comments that directly addressed Part 40, we also received five comments that discussed Coast Guard implementation of specific DOT alcohol testing regulations. DOT alcohol testing requirements published in their December 19, 2000, final rule do not apply to the maritime industry. The alcohol testing requirements that the maritime industry must comply with are found in 46 CFR subpart 4.06 and 33 CFR part 95.

We received two comments requesting that we postpone our implementation date. DOT is not delaying any of their final rule provisions. Consequently, we are going forward with our conforming amendments. If there are future changes to Part 40 we will make appropriate revisions to our chemical testing requirements.

We received one comment requesting clarification on who bears the cost of additional testing of a split specimen and return-to-duty testing. More specifically, the commenter wanted to know who pays for the additional drug tests. The Coast Guard and DOT regulations leave these determinations to the employee and the employer.

Another comment requested that we allow Consortium/Third party administrators (C/TPAs) to make refusal to test determinations for an owner or operator or other self-employed individuals in accordance with Part 40. DOT addressed this determination issue in the common preamble. In 49 CFR 40.355(j)(1) DOT authorizes service agents to make refusal determinations with respect to owners or operators and other self-employed individuals when the service agent scheduled the test and the individual fails to appear for it without a legitimate reason for missing the scheduled testing time. The Department's provision adequately meets our needs on this issue and we are not incorporating the suggested provision in our final rule.

46 CFR Part 4

We received only one comment addressing several issues in our proposed amendments to part 4. The comment suggested that we:

- Remove paragraph § 4.06–1(f) because we no longer need an implementation schedule. The Coast Guard agrees and is removing the paragraph.
- Revise the testing requirements found in §§ 4.06–5, 4.06–10, 4.06–20, and 4.06–30. In the NPRM we only proposed amending § 4.06–20. We do not agree that the recommended changes to these sections are appropriate at this time, but will consider making them in our next rulemaking on alcohol testing requirements. This rule only changes the cross-references in § 4.06–20.
- Make a couple of changes to § 4.06–40 by removing paragraph (a) and by removing the cross-reference to § 4.06–30 in paragraph (b). The comment stated that Part 40 provided ample guidance on the custody and shipping of testing samples. We are not removing paragraph (a) because its provisions apply to tests not otherwise covered by 49 CFR Part 40. However, we concur with the suggestion to revise the cross-reference in paragraph (b) to conform with Part 40.
- In § 4.06–50, replace paragraphs (a), (b), and (c) with one provision for specimen analysis and follow-up testing procedures that comply with Part 40. We agree that this section needed to be revised but only so that it meets the requirement to comply with Part 40. We have, therefore, changed only the cross-reference in paragraph (b).

46 CFR Part 5

Table 5.569. We proposed a clarification to the Table of Appropriate Orders in § 5.569 to distinguish between a Chemical test for dangerous drugs and one for alcohol, because Part 40 treats them separately. We did not receive any comments addressing this proposed change and it is unchanged in this final rule.

46 CFR Part 16

The majority of comments were directed to 46 CFR Part 16. We received six comments concerning the inapplicability of Part 16 to foreign-flagged vessels. They stated that by not applying these requirements to foreign-flagged vessels the Coast Guard would create an unfair economic advantage for those vessels over U.S.-flagged vessels. These issues were addressed when Part 16 was established. Foreign-flagged vessels must meet the requirements of 46 CFR subpart 4.06 *Mandatory Chemical Testing Following Serious Marine Incidents Involving Vessels in Commercial Service* as well as 33 CFR part 95 *Operating a Vessel While Intoxicated.*

Definitions. We received one comment requesting a revision of our definition of ''Refuse to submit.'' The comment requested that we clarify in the definition that the specific gravity and creatinine levels would not be used to determine whether or not a substituted sample has been submitted. The Coast Guard disagrees with this request for clarification. Part 40 adequately prescribes the verification process in § 40.145.

New sections. We received two comments requesting a Coast Guard blanket approval for stand-downs for the marine industry. We disagree. DOT has determined that stand-down after a positive drug test should be the exception and not the industry norm. In § 16.107 *Waivers,* we have established a process for employers to request approval to use stand-down procedures while employee drug test results are being verified.

We proposed adding § 16.109 describing DOT's new Public Interest Exclusion (PIE) in 49 CFR Part 40, subpart R. We did not receive comments addressing this proposed change and it is unchanged in this final rule.

We are adding § 16.115 *Penalties.* to better inform the public of the penalties prescribed by 46 U.S.C. 2115 for violation of dangerous drug and alcohol testing regulations. We did not receive any comments addressing the addition of this section. However, one commenter suggested we should include a consequence for a refusal to test. This suggestion is beyond the scope of this rulemaking.

Revisions to § 16.201 Application. In § 16.201 we are revising paragraph (a) by requiring all chemical drug tests to be conducted in accordance with the procedures found in 49 CFR Part 40. We are revising paragraph (c) to require a sponsoring organization, like employers and prospective employers, to report a documented or licensed mariner's positive chemical drug test to the nearest Coast Guard Officer in Charge, Marine Inspection. We are updating the cross-reference to § 16.370 in paragraph (e) of this section.

We are adding paragraph § 16.201(f) to this section, which was formerly found at § 16.370(d). Paragraph (f) requires an MRO to determine when an individual is ready to return to work after testing positive and allows the MRO to prescribe follow-up testing for up to 60 months as appropriate. In order to ensure intermodal consistency, DOT has prescribed a mandatory minimum number of follow-up tests after return to work. We are revising this paragraph to include the new DOT requirement for a minimum of 6 follow-up drug tests during the first year after an individual returns to work. This new requirement will be in addition to all other Coast Guard requirements for rehabilitation and education following a positive drug test.

Revisions to § 16.203 Employer, MRO, and SAP responsibilities. We are adding § 16.203 to set out the Coast Guard's requirements that maritime employers, MROs, and SAPs comply with 49 CFR Part 40.

Where an individual performs both SAP and MRO functions, Part 40 requires the individual to meet the qualification and training requirements for individuals performing each of these functions. In our NPRM, we specifically requested that comments address how we should implement this change in our rule. We also asked if an MRO should, in order to perform SAP functions, meet both the SAP and MRO training requirements or should the MRO training requirements satisfy the requirements for SAP training. We received five comments on this question. The comments recommended that the MRO meet the training and qualification standards of a SAP if the MRO is to be responsible for filling the role of a SAP. We agree and have added paragraphs (d) and (f) accordingly. Paragraph (d) sets out the Coast Guard's training and procedure requirements for MROs whereas paragraph (f) sets out the same requirements for SAPs. We also are adding a new definition for ''Substance Abuse Professionals (SAP)'' in section § 16.105.

We are adding paragraph (e) to this section to clarify our position on Medical Review Officer (MRO) reporting of test results. Medical Review Officers are not prohibited from reporting positive test results to the Coast Guard. Some MROs are currently doing so. The Coast Guard affirms that MROs are encouraged to report positive test results especially for unemployed or self-employed mariners.

Deletion of Subpart C. Most of the requirements in Subpart C are now covered in detail by the revised 49 CFR Part 40 and these sections are no longer needed in Part 16. We have removed the unnecessary sections and moved the remaining paragraphs to appropriate locations in Subparts A and B. Subpart C is removed and reserved.

Regulatory Evaluation

DOT has assessed the economic impacts of this proposed rulemaking. Because this final rule makes conforming changes to align Coast Guard regulations with the revised 49 CFR Part 40, DOT determined that it has no additional costs to industry. Their analysis is published in their December 19, 2000, final rule, Procedures for Transportation Workplace Drug and Alcohol Testing Programs (OST 1999–6578).

Analyses Under Other Executive Orders

DOT also found no significant impact that would warrant further analysis of this rulemaking in accordance to the Small Business Regulatory Enforcement Fairness Act of 1996, the Paperwork Reduction Act of 1995, Federalism impacts under Executive Order 13132, the Unfunded Mandates Reform Act of 1995, Enhancing the Intergovernmental Partnership under Executive Order 12875, Taking of Private Property under Executive Order 12630, Civil Justice Reform under Executive Order 12988, and the Protection of Children from Environmental Health Risks and Safety Risks under Executive Order 13045.

It is well settled that States are precluded from regulation in categories that are reserved for regulation by the Coast Guard. It is also well settled, now, that all of the categories covered in 46 U.S.C. 3306, 3703(a), 7101 and 8101 (design, construction, repair, alteration, maintenance, operation, equipping, personnel qualification and manning of vessels) as well as casualty reporting and any other categories where Congress intended the Coast Guard to be the sole source of a vessel's obligations are within the field foreclosed from State regulation. (*See* the decision of the Supreme Court in the consolidated cases of *United States* v. *Locke and Intertanko* v. *Locke,* 529 U.S. 89, 120 S.Ct 1135 (*March 6, 2000*)). Rules regarding drug and alcohol testing for merchant marine personnel fall into the covered category of personnel certification rules, with the Coast Guard intended to be the sole source of those rules, thereby precluding States from regulation. Because States may not promulgate rules within these categories, preemption is not an issue under Executive Order 13132.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this final rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult LCDR Scott Budka, Coast Guard, telephone 202–267–2026.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

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 considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraphs (34)(a), of Commandant Instruction M16475.lC, this rule is categorically excluded from further

environmental documentation. The proposed rule would be promulgated to comply with new DOT regulations. The promulgation of new regulations by the Coast Guard would be editorial or procedural in nature. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects

46 CFR Part 4

Administrative practice and procedure, Alcohol abuse, Drug abuse, Drug testing, Investigations, Marine safety, National Transportation Safety Board, Nuclear vessels, Reporting and recordkeeping requirements, Safety, Transportation.

46 CFR Part 5

Administrative practice and procedure, Alcohol abuse, Drug abuse, Investigations, Seamen.

46 CFR Part 16

Drug testing, Marine safety, Penalties, Reporting and recordkeeping requirements, Safety, Transportation.

For the reasons discussed in the preamble, the Coast Guard amends 46 CFR Parts 4, 5, and 16 as follows:

PART 4—MARINE CASUALTIES AND INVESTIGATIONS

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

Authority: 33 U.S.C. 1231; 43 U.S.C. 1333; 46 U.S.C. 2103, 2306, 6101, 6301, 6305; 50 U.S.C. 198; 49 CFR 1.46. Authority for subpart 4.40: 49 U.S.C. 1903(a)(1)(E); 49 CFR 1.46.

§ 4.06–1 [Amended]

2. In § 4.06–1 remove paragraph (f).

§ 4.06–20 [Amended]

3. In § 4.06–20(b) remove the phrase ''§ 16.330 of this part'' and add in its place ''49 CFR part 40''.

§ 4.06–40 [Amended]

4. In § 4.06–40(b) revise the cross-reference ''§ 16.310 of this part'' to read as ''§ 16.113 of this chapter'', and revise the cross-reference ''§ 16.320'' to read as ''49 CFR part 40, subpart D,''.

§ 4.06–50 [Amended]

5. In § 4.06–50(b) in the first sentence revise the cross-reference ''49 CFR 40.33'' to read as ''49 CFR 40.121'' and in the second sentence revise the cross-reference ''49 CFR 40.33'' to read as ''49 CFR part 40, subpart G,''.

PART 5—MARINE INVESTIGATION REGULATIONS—PERSONNEL ACTION

6. The citation of authority for part 5 continues to read as follows:

Authority: 46 U.S.C. 2103, 7101, 7301, and 7701; 49 CFR 1.46.

7. In § 5.569 in Table 5.569 revise the entry for ''Violation of Regulation:'' to read as follows:

§ 5.569 Selection of an appropriate order.

* * * * *

TABLE 5.569.—SUGGESTED RANGE OF AN APPROPRIATE ORDER

Type of offense	Range of order (in months)
* * * * *	
Violation of Regulation:	
Refusal to take chemical drug test	12–24
Refusal to take required alcohol test	12–24
* * * * *	

PART 16–CHEMICAL TESTING

8. The citation of authority for part 16 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 7101, 7301, and 7701; 49 CFR 1.46.

9. In § 16.105 remove the definitions for ''Dangerous drug level'', ''Intoxicant'' and ''Medical Review Officer'', revise the definitions for ''Fails a chemical test for dangerous drugs'' and ''Refuse to submit'', and add in alphabetical order definitions for ''Consortium/Third party administrator (C/TPA)'', ''Medical Review Officer (MRO)'', ''Service agent'', ''Stand-down'', and ''Substance Abuse Professional (SAP)'' to read as follows:

§ 16.105 Definitions of terms used in this part.

* * * * *

Consortium/Third party administrator (C/TPA) means a service agent who provides or coordinates the provision of a variety of drug and alcohol testing services to employers. C/TPAs typically perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members.

* * * * *

Fails a chemical test for dangerous drugs means that the result of a chemical test conducted in accordance with 49 CFR 40 was reported as ''positive'' by a Medical Review Officer because the chemical test indicated the presence of a dangerous drug at a level equal to or exceeding the levels established in 49 CFR part 40.

* * * * *

Medical Review Officer (MRO) means a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

* * * * *

Refuse to submit means you refused to take a drug test as set out in 49 CFR 40.191.

* * * * *

Service agent means any person or entity that provides services specified under this part or 49 CFR part 40 to employers and/or crewmembers in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collectors, BATs and STTs, laboratories, MROs, substance abuse professionals, and C/TPAs. To act as service agents, persons and organizations must meet the qualifications set forth in applicable sections of 49 CFR part 40. Service agents are not employers for purposes of this part.

* * * * *

Stand-down means the practice of temporarily removing a crewmember from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.

Substance Abuse Professional (SAP) means a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

* * * * *

10. Add § 16.107 to Subpart A to read as follows:

§ 16.107 Waivers.

(a) To obtain a waiver from 49 CFR 40.21 or from this part you must send your request for a waiver to the Commandant (G–MOA).

(b) Employers for whom compliance with this part would violate the domestic laws or policies of another country may request an exemption from the drug testing requirements of this part by submitting a written request to

Commandant (G–MOA), at the address listed in § 16.500(a).

(c) An employer may request a waiver from the Coast Guard in order to stand-down a crewmember following the Medical Review Officer's receipt of a laboratory report of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test pertaining to the crewmember. Consistent with 49 CFR 40.21, the request for a waiver must include as a minimum: Information about the organization and the proposed written company policy concerning stand-down. Specific elements required in the written waiver request are contained in 49 CFR 40.21(c).

11. Add § 16.109 to Subpart A to read as follows:

§ 16.109 Public Interest Exclusion (PIE).

Service agents are subject to Public Interest Exclusion (PIE) actions in accordance with 49 CFR Part 40, subpart R. The PIE is an action which excludes from participation in DOT's drug and alcohol testing program any service agent who, by serious noncompliance with this part or with 49 CFR part 40, has shown that it is not currently acting in a responsible manner.

12. Add § 16.113 to Subpart A to read as follows:

§ 16.113 Chemical drug testing.

(a) Drug testing programs required by this part must be conducted in accordance with 49 CFR part 40, Procedures for Transportation Workplace Testing Programs. This subpart summarizes the responsibilities of documented and licensed mariners, marine employers, MRO, SAP and other chemical testing service providers in 49 CFR part 40. The regulations in 49 CFR part 40 should be consulted to determine the specific procedures which must be established and utilized. Drug testing programs required by this part must use only drug testing laboratories certified by the Department of Health and Human Services (DHHS).

(b) Each specimen collected in accordance with this part will be tested, as provided in 49 CFR 40.85, for the following:

(1) Marijuana;
(2) Cocaine;
(3) Opiates;
(4) Phencyclidine (PCP); and
(5) Amphetamines.

13. Add § 16.115 to Subpart A to read as follows:

§ 16.115 Penalties.

Violation of this part is subject to the civil penalties set forth in 46 U.S.C. 2115. Any person who fails to implement or conduct, or who otherwise fails to comply with the requirements for chemical testing for dangerous drugs as prescribed under this part, is liable to the United States Government for a civil penalty of not more than $5,000 for each violation. Each day of a continuing violation will constitute a separate violation.

14. In § 16.201 revise paragraphs (a), (c), and (e), and add paragraph (f) to read as follows:

§ 16.201 Application.

(a) Chemical testing of personnel must be conducted as required by this subpart and in accordance with the procedures detailed in 49 CFR part 40.

* * * * *

(c) If an individual holding a license, certificate of registry, or merchant mariner's document fails a chemical test for dangerous drugs, the individual's employer, prospective employer, or sponsoring organization must report the test results in writing to the nearest Coast Guard Officer in Charge, Marine Inspection (OCMI). The individual must be denied employment as a crewmember or must be removed from duties which directly affect the safe operation of the vessel as soon as practicable and is subject to suspension and revocation proceedings against his or her license, certificate of registry, or merchant mariner's document under 46 CFR part 5.

* * * * *

(e) An individual who has failed a required chemical test for dangerous drugs may not be re-employed aboard a vessel until the requirements of paragraph (f) of this section and 46 CFR Part 5, if applicable, have been satisfied.

(f) Before an individual who has failed a required chemical test for dangerous drugs may return to work aboard a vessel, the MRO must determine that the individual is drug-free and the risk of subsequent use of dangerous drugs by that person is sufficiently low to justify his or her return to work. In addition, the individual must agree to be subject to increased unannounced testing—

(1) For a minimum of six (6) tests in the first year after the individual returns to work as required in 49 CFR part 40; and

(2) For any additional period as determined by the MRO up to a total of 60 months.

15. Add § 16.203 to read as follows:

§ 16.203 Employer, MRO, and SAP responsibilities.

(a) *Employers.* (1) Employers must ensure that they and their crewmembers meet the requirements of this part.

(2) Employers are responsible for all the actions of their officials, representatives, and agents in carrying out the requirements of this part.

(3) All agreements and arrangements, written or unwritten, between and among employers and service agents concerning the implementation of DOT drug testing requirements are deemed, as a matter of law, to require compliance with all applicable provisions of this part and DOT agency drug testing regulations. Compliance with these provisions is a material term of all such agreements and arrangements.

(b) *Medical Review Officer (MRO).* (1) Individuals performing MRO functions must meet the training requirements and follow the procedures in 49 CFR Part 40.

(2) MROs may report chemical drug test results to the Coast Guard for unemployed, self-employed, or individual mariners.

(c) *Substance Abuse Professional (SAP).* Individuals performing SAP functions must meet the training requirements and follow the procedures in 49 CFR Part 40.

§ 16.207 [Removed]

16. Remove § 16.207.

17. In § 16.260 revise paragraph (a) to read as follows:

§ 16.260 Records.

(a) Employers must maintain records of chemical tests as provided in 49 CFR 40.333 and must make these records available to Coast Guard officials upon request.

* * * * *

Subpart C—[Removed and Reserved]

18. Remove and reserve Subpart C.

Dated: August 1, 2001.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 01–20425 Filed 8–15–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013–1013–01; I.D. 080301A]

Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska; Correction

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

ACTION: Closure; correction.

SUMMARY: This document corrects the seasonal apportionment and effective date of the closure for the shallow-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA), which was published in the **Federal Register** on August 8, 2001. This action is necessary because the fourth seasonal apportionment was inadvertently closed instead of the third seasonal apportionment of the 2001 Pacific halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586–7228.

SUPPLEMENTARY INFORMATION:

Correction

In the document closing directed fishing for the shallow-water species with trawl gear, except for vessels fishing for pollock using pelagic trawl gear in those portions of the GOA open to directed fishing for trawl gear, published at 66 FR 41455, August 8, 2001, FR Doc. 01–19894, the following corrections are made:

1. On Page 41455, under the **SUMMARY** heading, line 9, ''fourth'' is corrected to read ''third''.

2. On page 41455, under the **DATES** heading, line 3, ''October 1, 2001'' is corrected to read ''September 1, 2001.''

3. On page 41455, under **SUPPLEMENTARY INFORMATION**, the following corrections are made:

a. In column 2, paragraph 2 , lines 9 through 13 are corrected to read ''FR 17087, March 29, 2001, and 66 FR 37167, July 17, 2001) for the third season, the period July 1, 2001, through September 1, 2001, as 200 metric tons.''

b. In column 3, line 1, ''fourth'' is corrected to read ''third''.

4. On page 41455, under ''Classification'', line 7, ''fourth'' is corrected to read ''third'' and in line 10 from the bottom of that paragraph, ''fourth'' is corrected to read ''third''.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 10, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–20650 Filed 8–15–01; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 159
Thursday, August 16, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–50–AD]

RIN 2120–AA64

Airworthiness Directives; Honeywell International, Inc., (formerly AlliedSignal, Inc., Textron Lycoming, Avco Lycoming, and Lycoming) Former Military T53 Series Turboshaft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration (FAA) proposes to adopt a new airworthiness directive (AD) that is applicable to Honeywell International, Inc., (formerly AlliedSignal, Inc., Textron Lycoming, Avco Lycoming, and Lycoming) former military T53 series turboshaft engines (herein referred to as Lycoming) having certain part numbers of centrifugal compressor impellers installed. This proposal would require conducting a revised operating cycle count (prorate) and initial and repetitive inspections for cracks of those compressor impellers. This proposal is prompted by a report of a military surplus helicopter that experienced low-cycle fatigue failure of the centrifugal compressor impeller, resulting in an uncontained engine failure. The actions specified by the proposed AD are intended to prevent centrifugal compressor impeller failure, which can result in an uncontained engine failure, in-flight engine shutdown, or damage to the helicopter.

DATES: Comments must be received by October 15, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–50–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: 9-ane-adcomment@faa.gov''. Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The service information referenced in the proposed rule may be obtained from Honeywell International, Inc., Attn: Data Distribution, M/S 64–3/2101–201, P.O. Box 29003, Phoenix, AZ 85038–9003; telephone: (602) 365–2493; fax:(602) 365–5577. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Robert Baitoo, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; telephone: (562) 627–5245, 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, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NE–50–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–50–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The FAA has become aware of a Lycoming former military T53 series turboshaft engine, installed on a Bell Helicopter Textron manufactured UH–1L military surplus helicopter, that experienced low-cycle fatigue failure of the centrifugal compressor impeller, resulting in an uncontained engine failure. In May 1995, the FAA published AD 95–10–04, dated May 25, 1995, to revise operating cycle counts (prorate) and require initial and repetitive inspections for cracks, for centrifugal compressor impellers, part numbers (P/N's) 1–100–78–07 and 1–100–078–08, installed on Lycoming former military T5313B and T5317 series turboshaft engines. Because centrifugal compressor impellers P/N's 1–100–78–07 and 1–100–078–08 are also installed on Lycoming former military T53 series engines, this proposal would require revising operating cycle counts (prorate) and require initial and repetitive inspections for cracks for centrifugal compressor impellers P/N's 1–100–078–07 and 1–100–078–08, installed on Lycoming former military T53 series turboshaft engines. This proposal is prompted by a report of a military surplus helicopter that experienced low-cycle fatigue failure of the centrifugal compressor impeller, resulting in an uncontained engine failure. These impellers, if not inspected for cracks using a revised cycle count could experience low-cycle fatigue failure, resulting in an uncontained engine failure, in-flight shutdown, or damage to the helicopter.

Manufacturer's Service Information

The FAA has reviewed and approved the technical contents of Honeywell International, Inc. Service Bulletins (SB's) T53–L–13B–0020, Revision 2, dated April 25, 2001; T53-L–13B/D–0020, Revision 1, dated April 25, 2001;

and T53–L–703–0020, Revision 1, dated April 25, 2001; that describe procedures for conducting a revised centrifugal compressor impeller operating cycle count (prorate) of impellers P/N's 1–100–078–07 and 1–100–078–08. The FAA has also reviewed and approved the technical contents of AlliedSignal, Inc. SB's T53–L–13B–0108, Revision 1, dated November 22, 1999; T53–L–13B/D–0108, Revision 1, dated November 22, 1999; and T53–L–703–0108, Revision 1, dated November 22, 1999; that describe procedures for special visual and fluorescent-penetrant inspections of centrifugal compressor impellers P/N's 1–100–078–07 and 1–100–078–08.

Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other engines of the same type design, the proposed AD would require initial and repetitive inspections of centrifugal compressor impellers, using a revised cycle count. The actions would be required to be done in accordance with the service bulletins described previously.

Economic Impact

The FAA estimates that there are approximately 300 Lycoming former military T53 series turboshaft engines installed on helicopters of U.S. registry, that would be affected by this proposed AD. The FAA also estimates that it would take approximately 8 work hours per engine to accomplish an initial or repetitive inspection of the centrifugal compressor impeller, and that the average labor rate is $60 per work hour. No additional work hour cost would be incurred if the centrifugal compressor impeller is replaced during normal engine disassembly. Based on these figures, the total labor cost impact of the proposed AD on U.S. operators for an inspection is estimated to be $144,000. The FAA estimates that operators will perform two inspections annually, and that the total annual labor cost for inspections is estimated to be $288,000. The cost of a replacement centrifugal compressor impeller is estimated to be $22,037. Assuming a loss of 50% of the life of each disk by the prorate, the total annual cost of the proposed AD on U.S. operators is estimated to be $3,593,550.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Honeywell International, Inc. Docket 2000–NE–50–AD.

Applicability

This airworthiness directive (AD) is applicable to Honeywell International, Inc., (formerly AlliedSignal, Inc., Textron Lycoming, Avco Lycoming, and Lycoming) (herein referred to as Lycoming) former military T53–L–13B series, T53–L–13B/D series, and T53–L–703 series turboshaft engines with centrifugal compressor impellers part numbers (P/N's) 1–100–078–07 or 1–100–078–08 installed. These Lycoming engines are installed on, but not limited to, Bell Helicopter Textron manufactured AH–1, UH–1, and SW–204/205 (UH–1) series surplus military helicopters that have been certified in accordance with §§ 21.25 or 21.27 of the Federal Aviation regulations (14 CFR 21.25 or 21.27).

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

Compliance

Compliance with this AD is required as indicated, unless accomplished previously.

To prevent centrifugal compressor impeller failure, which can result in an uncontained engine failure, in-flight engine shutdown, or damage to the helicopter, accomplish the following:

Centrifugal Compressor Impeller Revised Operating Cycle Count

(a) Within 25 operating cycles or 7 calendar days, whichever occurs first, after the effective date of this AD, do a revised centrifugal compressor impeller operating cycle count (prorate) in accordance with the accomplishment instructions of Honeywell International, Inc. Service Bulletin (SB) No. T53–L–13B–0020, Revision 2, dated April 25, 2001 for T53–L–13B Lycoming engines, SB No. T53–L–13B/D–0020, Revision 1, dated April 25, 2001 for T53–L–13B/D Lycoming engines, and SB No. T53–L–703–0020, Revision 1, dated April 25, 2001 for T53–L–703 Lycoming engines.

(b) Following the revised operating cycle count required by paragraph (a) of this AD, remove from service installed centrifugal compressor impellers that exceed their life limit or whose life cannot be determined, within 50 hours time-in-service (TIS), or 25 operating cycles, whichever occurs first and replace with a serviceable part that does not exceed the life limit.

(c) Installation of uninstalled centrifugal compressor impellers that exceed their life limit, which is revised in accordance with paragraph (a) of this AD is prohibited.

Centrifugal Compressor Impeller Inspections

(d) Following the revised operating cycle count required by paragraph (a) of this AD, inspect centrifugal compressor impellers, part numbers (P/N's) 1–100–078–07 and 1–100–078–08, in accordance with the accomplishment instructions of AlliedSignal, Inc. SB No. T53–L–13B–0108, Revision 1, dated November 22, 1999 for T53–L–13B Lycoming engines, SB No. T53–L–13B/D–0108, Revision 1, dated November 22, 1999 for T53–L–13B/D Lycoming engines, or SB No. T53–L–703–0108, Revision 1, dated November 22, 1999 for T53–L–703 Lycoming engines, as follows:

(1) For centrifugal compressor impellers with equal to or greater than 4,600 cycles-in-service (CIS), initially inspect within 200 CIS after the effective date of this AD.

(2) For those centrifugal compressor impellers with less than 4,600 CIS, initially inspect no later than 4,800 CIS.

(3) Centrifugal compressor impellers found cracked must be removed from service prior

to further flight and replaced with a serviceable part.

(4) If no cracks are detected, perform repetitive inspections of the centrifugal compressor impellers at intervals not to exceed 500 CIS since last inspection.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Issued in Burlington, Massachusetts, on August 7, 2001.

Diane S. Romanosky,

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

[FR Doc. 01–20591 Filed 8–15–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–01–022]

RIN 2115–AE47

Drawbridge Operation Regulation; Lake Pontchartrain, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to change the drawbridge operation regulation for the draw of the Greater New Orleans Expressway Commission Causeway across Lake Pontchartrain between Metairie, Jefferson Parish and Mandeville, St. Tammany Parish, Louisiana. The proposed rule would allow the dual bridges to remain closed to navigation during the morning and afternoon rush hours while still requiring three hours notification at all other times.

DATES: Comments and related material must reach the Coast Guard on or before October 15, 2001.

ADDRESSES: You may mail comments to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130–3396, or deliver them to room 1313 at the same address above between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The Commander, Eighth Coast Guard District, Bridge Administration Branch maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the Bridge Administration Branch, Eighth Coast Guard District between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. David Frank, Bridge Administration Branch, at the address given above or telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested parties to participate in this rulemaking by submitting written data, views or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD08–01–022) and the specific section of this document to which each comment applies and give the reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you would like confirmation of receipt of your comments, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of comments received.

Public Meeting

We do not now plan to hold a public meeting. You may submit a request for a public meeting by writing to the Commander, Eighth Coast Guard District, Bridge Administration Branch at the address under **ADDRESSES** explaining why a public meeting would be beneficial. If we determine that a public meeting would aid this rulemaking, we will hold one at a time and place to be announced by notice in the **Federal Register**.

Background and Purpose

The bascule span of the dual bridges of the Greater New Orleans Expressway Commission Causeway across Lake Pontchartrain presently opens on signal if at least three hours notice is given. The Greater New Orleans Expressway Commission has requested a change in the operating schedule of the dual bridges to allow the draw to remain closed during peak vehicular traffic periods. Approximately 15,000 vehicles cross the dual bridges in each direction daily. Of the nearly 15,000 vehicles that cross the southbound bridge from St. Tammany Parish to Jefferson Parish, approximately 50% of these vehicles cross this bridge between the hours of 5:30 a.m. and 9:30 a.m. Of the nearly 15,000 vehicles that cross the northbound bridge from Jefferson Parish to St. Tammany Parish, approximately 50% of these vehicles cross this bridge between the hours of 3 p.m. and 7 p.m. During these peak traffic periods, an opening of the draw can cause traffic to back up approximately four to five miles.

Tender logs for the past year indicate that only six vessels have required the draw to open during these times.

Discussion of Proposed Rule

The proposed rule would modify the existing regulation in 33 CFR 117.467(b) to require the draw of the Greater New Orleans Expressway Commission Causeway to open on signal if at least three hours notice is given; except that, the draw need not be opened for the passage of vessels Monday through Friday except Federal holidays from 5:30 a.m. to 9:30 a.m. and from 3 p.m. until 7 p.m. The draw will open on signal for any vessel in distress or vessel waiting immediately following the closures listed above.

The draw of the Causeway at the north channel has a vertical clearance of 42 feet above mean high water in the closed-to-navigation position and unlimited clearance in the open-to-navigation position. Navigation on the waterway consists of small tugs with tows, fishing vessels, sailing vessels, and other recreational craft. As an alternate route, the south channel fixed spans of the dual bridges provides a vertical clearance of 50 feet above mean high water.

The Coast Guard believes that allowing the draw to remain closed to navigation during the morning and afternoon peak vehicular traffic time periods is reasonable and will still meet the needs of navigation. This conclusion is based upon the low number of opening requests received during these time periods.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under

section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

This proposed rule allows vessels ample opportunity to transit this waterway with proper notification before and after the peak vehicular traffic periods. According to the vehicle traffic surveys, these periods occur between 5:30 and 9:30 a.m. and 3 and 7 p.m.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. The proposed rule has considered the needs of the local commercial vessels and it has been determined that, under 5 U.S.C. 605(b), it would not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the Bridge Administration Branch, Eighth Coast Guard District at the address above.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Indian Tribal Governments

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

Energy Effects

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

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph 32(e), of Commandant Instruction M16475.lD, this proposed rule be categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. In § 117.467, paragraph (b) is revised to read as follows:

§ 117.467 Lake Pontchartrain.

* * * * *

(b) The draw of the Greater New Orleans Expressway Commission Causeway shall open on signal if at least three hours notice is given; except that, the draw need not be opened for the passage of vessels Monday through Friday except Federal holidays from 5:30 a.m. to 9:30 a.m. and from 3 p.m. until 7 p.m. The draw will open on signal for any vessel in distress or vessel waiting immediately following the closures listed in this section.

Dated: August 6, 2001.

Roy J. Casto,

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

[FR Doc. 01–20317 Filed 8–15–01; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WI42–7306b; FRL–7029–4]

Approval and Promulgation of State Implementation Plans; Wisconsin

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Wisconsin. This revision requires the implementation of an enhanced motor vehicle inspection and maintenance (I/M) program in seven counties in southeast Wisconsin. The program reduces air pollution from motor vehicles by identifying and requiring repair of high emitting vehicles. This action is being taken under the Clean Air Act.

In the final rules section of this **Federal Register**, EPA is approving the State's request as a direct final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving and disapproving portions of the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless the Agency receives relevant adverse written comment on this proposed rule within 30 days of this publication. Should EPA receive adverse comment, it will publish a document informing the public that the direct final rule will not take effect and that EPA will address adverse comments in a subsequent final rule based on this proposed rule. If EPA does not receive adverse comments, the direct final rule will take effect on the date stated in that document and EPA will not take further action on this proposed rule. EPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

DATES: EPA must receive written comments by September 17, 2001.

ADDRESSES: Send written comments to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: John Mooney at (312) 886–6043.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this **Federal Register**. Copies of the documents relevant to this action are available for public inspection during normal business hours at the above address. (Please telephone John Mooney at (312) 886–6043 before visiting the Region 5 Office.)

Authority: 42 U.S.C. 7401–7671 et seq.

Dated: July 31, 2001.

David A. Ullrich,

Acting Regional Administrator, Region 5.

[FR Doc. 01–20504 Filed 8–15–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

[WH–FRL–7036–3]

RIN 2040–AB75

National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; correction.

SUMMARY: Today's document announces a separate electronic mail (e-mail) address, *ow-arsenic-docket@epa.gov*, for arsenic comments on the proposal published on July 19, 2001, in the **Federal Register**. EPA expects a large number of comments on the July 19 arsenic proposal, based on public interest, so e-mail submissions to the new arsenic docket address will help the Agency process comments. In addition, today's document provides the new phone number for the Safe Drinking Water Hotline: (703) 412–3330. The Hotline's toll free number remains unchanged: (800) 426–4791.

The July 19 proposal requested comment on key science, cost analyses, and benefits issues, as well as small systems compliance issues for the arsenic regulation. However the July proposal does not affect the clarifications to compliance and new source contaminants monitoring regulations also issued on January 22, 2001, for inorganic, volatile organic, and synthetic organic contaminants.

DATES: Your comments on the July 19 arsenic proposal must be in writing and either postmarked or received by EPA's Water Docket by October 31, 2001.

ADDRESSES: EPA accepts comments by three delivery methods:

(1) Mail sent to the W–99–16–VI Arsenic Comments Clerk, Water Docket (MC–4101); U.S. EPA; 1200 Pennsylvania Avenue, NW; Washington, DC 20460.

(2) Hand delivery (*e.g.*, courier or overnight delivery service) to EPA's Water Docket, located at 401 M Street, SW; East Tower Basement Room 57; in Washington, DC; between 9:00 a.m. and 3:30 p.m. Eastern Time, Monday through Friday.

(3) Electronically sent to ow-arsenic-docket@epa.gov. See **SUPPLEMENTARY INFORMATION** for file formats and other information about electronic filing and docket review.

FOR FURTHER INFORMATION CONTACT: The Safe Drinking Water Hotline, phone: (800) 426–4791 or its new local number (703) 412–3330, e-mail: *hotline-sdwa@epa.gov* for general information, meeting information, and copies of arsenic regulations and some of the support documents. For questions about the arsenic regulation, contact Irene Dooley, (202) 260–9531, e-mail: *dooley.irene@epa.gov.* EPA's web page contains links to arsenic **Federal Register** notices and arsenic technical support documents at *www.epa.gov/safewater/arsenic.html.*

SUPPLEMENTARY INFORMATION:

Additional Information for Commenters

No facsimiles (faxes), compressed or zipped files will be accepted, and comments must be submitted in writing. Please submit an original and three copies of your comments and enclosures (including references) and identify your submission by the docket number W–99–16–VI. To ensure that EPA can read, understand, and therefore properly respond to comments, the Agency would prefer that comments cite, where possible, the question(s) or sections and page numbers in the document or supporting documents to which each comment refers. Commenters should use a separate paragraph for each issue discussed. Commenters who want EPA to acknowledge receipt of their comments should include a self-addressed, stamped envelope.

EPA uses WordPerfect as its standard software, so e-mail file attachments must be submitted in WordPerfect 8 (or older version) or ASCII file format (unless four hard copies are also submitted). Comments submitted in other electronic formats (*e.g.,* Word, pdf,

Excel, and compressed or zipped files) must also be submitted as hard copies. For purposes of dating dual hard copy/electronic copy submissions, the date of the electronic copy will be recorded as the date submitted. At the beginning of your e-mail, please indicate if you are sending hard copies so the Docket can link your two submissions rather than log in two sets of your comments. Electronic comments on this document may be filed online at many Federal Depository Libraries.

In providing comment on the issues listed in the July 19 proposal (66 FR 37617), commenters should focus on the preamble, technical support documents, and record associated with the January 22, 2001, arsenic in drinking water regulation (66 FR 6976), not the June 2000 proposal (65 FR 38888). EPA made many changes to the analyses supporting the January decisions in response to public comment on the June 2000 proposal. The Agency addressed comments on the June 2000 proposed rule in the response-to-comments document in the docket for W–99–16–III and summarized responses to the major comments in the preamble of the January 2001 regulation.

In developing comments, commenters may also wish to consider information from the reviews described in the July proposal. EPA plans to announce when the new reviews are available. EPA will consider the new information and provide an additional opportunity for public comment this fall on the new analyses along with EPA's preliminary conclusion about whether the January 2001 arsenic rule should be revised, and if so, what the revised standard should be.

EPA's Review of Comments

E-mail submissions to the new arsenic docket address, *ow-arsenic-docket@epa.gov,* will help the Agency process comments. Over 20,000 people submitted 1,112 on-time comments during the 14-day comment period for the April 23 proposal to extend the effective date to February 22, 2002. However, electronic arsenic comments sent to *ow-docket@epa.gov* will also become part of the arsenic record.

In the July 19 proposal, EPA requested comment on whether the data and technical analyses associated with the arsenic rule published in the January 22, 2001, **Federal Register** (66 FR 6976), as well as any new information that may be available, would support setting the enforceable arsenic drinking water standard, or Maximum Contaminant Level (MCL), at 3 micrograms per liter (μg/L) (the feasible level), 5 μg/L (the level proposed in June 2000), 10 μg/L (the level published in the January 2001 rule), 20 μg/L, or an alternative level. The Agency's response-to-comments document for the final decision on the arsenic standard will address the comments received for the July 19 proposal, and this document will be made available in the docket. The response-to-comment document will also address comments on EPA's perspective of the new analyses, and EPA expects that notice will be published in the fall of 2001. To facilitate development of the response-to-comments document, EPA appreciates receiving an electronic version in addition to the original and three copies for large submissions (*e.g.*, over 10 pages). The Agency does not send out individual replies to respond to those who submit comments.

Availability of Docket

For an appointment to review the docket for this rulemaking, call (202) 260–3027 between 9:00 a.m. and 3:30 p.m. Eastern Daylight Time, Monday through Friday and refer to Docket W–99–16–VI. Every user is entitled to 100 free pages, and after that the Docket charges 15 cents a page. Users are invoiced after they copy $25, which is 267 photocopied pages.

Dated: August 13, 2001.

Ephraim King,

Acting Director, Office of Ground Water and Drinking Water.

[FR Doc. 01–20773 Filed 8–15–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL –7029–2]

Vermont: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Vermont has adopted the rule for the Project XL Site-Specific Rulemaking for the IBM Semiconductor Manufacturing Facility in Essex Junction, Vermont. This rule was published by the EPA on September 12, 2000 (65 FR 59955). The State applied to EPA for Final authorization of the revision to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant final authorization to Vermont. In the ''Rules and Regulations'' section of this **Federal Register**, EPA is authorizing the change by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we receive written comments which oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we receive comments that oppose this action, we will withdraw the immediate final rule and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

DATES: Send your written comments by September 17, 2001.

ADDRESSES: Send written comments to Robin Biscaia, Hazardous Waste Unit, EPA New England, One Congress Street, Suite 1100 (CHW), Boston, MA 02114–2023; Phone number: (617) 918–1642. You can examine copies of the materials submitted by Vermont during normal business hours at the following locations: EPA New England Library, One Congress Street, Suite 1100 (LIB), Boston, MA 02114–2023; Phone number: (617) 918–1990; Business hours: 9:00 AM to 4:00 PM; or the Vermont Agency of Natural Resources, 103 South Main Street—West Office Building, Waterbury, VT 05671–0404; Phone number: (802) 241–3888; Business hours: 7:45 A.M. to 4:30 P.M.

FOR FURTHER INFORMATION CONTACT: Robin Biscaia 617–918–1642 and at the above address.

SUPPLEMENTARY INFORMATION: For additional information, please see the immediate final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

Dated: July 17, 2001.

Carl Dierker,

Acting Regional Administrator, EPA New England.

[FR Doc. 01–20047 Filed 8–15–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS–50643; FRL–6763–3]

RIN 2070–AB27

Proposed Revocation of Significant New Uses of Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to revoke significant new use rules (SNURs) for 2 substances promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) based on new data. Based on the new data the Agency no longer finds that activities not described in the corresponding TSCA section 5(e) consent orders for these chemical substances may result in significant changes in human or environmental exposure.

DATES: Comments, identified by docket control number OPPTS–50643, must be received on or before September 17, 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.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–50643 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general 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.

For technical information contact: James Alwood, Chemical Control Division, Office of Pollution Prevention and Toxics (7405), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–1857; e-mail address: alwood.jim@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, import, process, or use the chemical substances contained in this proposed revocation. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Chemical manufacturers	325	Manufacturers, importers, processors, and users of chemicals
Petroleum and coal product industries	324	Manufacturers, importers, processors, and users of chemicals

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action applies to certain entities. To determine whether you or your business is affected by this action, you should carefully examine the applicability provisions in title 40 of the Code of Federal Regulations (CFR) at 40 CFR 721.5. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and 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/. A frequently updated electronic version of 40 CFR part 721 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr721_00.html, a beta site currently under development.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS–50643. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–50643 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 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 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–50643. 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 technical person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

We invite you to provide your views on the various options we propose, new approaches we haven't 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 proposed revocation.

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. Background

A. What Action is the Agency Taking?

In the **Federal Register** referenced for each substance, OPPTS–50583, August 9, 1990 (55 FR 32406) and OPPTS–50603C, August 2, 1994 (59 FR 39293) establishing significant new uses for the substances, EPA issued a SNUR. Because of additional data EPA has received for these substances, EPA is proposing to revoke the significant new use and recordkeeping requirements for the following chemical substances under 40 CFR part 721, subpart E. In this unit, EPA provides a brief description for each substance, including its premanufacture notice (PMN) number, chemical name (generic name if the specific name is claimed as CBI), CAS number (if assigned), basis for the revocation of the TSCA section 5(e) consent order for the substance, and the CFR citation removed in the regulatory text section of this proposed rule. Further background information for the substances is contained in Unit I.B.2 of this document.

PMN Number P–85–612
Chemical name: Polymer of substituted aryl olefin.
CAS number: Not available.
Federal Register *publication date and reference:* August 2, 1994 (59 FR 39293).
Docket number: OPPTS–50603C.
Basis for revocation of SNUR: The presence of the residual monomers from PMNs P–84–660/704 was the basis for regulating P–85–612, first with a TSCA section 5(e) consent order, then followed by a SNUR. EPA has now modified the TSCA section 5(e) consent order for P–84–660/704, which regulates P–84–660/704 when present as a residual monomer in other substances, including P–85–612. Based on the consent order modification for P–84–660/704, EPA determined it could no longer conclude that the manufacturing, processing, and use of P–85–612 may present an unreasonable risk under section 5(e) of TSCA and has, therefore, revoked the consent order for P–85–612. EPA can no longer make the finding that activities not described in the TSCA section 5(e) consent order may result in significant changes in human exposure.
CFR citation: 40 CFR 721.6820.

PMN Number P–88–837
Chemical name: Diglycidyl ether of disubstituted carbopolycycle (generic).
CAS number: Not available.
Federal Register *publication date and reference:* August 9, 1990 (55 FR 32406).
Docket number: OPPTS–50583.
Basis for revocation of SNUR: The PMN submitter conducted a 90–day subchronic oral study in rats. The study showed a No Observed Effect Level (NOEL) of 75 milligram/kilogram/day (mg/kg/day) with only minimal signs of toxicity at higher doses (principally changes in organ weight). Based on the results of this study and data on analogous substances, EPA determined that it could no longer conclude that the manufacturing, processing, and use of P–88–837 may present an unreasonable risk under section 5(e) of TSCA and has, therefore, revoked the consent order for P–88–837. EPA can no longer make the finding that activities not described in the TSCA section 5(e) consent order may result in significant changes in human exposure.
CFR citation: 40 CFR 721.3460 (Formerly 40 CFR 721.1030).

B. What is the Agency's Authority for Taking this Action?

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2) of TSCA. Once EPA determines that a use of a chemical substance is a significant new use, section 5(a)(1)(B) of TSCA requires persons to submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use. The mechanism for reporting under this requirement is established under 40 CFR 721.5.

During review of the PMNs submitted for the chemical substances that are the subject of this proposed revocation, EPA concluded that regulation was warranted based on available information that indicated activities not described in the TSCA section 5(e) consent order or the PMN might result in significant changes in human or environmental exposure as described in section 5(a)(2) of TSCA. Based on these findings, SNURs were promulgated.

EPA has revoked the TSCA section 5(e) consent orders that ares the basis for these SNURs and no longer finds that activities other than those described in the TSCA section 5(e) consent orders may result in significant changes in human or environmental exposure. The revocation of SNUR provisions for these substances is consistent with the findings set forth in the preamble to the proposed revocation of each individual SNUR.

Therefore, EPA is proposing to revoke the SNUR provisions for these chemical substances. When this revocation becomes final, EPA will no longer require notice of intent to manufacture, import, or process these substances. In addition, export notification under

section 12(b) of TSCA will no longer be required.

III. Regulatory Assessment Requirements

This proposed rule revokes or eliminates an existing regulatory requirement and does not contain any new or amended requirements. As such, the Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''*Regulatory Planning and Review*'' (58 FR 51735, October 4, 1993).

Since this proposed rule does not impose any requirements, it does not contain any information collections subject to approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or require any other action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4).

Nor does it require any prior consultation as specified by Executive Order 12875, entitled ''*Enhancing the Intergovernmental Partnership*'' (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled ''*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*'' (59 FR 7629, February 16, 1994) or require OMB review in accordance with Executive Order 13045, entitled ''*Protection of Children from Environmental Health Risks and Safety Risks*'' (62 FR 19885, April 23, 1997).

On August 4, 1999, President Clinton issued a new executive order on *Federalism*, Executive Order 13132 (64 FR 43255, August 10, 1999). This proposed rule will not have a substantial direct effect on 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.

In addition, pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency has determined that SNUR revocations, which eliminate requirements without imposing any new ones, have no adverse economic impacts.

This proposed rule is not subject to Executive Order 13211, *''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: July 18, 2001.

William H. Sanders, III

Office Director, Office of Pollution Prevention and Toxics.

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 would continue to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

§§ 721.3460, 721.6820 [Removed]

2. By removing §§ 721.3460 and 721.6820.

[FR Doc. 01–20663 Filed 8–15–01: 8:45 am]
BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS–50642; FRL–6557–8]

RIN 2070–AB27

Proposed Modification of Significant New Uses of Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to modify significant new use rules (SNURs) for 2 substances promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) based on new data. Based on the new data the Agency finds that activities not described in the corresponding TSCA section 5(e) consent orders for the chemical substances may result in significant changes in human or environmental exposure.

DATES: Comments, identified by docket control number OPPTS–50642, must be received on or before September 17, 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.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–50642 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general 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.

For technical information contact: James Alwood, Chemical Control Division, Office of Pollution Prevention and Toxics (7405), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–1857; e-mail address: alwood.jim@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you manufacture, import, process, or use the chemical substances contained in this proposed rule. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Chemical manufacturers	325	Manufacturers, importers, processors, and users of chemicals
Petroleum and coal product industries	324	Manufacturers, importers, processors, and users of chemicals

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action applies to certain entities. To determine whether you or your business is affected by this action, you should carefully examine the applicability provisions in title 40 of the Code of Federal Regulations (CFR) at 40 CFR 721.5. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and 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/. A frequently updated electronic version of 40 CFR part 721 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr721_00.html, a beta site currently under development.

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–50642. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–50642 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 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 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–50642. 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 technical person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

We invite you to provide your views on the various options we propose, new approaches we haven't 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 proposed rule.

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. Background

A. What Action is the Agency Taking?

In the **Federal Register** of September 28, 1990, OPPTS–50585 (55 FR 39905) EPA issued a SNUR for P–89–769. In the **Federal Register** of April 25, 1991, OPPTS–50591 (56 FR 19228) EPA issued a SNUR for P–90–440. Because of additional data EPA has received for these substances, EPA is proposing to modify the significant new use and recordkeeping requirements under 40 CFR part 721, subpart E. In this unit, EPA provides a brief description for each substance, including its premanufacture notice (PMN) number, chemical name (generic name if the specific name is claimed as CBI), CAS number (if assigned), basis for the modification of the TSCA section 5(e) consent order for the substance, and the CFR citation. Further background information for the substance is contained in Unit I.B.2 of this document.

PMN Number P–89–769
Chemical name: Resorcinol, formaldehyde substituted carbomonocycle resin (generic).
CAS number: Not available.
Federal Register *publication date and reference:* September 28, 1990 (55 FR 39905).
Docket number: OPPTS–50585.
Basis for modification: Based on an absorption study demonstrating that approximately 4 percent PMN substance will be absorbed following oral intake, EPA no longer concluded that the PMN substance may present an unreasonable risk of injury to human health, and consequently revoked the consent order. EPA is eliminating the SNUR provisions for worker protection, hazard communication, and disposal by

incineration as it no longer finds these provisions necessary to prevent significant changes in human exposure. The SNUR provisions for release to water will remain as EPA still finds that releases to water could result in significant changes in environmental exposure.
CFR citation: 40 CFR 721.9480 (Formerly 40 CFR 721.1889).

PMN Number P–90–440 and P–95–4
Chemical name: Substituted carboheterocyclic butane tetracarboxylate (generic).
CAS number: Not available.
Federal Register *publication date and reference:* April 25, 1991 (56 FR 19228).
Docket number: OPPTS–50591.
Basis for modification: A PMN submitter conducted a 90–day subchronic oral study in rats. The study demonstrated toxicity at all test doses (5, 20, and 75 milligram/kilogram/day (mg/kg/day)). The PMN submitter also conducted a particle size analysis of the PMN substance using vibration testing. The analysis indicated that a pellet form of the PMN substance would have a particle size greater than 250 microns. Workers exposed to the pellet form of the PMN substance having a particle size greater than 250 microns are not reasonably likely to be exposed to significant amounts of the PMN substance through inhalation. Therefore, EPA has determined that the proposed manufacturing, processing, and use of the pellet form of the PMN substance would not result in significant changes in human exposure. EPA is modifying the existing SNUR to state that the SNUR provisions for respiratory protection do not apply when the particle size of the PMN substance is 250 microns or greater. If, however, the particle size is less than 250 microns, then the SNUR provisions for respiratory protection will still apply. EPA is also eliminating the production volume limit from the SNUR as the 90–day subchronic test required by the TSCA section 5(e) consent order at the same production volume limit has already been conducted. In addition, EPA has noted in the preamble and added to the PMN heading a second PMN number for this substance as EPA had received an additional PMN submission for the same substance.
CFR citation: 40 CFR 721.1925 (Formerly 40 CFR 721.2094).

B. What is the Agency's Authority for Taking this Action?

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2) of TSCA. Once EPA determines that a use of a chemical substance is a significant new use, section 5(a)(1)(B) of TSCA requires persons to submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use. The mechanism for reporting under this requirement is established under 40 CFR 721.5.

During review of the PMNs submitted for the chemical substances that are the subject of this proposed rule, EPA concluded that regulation was warranted based on available information that indicated activities not described in the TSCA section 5(e) consent order might result in significant changes in human or environmental exposure as described in section 5(a)(2) of TSCA. Based on these findings, SNURs were promulgated.

EPA has revoked the TSCA section 5(e) consent order for P–89–769 and has determined that modifying these SNURs would not result in significant changes in human or environmental exposure. The modification of SNUR provisions for these substances designated herein is consistent with the provisions of the TSCA section 5(e) consent order.

C. Applicability of General Provisions

General provisions for SNURs appear under subpart A of 40 CFR part 721. These provisions describe persons subject to the proposed rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the proposed rule to uses occurring before the effective date of the final rule. Provisions relating to user fees appear at 40 CFR part 700. Persons subject to this SNUR must comply with the same notice requirements and EPA regulatory procedures as submitters of PMNs under section 5(a)(1)(A) of TSCA. In particular, these requirements include the information submission requirements of TSCA section 5(b) and 5(d)(1), the exemptions authorized by TSCA section 5 (h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUR notice, EPA may take regulatory action under TSCA section 5(e), 5(f), 6, or 7 to control the activities on which it has received the SNUR notice. If EPA does not take action, EPA is required under TSCA section 5(g) to explain in the **Federal Register** its reasons for not taking action.

Persons who intend to export a substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret TSCA section 12(b) appear at 40 CFR part 707. Persons who intend to import a chemical substance identified in a final SNUR are subject to the TSCA section 13 import certification requirements, which are codified at 19 CFR 12.118 through 12.127 and 127.28. Such persons must certify that they are in compliance with SNUR requirements. The EPA policy in support of the import certification appears at 40 CFR part 707.

III. Regulatory Assessment Requirements

Under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Office of Management and Budget (OMB) has determined that proposed or final SNURs are not a ''significant regulatory action'' subject to review by OMB, because they do not meet the criteria in section 3(f) of the Executive Order.

Based on EPA's experience with proposing and finalizing SNURs, State, local, and tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or tribal government will be impacted by this rulemaking. As such, EPA has determined that this regulatory action does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any affect on small governments subject to the requirements of sections 202, 203, 204, or 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4).

This proposed rule does not have tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This does not significantly or uniquely affect the communities of Indian trial governments, nor does it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 276755, May 19, 1998), do not apply to this proposed rule. Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000), which took effect on January 6, 2001, revokes Executive Order 13084 as of that date. EPA developed this rulemaking, however, during the period when Executive Order 13084 was in effect; thus, EPA addressed tribal considerations under Executive Order 13084. For the same reasons stated for Executive Order 13084, the requirements of Executive Order 10175

do not apply to this proposed rule either. Nor will this action have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999).

In issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988, entitled *Civil Justice Reform* (61 FR 4729, February 7, 1996).

EPA has complied with Executive Order 12630, entitled *Governmental Actions and Interference with Constitutionally Protected Property Rights* (53 FR 8859, March 15, 1988), by examining the takings implications of this proposed 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 action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

This action is not subject to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

In addition, since this action does not involve any technical standards, section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) Pub. L. 104–113 section 12(d) (15 U.S.C. 272 note), does not apply to this action.

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that promulgation of this SNUR will not have a significant adverse economic impact on a substantial number of small entities. The rationale supporting this conclusion is as follows. A SNUR applies to any person (including small or large entities) who intends to engage in any activity described in the proposed rule as a ''significant new use.'' By definition of the word ''new,'' and based on all information currently available to EPA, it appears that no small or large entities presently engage in such activity. Since a SNUR only requires that any person who intends to engage in such activity in the future must first notify EPA by submitting a Significant New Use Notice (SNUN), no economic impact will even occur until someone decides to engage in those activities. Although some small entities may decide to conduct such activities in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of over 530 SNURs, the Agency has received fewer than 15 SNUNs. Of those SNUNs submitted, none appear to be from small entities in response to any SNUR. In addition, the estimated reporting cost for submission of a SNUN is minimal regardless of the size of the firm. Therefore, EPA believes that the potential economic impact of complying with this SNUR are not expected to be significant or adversely impact a substantial number of small entities. In a SNUR that published on June 2, 1997 (62 FR 29684) (FRL–5597–1), the Agency presented it's general determination that proposed and final SNURs are not expected to have a significant economic impact on a substantial number of small entities, which was provided to the Chief Counsel for Advocacy of the Small Business Administration.

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, an Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the preamble of the final rule and in addition to its display on any related collection instrument, are listed in 40 CFR part 9.

The information collection requirements related to this action have already been approved by OMB pursuant to the PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a significant new use notice to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required significant new use notice.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, OP Regulatory Information Division (2137), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

This proposed rule is not subject to Executive Order 13211, *''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: July 18, 2001.

William H. Sanders, III

Office Director, Office of Pollution Prevention and Toxics.

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 would continue to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

2. Section 721.1925 is amended as follows:

a. By revising the section heading.

b. By revising paragraphs (a)(1), (a)(2)(i), and (a)(2)(iii).

c. By removing paragraph (b)(3).

§ 721.1925 Substituted carboheterocyclic butane tetracarboxylate (generic).

(a) * * * (1) The chemical substance identified generically as substituted carboheterocyclic butane tetracarboxylate (PMNs P–90–440 and P–95–4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) * * *

(i) *Protection in the workplace.* Requirements as specified in § 721.63 (a)(1), (a)(3), (a)(4), (a)(5)(i), (a)(5)(ii), (a)(5)(iii), (a)(6)(i), (b) (concentration set at 1.0 percent), and (c). Sections 721.63 (a)(4), (a)(5)(i), (a)(5)(ii), (a)(5)(iii), and (a)(6)(i) do not apply when particle sizes of the chemical substance is greater than 250 microns.

* * * * *

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f).

* * * * *

3. Section 721.9480 is amended as follows:

a. By revising the section heading.

b. By revising paragraphs (a)(1), (a)(2)(i), and (b)(1).

c. By removing and reserving paragraph (a)(2)(ii).

d. By removing paragraphs (a)(2)(iii), (a)(2)(iv), (a)(2)(v), and (b)(3).

§ 721.9480 Resorcinol, formaldehyde substituted carbomonocycle resin (generic).

(a) * * * (1) The chemical substance identified generically as resorcinol, formaldehyde substituted carbomonocycle resin (PMN P–89–769) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) * * *

(i) *Release to water.* Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

(ii) [Reserved]

(b) * * *

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

* * * * *

[FR Doc. 01–20664 Filed 8–15–01: 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2001–10359]

Request for Comments To Obtain the Views of the Public on the Use and Effectiveness of Booster Seats

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

ACTION: Request for Comments.

SUMMARY: This document requests comments from all interested parties on the use and effectiveness of belt positioning boosters (hereafter noted as ''booster(s)''), taking into account the advantages and disadvantages of belt positioning boosters with adult lap/shoulder belts versus adult lap and shoulder belts alone.

It responds to Section 14(h) of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, which mandates that the Secretary of Transportation initiate and complete a study, taking into account the views of the public, on the use and effectiveness of automobile booster seats for children, compiling information on the advantages and disadvantages of using booster seats and determining the benefits, if any, to children from the use of boosters with lap and shoulder belts compared to children using lap and shoulder belts alone, and submit a report on the results of that study to the Congress by November 1, 2001.

We anticipate that your comments will provide valuable insight as to the public views and perception of booster seats, specifically belt positioning booster seats.

DATES: *Written Comments:* Written comments must be submitted for public viewing and received at Docket Management at the address below no later than September 17, 2001.

ADDRESSES: *Written Comments:* Submit written comments to the DOT 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–2001–10359) and be submitted in two copies. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard.

Comments may also be submitted to the Docket electronically by logging onto the DOT Docket Management System Web site at http://dms.dot.gov. Click on ''Help & Information'' to obtain instructions for filing comments electronically. In every case, the comments should refer to the Docket Number.

Claim of Confidentiality for Written Comments: See below, How Do I Submit Confidential Business Information?

FOR FURTHER INFORMATION CONTACT: Linda McCray, Office of Vehicle Safety Research, NRD–11, NHTSA, 400 Seventh Street, SW, Washington, DC 20590 (telephone 202–366–6375, Fax: 202–366–7237, E-mail Linda.McCray@nhtsa.dot.gov).

SUPPLEMENTARY INFORMATION: This document requests comments from all interested parties on the use and effectiveness of belt positioning boosters (hereafter noted as ''booster(s)''), taking into account the advantages and disadvantages of belt positioning boosters with adult lap/shoulder belts versus adult lap and shoulder belts alone.

On November 1, 2000, the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law 106–414 (114 Stat. 1800), was enacted which contains provisions on improving the performance of child restraints. In Section 14(h), Improving the Safety of Child Restraints—Booster Seat Study, the TREAD Act mandates that the Secretary of Transportation initiate and complete a study, taking into account the views of the public, on use and effectiveness of automobile booster seats for children, compiling information on the advantages and disadvantages of using booster seats and determining the benefits, if any, to children from use of boosters with lap and shoulder belts compared to children using lap and shoulder belts alone, and submit a report on the results of that study to the Congress by November 1, 2001. We anticipate that your comments will provide some insight as to the public views and perception of booster seats, specifically belt positioning booster seats.

Traffic crashes are the leading cause of death to children of every age from 5 to 16 years old. Six of 10 children who die in passenger motor vehicle crashes are either not restrained at all or are improperly restrained. In addition, children are being moved into adult safety belts too soon. A child is presumed ready to graduate from a booster seat to an adult lap/shoulder belt when the child can firmly place his/her back against the vehicle seat back cushion with his/her knees naturally bent over the front of the vehicle pad with feet firmly placed on the vehicle floor. This typically occurs when a child is about 4 feet 9 inches tall. For children from 4- to 8-years old, belt positioning booster seats, properly used, can help prevent injury by improving the fit of adult-sized safety belts fit. Unfortunately, few children who could benefit from booster seats actually use them. Most studies indicate that booster seat usage rates are below 10 percent. Survey data show that the other children either use safety belts alone or ride totally unrestrained.

In 1998, NHTSA included questions about booster seat use in a telephone survey of a randomly selected national sample of about 4,000 persons age 16 and older. A subgroup of 754 parents or caregivers of children under the age of 6, were asked if they were aware of booster seats. While 76 percent of these participants said they were aware of booster seats, 21 percent said they were unaware of them, and 3 percent were unsure. Of those who were aware of booster seats, 53 percent said they had used them at some time for their children.

The survey confirmed that children who should be in booster seats often use safety belts alone instead. While most participants thought children in rear-facing seats were expected to move on to other safety seats, 14 percent expected their older children to use safety belts. Slightly more than half (55 percent) of the parents whose children used child safety seats said that when their children outgrew a child seat they would use a different seat or booster seat while 43 percent answered either that the children would graduate to safety belts alone or that they did not know how they would be restrained.

In spite of the documented effectiveness of safety seats, many families still do not use them. Although there are child safety seat usage laws in every State and the District of Columbia, most laws do not apply to booster seat use. The usage rate is very low for booster seats by children who have outgrown their convertible forward-facing child safety seats but who do not yet fit adult belts.

NHTSA is proud of its role as a national leader in promoting child passenger safety. During the past several years, government, industry, advocates, etc., have pursued various methods to best address the issue of proper restraint use for older children—including those that have outgrown the convertible/forward-facing child safety seat. In 1998, the Blue Ribbon Panel II: *Protecting Our Older Child Passengers* convened to develop better methods to protect children ages 4 through 15 years old. In 1999, to address the issue of nonuse of booster seats, NHTSA awarded grants totaling $800,000 to six States and communities for pilot and demonstration programs to be developed which could be duplicated nationally to increase booster seat usage for children ages 4 to 8 years and to promote safety belt use among older children. Final reports from these programs are due at the end of 2001. NHTSA will continue to provide funding to State and local agencies to promote the use of booster seats and safety belts by older children and will develop ''best practices'' strategies and educational materials. In February 2000, based on Blue Ribbon Panel II recommendations (see http://www.actsinc.org/whatsnew_6.html), NHTSA launched the *Don't Skip a Step* national booster seat campaign to educate parents about the risks of improperly positioned adult safety belts and the effectiveness of belt-positioning booster seats for children ages 4 to 8 years. The agency later introduced *4 Steps for Kids*, a campaign to promote the use of booster seats for children who have outgrown convertible/forward-facing child safety seats. On December 7, 2000, The National Transportation Safety Board (NTSB) held a meeting/hearing on the availability and cost of lap-belt-only booster seats. These types of booster seats can be used in vehicle rear seats that are only equipped with a lap belt.

In April 2001, the American Association for Automotive Medicine (AAAM) sponsored an international conference, *Booster Seats for Children: Closing the Gap Between Science and Public Policy*, of leading child passenger safety experts in medicine, engineering, public policy, research and enforcement. A major goal of that conference was to develop scientifically based recommendations that would lead to public policies, including regulation and legislation, on booster seats and that would guide future research in child occupant restraint systems. The recommendations can be found at www.carcrash.org/recs.html.

NHTSA also has been a close partner in the development and refinement of the ''Boost America!'' program sponsored by Ford Motor Company. This $30 million program, launched on April 30, 2001, will give away a million booster seats during the program's first 12 months, and award $1 million in grants to local organizations to support grassroots booster seat advocacy and distribution efforts. In addition, the program will distribute preschool and elementary school educational materials promoting booster seat use. The Agency plans to continue working with retailers, child safety seat and vehicle manufacturers to raise consumer awareness of booster seats. In addition, the Agency has sought public input to identify potentially effective interventions to address the problem of prematurely moving children from safety seats to adult safety belts. As required by Section 14(h) of the TREAD Act, NHTSA will develop, by November 2001, a 5-year strategic plan to reduce deaths and injuries caused by failure to use the appropriate booster seat in the 4- to 8-years old age group by 25 percent. A **Federal Register** Notice (66 FR 30366) related to that initiative, Docket Number NHTSA–01–9785, was published on June 6, 2001, to announce a public meeting (held on July 10, 2001) and request comments to facilitate the development of the plan. The intent of the meeting was to provide the sharing of viewpoints, information, and ideas on booster seat usage. Among those in attendance were the general public, industry, government, and advocacy groups. Topics discussed included, but were not limited to, educational programs, program effectiveness and evaluation, target audiences, program delivery, challenges, and funding sources.

In an effort to assess the performance of booster seats in real-world crashes and laboratory tests, the agency is conducting a detailed review of crash and test data. Again, the TREAD Act directs the agency to consider the public's views on the use, effectiveness, and perceived advantages and disadvantages of booster seats, specifically belt positioning boosters versus lap/shoulder belts alone. Therefore, NHTSA is seeking input from the general public, child safety advocates, child passenger safety experts, academia, law enforcement personnel, medical experts, and child seat and vehicle manufacturers regarding booster seats. Comments should consist of, but are not limited to, results on booster seat use, effectiveness, advantages and disadvantages from special studies, focus group studies, real-world crash data and laboratory tests and results. In addition, we offer the following questions for consideration:

Use: The usage rate for booster seats by children who have outgrown their convertible/forward-facing child safety restraints is very low (below 10 percent). Survey data show that these children often use safety belts alone instead or ride totally unrestrained.

1. Study results presented at the AAAM booster seat conference indicated that booster seat usage rates varied geographically, ranging from approximately 6 to 14 percent. These rates are very low. Considering the fact that belt positioning boosters have only entered the market within the last 5 to 6 years, what are the possible reasons that their usage rates are so low? Are there any additional studies of booster seat use that were not presented at the AAAM conference?

2. Are parents confused as to what size/weight children should be in booster seats? Are Agency guidelines regarding children 4 to 8 years old, 40 to 80 pounds, or less than 57 inches confusing to the parents?

3. The TREAD Act directs the agency to move forward aggressively to educate the public on booster seats in an effort to increase usage. Once parents/caregivers are educated, are there adequate varieties of booster seats available in the marketplace for the various size children and types of vehicle seats? Are there adequate varieties of booster seats for various types of safety belt configurations (i.e., lap/shoulder versus lap belt only)?

4. What are parents' perceptions of booster seats compared to convertible/forward-facing child safety seats with regard to ease of use, comfort and convenience, safety, acceptance by children and other factors?

5. Are they as safe as convertible/forward-facing child safety seats, based on any comparative test and evaluation data?

Effectiveness: Given that the usage rate of booster seats is so low, the Agency has to evaluate the effectiveness of these devices based on the information it is able to gather through its own research and public comments obtained. To facilitate this task, we offer the following points to focus your comments:

1. The agency does not have enough crash data with booster seats available in its files to make a reliable estimate of the effectiveness of booster seats at this time. Based on analytical estimates, the agency currently believes that belt-positioning booster seats would provide children in the 4- to 8-year-old age group about 6 percentage points greater effectiveness than lap/shoulder belts provide adults. The following is our evaluation of the effectiveness of restraints in the back seat using 1988 to 1997 data from the Fatality Analysis Reporting System (FARS). The results are quite interesting and open for discussion of the effectiveness of belt positioning booster seats.

Children 5 to 8 years old in the back seat:

Effectiveness of lap belts = 30%
Effectiveness of lap/shoulder belts = 48%

Children 9 to 14 years old in the back seat:

Effectiveness of lap belts = 41%
Effectiveness of lap/shoulder belts = 54%

Rear seat occupants 5 to 100 years old in the back seat:

Effectiveness of lap/shoulder belts = 44%

These data indicate a significant improvement in effectiveness between lap belts only and lap/shoulder belts for children in the age group of 5 to 8 years. Therefore, if a parent determines that the shoulder belt fits properly and places it behind the child's back, the result is a lap belt with the lower effectiveness of 30 percent, rather than the lap/shoulder belt with 48 percent effectiveness. Is it valid to assume that an approximate measure for the effectiveness of a belt positioning booster seat would be the difference between the 48 percent effectiveness for 5 to 8 year olds in a lap/shoulder belt and the 54 percent effectiveness for 9 to 14 year olds in a lap/shoulder belt? This is based on the assumption that there could be a 6 percentage point difference in effectiveness by improving belt fit by using a booster seat. That is, boosting the child up improves the fit of the lap belt portion and moves the shoulder belt away from the face and neck area.

2. Are there any available data or reports on the effectiveness of belt positioning booster seats based on real-world crash data?

3. What is the perceived effectiveness of belt positioning boosters by parents?

Advantages/Disadvantages

1. For those parents who use—versus those who do not use—booster seats, what are some of the perceived advantages and disadvantages of belt positioning boosters used with an adult lap/shoulder belt when compared to the use of adult lap/shoulder belt alone?

2. Are there any real-world data and/or laboratory test data to support any advantages and/or disadvantages between the two types of restraint systems?

While these questions are not all inclusive in identifying the issues raised in this Notice, they provide some insight.

Again, we anticipate that your comments will provide some insight into the public views and perceptions regarding the use of booster seats, specifically belt positioning booster seats. Your response to this Notice will help the Agency in determining its future course of action with respect to child booster seats. Interested persons are invited to submit comments on this Notice. All written comments must be in English. Comments must not exceed 15 pages in length, but necessary attachments may be appended to these submissions without regard to the 15-page limit (49 CFR 553.21). This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

Comments to applicable, related safety recommendations proposed by NTSB, AAAM, and Blue Ribbon Panel II are welcomed. Further information on booster seats can be obtained by going to the NHTSA Web site at www.nhtsa.dot.gov.

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, the Docket number (NHTSA–2001–10359) must be included in your comments. Submit all written comments to the Docket Management at the above address.

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 comments contain any materials that are claimed to be confidential business information, these materials must be submitted in a separate enclosure envelope marked confidential to the Office of Chief Counsel, NCC–30, at 400 Seventh Street, SW., Room 5219, Washington, DC 20590. In accordance with the provisions of the Agency's regulations concerning confidential business information (49 CFR part 512) commenters should identify the particular portions of their submissions for which they claim confidentiality (49 CFR 512.4(a)(2) and (3)), and they should stamp or mark the word ''confidential,'' or some other term that clearly indicates the presence of information claimed to be confidential, on the top of each page that contains information claimed to be confidential (49 CFR 512.4(a)(1)). Commenters also should include with their submissions a certification stating that they (or their representatives) have made a diligent inquiry to ascertain that the submitted information has not been disclosed or otherwise been made public (49 CFR 512.4(e)) and also information supporting their claim for confidential treatment (49 CFR 512.4(b)(3)). The supporting information should, among other things, inform the agency of the period of time for which confidential treatment is being requested (49 CFR 512.4(b)(3)(ix)) and describe the particular harm that would result from disclosure (49 CFR 512.4(b)(3)(vi)).

In addition, if a submission contains information that is claimed to be entitled to confidential treatment, commenters should submit directly to (Linda McCray at the above address) one copy of the submission in its entirety (including the portions claimed to be confidential) and also one copy of a ''public version'' of the submission, from which portions claimed to be confidential have been redacted (49 CFR 512.4(a)(4)).

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, S.W., Washington, DC, from 9:00 a.m. to 5:00 p.m., Monday through Friday.

You may also view 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 last five digits of the Docket number shown at the beginning of this document (i.e., 10359). 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.

Issued on: August 10, 2001.

Raymond P. Owings,

Associate Administrator for Research and Development.

[FR Doc. 01–20633 Filed 8–15–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies the petition submitted by Federal-Mogul Lighting Products (Federal-Mogul) to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 108, ''Lamps, Reflective Devices, and Associated Equipment,'' to allow headlamps that are aimed visually or optically to have a horizontal adjuster system that does not have the required ±2.5 degree horizontal adjustment range or the vehicle headlamp aiming device (VHAD) indicator required by the standard.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Flanigan, Office of Safety Performance Standards, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Mr. Flanigan's telephone number is: (202) 366–4918. His facsimile number is (202) 366–4329.

SUPPLEMENTARY INFORMATION: By letter dated June 7, 1999, Federal-Mogul asked the agency for an interpretation on a new headlamp system design it was contemplating. It wanted to manufacture headlamps that have a ±1 degree horizontal adjustment range, by means of an aiming screw, to accommodate the need to adjust the headlamp relative to the vehicle body so that it is in the design location. The horizontal aiming requirements, in paragraph S7.8.5.2(a)(2)(iv) of FMVSS No. 108, specify that ''[t]he horizontal indicator shall perform through a minimum range of ±0.76 degree (4 [inches (in.)] at 25 [feet (ft.)]); however, the indicator itself shall be capable of recalibration over a movement of ±2.5 degrees relative to the longitudinal axis of the vehicle to accommodate any adjustment necessary for recalibrating the indicator after vehicle repair from accident damage.''

If the horizontal aiming screw is included on the headlamp housing, the headlamp must also include a horizontal adjustment mechanism with a fiducial mark that indicates alignment of the headlamps relative to the vehicle's longitudinal axis. Specifically, paragraph S7.8.5.2(a)(2)(i) requires that the horizontal adjuster have a graduated scale not greater than 0.38 degree (2 in. at 25 ft.) to provide for variations in aim of at least 0.76 degree (4 in. at 25 ft.) to the left and the right of the longitudinal axis of the vehicle, and have an accuracy relative to the zero mark of less than 0.1 degree. Federal-Mogul asked that these requirements also be deleted.

In producing lamps in this manner, the photometry would be designed so the lamps could comply in any horizontal location to which they could be adjusted in this limited range. Federal-Mogul states that this would resolve some manufacturing problems. It also stated that an anti-tampering feature would be included to assure that the aim could not be changed to be outside the horizontal range within which the headlamp achieved photometric compliance.

The agency's response was that the standard could not be interpreted in this manner. Federal-Mogul asked in its request for interpretation that, if the agency did not find that its headlamp system would be compliant, that the document be handled as a petition for rulemaking.

Background

Proper aim is required to ensure that headlamps installed on motor vehicles fulfill the safety functions required by Federal law. There are three principal methods of aiming headlamps. The first is visual and is done by projecting the beam onto a vertical surface and then adjusting the headlamp to an appropriate position. This position is determined by an observer. The second is optical and is done by projecting the beam into an optical device that is placed in front of the headlamp and then adjusting the headlamp until the beam conforms to the appropriate parameters. Lamps utilizing these two methods are termed visual/optical aim (VOA) headlamps.

Regarding horizontal aim adjustment required for VOA headlamps, paragraph S7.8.5.3(b) of FMVSS No. 108 states that ''[t]here shall be no adjustment of the horizontal aim unless the headlamp is equipped with a horizontal VHAD.'' A VHAD is an item of equipment installed on the vehicle and headlamp which is used for determining headlamp aim mechanically in much the same manner as described above. In its most common form, there is a bubble vial on the headlamp housing which has a closely specified geometric relationship to the headlamp beam's vertical location. When the bubble is within a specific area indicated on its vial, the headlamp's vertical aim is correct. A similar mechanical reference marking system is used for correct horizontal aim, essentially aligning the optical axis of the headlamp housing or reflector to the vehicle's longitudinal axis. One attractive feature of VHADs is that they provide a simple way to determine a headlamp's proper aim. However, VHADs add to vehicle cost. Some vehicle manufacturers choose to use them for the additional styling freedom they provide, but other manufacturers

choose not to use them because of the added cost.

The third method of aim is mechanical and is done without activation of the headlamp. In this case the proper aim is determined through the use of mechanical equipment, either external to the headlamp housing or provided as part of the headlamp. External mechanical aim was introduced in 1955 by the automotive industry in response to aiming concerns expressed by the States. These concerns were related to the inability of the first two methods to provide accurate and repeatably correct aim at that time.

The ability of motor vehicle headlamps to be mechanically aimed has been a requirement of FMVSS No. 108 from its effective date of January 1, 1968. Mechanical aiming was necessary because accurate and reliable visual or optical aim of the lower beam pattern in use in the United States at that time was difficult to achieve. Sealed beam headlamps, the only type permitted until 1983, are required to have one of four aiming pad patterns on the lens for mechanical aiming. These patterns consist of three raised aiming pads arranged as a triangle at specified points on the lens which create a precise interface between the headlamp and a mechanical aiming device attached to the headlamp during the aiming verification process. The mechanical aiming device provides information so that the aiming planes of the headlamps on each side of the vehicle can be adjusted to be parallel with each other and perpendicular to the road surface. Because a headlamp's beam pattern is designed to be correctly aimed when the aiming plane is oriented as stated, the beam pattern can be accurately and repeatably aimed without the need for illuminating the headlamp.

With the advent of replaceable bulb headlamps in 1983, restrictions on the size and shape of headlamps were no longer required. While two additional configurations of mechanical aiming pads were permitted, not all headlamp designs could accommodate them. In response to this problem, the agency has allowed VHAD since June 8, 1989. VHAD is an alternative method of mechanical aim which is not dependent upon an externally applied mechanical device. It is accomplished by mechanical aiming equipment on the vehicle itself.

As a consequence, the vehicle industry requested that the agency allow VOA headlamps, provided that significant visual cues in the beam pattern were added to assure accuracy. Subsequently, VOA headlamps became part of FMVSS No. 108 and headlamps meeting new beam pattern photometric requirements were developed. These headlamps have a beam pattern that is relatively insensitive to modest horizontal misaim. VOA headlamps were allowed based on comments to the agency that vehicles could be built with such close tolerances that no horizontal aim adjustment was necessary. Additionally, to date, no useful visual cue for horizontal aiming exists. Consequently, because no visual cue was available for the purpose of horizontal aiming, the agency did not permit any horizontal movement of VOA headlamps. The lamp is essentially correctly aimed as installed. As an alternative, horizontal-aiming VHADs were permitted on VOA headlamps as a means for manufacturers to meet European requirements which require both a horizontal and vertical aim adjustment. Thus, to be sold in both the European and U.S. markets, a headlamp needs both a horizontal and vertical aiming screw. A VOA headlamp intended for use only in the U.S. market need only have the vertical one.

Agency Analysis

As part of the justification for the agency's allowing VOA headlamps in 1996, vehicle manufacturers indicated that they needed no horizontal aim adjustment because of the present accuracy of vehicle assembly and headlamp positioning on the assembly line. Because of this, and the fact that no reliable scientific method of achieving horizontal VOA has been determined, two major changes were made to FMVSS No. 108 for VOA headlamps. These were: (1) the beam was made to be much wider and much less sensitive to horizontal misaim and, (2) no horizontal aiming screws or mechanisms other than a horizontal VHAD were permitted. Federal-Mogul apparently does not want to bear the costs of adding a VHAD to its VOA headlamps, but does need some horizontal aim adjustment to be incorporated. As a consequence, it has petitioned to allow horizontal aim adjustability, but without a horizontal VHAD, as described above.

In 1996, an internationally-comprised Regulatory Negotiation Committee worked with the agency over many months to achieve a consensus on all issues and the specific text of the amendment to allow VOA headlamps. Because the present VHAD horizontal aim requirements, as applied to VOA, were part of that consensus agreement, the agency is reluctant to change these requirements, absent a compelling demonstration of a need to do so.

Currently, manufacturers can only use a VHAD for providing horizontal aim adjustment if they want that feature on a VOA headlamp. Federal-Mogul's petition appears to be based on a desire to have a small horizontal adjustment without a VHAD for the purpose of overcoming inaccuracies in the design and assembly of motor vehicles such that the headlamp housing may be purposefully misaimed, within a certain range, to help assure the desired visually symmetric size of the gap between the vehicle body and the headlamp or between the headlamp reflector and the surrounding headlamp housing while simultaneously achieving correct horizontal aim because of the design of the headlamp's lower beam. The agency is also aware of other lighting manufacturers who are contemplating methods of overcoming manufacturing inaccuracies with methods similar to Federal-Mogul's.

During the negotiated rulemaking, all of the vehicle manufacturers represented on the committee stated that they were capable of building vehicles as accurately as needed to install VOA headlamps. However, this degree of precision in assembly adds cost. This is also the case for including a VHAD. Federal-Mogul's petition requests a less expensive third alternative. That is, it requests that a small horizontal aim range be permitted to allow manufacturers to make the fit of the headlamp to their vehicle to appear more precise than would otherwise be the case. The requested horizontal aim would only be large enough ''to ensure the headlamp will stay in compliance when installed on a vehicle.''

Federal-Mogul's petition overlooks the fact that, aside from a VHAD, VOA headlamps do not currently have any feature that allows anyone other than the headlamp's manufacturer to objectively assess the accuracy of horizontal aim. Hence, a vehicle manufacturer seeking to adjust the horizontal aim of these lamps on a new vehicle would have no objective, repeatable way to assess the impact of its horizontal aim adjustments on real world lighting performance. Because of this limitation, neither the agency nor anyone else, including vehicle dealers and state safety inspectors, would have any way of knowing whether the ''minor'' horizontal aim adjustments vehicle manufacturers could make pursuant to this request would produce acceptable or ''complying'' horizontal aim on headlamps on vehicles on the road.

One promising near-term means of addressing the inability to provide

horizontal aim is to find a solution for a visual horizontal fiducial mark or reference similar to the cutoff in the beam pattern that permits vertical visual aiming. The vertical aim cutoff allows inspectors, service shops, and others to reliably and accurately vertically aim these headlamps. Informal discussions about developing a horizontal fiducial feature in the lower beam pattern have been held at recent meetings of the Society of Automotive Engineers (SAE) Lighting Committee. There have also been similar discussions at international meetings of automotive lighting experts.

Given Federal-Mogul's, as well as other manufacturers', desire for horizontal aiming features other than VHADs, the agency believes it is incumbent on Federal-Mogul and the industry to develop a single method for horizontal aiming which could be incorporated into FMVSS No. 108. The agency does not intend to assess individual manufacturer's petitions for alternatives to install a VHAD.

In accordance with 49 CFR part 552, this completes the agency's review of the petition. The agency has concluded that there is no reasonable possibility that the amendment requested by the petitioner would be issued at the conclusion of a rulemaking proceeding. Accordingly, it denies Federal-Mogul's petition.

Authority: 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: August 13, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–20668 Filed 8–15–01; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 66, No. 159
Thursday, August 16, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Committee on Voluntary Foreign Aid (ACVFA).

Date: September 12, 2001 (9 a.m. to 5 p.m.).

Location: Marriott Metro Center, 775 12th Street, NW., Washington, DC 20005.

This meeting will focus on USAID's strategies in conflict prevention, procurement reform and HIV/AIDS.

The meeting is free and open to the public. Persons wishing to attend the meeting contact Rhonda Fagan at (202) 204–3088, fax (202) 204–3089 or email <rfagan@datexinc.com>.

Dated: August 3, 2001.

Noreen O'Meara,

Executive Director, Advisory Committee on Voluntary Foreign Aid (ACVFA).

[FR Doc. 01–20639 Filed 8–15–01; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[PY–00–004]

Voluntary Grade Standards for Rabbits and U.S. Grade C-Quality Poultry

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) proposes to change the voluntary United States Grade Standards for Rabbits. Specifically, the changes will add stewer rabbits to the roaster and mature rabbit class; update and clarify the tolerances for conformation, fleshing, disjointed and broken bones, and freezing; and provide new tolerances for cuts and tears and discolorations. The standards are being updated to provide more specific grade factors for increasing accuracy of grade determination. Additionally, AMS will update the voluntary United States Grade Standards for Grade C-quality ready-to-cook poultry for consistency with existing U.S. Grade A and B standards.

DATES: Comments must be received on or before October 15, 2001.

ADDRESSES: Written comments may be submitted to David Bowden, Chief, Standardization Branch, Poultry Programs, AMS, USDA, Room 3944-South Bldg., STOP 0259, 1400 Independence Avenue, SW, Washington, DC 20250–0259; faxed to (202) 690–0941; or e-mailed to pydocket@usda.gov.

All comments received will be available for public inspection during regular business hours (8 a.m.—4:30 p.m. eastern time).

The current United States Grade Standards for Poultry and Rabbits, along with the proposed changes, are available either through the above address or AMS's Internet site at: www.ams.usda.gov/standards.

FOR FURTHER INFORMATION: Contact Rex A. Barnes at (202) 720–3271.

SUPPLEMENTARY INFORMATION: Poultry grading is a voluntary program provided under the Agricultural Marketing Act of 1946, as amended, 7 U.S.C. 1621 *et seq.*, and is offered on a fee-for-service basis. Section 203(c) of the Agricultural Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, grade, and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *.'' AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities.

On December 4, 1995, the Voluntary United States Grade Standards for Rabbits and Poultry were removed from the Code of Federal Regulations (CFR) as part of the National Performance Review program. AMS continues to administer the voluntary standards, maintaining their existing numbering system, and copies of the official standards are available upon request.

The U.S. Grade Standards for Rabbits and Poultry were last revised on April 29, 1998. These revisions changed poultry feather tolerances and added new boneless, skinless and size-reduced poultry products. Since that time, rabbit producers and processors have requested that AMS clarify the rabbit standards by developing detailed defect tolerances for cuts and tears, discolorations, and freezing defects to reflect the developing processing technology. Rabbit processors hope to use these standards to assist in marketing graded rabbit products.

AMS proposes to add stewer rabbits to the class of roaster and mature rabbits and decrease the age requirement for these rabbits to six months of age. This change is consistent with actual rabbit grower and breeding terminology.

The following proposed changes pertain to the standards for Grades A-, B-, and C-quality rabbits:

(1) Updated information will be provided for conformation and fleshing. Current grade criteria describe hip and back characterizations that are not applicable to meat-yielding rabbit breeds today.

(2) Disjointed and broken bone criteria will be updated to reflect actual processing activities including the presence of broken bones due to the removal of head and feet. Tolerances will be established to indicate points at which a bone may be broken regarding the start of the meat tissue.

(3) The term ''pockmarks'' will be removed from the freezing defects section and replaced with ''drying out of the outer layer of flesh.'' AMS has found that the pockmarks are traditionally found on skin-on poultry and are not applicable to rabbits. The drying out of the outer layer of flesh (freezer burn) is a more descriptive explanation for freezing defects that occur on rabbit products during frozen storage.

(4) New tolerances will be established for cuts and tears. Current standards do not allow or identify a length for cuts or tears regardless of grade being produced. Processors have expressed that since the hide or pelt must be removed from all rabbits, hand and mechanical cuts are often needed to start the hide or pelt removal process making this requirement unrealistic. AMS agrees and has worked with the industry to develop a tolerance for the cuts and tears to reflect industry-processing techniques.

(5) New discoloration tolerances will be defined to indicate whether slight,

lightly shaded, or moderately shaded discolorations, blood clots, or incomplete bleeding will be allowed. Current standards do not indicate the dimensions for discolorations making the grade establishment of rabbit carcasses and parts more difficult.

With respect to U.S. Grade C-quality standards for poultry, AMS proposes to add subject headings and text for poultry conformation, fleshing, fat covering, defeathering, exposed flesh, discolorations, trimming, and freezing defects to clearly define and coincide with the requirements printed in the Grade C-quality table. These additions are consistent with the current written format for U.S. Grades A-and B-quality poultry and impose no new requirements to industry.

Other miscellaneous changes are proposed to remove obsolete material, clarify, simplify, and technically correct the standards. These changes to the rabbit and poultry standards impose no new requirements.

Dated: August 10, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–20583 Filed 8–15–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Assessment of Fees for Dairy Import Licenses for the 2002 Tariff-Rate Import Quota Year

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that the fee to be charged for the 2002 tariff-rate quota (TRQ) year for each license issued to a person or firm by the Department of Agriculture authorizing the importation of certain dairy articles which are subject to tariff-rate quotas set forth in the Harmonized Tariff Schedule of the United States (HTS) will be $150.00 per license.

EFFECTIVE DATE: January 1, 2002.

FOR FURTHER INFORMATION CONTACT: David J. Williams, Interim Dairy Import Quota Manager, Import Policies and Programs Division, STOP 1021, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250–1021 or telephone at (202) 720–6939 or e-mail at *williamsdj@fas.usda.gov*.

SUPPLEMENTARY INFORMATION: The Dairy Tariff-Rate Import Quota Licensing Regulation promulgated by the Department of Agriculture and codified at 7 CFR 6.20–6.37 provides for the issuance of licenses to import certain dairy articles which are subject to TRQs set forth in the HTS. Those dairy articles may only be entered into the United States at the in-quota TRQ tariff rates by or for the account of a person or firm to whom such licenses have been issued and only in accordance with the terms and conditions of the regulation.

Licenses are issued on a calendar year basis, and each license authorizes the license holder to import a specified quantity and type of dairy article from a specified country of origin. The use of licenses by the license holder to import dairy articles is monitored by the Dairy Import Quota Manager, Import Licensing Group, Import Policies and Programs Division, Foreign Agricultural Service, U.S. Department of Agriculture and the U.S. Customs Service.

The regulation at 7 CFR 6.33(a) provides that a fee will be charged for each license issued to a person or firm by the Licensing Authority in order to reimburse the Department of Agriculture for the costs of administering the licensing system under this regulation.

The regulation at 7 CFR 6.33(a) also provides that the Licensing Authority will announce the annual fee for each license and that such fee will be set out in a notice to be published in the **Federal Register**. Accordingly, this notice sets out the fee for the licenses to be issued for the 2002 calendar year.

Notice

The total cost to the Department of Agriculture of administering the licensing system during 2001 has been determined to be $391,030 and the estimated number of licenses expected to be issued is 2,600. Of the total cost, $197,856 represent staff and supervisory costs directly related to administering the licensing system during 2001; $62,924 represents the total computer costs to monitor and issue import licenses during 2001; and $130,250 represents other miscellaneous costs, including travel, postage, publications, forms, and an ADP system contractor.

Accordingly, notice is hereby given that the fee for each license issued to a person or firm for the 2002 calendar year, in accordance with 7 CFR 6.33, will be $150.00 per license.

Issued at Washington, D.C. the 10th day of August, 2001.

David J. Williams,

Interim Licensing Authority.

[FR Doc. 01–20631 Filed 8–15–01; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; National Woodland Owner Survey

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on a previously approved information collection, ''National Woodland Owner Survey'' that is being reinstated with change. This information collection will help the Forest Service assess the sustainability of forest resources of the United States, determine opportunities and constraints of private woodland owners, and facilitate planning and implementation of forest policies and programs. Information will be collected from private woodland owners of the United States.

DATES: Comments must be received in writing on or before October 15, 2001 to be assured of consideration. Comments received after this date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Brett Butler, Northeastern Research Station, USDA Forest Service, 11 Campus Blvd., Suite 200, Newtown Square, PA 19073. Comments also may be submitted via facsimile to (610) 557–4250 or by e-mail to bbutler01@fs.fed.us.

The public may inspect comments received at 11 Campus Blvd., Suite 200, Room 2040, Newtown Square, PA. Visitors are encouraged to call ahead to (610) 557–4045 to facilitate entry to the building. Additionally, comments can be viewed on the internet at http://www.fs.fed.us/woodlandowners.

FOR FURTHER INFORMATION CONTACT: Brett Butler, Northeastern Research Station, (610) 557–4045, bbutler01@fs.fed.us, or Mary Ann Ball, Forest Service Information Collection Coordinator, (703) 605–4572, maryball@fs.fed.us. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title: National Woodland Owner Survey.

OMB Number: 0596–0078.

Expiration Date of Approval: October 31, 1997.

Type of Request: Reinstatement, with change, of a previously approved

information collection for which Office of Management and Budget approval has expired.

Abstract: The National Woodland Owner Survey will collect data to assess the sustainability of the forest resources of the United States, determine the opportunities and constraints that private woodland owners typically face, and facilitate the planning and implementation of forest policies and programs. The Forest and Rangeland Renewable Resources Planning Act of 1974 (Pub. L. 93–278) and the Forest and Rangeland Renewable Resources Act of 1978 (Pub. L. 95–307) are the legal authorities for conducting the National Woodland Owner Survey. These acts assign responsibility for the inventory and assessment of forest and related renewable resources to the Forest Services United States Department of Agriculture (USDA). Additionally, the importance of an ownership survey in this inventory and assessment process was highlighted in Section 253(c) of the Agricultural Research, Extension, and Education Reform Act of 1998, and the recommendations of the Second Blue Ribbon Panel on the Forest Inventory and Analysis Program.

The Forest Service's Forest Inventory and Analysis program has conducted the National Woodland Owner Survey on a periodic basis since 1978. The National Woodland Owner Survey collects information to help answer questions related to the characteristics of the landholdings and landowners, ownership objectives, the supply of timber and non-timber products, forest management practices, delivery of education and financial assistance, and the concerns/constraints perceived by the landowners. The information collected has provided widely cited benchmarks of the private woodland owners in the U.S. These results have been used to assess the sustainability of forest resources at national, regional, and state levels; implement and assess the success of woodland owner assistance programs; and answer a variety of questions with topics ranging from fragmentation to the economics of private timber production.

The respondents will be a statistically selected group of individuals, American Indian tribes, partnerships, corporations, nonprofit organizations, and clubs that own woodland in the U.S. This group will be selected by using public records to collect the names and addresses from a systematic set of points identified as woodland from across the U.S. The number of landowners contacted in each state will be a function of the total number of landowners in the state and the variability of the size of the owners' woodland holdings.

Respondents will be asked to answer questions that address: (1) Acres of woodland owned in a given state and sub-state areas, and number of parcels of woodland owned; (2) acquisition and deposition of woodland, form of ownership, whether or not the woodland is a part of a farm; and if so, the size of the farm, whether or not the woodland is a part of a primary residence or secondary residence; reasons for owning woodland, leasing/renting of woodland; (3) existence and restrictions of conservation easements; knowledge and participation in green certification programs; (4) participation in cost-share programs; (5) who makes management decisions; (6) types and reasons for timber harvests, types, and uses of non-timber collections, and types of cultural/management activities; (7) who, if anyone, do they consult for advice, what methods would they find the most useful for learning about managing their woodland, what are their concerns about their woodland from both cultural and biophysical threats, how do they intend to use their woodland in the future; and (8) demographics including age, gender, ethnicity, race, disability, education, income, and occupation. The respondents will be asked to provide additional comments, if any, in the space provided.

The information collection will collect data using a mixed-mode survey technique that will involve a self-administered mail questionnaire and telephone interviews. First, a prenotice letter will be mailed to all potential respondents describing this information collection—why we are doing it and why we need their help. Second, a questionnaire with a cover letter will be mailed to the potential respondents. The cover letter will reiterate the purpose and importance of this information collection and provide the respondents with legally required information. Third, a reminder will be mailed to thank the respondents and encourage the non-respondents to respond. The last stage of the mail portion of the information collection will be mailing a second questionnaire and cover letter. Telephone interviews will be used for follow-up surveys of the non-respondents to ensure that a response rate of 80 percent is achieved in each state and territory. The questionnaire and interviews will be available in English and Spanish. An electronic version of the questionnaire will also be available to reduce the burden on respondents.

The Forest Service's Forest Inventory and Analysis program will administer the mail portion of this information collection. The Human Dimensions Research Lab, Department of Forestry, Wildlife, and Fisheries, University of Tennessee will administer the telephone interview portion of the information collection.

The Forest Service's Forest Inventory and Analysis Program will compile and edit, and then analyze the collected data. The USDA Forest Service's Forest Inventory and Analysis program will analyze the collected data. At a minimum, national and regional reports of the data will be distributed through print and electronic media. In addition, the data will be made available to the public. The publicly released data will be formatted to ensure the anonymity of the respondents.

The National Woodland Owner Survey was last implemented in 1994 and the data from that information collection indicated that there were 10 million private woodland ownerships in the U.S., composed of a diverse and dynamic group of people. Revisions are planned to increase the reliability of the estimates and ask questions about emerging topics such as green certification and conservation easements for the next information collection. These gathered data are not available from other sources.

This information collection will help in providing the users with reliable and current data and sources. The information collected will result in good planning and implementation of programs, complete assessments of the country's resources, and generally reliable information in this important and very dynamic segment of the U.S. population.

Estimate of Annual Burden: 15 minutes.

Type of Respondents: Individuals, American Indian tribes, partnerships, corporations, nonprofit organizations, and clubs that own woodland.

Estimated Annual Number of Respondents: 10,000 private woodland owners.

Estimated Annual Number of Responses per Respondent: One (1) response per respondent.

Estimated Total Annual Burden on Respondents: 2,500 hours.

Comment Is Invited

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the agency, including whether the information will have practical or scientific utility; (2) the accuracy of the

agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

Dated: August 8, 2001.

Robert Lewis, Jr.,

Deputy Chief for Research & Development.

[FR Doc. 01–20675 Filed 8–15–01; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Fish Passage and Aquatic Habitat Restoration at Hemlock Dam, Gifford Pinchot National Forest, Skamania County, Washington

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) to restore migratory fish passage, and aquatic and riparian habitat at Hemlock Dam on Trout Creek. The Forest is proposing to remove Hemlock Dam, partially dredge the reservoir, restore 2000 feet of the original creek channel, and revegetate the affected riparian areas with native plants. In 1998 the United States National Marine Fisheries Service declared the Lower Columbia steelhead as threatened for extinction, in accordance with the Endangered Species Act. Hemlock Dam and the associated fish ladder and reservoir have been identified as key factors leading to the decline of the wild steelhead in the Trout Creek system. In addition, an inspection of the dam in 2000 by the Washington State Department of Ecology elevated the safety rating of the dam to ''High'' for the ''Downstream Hazard Potential''. A failure of the dam during a 100-year food event would threaten life and property downstream. Also, considerable environmental damage would occur in Trout Creek and the Wind River from the sudden release of the sediment in the reservoir. Removing the dam and implementing the associated channel restoration would: eliminate the need for a fish ladder and restore the stream to provide safe and efficient migratory fish passage; restore aquatic and riparian habitat; lower water temperatures; and restore natural movement of sediment and organic material within the system. Dam removal would address the ''High'' Downstream Hazard Potential associated with the dam and sediment-filled reservoir. Developing recreation features at the site compatible with dam removal, and interpretive facilities to tell the history of the dam, are also intended outcomes of this proposal. The proposed action would be implemented under the direction of the *Gifford Pinchot National Forest Land and Resource Management Plan* (1990) as amended by the *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (1994), referred to as the Northwest Forest Plan.

DATES: Comments concerning the issues and scope of this proposal must be received by October 31,2001 to be used for refining this proposed action or developing alternatives to the proposal. While public participation in this analysis is welcome at any time, comments received on or before September 17, 2001 will be especially useful in the preparation of the draft EIS.

ADDRESSES: Send comments via post mail to Hemlock Dam Planning Team, Mount Adams Ranger District, 2455 Highway 141, Trout Lake, Washington 98650. Comments via e-mail to r6_gp_@fs.fed.us Subject: Hemlock Dam EIS.

FOR FURTHER INFORMATION CONTACT: For technical information: call Ken Wieman, 509–395–3385; for planning process information: call Julie Knutson, 509–395–3378.

SUPPLEMENTARY INFORMATION: The Trout Creek steelhead population has been on a precipitous decline since the late 1980's. Approximately 50% of the entire Wind River native steelhead production historically came from Trout Creek; it now represents less than 10 percent of the Wind River wild steelhead population. The genetic diversity of Trout Creek steelhead is at risk as a result of a precariously low adult population. Inconsistent and ineffective water flow conditions below the dam, inefficient fish ladder design, ineffective downstream travel routes, and adult trap operations are all sources of fish mortality and or/impediments to safe and efficient fish passage. Trout Creek also has surpassed water temperature limits lethal to fish, frequently exceeding the State water quality maximum temperature standard (16 degrees C.). The reservoir created by Hemlock Dam compounds the water temperature problem in Trout Creek by slowing the movement of water, and exposing the large surface area of the lake to the sun. it also impedes the natural movement of sediment and organic material, impacting the downstream aquatic ecosystem. The goals of restoration efforts in the Wind River Watershed have been to accelerate the recovery of riparian, in-stream habitat and water quality. Through the watershed analysis for the Wind River, initially conducted in 1996 and updated in 2000, removal of Hemlock Dam was recommended for removal to help accomplish the restoration goals.

The inspection of the dam in 2000 by the Department of Ecology (DOE) found the dam to be fairly well maintained. Due to the high sediment load behind the dam, however, and the lack of information on the original dam design specification for silt loads, the State Department of Ecology elevated the safety rating of the dam to ''High'' for the ''Downstream Hazard Potential''. Due to this rating, the DOE requires an analysis of the dam to determine its stability. This analysis will be undertaken concurrent with this proposal to remove the dam since the information will be relevant when evaluating the no action alternative, or any alternatives that propose to keep the dam in place.

The Gifford Pinchot National Forest commissioned a preliminary study with Washington State University in 1999 to evaluate feasible options to improve fish passage at Hemlock Dam. This preliminary study provides the basis for our proposal to remove the dam.

Several key issues related to the removal of Hemlock Dam have been identified to date. They include: (1) *Cultural Resources*—Loss of the dam and fish ladder and protection of prehistoric and historic sites within the vicinity of the dam are the key cultural resource issues. Hemlock Dam and the fish ladder are historic structures completed in 1936 by the Civilian Conservation Corps, and are eligible for inclusion in the National Register of Historic Places. The dam was constructed in order to provide hydroelectric power for the Ranger District and Nursery, as well as to provide recreational opportunities for local residents. In 1958 the dam was

retooled to serve as a source of irrigation for the nursery. The need for irrigation ceased in 1997 with the closure of the nursery. (2) *Recreation*—Hemlock Lake has continued to provide recreational opportunities since the dam was constructed. While the lake conditions and uses have changed over time, the lake currently provides a shallow, warm water play area popular with people of all ages during the summer months, particularly families with young children. Removing the dam would mean a loss of the lake and the current recreation opportunities. (3) *Wetlands*—Over time, wetlands have developed in the backwaters of Hemlock Lake and now support plant and animal species that rely on wetland habitat. Removing the dam could reduce or eliminate these unique habitats, as well as affect pond-dwelling species.

Two alternatives to full dam removal provided by the WSU study address the above issues, in whole or part: (1) Notch the dam, construct a new fish ladder, and create an ''off-channel'' pond for recreation opportunities; (2) leave the dam in place, dredge the reservoir, and construct a new fish ladder.

Permits required for dam removal include the Hydrologic Permit Approval (HPA) from the Washington Department of Fish and Wildlife; Approval to Allow Temporary Exceedance of Water Quality Standards from the Washington Department of Ecology; Section 404 permit to discharge or excavate dredged or fill material and mechanized land clearing in waters, including wetlands, form the U.S. Army Corps of Engineers; a Section 401 Water Quality Certification issued by the Department of Ecology under 33 U.S.C. 401 and 1344; and a Shoreline Substantial Development, Conditional Use, Variance permit, or Exemption required for work activity in the 100-year floodplain, issued by Skamania County, Washington.

This Notice and subsequent scoping notices will satisfy the requirements under 36 CFR 800.2(d) for seeking the views of the public on the potential effects of an undertaking on historic properties. A public open house was held on May 31, 2001, in Stevenson, Washington to provide information about the dam, status of the steelhead in the Wind River system, and opportunities for improving fish passage and habitat, including removal of the dam. The specific need and format for additional meetings and workshops will be determined by the comments received from the May open house, this notice, and responses by individuals and organization contacted via the Hemlock Dam EIS Scoping Communication Plan. A web site will be established in the near future on the Gifford Pinchot National Forest World Wide Web to enable interested parties to access project information directly.

Continued scoping and public participation efforts will be used by the interdisciplinary planning team to identify new issues, develop alternatives in response to the issues, and determine the level of analysis needed to disclose potential biological, physical, economic and social impacts associated with the project. The Forest Service is seeking information, comments, and assistance from other agencies, organizations or individuals who may be interested in or affected by the proposed project. The input will be used in preparation of the draft EIS. The scoping process will be used to:

Identify potential issues;

Identify major issues to be analyzed in depth;

Identify alternatives to the proposed action; and

Identify potential environmental effects of the proposed action and alternatives (i.e., direct, indirect, and cumulative effects).

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by September 2002. The comment period on the draft environmental impact statement will be 45 days from the date the notice of availability is published in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519, 553* (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

The final EIS is anticipated to be completed by December, 2003. In the final EIS, the Forest Service is required to respond to substantive comments received during the comment period for the draft EIS. Gregory L. Cox, Mount Adams District Ranger, is the Responsible Official. He will decide, which, if any, of the proposed project alternatives will be implemented. His decision and reasons for the decision will be documented in the Record of Decision, which will be subject to Forest Service Appeal Regulations (36 CFR part 217).

Dated: August 9, 2001.

Claire Lavendel,

Forest Supervisor.

[FR Doc. 01–20621 Filed 8–15–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Supplement to Draft Environmental Impact Statement for the Silvies Canyon Watershed Restoration Project, Malheur National Forest, Grant and Harney Counties, OR

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to supplement a draft environmental impact statement.

SUMMARY: The USDA Forest Service will prepare a supplement to the draft environmental impact statement (EIS) for the Silvies Canyon Watershed Restoration Project. The draft EIS for the Silvies Canyon Watershed Restoration Project was released by Forest Supervisor Bonnie J. Wood in March 2001 (Notice of Availability, March 9, 2001). Based on comments received on the draft EIS, the Forest Supervisor decided to prepare a supplement pursuant to 40 CFR 1502.9(c)(1)(ii). This

supplement will provide additional information to the existing analysis.

ADDRESSES: Send written comments and suggestions concerning the scope of this supplement to James M. Keniston, Emigrant Creek District Ranger, HC 74, Box 12870, Hines, Oregon 97738.

FOR FURTHER INFORMATION CONTACT: Lori Bailey, District Planner or Joan Suther, NEPA Coordinator, Emigrant Creek Ranger District, HC 74, Box 12870, Hines, Oregon 97738, phone 541–573–4300.

SUPPLEMENTARY INFORMATION: The purpose of the supplement is to provide additional information on the social and economic environments that would be affected by the Silvies Canyon Watershed Restoration Project. No additional alternatives will be considered in the supplemental draft EIS. The supplement will be prepared and circulated in the same manner as the draft EIS (40 CFR 1502.9). Comments received on the supplement will be considered in the preparation of the Final Environmental Impact Statement (FEIS). The supplement to the draft EIS is expected to be available for public review and comment in August 2001. The comment period on the supplement will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register**.

The Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of supplemental draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft EIS stage, but that are not raised until completion of the final EIS, may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F. 2d 1016, 1002 (9th Cir, 1986), and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is important that those interested in this proposed action participate by the close of the 45-day comment period so substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the supplemental draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the supplemental draft EIS. Comments may also address the adequacy of the supplemental draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points).

After the 45 day comment period ends on the supplemental draft EIS, comments will be analyzed and considered by the Forest Service in preparing the final EIS. The final EIS is scheduled to be completed in November 2001. In the final EIS, the Forest Service is required to respond to substantive comments received during the public comment period. The Forest Service is the lead agency. The Forest Supervisor is the responsible official. The responsible official will consider comments, responses to comments, and environmental consequences discussed in the EIS, and applicable laws, regulations, and policies in making a decision regarding this project. The responsible official will document the Silvies Canyon Watershed Restoration decision and rationale for that decision in the Record of Decision. That decision will be subject to review under Forest Service Appeal Regulations (36 CFR part 215).

Dated: July 23, 2001.

Bonnie J. Wood,

Forest Supervisor.

[FR Doc. 01–20622 Filed 8–15–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

[I.D. 081301A]

Submission for OMB Review; Comment Request

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

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Saltonstall-Kennedy Grant Program (S-K Program) Applications and Reports.

Form Number(s): NOAA Forms 88–204 and 88–205.

OMB Approval Number: 0648–0135.

Type of Request: Regular submission.

Burden Hours: 985.

Number of Respondents: 210.

Average Hours Per Response: 1 hour for a project budget, 1 hour for a project summary, 2.5 hours for a semi-annual progress report, and 13 hours for a final report.

Needs and Uses: The S-K Program provides financial assistance on a competitive basis for research and development projects that benefit U.S. fishing communities. Respondents must submit applications, and grant recipients must submit semi-annual progress reports and final reports.

Affected Public: Not-for-profit institutions, business or other for-profit organizations, individuals, and State, Local, or Tribal government.

Frequency: On occasion, semi-annually, annually.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: August 9, 2001.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–20653 Filed 8–15–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1184]

Designation of New Grantee for Foreign-Trade Zone 209, Palm Beach County, Florida; Resolution and Order

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR part 400), the Foreign-Trade Zones Board (the Board) adopts the following Order:

The Foreign-Trade Zones (FTZ) Board (the Board) has considered the application (filed 6/4/2001) submitted by the Port of Palm

Beach District (Port District), grantee of FTZ 135, Palm Beach County, Florida, and the Palm Beach County Department of Airports, grantee of FTZ 209, Palm Beach County, Florida, mutually requesting that the grant of authority for FTZ 209 be reissued to the Port District. Upon review, the Board finding that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the request and recognizes the Port of Palm Beach District as the grantee of Foreign Trade Zone 209. The Board also redesignates FTZ 209 as part of FTZ 135.

The approval is subject to the FTZ Act and the FTZ Board's regulations, including § 400.28.

Signed at Washington, DC, this 7th day of August 2001.

Faryar Shirzad,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 01–20672 Filed 8–15–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1185]

Expansion of Foreign-Trade Zone 149, Freeport, Texas, Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones (FTZ) Board (the Board) adopts the following Order:

Whereas, the Brazos River Harbor Navigation District, grantee of Foreign-Trade Zone 149, submitted an application to the Board for authority to expand FTZ 149-Site 6 at the Brazoria County Airport/Industrial Park; to include three new sites in Pearland (Brazoria/Harris Counties) at the Northern Industrial Complex (Site 7), the Southern Industrial Complex (Site 8), and the Bybee-Sterling Complex (Site 9); and, to include a new site in Alvin (Brazoria County) at the Santa Fe Industrial Park (Site 10), adjacent to the Freeport Customs port of entry (FTZ Docket 14–2000; filed 4/14/00);

Whereas, notice inviting public comment was given in the **Federal Register** (65 FR 24446, 4/26/00) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand FTZ 149 is approved, subject to the Act and the Board's regulations, including Section 400.28, and further subject to the Board's standard 2,000-acre activation limit for the overall zone project.

Signed at Washington, DC, this 7th day of August 2001.

Faryar Shirzad,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 01–20673 Filed 8–15–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–827]

Certain Cased Pencils from the People's Republic of China: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: August 16, 2001.

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Michele Mire, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–4474 or (202) 482–4711, respectively.

Time Limits

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department of Commerce (the Department) to make a preliminary determination within 245 days after the last day of the anniversary month of an order or finding for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the 245-day time limit for the preliminary determination to a maximum of 365 days and the time limit for the final determination to 180 days (or 300 days if the Department does not extend the time limit for the preliminary determination) from the date of publication of the preliminary determination.

Background

On January 31, 2001, the Department published a notice of initiation of administrative review of the antidumping duty order on certain cased pencils from the People's Republic of China, covering the period December 1, 1999 through November 30, 2000. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 66 FR 8378. The preliminary results are currently due no later than September 2, 2001.

Extension of Time Limit for Preliminary Results of Review

We determine that it is not practicable to complete the preliminary results of this review within the original time limit. Therefore, the Department is extending the time limit for completion of the preliminary results by 90 days until no later than December 1, 2001. *See* Decision Memorandum from Holly A. Kuga to Bernard T. Carreau, dated concurrently with this notice, which is on file in the Central Records Unit, Room B–099 of the Department's main building. We intend to issue the final results no later than 120 days after the publication of the preliminary results notice.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: August 6, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary for Import Administration, Group II.

[FR Doc. 01–20671 Filed 8–15–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–337–807]

Individually Quick Frozen Red Raspberries From Chile: Postponement of Time Limit for Preliminary Determination of Countervailing Duty Investigation

EFFECTIVE DATE: August 16, 2001.

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

FOR FURTHER INFORMATION CONTACT: Craig Matney, Office of AD/CVD Enforcement Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone (202) 482–1778.

Postponement of Preliminary Determination:

On June 28, 2001, the Department initiated the countervailing duty investigation of individually quick frozen red raspberries from Chile. *See Notice of Initiation of Countervailing Duty Investigation: Individually Quick Frozen Red Raspberries From Chile,* 66 FR 34423 (June 28, 2001). The preliminary determination currently must be issued by August 24, 2001.

On August 3, 2001, the petitioners submitted a written request pursuant to 19 CFR 351.205(e) for a postponement of the preliminary determination in accordance with section 703(c)(1)(A) of the Tariff Act of 1930, as amended (''the Act''). The petitioners requested a 45 day postponement (*i.e.*, until October 8, 2001) in order to allow time for the petitioners to submit comments on the respondents' questionnaire response and to allow time for the Department to issue supplemental questionnaires.

The Department finds no compelling reason to deny the request. Therefore, we are postponing the preliminary determination until no later than October 8, 2001.

This notice of postponement is published pursuant to section 703(c)(2) of the Act.

Dated: August 9, 2001.

Richard W. Moreland,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–20670 Filed 8–15–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 081301B]

Proposed Information Collection; Comment Request; Southeast Region Bycatch Reduction Device Certification Family of Forms

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before October 15, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to James R. Nance, Ph.D., F/SEC5, National Marine Fisheries Service, 4700 Avenue U, Galveston, TX 77551 (phone 409–766–3507).

SUPPLEMENTARY INFORMATION:

I. Abstract

Bycatch Reduction Devices (BRDs) are used in shrimp trawls in the Exclusive Economic Zone to reduce the bycatch of other species. Only BRDs certified by the National Oceanic and Atmospheric Administration (NOAA) can be used. Persons seeking to get certification from NOAA for BRDs must submit information showing that testing proves the effectiveness of the equipment.

II. Method of Collection

The information is submitted by paper form.

III. Data

OMB Number: 0648–0345.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Business or other for-profit organizations, individuals or households.
Estimated Number of Respondents: 45.
Estimated Time Per Response: 140 minutes for an application for pre-certification testing or for certification testing, 20 minutes for a Station Sheet (Gulf of Mexico), 50 minutes for a station sheet bycatch reduction device evaluation form (South Atlantic), 20 minutes for a Condition and Fate form, 30 minutes for a gear form (South Atlantic), 20 minutes for a gear specification form (Gulf of Mexico), 20 minutes for a length frequency form (Gulf of Mexico), 50 minutes for a length frequency form (South Atlantic), 5 hours for a species characterization form, 20 minutes for a BRD specification form (Gulf of Mexico), 20 minutes for a vessel information form (Gulf of Mexico), and 30 minutes for a vessel information form (South Atlantic).
Estimated Total Annual Burden Hours: 5,679.
Estimated Total Annual Cost to Public: $338,000.

IV. Request for Comments

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 (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 9, 2001.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–20654 Filed 8–15–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 081001A]

Endangered Species; Permits

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

ACTION: Issuance of permit #1324 and modification #2 to permit 1201.

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement under the Endangered Species Act (ESA): NMFS has issued permit 1324 to Dr. Nancy Thompson, of NMFS-Southeast Fisheries Science Center (1324) and modification #2 to permit 1201 to Dr. Thane Wibbels, of University of Alabama at Birmingham.

ADDRESSES: The permits, applications and related documents are available for review in the indicated office, by appointment:

Endangered Species Division, F/PR3, 1315 East West Highway, Silver Spring, MD 20910 (phone:301–713–1401, fax: 301–713–0376).

FOR FURTHER INFORMATION CONTACT: Terri Jordan, Silver Spring, MD (phone: 301–713–1401, fax: 301–713–0376, e-mail: Terri.Jordan@noaa.gov)

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Scientific research and/or enhancement permits are issued under Section 10(a)(1)(A) of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species are covered in this notice:

Sea Turtles

Threatened and endangered Green turtle (*Chelonia mydas*)

Endangered Hawksbill turtle (*Eretmochelys imbricata*)

Endangered Kemp's ridley turtle (*Lepidochelys kempii*)

Endangered Leatherback turtle (*Dermochelys coriacea*)

Threatened Loggerhead turtle (*Caretta caretta*)

Permits and Modified Permits Issued

Permit #1324

Notice was published on June 4, 2001 (66 FR 29934) that Dr. Nancy Thompson, of Southeast Fisheries Science Center applied for a scientific research permit (1324). The applicant requested a two-year permit that would authorize the take of threatened and endangered species of sea turtles in the northeast distant statistical sampling area (NED) for the U.S. longline fishery. The purpose of the research is to develop and test methods to reduce bycatch of research that occurs incidental to commercial, pelagic longline fishing. The researchers propose to work cooperatively with U.S. pelagic longline fishermen in the NED area to conduct this fishery-dependent testing. The fishery dependent use of commercial fishing boats for this research is necessary because (1) a large level of fishing effort is necessary for the statistical power to complete this testing and fishery independent work would be cost-prohibitive and (2) testing should be conducted aboard a mix of representative platforms so that the testing results are clearly applicable to the fleets that would ultimately adopt bycatch reduction measures through this research. Permit 1324 was issued on August 9, 2001, authorizing take of listed species. Permit 1324 expires December 31, 2002.

Permit #1201

The requestor currently possesses a two-year scientific research permit to take up to 50 green (*Chelonia mydas*), 100 Kemp's ridley (*Lepidochelys kempii*) and 100 loggerhead (*Caretta caretta*) turtles annually in large mesh tangle nets. The purpose of the research is to evaluate the abundance, movements, and location of sea turtles in the estuaries of Alabama, and to potentially identify specific foraging areas. The presence of juvenile sea turtles in estuaries represents a potential conflict for fisheries and coastal development. However, there is little information about this issue for the estuaries of Alabama. The proposed research is a prerequisite to determining if the estuaries of Alabama represent a developmental habitat for sea turtles, and will benefit the species by providing information critical to developing a prudent management strategy which protects sea turtles while sustaining the productivity of the fisheries.

For modification #2, the applicant requests authorization to use two satellite transmitters in lieu of two previously authorized radio transmitters. Modification #2 to Permit 1201 was issued on August 6, 2001, authorizing take of listed species. Permit 1201 expires February 28, 2003.

Dated: August 10, 2001.

Therese Conant,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–20649 Filed 8–15–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 080801B]

Permits; Foreign Fishing

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

ACTION: Notice of receipt of foreign fishing application.

SUMMARY: NMFS publishes for public review and comment a summary of an application submitted by the Government of the Russian Federation requesting authorization to conduct fishing operations in the U.S. Exclusive Economic Zone (EEZ) in 2001 under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

ADDRESSES: Comments may be submitted to NMFS, Office of Sustainable Fisheries, International Fisheries Division, 1315 East-West Highway, Silver Spring, MD 20910, or to any of the following Regional Fishery Management Councils:

Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01905; Phone (978) 465–0492; Fax (978) 465–3116;

Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, 300 South New Street, Dover, DE 19904; Phone (302) 674–2331; Fax (302) 674–4136.

FOR FURTHER INFORMATION CONTACT: Robert A. Dickinson, Office of Sustainable Fisheries, (301) 713–2276.

SUPPLEMENTARY INFORMATION: In accordance with a Memorandum of Understanding with the Secretary of State, NMFS publishes, for public review and comment, summaries of applications received by the Secretary of State requesting permits for foreign fishing vessels to fish in the U.S. EEZ under provisions of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*).

This notice concerns the receipt of an application from the Government of the Russian Federation. The application

requests that the large stern trawler/processor VIKTOR KHUDIAKOV be authorized in 2001 to conduct joint venture operations in the EEZ for Atlantic herring and Atlantic mackerel. The application also requests that the VIKTOR KHUDIAKOV be authorized in 2001 to conduct directed fishing in the EEZ for Atlantic herring and Atlantic mackerel.

Dated: August 10, 2001.

Bruce C. Morehead,

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

[FR Doc. 01–20652 Filed 8–15–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 080301B]

Marine Mammals; File Nos. 1008–1637–00 and 779–1633–00

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

ACTION: Receipt of applications.

SUMMARY: Notice is hereby given that the following applicants have applied in due form for permits to take and import marine mammals and marine mammal parts for purposes of scientific research and enhancement: John Wise, Ph.D., Yale University, School of Medicine, P.O. Box 208034, New Haven, CT, 06520–8034; and NMFS, Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL 33149.

DATES: Written or telefaxed comments must be received on or before September 17, 2001.

ADDRESSES: The applications and related documents are available for review upon written request or by appointment. (See **SUPPLEMENTARY INFORMATION**).

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Ruth Johnson, (301)713-2289.

SUPPLEMENTARY INFORMATION: The subject permits are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

File No. 1008–1637–00: Dr. Wise proposes to import marine mammal parts (lung, liver, kidney, brain, skin, blubber, and reproductive organs) from all species of stranded dead marine mammals (excluding walrus, polar bear, and sea otter) collected as part of government-authorized marine mammal stranding operations along the coast of British Columbia, Canada, as well as receive such parts collected in the U.S. from stranded dead marine mammals or those that have died during rehabilitation efforts. Skin and blubber samples from live Steller sea lions and other marine mammals (excluding walrus, polar bear, and sea otter) may be received from activities permitted at the Alaska SeaLife Center, Mystic Aquarium, The Marine Mammal Center, and from other permitted research activities in the U.S. These parts will be used to determine tissue levels of metals in Steller sea lions and other marine mammal species and to establish a national resource of cell lines for use as model systems in the investigation of various factors related to marine mammal health (e.g., toxicity of metals, virology, etc.). Once the cell lines are established, they may be transferred to other researchers for such study, including export to Canada. The cell lines will not be sold for profit or used for commercial purposes.

File No. 779–1633–00: The Southeast Fisheries Science Center (SEFSC) proposes to take various cetacean species by harassment during biopsy sampling, aerial and vessel-based line-transect sampling, acoustic sampling, observations of cetacean behavior, and photo-identification for MMPA mandated stock assessment activities. Activities will occur in the North Atlantic and Gulf of Mexico over a 5–year period.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests for a public hearing on these applications should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on a particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of these applications to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents for File No. 779–1633–00 (SEFSC) are available in locations as noted. File No. 1008–1637–00 (Dr. Wise) may be reviewed in all the following locations:

(All files) Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 713–0376;

Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206) 526–6150; fax (206) 526–6426;

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907) 586–7221; fax (907) 586–7249;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562) 980–4001; fax (562) 980–4018;

Protected Species Coordinator, Pacific Area Office, NMFS, 1601 Kapiolani Blvd., Rm, 1110, Honolulu, HI 96814–4700; phone (808)973-2935; fax (808) 973–2941;

(File No. 779–1633–00) Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978) 281–9200; fax (978) 281–9371;

(File No. 779–1633–00) Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702–2432; phone (727) 570–5301; fax (727) 570–5320.

Dated: August 9, 2001.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–20651 Filed 8–15–01; 8:45 am]

BILLING CODE 3510–22–S

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, September 14, 2001.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 01–20731 Filed 8–14–01; 11:27 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, September 7, 2001.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 01–20730 Filed 8–14–01; 11:27 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, September 21, 2001.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 01–20732 Filed 8–14–01; 11:27 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting; Notice

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11:00 a.m., Friday, September 28, 2001.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 01–20733 Filed 8–14–01; 11:27 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Advisory Panel To Assess the Capabilities for Domestic Response to Terrorist Attacks Involving Weapons of Mass Destruction

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and summary agenda for the next meeting of the Panel to Assess the Capabilities for Domestic Response to Terrorist Attacks Involving Weapons of Mass Destruction. Notice of this meeting is required under the Federal Advisory Committee Act. (Pub. L. 92–463).

DATES: August 27 & 28, 2001.

ADDRESSES: RAND, 1200 South Hayes Street, Arlington, VA 22202–5050.

Proposed Schedule and Agenda: Panel to Assess the Capabilities for Domestic Response to Terrorist Attacks Involving Weapons of Mass Destruction will meet from 12 p.m. until 5 p.m. on August 27, 2001 and from 8:30 a.m. until 3 p.m. on August 28, 2001. Time will be allocated for public comments by individuals or organizations.

FOR FURTHER INFORMATION CONTACT: RAND provides information about this Panel on its web site at http://www.rand.org/organization/nsrd/terrpanel; it can also be reached at (703) 413–1100 extension 5282. Public comment presentations will be limited to two minutes each and must be provided in writing prior to the meeting. Mail written presentations and requests to register to attend the open public session to: Priscilla Schlegel, RAND, 1200 South Hayes Street, Arlington, VA 22202–5050. Public seating for this meeting is limited, and is available on a first-come, first-served basis.

Dated: August 10, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–20580 Filed 8–15–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

National Security Education Board Meeting

AGENCY: National Defense University, DoD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a forthcoming meeting of the National Security Education Board. The purpose of the meeting is to review and make recommendations to the Secretary concerning requirements established by the David L. Boren National Security Education Act, Title VIII of Public Law 102–183, as amended.

DATES: September 11, 2001.

ADDRESSES: The Academy for Educational Development, 1825 Connecticut Avenue, NW., Washington, DC 20009.

FOR FURTHER INFORMATION CONTACT: Dr. Edmond J. Collier, Director for Programs, National Security Education Program, 1101 Wilson Boulevard, Suite 1210, Rosslyn, P.O. Box 20010, Arlington, Virginia 22209–2248; (703) 696–1991. Electronic mail address: colliere@ndu.edu

SUPPLEMENTARY INFORMATION: The National Security Education Board meeting is open to the public.

Dated: August 10, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer.

[FR Doc. 01–20581 Filed 8–1–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Group of Advisors to the National Security Education Board Meeting

AGENCY: National Defense University, DoD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a forthcoming meeting of the Group of Advisors to the National Security Education Board. The purpose of the meeting is to review and make recommendations to the Board concerning requirements established by the David L. Boren National Security Education Act, Title VIII of Public Law 102–183, as amended.

DATES: September 9–10, 2001.

ADDRESSES: Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.

FOR FURTHER INFORMATION CONTACT: Dr. Edmond J. Collier, Director for Programs, National Security Education Program, 1101 Wilson Boulevard, Suite 1210, Rosslyn, P.O. Box 20010, Arlington, Virginia 22209–2248; (703) 696–1991. Electronic mail address: colliere@ndu.edu

SUPPLEMENTARY INFORMATION: The Group of Advisors meeting is open to the public.

Dated: August 10, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer.

[FR Doc. 01–20582 Filed 8–15–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Request for Input on Space Transportation Policy

AGENCY: Department of the Air Force, DoD.

ACTION: Request for Input on Space Transportation Policy.

SUMMARY: The Air Force seeks input from the U.S. space sector regarding the future national direction of space launch bases and ranges including both Federal and non-Federal launch sites. Specifically, the Air Force is interested in comments concerning future development of launch bases and ranges, and policies that would have the potential of impacting the international competitiveness of the U.S. space launch industry.

DATES: Submit comments on or before September 17, 2001.

ADDRESSES: Office of the Assistant Secretary of the Air Force (Space), Space Policy, Plans, and Strategy (SAF/SXP), ATTN: Col Mushaw/Lt Col Kordell, 1640 Air Force Pentagon, Washington, D.C. 20330–1640.

FOR FURTHER INFORMATION CONTACT: Col. Stan Mushaw, (703) 695–2318, or Lt. Col. Blaise Kordell, (703) 614–5368.

SUPPLEMENTAL INFORMATION: In light of recent space transportation reviews (i.e., the report of the Interagency Working Group on ''The Future Management and Use of the U.S. Space Launch Bases and Ranges'' and the Secretary of the Air Force's Spacelift Task Force) and other efforts underway in the Department of Defense, the Air Force is interested in gathering state and industry input regarding space transportation issues needing national policy guidance as well as Air Force-specific policies, if any, that need to be updated or modified. Specifically, the Air Force wishes to examine launch base and range management issues, particularly policy, legal, and economic issues hindering and/or facilitating future access to space.

The Air Force seeks input from the U.S. space sector (e.g., companies with an interest in U.S. commercial space activities, spaceports, launch vehicle and satellite manufacturers, launch and satellite services providers, base and range operations contractors, launch site operators, operators of commercial payload processing facilitates, etc.), academia, and other interested members of the public. The Air Force is also seeking the views of state and local governments, particularly as they relate to the operations of non-Federal launch sites, commonly referred to as spaceports.

Submissions should address your views regarding the future national direction of space launch bases and ranges including both Federal and non-Federal launch sites. Specifically, the Air Force is interested in comments concerning future development of launch bases and ranges and policies that would have the potential of impacting the international competitiveness of the U.S. space launch industry. Responses should describe specific impediments and potential actions that could facilitate future access to space. The Air Force is not requesting additional comments at this time on other initiatives of the U.S. Government for which the government has previously solicited comments including the Notice of Proposed Rulemaking on Commercial Space Transportation Licensing Regulations, Licensing and Safety Requirements for Launch, October 25, 2000 or comments regarding on-going range modernization efforts.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–20638 Filed 8–15–01; 8:45 am]

BILLING CODE 5001–05–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER01–1844–000]

Black Hills Generation, Inc.; Notice of Issuance of Order

August 10, 2001.

Black Hills Generation, Inc. (Black Hills) submitted for filing a rate schedule under which Black Hills will engage in wholesale electric power and energy transactions at market-based rates. Black Hills also requested waiver of various Commission regulations. In particular, Black Hills requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Black Hills.

On June 22, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Black Hills 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).

Absent a request to be heard in opposition within this period, Black Hills is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Black Hills and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Black Hills' issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is September 10, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' and follow the instructions (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 under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–20610 Filed 8–15–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER01–1860–000]

Cobb Electric Membership Corp.; Notice of Issuance of Order

August 10, 2001.

Cobb Electric Membership Corp. (Cobb) submitted for filing a rate schedule under which Cobb will engage in wholesale electric power and energy transactions at market-based rates. Cobb also requested waiver of various Commission regulations. In particular, Cobb requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Cobb.

On June 22, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Cobb 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).

Absent a request to be heard in opposition within this period, Cobb is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Cobb and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Cobb's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is September 10, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426. The Order may also be viewed on the on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' and follow the instructions (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 under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–20611 Filed 8–15–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–424–000]

Dominion Transmission, Inc.; Notice of Application

August 10, 2001.

Take notice that on August 3, 2001, Dominion Transmission, Inc (DTI), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP01–424–000, an application pursuant to Section 7(b) of the Natural Gas Act for authorization to abandon facilities, located in Westmoreland County, Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection. Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' from the RIMS Menu and follow the instructions (call (202) 208–2222 for assistance).

DTI proposes to abandon five production wells at the Oakford Storage Complex, located in Westmoreland County, Pennsylvania. DTI indicates that the Oakford Storage Complex consists of a network of storage injection and withdrawal wells; observation wells; two storage reservoirs (Murrysville and Fifth Sand); recycling pipeline; delivery facilities; and three compressor stations—Oakford, South Oakford, and Lincoln Heights. DTI proposes to abandon and plug the following wells: Well Nos. JW–443F, JW–445F, JW–530F, JW–535F, and JW–541F. DTI declares that four of these production wells are located in the Murrysville Protective Area, and one production well, JW–530F, is located outside the Murrysville Storage Pool or Protective area.

DTI states that due to the deteriorated age and condition of these wells and no near term plans to develop additional storage capacity in this geologic horizon, DTI has determined that the most suitable course of action is the plugging and abandonment of these wells. DTI states that it is requesting authorization to abandon these wells because the expenditures required to maintain the wells and the gathering lines that connect them to DTI's main trunkline are not operationally or economically justified.

DTI indicates that operational capabilities of the Oakford Storage Complex will not be affected by the plugging and abandonment of the five designated wells.

Any questions regarding this amendment should be directed to Sean R. Sleigh, Certificates Manager, Dominion Transmission, Inc., 445 West Main Street, Clarksburg, West Virginia 26301, at (304) 627–3462, or Fax: (304) 627–3305.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before August 31, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant

and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

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 under the ''e-Filing'' link.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–20608 Filed 8–15–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1964–000]

Gauley River Power Partners, L.P.; Notice of Issuance of Order

August 10, 2001.

Gauley River Power Partners, L.P. (Gauley River) submitted for filing a rate schedule under which Gauley River will engage in wholesale electric power and energy transactions at market-based rates. Gauley River also requested waiver of various Commission regulations. In particular, Gauley River requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Gauley River.

On June 22, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Gauley River 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).

Absent a request to be heard in opposition within this period, Gauley River is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Gauley River and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Gauley River's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is September 10, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–20614 Filed 8–15–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2589]

Marquette Board of Light and Power; Notice of Authorization for Continued Project Operation

August 10, 2001.

On July 29, 1999, the Marquette Board of Light and Power, licensee for the Marquette Project No. 2589, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2589 is located on the Dead River in Marquette County, Michigan.

The license for Project No. 2589 was issued for a period ending July 31, 2001. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior

license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section 15 of the FPA, notice is hereby given that an annual license for Project No. 2589 is issued to Marquette Board of Light and Power for a period effective August 1, 2001, through July 31, 2002, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before August 1, 2002, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that the Marquette Board of Light and Power is authorized to continue operation of the Marquette Project No. 2589 until such time as the Commission acts on its application for subsequent license.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–20618 Filed 8–15–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1871–000]

Moses Lake Generating, LLC; Notice of Issuance of Order

August 10, 2001.

Moses Lake Generating, LLC (Moses Lake) submitted for filing a rate schedule under which Moses Lake will engage in wholesale electric power and energy transactions at market-based rates. Moses Lake also requested waiver of various Commission regulations. In particular, Moses Lake requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Moses Lake.

On June 22, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Moses Lake should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Moses Lake is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Moses Lake and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Moses Lake's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is September 10, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426. The Order may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–20613 Filed 8–15–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER01–1870–000]

PPL Southwest Generation Holdings. LLC; Notice of Issuance of Order

August 10, 2001.

PPL Southwest Generation Holdings, Inc. (PPL Southwest) submitted for filing a rate schedule under which PPL Southwest will engage in wholesale electric power and energy transactions at market-based rates. PPL Southwest also requested waiver of various Commission regulations. In particular, PPL Southwest requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by PPL Southwest.

On June 21, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by PPL Southwest 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).

Absent a request to be heard in opposition within this period, PPL Southwest is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of PPL Southwest and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of PPL Southwest's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is September 10, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the web at *http://*

www.ferc.gov using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–20612 Filed 8–15–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER01–1557–000 and ER01–1557–001]

Rail Energy of Montana, LLC; Notice of Issuance of Order

August 10, 2001.

Rail Energy of Montana, LLC (Rail Energy) submitted for filing a rate schedule under which Rail Energy will engage in wholesale electric power and energy transactions at market-based rates. Rail Energy also requested waiver of various Commission regulations. In particular, Rail Energy requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Rail Energy.

On June 22, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Rail Energy 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).

Absent a request to be heard in opposition within this period, Rail Energy is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Rail Energy and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Rail Energy's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is September 10, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–20609 Filed 8–15–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP01–445–001 and CP97–26–004]

Trunkline LNG Company; Notice of Offer of Settlement

August 10, 2001.

Take notice that on August 1, 2001, pursuant to Rule 602 of the Commission's Rules of Practice and Procedure (Rule 602), Trunkline LNG Company (TLNG) tendered for filing an Offer of Settlement (Proposed Settlement) with respect to the proceedings in Docket Nos. RP01–445–000 [1] and CP97–26–000.[2] TLNG states that no aspect of the proceedings affected by the Proposed Settlement are pending before an Administrative Law Judge. TLNG asserts that, in view of this, as provided by Rule 602, its Proposed Settlement should be transmitted by the Office of the Secretary to the Commission. TLNG's filing includes a Stipulation and Agreement, copies of pro forma tariff sheets setting forth the changes proposed to TLNG's currently effective tariff sheets, a separate explanatory statement, and a statement of references to testimony, exhibits, decision, and other matters relevant to the Proposed Settlement.

The Proposed Settlement is sponsored jointly by TLNG and TLNG's only two long-term firm customers—BG LNG Services, Inc. (BG LNG) and Duke Energy LNG Sales, Inc. (Duke LNG). If approved by the Commission, the Proposed Settlement will take effect January 1, 2002 and extend until the year 2022. TLNG states that the Proposed Settlement provides for a substantial reduction in its rates, and that the reduced rates will not be subject to change and will remain in effect until the year 2015.

A copy of the Settlement is on file with the Commission and is available for public inspection in the Public Reference Room. The Settlement may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

In accordance with Section 385.602(f), initial comments are due by August 21, 2001, and any reply comments are due by August 31, 2001.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–20620 Filed 8–15–01; 8:45 am]

BILLING CODE 6717–01–P

[1] TLNG's filing in Docket No. RP01–445–000 is a rate study justifying its currently effective rates that TLNG filed with the Commission to comply with Ordering Paragraph (D) of the Commission's November 3, 1997 Order Issuing Certificate, Trunkline LNG Company, 81 FERC ¶ 61,147 (1997), as clarified by the Commission's February 27, 1998 Order Denying Rehearing, 82 FERC ¶ 61,198 (1998).

[2] The proceeding in Docket No. CP97–26–000 resulted in the Commission's issuance of a Certificate under Subpart G of Part 284 of the Commission's Regulations, authorizing TLNG to provide firm and interruptible LNG terminalling service. *See:* November 3, 1997 Order Issuing Certificate, Trunkline LNG Company, 81 FERC ¶ 61,147 (1997), as clarified by the Commission's February 27, 1998 Order Denying Rehearing, 82 FERC ¶ 61,198 (1998).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2077]

USGen New England, Inc.; Notice of Authorization for Continued Project Operation

August 10, 2001.

On July 29, 1999, USGen New England, Inc., licensee for the Fifteen Mile Falls Project No. 2077, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2077 is located on the Connecticut River in Grafton and Coos Counties, New

Hampshire and Caledonia and Essex Counties, Vermont.

The license for Project No. 2077 was issued for a period ending July 31, 2001. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section 15 of the FPA, notice is hereby given that an annual license for Project No. 2077 is issued to USGen New England, Inc. for a period effective August 1, 2001, through July 31, 2002, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before August 1, 2002, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that USGen New England, Inc. is authorized to continue operation of the Fifteen Mile Falls Project No. 2077 until such time as the Commission acts on its application for subsequent license.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–20616 Filed 8–15–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–135–000, et al.]

Wisconsin Public Service Corporation, et al.: Electric Rate and Corporate Regulation Filings

August 9, 2001.

Take notice that the following filings have been made with the Commission:

1. Wisconsin Public Service Corporation

[Docket No. EC01–135–000]

Take notice that on August 2, 2001, Wisconsin Public Service Corporation (WPSC) filed an application under Section 203 of the Federal Power Act for an order authorizing it to extend for six years a lease of a feeder bay and related facilities (designated as Feeder 241) to the Eagle River Light & Water Utility (Eagle River). These facilities are located in and near the Cranberry Substation. The Commission previously approved the base lease agreement in Docket No. EC96–3–000.

WPSC states that copies of this application were served on Eagle River, the Public Service Commission of Wisconsin, the Michigan Public Service Commission and Wisconsin Public Power, Inc.

Comment date: August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Ridge Crest Wind Partners, LLC

[Docket No. EG01–276–000]

On August 2, 2001, Ridge Crest Wind Partners, LLC, 139 East Fourth Street, Cincinnati, Ohio 45202 filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Ridge Crest Wind Partners, LLC, is a Delaware limited liability company that is building, for ownership and operation, an approximately 30-megawatt wind generation facility, comprised of thirty-three (33) NEG Micon 900 KW wind turbines utilizing fifty-two (52) meter rotor diameters and seventy-two (72) meter hub height tubular towers (''the Facility''). The Facility is located on the Peetz Table Mesa in Logan County, Colorado. Ridge Crest Wind Partners, LLC is engaged directly and exclusively in the business of owning and operating all or part of one or more eligible facilities and selling electric energy at wholesale.

Comment date: August 29, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Idaho Power Company

[Docket No. ER01–1687–002]

Take notice that on August 2, 2001, Idaho Power Company tendered for filing, under its Market-Based Rates Tariff, amended Rate Schedule Designations as required by Order No. 614 pursuant to the Commission's Letter Order dated May 29, 2001 in the above-captioned docket.

Comment date: August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Somerset Windpower LLC

[Docket No. ER01–2139–001]

Take notice that on August 2, 2001, Somerset Windpower LLC (Somerset) tendered for filing a Revision to Attachment A to Somerset's application for an order authorizing market-based rates under Section 205(a) of the Federal Power Act, 16 U.S.C. 824d(a); for granting of certain blanket approvals and for the waiver of certain Commission regulations. Somerset is a limited liability company that proposes to engaged in the wholesale sale of electric power in the state of Pennsylvania.

Comment date: August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Sunrise Power Company, LLC

[Docket No. ER01–2217–001]

On August 2, 2001, Sunrise Power Company LLC (Seller) filed an amendment to its electric rate tariff in compliance with the order of the Federal Energy Regulatory Commission (Commission) issued on July 25, 2001, in the above-captioned docket.

Comment date: August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. PSEG Fossil LLC, PSEG Nuclear LLC, PSEG Energy Resources & Trade LLC

[Docket No. ER01–2462–001]

Take notice that on July 10, 2001, Joint Application of PSEG Fossil LLC, PSEG Nuclear LLC and PSEG Energy Resources & Trade LLC (the Applicants) tendered for filing to clarify that the waivers being sought would pertain to the calendar year 2000 and subsequent years.

Comment date: August 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. PacifiCorp

[Docket No. ER01–2501–001]

Take notice that PacifiCorp, on August 2, 2001, tendered for filing signature pages evidencing the execution of Amendatory Agreement No. 5, to the Pacific Northwest Coordination Agreement dated September 15, 1964.

PacifiCorp states that the supplemental filing of these signature pages was made in support of PacifiCorp's filing of Amendatory Agreement No. 5 as a Change of Rate Schedule. Amendatory Agreement No. 5 modifies the primary agreement to change agreement terms and conditions regarding: The City of Tacoma's withdrawal of its west-side hydroelectric projects from the primary agreement; the rate charged for interchange energy transactions; and the methods of accounting for interchange energy transactions.

Comment date: August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Southern California Edison Company

[Docket No. ER01–2751–000]

Take notice, that on August 2, 2001, Southern California Edison Company (SCE) tendered for filing an Interconnection Facilities Agreement between SCE and the Mountainview Power Company L.L.C. (Mountainview). This agreement specifies the terms and conditions pursuant to which SCE will interconnect 1132 MW of generation to the California Independent System Operator Controlled Grid pursuant to SCE's Transmission Owner Tariff, FERC Electric Tariff, First Revised Original Volume No. 6. Copies of this filing were served upon the Public Utilities Commission of the State of California and Mountainview.

SCE requests that this agreement become effective on August 3, 2001.

Comment date: August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Western Resources, Inc.

[Docket No. ER01–2752–000]

Take notice that on August 2, 2001, Western Resources, Inc. (WR) tendered for filing a separate Master Power Purchase and Sale Agreement between WR and Tenaska Power Services Co., American Electric Power Services Corp. and Southern Company Energy Marketing L.P. (Customers). WR states that the purpose of these agreements is to permit the Customers to take service under WR's Market Based Power Sales Tariff on file with the Commission. This agreement is proposed to be effective August 1, 2001.

Copies of the filing were served upon the Customers and the Kansas Corporation Commission.

Comment date: August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Ridge Crest Wind Partners, LLC

[Docket No. ER01–2760–000]

On August 2, 2001, Ridge Crest Wind Partners, LLC, of 139 East Fourth Street, Cincinnati, Ohio 45202 filed with the Federal Energy Regulatory Commission an application for market-based rate authorization, waivers and exemptions and a request for an effective date of September 16, 2001 for its market-based rate authorization.

Ridge Crest Wind Partners, LLC, is a Delaware limited liability company that is building, for ownership and operation, an approximately 26-megawatt wind generation facility, comprised of thirty-three (33) NEG Micon 900 KW wind turbines utilizing fifty-two (52) meter rotor diameters and seventy-two (72) meter hub tubular towers (the Facility). The Facility is located on the Peetz Table Mesa in Logan County, Colorado. Ridge Crest Wind Partners, LLC, is seeking market-based rate authorization, waivers and exemptions, and a request for an effective date of September 16, 2000 for its market-based rate authorization in order to sell the output of the Facility to the Public Service Company of Colorado.

Comment date: August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Ocean State Power

[Docket No. ER01–2766–000]

Take notice that on August 2, 2001, Ocean State Power (Ocean State) tendered for filing revised pages to its initial rate schedules, which continue in effect existing adjustments to the Annual Capacity Charge for Unit Availability, Rate Schedules FERC Nos. 1–4. Ocean State requests an effective date for the rate schedule changes of August 3, 2001.

Copies of the Supplements have been served upon, among others, Ocean State's power purchasers, the Massachusetts Department of Public Utilities, and the Rhode Island Public Utilities Commission.

Comment date: August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Ocean State Power II

[Docket No. ER01–2767–000]

Take notice that on August 2, 2001, Ocean State Power II (Ocean State II) tendered for filing revised pages to its initial rate schedules, which continue in effect existing adjustments to the Annual Capacity Charge for Unit Availability, Rate Schedules FERC Nos. 5–8. Ocean State II requests an effective date for the rate schedule changes of August 3, 2001.

Copies of the Supplements have been served upon, among others, Ocean State II's power purchasers, the Massachusetts Department of Public Utilities, and the Rhode Island Public Utilities Commission.

Comment date: August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Progress Energy, Inc. on behalf of Carolina Power & Light Company

[Docket No. ER01–2775–000]

Take notice that on August 2, 2001, Carolina Power & Light Company (CP&L) tendered for filing Service Agreements for Short-Term Firm and Non-Firm Point-to-Point Transmission Service with Calpine Energy Services, L.P. Service to this Eligible Customer will be in accordance with the terms and conditions of the Open Access Transmission Tariff filed on behalf of CP&L. Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

CP&L is requesting an effective date of July 31, 2001 for the Service Agreements.

Comment date: August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Exelon Generation Company, LLC

[Docket No. ER01–2776–000]

Take notice that on August 2, 2001, Exelon Generation Company, LLC (Exelon Generation) submitted for filing with the Federal Energy Regulatory Commission (FERC or the Commission) a service agreement for wholesale power sales transactions between Exelon Generation and City of Austin, Texas d/b/a Austin Energy under Exelon Generation's wholesale power sales tariff, FERC Electric Tariff, Original Volume No. 1.

Comment date: August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Exelon Generation Company, LLC

[Docket No. ER01–2777–000]

Take notice that on August 2, 2001, Exelon Generation Company, LLC

(Exelon Generation) submitted for filing with the Federal Energy Regulatory Commission (FERC or the Commission) a service agreement for wholesale power sales transactions between Exelon Generation and Nicor Energy, L.L.C. under Exelon Generation's wholesale power sales tariff, FERC Electric Tariff, Original Volume No. 1.

Comment date: August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Northern Indiana Public Service Company

[Docket No. ER01–2778–000]

Take notice that on August 2, 2001, Northern Indiana Public Service Company (Northern Indiana) filed a Service Agreement pursuant to its Wholesale Market-Based Rate Tariff with The Detroit Edison Company (Detroit Edison). Under the Service Agreement, Northern Indiana may provide service under its Wholesale Market-Based Rate Tariff. Northern Indiana has requested an effective date of July 3, 2001.

Copies of this filing have been sent to Detroit Edison, the Indiana Utility Regulatory Commission, and the Indiana Office of Utility Consumer Counselor.

Comment date: August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Virginia Electric and Power Company

[Docket No. ER01–2779–000]

Take notice that on August 2, 2001, Virginia Electric and Power Company (Dominion Virginia Power or the Company) tendered for filing the Service Agreement for Firm Point-to-Point Transmission Service by Virginia Electric and Power Company to Exelon Generation Company, LLC designated as Service Agreement No. 320 under the Company's FERC Electric Tariff, Second Revised Volume No. 5; and the Service Agreement for Non-Firm Point-to-Point Transmission Service by Virginia Electric and Power Company to Exelon Generation Company, LLC designated as Service Agreement No. 321 under the Company's FERC Electric Tariff, Second Revised Volume No. 5.

The foregoing Service Agreements are tendered for filing under the Open Access Transmission Tariff to Eligible Purchasers effective June 7, 2000. Under the tendered Service Agreements, Dominion Virginia Power will provide point-to-point service to Exelon Generation Company, LLC under the rates, terms and conditions of the Open Access Transmission Tariff. Dominion Virginia Power requests an effective date of September 1, 2001, as requested by the customer.

Copies of the filing were served upon Exelon Generation Company, LLC, the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment date: August 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. ARCO, a subsidiary of BP America, Inc. Complainant, v. Calnev Pipe Line LLC, Respondent.

[Docket No.OR01–8–000]

On August 8, 2001, ARCO, a subsidiary of BP America, Inc. (hereinafter referred to as Complainant) filed a complaint alleging that there are reasonable grounds to believe that the rates of Calnev Pipe Line LLC subject to the jurisdiction of the Federal Energy Regulatory Commission are not just and reasonable.

According to Complainant, the overcharges are 22.8 percent in excess of the claimed just and reasonable return claimed by Calnev in its year 2000 interstate cost of service.

Complainant further alleges that the rates are not subject to the threshold ''changed circumstances'' standard pursuant to the Energy Policy Act of 1992.

Complainant alleges that it is aggrieved and damaged by the unlawful acts of Calnev Pipe Line LLC and seeks relief in the form of reduced rates in the future and reparations for past and current overcharges for transportation and terminalling, with interest.

Comment date: August 21, 2001, in accordance with Standard Paragraph E at the end of this notice. Answers to the complaint shall also be due on or before August 21, 2001.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–20606 Filed 8–15–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–49–000]

Northwest Pipeline Corporation; Notice of Availability of the Environmental Assessment for the Proposed Everett Delta Lateral Project

August 10, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed by Northwest Pipeline Corporation (Northwest) in the above-referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental effects of the construction and operation of the proposed gas pipeline and aboveground facilities including:

- About 9.0 mile of a 20-inch-diameter pipeline in Snohomish County, Washington, which would tie in with Northwest's existing mainline and mainline loop north of the City of Lake Stevens; the lateral would extend from the interconnect with Northwest's existing system to Northwest Power Company's (NPC) power plant in Everett, Washington;
- Two meter stations at a joint meter station site at the end of the pipeline for deliveries to NPC and for deliveries to Puget Sound Energy (PSE); and
- Other aboveground facilities include two 12-inch-diameter mainline taps, a pig launcher, one 20-inch-diameter block valve assembly, a liquids separator; and a pig receiver.

The purpose of the proposed facilities would be to supply natural gas to NPC's 248-megawatt combined-cycle power generating plant in Everett, Washington. The Everett Delta Lateral would have a design capacity of approximately 133,000 dekatherms per day (Dth/day), of which up to 90,000 Dth/day would be delivered to fuel NPC's power plant, and 43,000 Dth/day would be delivered to PSE to supply its existing local distribution system. Initially, the power plant would require approximately 45,000 Dth/day of natural gas for full operation.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 208–1371.

Copies of the EA have been mailed to Federal, state and local agencies, public interest groups, interested individuals, newspapers, and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send two copies of your comments to: Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas Group 2, PJ–11.2
- Reference Docket No. CP01–49–000; and
- Mail your comments so that they will be received in Washington, DC on or before September 10, 2001.

Comments may also be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.gov* under the ''e-Filing'' link and the link to the User's Guide. Before you can file comments you will need to create an account which can be created by clicking on ''Login to File'' and then ''New User Account.''

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs, at (202) 208–1088 or on the FERC Internet website (www.ferc.gov) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–20607 Filed 8–15–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

August 10, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Amendment of License Application.

b. *Project No.:* 2030–036.

c. *Date Filed:* June 29, 2001.

d. *Applicants:* Portland General Electric Company (PGE) and the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWS).

e. *Name of Project:* Pelton Round Butte Hydroelectric Project.

f. *Location:* The project is located on the Deschutes River in Jefferson, Marion, and Wasco Counties, Oregon. The project occupies lands of the Deschutes National Forest; Mt. Hood National Forest; Willamette National Forest; Crooked River National Grassland; Bureau of Land Management; and tribal lands of the Warm Springs Reservation of Oregon.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Ms. Julie Keil, Director, Hydro Licensing, Portland General Electric Company, 121 SW Salmon Street, Portland, OR 97204, (503) 464–8864; and Mr. James Manion, General Manager, Warm Springs Power Enterprises, P.O. Box 690, Warm Springs, OR 97761, (541) 553–1046.

i. *FERC Contact:* Any questions on this notice should be addressed to Nan Allen at (202) 219–2839. E-mail address: *nan.allen@ferc.fed.us*.

j. *Deadline for filing motions to intervene and protests:* October 10, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

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 under the ''e-Filing'' link.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. The Round Butte development works consisting of: (1) The 440-foot-high, 1,382-foot-long Round Butte dam; (2) a 535,000-acre-foot reservoir with a normal pool elevation at 1,945.0 feet mean sea level; (3) a spillway intake structure topped with a 30-foot-high, 36-foot-wide radial gate, and a 1,800-foot-long, 21-foot-diameter spillway tunnel; (4) an 85-foot-long, varying in height and width, powerhouse intake structure; (5) a 1,425-foot-long, 23-foot-diameter power tunnel; (6) a powerhouse containing three turbine generating units with a total installed capacity of 247 megawatts (MW); (7) one 70-

[1] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

kilowatt (kW) turbine generating unit with a 30-inch-diameter pipe and support structure, a 10-foot square platform, and a turbine discharge pipe; (8) a 12.5-kilovolt (kV), 10.5-mile-long transmission line extending to the Reregulation dam, and a 230-kV, 100-mile-long transmission line extending to Portland General's Bethel substation; and (9) appurtenant facilities.

The Pelton development consists of: (1) The 204-foot-high, 636-foot-long thin-arch variable-radius reinforced concrete Pelton dam with a crest elevation 1,585 feet msl; (2) a reinforced concrete spillway on the left bank with a crest elevation of 1,558 feet msl; (3) Lake Simtustus with a gross storage capacity of 31,000 acre-feet and a normal maximum surface area of 540 acres at normal maximum water surface elevation of 1,580 feet msl; (4) an intake structure at the dam; (5) three 16-foot-diameter penstocks, 107 feet long, 116 feet long, and 108 feet long, respectively; (6) a powerhouse with three turbine/generator units with a total installed capacity of 108 MW; (7) a tailrace channel; (8) a 7.9-mile-long, 230-kV transmission line from the powerhouse to the Round Butte switchyard; and (9) other appurtenances.

The Reregulating development consists of: (1) The 88-foot-high, 1,067-foot-long concrete gravity and impervious core rockfilled Reregulating dam with a spillway crest elevation of 1,402 feet msl; (2) a reservoir with a gross storage capacity of 3,500 acre feet and a normal maximum water surface area of 190 acres at normal maximum water surface elevation of 1,435 feet msl; (3) a powerhouse at the dam containing a 18.9-MW turbine/generator unit; (4) a tailrace channel; (5) a 3.2-mile-long, 69-kV transmission line from the development to the Warm Springs substation; and (6) other appurtenances.

The project is estimated to generate an average of 1.613 billion kilowatthours annually. The dams and existing project facilities are owned by the co-applicants.

m. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Copies are also available for inspection and reproduction at the addresses in item h above.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–20615 Filed 8–15–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

August 10, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Transfer of License.

b. *Project No:* 2469–039.

c. *Date Filed:* June 28, 2001.

d. *Applicants:* Arizona Public Service Company (APS or transferor) and PacifiCorp (transferee).

e. *Name of Project:* Transmission Line Number 2469.

f. *Location:* The project is located in Coconino County, Arizona. The project occupies lands of the United States Bureau of Reclamation.

g. *Filed pursuant to:* 18 CFR 4.200.

h. *Applicant Contacts:* For transferor—Mr. Joel R. Spitzkoff, Manager, Federal Regulation, Arizona Public Service Commission, 400 North 5th Street, 19th Floor, Station 9905, Phoenix, AZ 85004, (602) 250–2949, fax (602) 250–2873.

For transferee—Mr. Jack E. Stamper, Regulatory Manager, PacifiCorp Transmission, 700 NE. Multnomah Street, Suite 550, Portland, OR 97232, (503) 813–5737, fax (503) 813–5767.

i. *FERC Contact:* Any questions on this notice should be addressed to Tom Papsidero at (202) 219–2715, or e-mail address: thomas.papsidero@ferc.fed.us.

j. *Deadline for filing comments and/or motions:* (September 16, 2001).

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, Mail Code: DLC, HL–11.1, 888 First Street, NE., Washington, DC 20426.

Please include the project number (2469–039) on any comments or motions filed.

k. *Description of Transfer:* APS requests approval to transfer its license to PacifiCorp as part of a sale of the line to PacifiCorp.

l. *Locations of the application:* Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the Commission's web site at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' and follow the instructions ((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 under the ''e-Filing'' link. Copies are also available for inspection and reproduction at the addresses in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. This notice also consists of the following standard paragraphs: B, C1, D2.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–20617 Filed 8–15–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Protests, Motions To Intervene, Recommendations, and Terms and Conditions

August 10, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Conduit Exemption.

b. *Project No.:* 12071–000.

c. *Date filed:* July 2, 2001.

d. *Applicant:* American Falls Reservoir District No. 2/Big Wood Canal Company.

e. *Name of Project:* County Line Project.

f. *Location:* On North Gooding Main Canal in Lincoln and Gooding Counties, Idaho. The project would not occupy federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. John J. Straubhar, P.E., P.O. Box 5071, Twin Falls, ID 83303–5071, (208) 736–8255.

i. *FERC Contact:* Tom Papsidero, (202) 219–2715.

j. *Status of Environmental Analysis:* This application is ready for environmental analysis at this time—see the following paragraphs about filing responsive documents.

k. *Deadline for filing comments, protests and motions to intervene:* (September 10, 2001).

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Please include the project number (P–12071–000) on any comments, protests, or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Project:* The proposed project would consist of: (1) a proposed reinforced concrete inlet structure, (2) a proposed powerhouse with one generating unit having an installed capacity of 950 kW, (3) a proposed 2000-foot-long, 8-foot-diameter penstock, and (4) appurtenant facilities. The project would have an average annual generation of 3.6 GWh.

m. *Locations of the application:* Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the Commission's web site at http://www.ferc.gov using the ''RIMS'' link, select ''Docket #'' and follow the instructions ((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 under the ''e-Filing'' link. Copies are also available for inspection and reproduction at the address in item h above.

Development Application—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 30 days from the issuance date of this notice. All reply comments must be filed with the Commission within 45 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' ''COMPETING APPLICATION,'' ''COMMENTS,'' ''REPLY COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–20619 Filed 8–15–01; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00735; FRL–6797–7]

Technical Briefing on Background and Hazard Methodology; Revised Relative Potency Factor; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing a public technical briefing for August 22, 2001, to provide background information on cumulative risk assessment methods, in general, and the current status of the work on the organophosphate (OP) cumulative risk assessment. Particular attention will be given to the hazard portion of the OP assessment. For cumulative assessments, before a risk assessment can be done, the chemicals must be ranked according to their ability to produce the toxic effect of concern. This ability is quantified by a ''potency'' value. After the potency of each chemical is calculated, an index chemical is selected. This method to estimate the relative potency has been termed the ''relative potency factor'' method. The result of the method is the determination of a relative potency factor (RPF) for each chemical. The briefing will focus on the recently released paper, ''Preliminary Cumulative Hazard and Dose-Response Assessment for Organophosphorus Pesticides and Points of Departure for Cholinesterase Inhibition,'' which explains the method that has been used to determine the relative potency factors for the OPs and the selection of the index chemical. This paper will also be the subject of a meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) on September 5–6, 2001. At the technical briefing, the hazard methodology will be explained in some detail and in terms appropriate for a non-scientific audience.

DATES: The meeting will be held on Wednesday, August 22, 2001, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA (directly across from the King Street Metro Station).

FOR FURTHER INFORMATION CONTACT: Kathy Monk, Special Review and Reregistration Division, Office of Pesticides Program (7508C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8071; e-mail address: monk.kathy@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Notice Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to persons who are concerned about implementation of the Food Quality Protection Act (FQPA). Passed in 1996, this new law strengthens the nation's system for regulating pesticides on food. Participants may include environmental/public interest and consumer groups; industry and trade associations; pesticide user and grower groups; Federal, State, and local governments; food processors; academia; general public; etc. 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 administrative record for this meeting under docket control number OPPTS–00735. The administrative record consists of the documents specifically referenced in this notice and other information related to the cumulative risk assessment of organophosphate pesticides. This administrative 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 administrative record is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division, Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the PIRIB is (703) 305–5805.

II. How Can I Request To Participate in this Meeting?

This meeting is open to the public. Outside statements by observers are welcome. Oral statements will be limited to 3 to 5 minutes, and it is preferred that only one person per organization present the statement. Any person who wishes to file a written statement may do so before or after the meeting. These statements will become part of the permanent record and will be available for public inspection at the address listed in Unit II.B. of this document.

List of Subjects

Environmental protection, Pesticides, agriculture, chemicals, cumulative risk.

Dated: August 7, 2001.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

[FR Doc. 01–20666 Filed 8–15–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7034–4]

Office of Research and Development; Board of Scientific Counselors, Executive Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C., App. 2) notification is hereby given that the Environmental Protection Agency, Office of Research and Development (ORD), Board of Scientific Counselors (BOSC) Subcommittee, will meet to review the National Exposure Research Laboratory.

DATES: The Meeting will be held on September 18–20, 2001. On Tuesday, September 18, 2001, the meeting will begin at 1:30 p.m., and will recess at 5:00 p.m. On Wednesday, September 19, 2001, the meeting will begin at 8:30 a.m. and recess at 5:00 p.m. On the final day, Thursday, September 20, 2001, the meeting will begin at 8:30 a.m. and recess at 3:00 p.m., and will include a writing session from 9:30 a.m. to 11:45 a.m. All times noted are Eastern Time.

ADDRESSES: The meeting will be held at the Catawba Building, 3210 Highway 54, Room 327, Research Triangle Park, North Carolina.

SUPPLEMENTARY INFORMATION: Anyone desiring a draft agenda may fax their request to Shirley R. Hamilton at (202) 565–2444. The meeting is open to the public. Any member of the public wishing to make a presentation at the meeting should contact Shirley Hamilton, Designated Federal Officer, U.S. Environmental Protection Agency, Board of Scientific Counselors, Office of Research and Development (8701R), 1200 Pennsylvania Avenue, NW.,

Washington, DC 20460; or by telephone at (202) 564–6853. In general each individual making an oral presentation will be limited to a total of three minutes.

FOR FURTHER INFORMATION CONTACT: Shirley R. Hamilton, Designated Federal Officer, U.S. Environmental Protection Agency, Office of Research and Development, NCER (8701R), 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 564–6853/

Dated: August 7, 2001.

Peter W. Preuss,

Director, National Center for Environmental Research.

[FR Doc. 01–20657 Filed 8–15–01; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7032–7]

Summary of the Workshop on Information Needs to Address Children's Cancer Risk

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of a final report.

SUMMARY: The Environmental Protection Agency's (EPA) National Center for Environmental Assessment (NCEA) in the Office of Research and Development announces the availability of a final report, Summary of the Workshop on Information Needs to Address Children's Cancer Risk (EPA/600/R–00/105, December 2000). This report summarizes a workshop cosponsored by the U.S. Environmental Protection Agency (EPA) and the National Institute of Environmental Health Sciences (NIEHS) on March 30 and 31, 2000. Eastern Research Group, an EPA contractor, organized and convened the workshop on EPA's and NIEHS's behalf. The workshop focused on a discussion of children's cancer risk assessment and related data needs to address issues that were raised during public review of EPA's 1999 Draft Revised Guidelines for Carcinogen Risk Assessment.

ADDRESSES: The document will be made available electronically through the National Center for Environmental Assessment's web site (www.epa.gov/ncea). A limited number of paper copies will be available from the EPA's National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242; telephone: 1–800–490–9198 or 513–489–8190; facsimile: 513–489–8695. Please provide your name and mailing address and the title and EPA number of the requested publication.

FOR FURTHER INFORMATION CONTACT: The Technical Information Staff, National Center for Environmental Assessment (8623D), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington DC 20460; telephone: 202–564–3261; facsimile: 202–565–0050; email: nceadc.comment@epa.gov.

SUPPLEMENTARY INFORMATION: The workshop focused on a discussion of children's cancer risk assessment and related data needs to address issues that were raised during public review of EPA's 1999 Draft Revised Guidelines for Carcinogen Risk Assessment. The issues include: characterizing the ideal data set to adequately address children's cancer risk and proposed approaches to using available data in the absence of the ideal data set.

The background for discussions at the workshop is the reality that chemical-specific data are often lacking to specifically address children's cancer risk from environmental chemical exposures. Consequently, the assessment of children's risk is currently addressed by evaluations of traditional bioassays in mature animals, comparative biochemistry and physiology between adult and developing animals and humans, and public-health-protective default positions in the absence of child-specific data. The workshop focused on four topic areas: (1) Current and proposed approaches to assessing children's cancer risk, (2) enhanced use of test data related to children's cancer risk, (3) future directions for toxicology testing to address children's cancer risk, and (4) epidemiological/molecular epidemiology information to address children's cancer risk.

Dated: July 20, 2001.

Art Payne,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 01–20659 Filed 8–15–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7034–1]

Volatilization Rates From Water to Indoor Air—Phase II

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of a final report.

SUMMARY: The National Center for Environmental Assessment, Office of Research and Development, U. S. Environmental Protection Agency announces the availability of a final report, Volatilization Rates From Water to Indoor Air—Phase II (EPA/600/R–00/096, October 2000). The purpose of the report is to provide a methodology to assess the volatilization of chemicals from contaminated water to indoor air. The study involved the development of two-phase dynamic mass models for estimating chemical emissions from washing machines, dishwashers, showers, and bathtubs. This report presents the results of a series of experiments conducted to determine emissions from four sources of water use in a household (showers, bathtubs, washing machines, and dishwashers). Mass transfer coefficients and chemical stripping efficiencies were determined using four sources and five tracer chemicals (acetone, ethyl acetate, toluene, ethylbenzene, and cyclohexane). The report provides a step-by-step methodology for estimating emissions from any of these four sources for any chemical. This research was conducted under the Research to Improve Health Risk Assessment program (RIHRA). The goal of the RIHRA program was to generate research results to significantly improve the U.S. Environmental Protection Agency's ability to improve human health risk assessments.

ADDRESSES: The document will be made available electronically through the National Center for Environmental Assessment's web site (www.epa.gov/ncea). A limited number of paper copies will be available on or about August 24, 2001 from EPA's National Service Center for Environmental Publications (NSCEP). To obtain copies, please contact NSCEP, P.O. Box 42419, Cincinnati, OH 45242; telephone: 1–800–490–9198 or 513–489–8190; facsimile: 513–489–8695. Please provide your name and mailing address and the title and EPA number of the requested publication.

FOR FURTHER INFORMATION CONTACT: Jacqueline Moya, National Center for Environmental Assessment-Washington Office (8623D), U.S. Environmental Protection Agency, Washington DC 20460; telephone: 202–564–3245; facsimile: 202–565–0076; email:moya.jacqueline@epa.gov.

Dated: August 7, 2001.

Arthur F. Payne,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 01–20662 Filed 8–15–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7034–5]

Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement concerning the Old Storm Plastics Facility Superfund Site, with Storm Plastics, Inc.

The settlement requires the settling parties to pay a total of $30,000 as payment of past response costs to the Hazardous Substances Superfund. The settlement includes a covenant not to sue pursuant to Section 107 of CERCLA, 42 U.S.C. 9607.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to this notice and will receive written comments relating to the settlement. 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 1445 Ross Avenue, Dallas, Texas 75202–2733.

DATES: Comments must be submitted on or before September 17, 2001.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at 1445 Ross Avenue, Dallas, Texas 75202–2733. A copy of the proposed settlement may be obtained from Lydia Behn, 1445 Ross Avenue, Dallas, Texas 75202–2733 or by calling (214) 665–8419. Comments should reference the Old Storm Plastics Facility Superfund Site, Garvin County, Oklahoma, and EPA Docket Number 06–07–2000, and should be addressed to Lydia Behn at the address listed above.

FOR FURTHER INFORMATION CONTACT: Amy McGee, 1445 Ross Avenue, Dallas, Texas 75202–2733 or call (214) 665–8063.

Dated: July 18, 2001.

Gregg A. Cooke,

Regional Administrator, Region 6.

[FR Doc. 01–20660 Filed 8–15–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7033–9]

Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with 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 a proposed administrative settlement concerning the RSR Corporation Superfund Site, with nineteen parties (''Settling Parties''), the United States Environmental Protection Agency (''EPA''), and the State of Texas (''State'').

The Settling Parties are: Andersen's Sales and Salvage, Inc.; Battery Associates, Incorporated; Ben Shemper and Sons, Incorporated; D C Power Supply; Dallas Power and Light Company; Gardner Iron & Metal Company, Inc.; Livingston Pecan & Metal, Inc.; Mansbach Metal Company; Michelson Steel and Supply; Mid-Ohio Battery; Minemet, Incorporated; Morris Tick Company, Inc.; Raleigh Junk Company; Remington Arms; Sabel Industries, Incorporated; Southern Scrap and Metal Company, Inc.; Sturgis Iron & Metal Co., Inc.; Twin City Iron and Metal Company, Inc.; and United Auto Disposal/United Metal Recyclers.

The settlement requires the Settling Parties to pay a total of $74,866.21 to the EPA and $9,100.00 to the State in reimbursement of Response Costs. Each Respondent's payment includes an amount for past response costs incurred at or in connection with the Site; projected future response costs to be incurred at or in connection with the Site; and a premium to cover the risks and uncertainties associated with this settlement.

The settlement includes a covenant not to sue under section 107 of CERCLA, 42 U.S.C. 9607. The settlement is for a minor portion of response costs, and the parties are considered to be ''de minimis'' contributors in accordance with section 122(g) of CERCLA, 42 U.S.C. 9622.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may withdraw or withhold its consent to the proposed 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 1445 Ross Avenue, Dallas, Texas, 75202–2733.

DATES: Comments must be submitted on or before September 17, 2001.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at 1445 Ross Avenue, Dallas, Texas, 75202–2733. A copy of the proposed settlement may be requested from Barbara J. Aldridge (6SF–AC), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas, 75202–2733 at (214) 665–2712. Comments should reference the RSR Corporation Superfund Site, Dallas, Texas, and EPA Docket Number 6–05–01, and should be addressed to Joseph E. Compton III at the address listed below.

FOR FURTHER INFORMATION CONTACT: Joseph E. Compton III (6RC–S), U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas, 75202–2733 at (214) 665–8506.

Dated: August 2, 2001.

Lynda F. Carroll,

Acting Regional Administrator, Region 6.

[FR Doc. 01–20658 Filed 8–15–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

August 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 September 17, 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., Washington, 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.: 3060–0804.

Title: Universal Service—Health Care Providers Universal Service Program.

Form No.: FCC Forms 465, 466, 466–A, 467, and 468.

Type of Review: Extension of currently approved collection.

Respondents: Not for profit institutions; Business or other for-profit.

Number of Respondents: 5,255.

Estimated Time Per Response: 1.85 hours (average).

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 9,755 hours.

Total Annual Cost: $0.

Needs and Uses: The Commission adopted rules providing support for all telecommunications services, Internet access, and internal connections for all eligible health care providers. Health care providers who want to participate in the universal service program must file several forms, including FCC Forms 465, 466, 466–A, and 468. FCC Form 465, Description of Service Requested and Certification is filed by rural health care providers to certify their eligibility to receive discounted telecommunications services. FCC Form 466, Funding Request and Certification, is used to ensure health care providers have selected the most cost-effective method of providing the requested services. FCC Form 466–A is filed by rural health care providers seeking support only for toll charges to access the Internet. FCC Form 467, Connection Certification, is filed by rural health care providers to inform the Administrator that they have begun to receive, or have stopped receiving, the telecommunications services for which universal service support has been allocated. FCC Form 468, Telecommunications Carrier Form, is submitted by rural health care providers to ensure that the telecommunications carrier receives the appropriate amount of credit for providing telecommunications services to eligible health care providers.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–20602 Filed 8–15–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

August 7, 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 September 17, 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, Washington, 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.: 3060–0824.

Title: Service Provider Information Form.

Form No.: FCC Form 498.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 10,000.

Estimated Time Per Response: 1 hour.

Frequency of Response: On occasion reporting requirement, and third party disclosure requirement.

Total Annual Burden: 10,000 hours.

Total Annual Cost: N/A.

Needs and Uses: Pursuant to 47 CFR Sections 54.515 and 54.611, the Administrator must obtain information relating to: service provider name and address, telephone number, Federal employee identification number, contact names and telephone numbers, and billing and collection information. FCC Form 498 has been designed to collect this information from carriers and service providers participating in the universal service program. The information will be used in the reimbursement of universal service support payments

OMB Control No.: 3060–0787.

Title: Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1966; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers.

Form No.: FCC Form 478.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, business or other for-profit, and state, local, or tribal government.

Number of Respondents: 28,414.

Estimated Time Per Response: 2–10 hours.

Frequency of Response: Recordkeeping requirement; third party

disclosure requirement; on occasion and semi-annual reporting requirements.

Total Annual Burden: 135,126 hours.

Total Annual Cost: N/A.

Needs and Uses: The goal of section 258 is to eliminate the practice of ''slamming'', which is the unauthorized change of a subscriber's preferred carrier. The rules and requirements implementing section 258 can be found in 47 CFR part 64. The purpose of the rules is to improve the carrier change process for consumers and carriers alike, while making it more difficult for unscrupulous carriers to perpetrate slams. In addition, each telephone exchange and/or telephone toll provider is required to submit a semi-annual report on the number of slamming complaints it receives.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–20603 Filed 8–15–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Notices, Meeting

AGENCY: Federal Election Commission

* * * * *

DATE & TIME: *Tuesday, August 21, 2001 at 10:00 A.M.*

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

* * * * *

DATE & TIME: *Thursday, August 23, 2001 at 10:00 A.M.*

PLACE: 999 E Street, NW., Washington, DC. (Ninth Floor)

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED: Correction and Approval of Minutes.

Advisory Opinion 2001–11: Democratic Party of Virginia by counsel, Neil Reiff.

Regulations Priorities.

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer Telephone: (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 01-20716 Filed 8–14–01; 10:36 am]

BILLING CODE 6715–01–M

GENERAL SERVICES ADMINISTRATION

Office of Communications; Creation of an Optional Form

AGENCY: Office of Communications, GSA.

ACTION: Notice.

SUMMARY: The General Services Administration (GSA), Office of Governmentwide Policy has created the following Optional Form: OF 92, Screener's Identification. This form is used by Federal agencies for issuance to non-Federal personnel. You may request copies of the new form in two ways:

Telephone: GSA, Forms Management–XR, Attn.: Barbara Williams, (202) 501–0581; or

E-mail: barbm.williams@gsa.gov.

DATES: August 16, 2001.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Wong, 202–501–4364. (This contact is for information on completing the form and interpreting its use only.)

Dated: August 10, 2001.

Barbara M. Williams,

Deputy Standard and Optional Forms Management Officer, General Services Administration.

[FR Doc. 01–20577 Filed 8–15–01; 8:45 am]

BILLING CODE 6820–34–M

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0246]

Submission for OMB Review; Comment Request Entitled Packing List Clause

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of request for extension to previously approved OMB Clearances (3090–0246)

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the General Services Administration, Office of Acquisition Policy has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning the General Services Administration Acquisition Regulation (GSAR) Packing List Clause.

DATES: Comment Due Date: October 15, 2001.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: Ed Springer, GSA Desk Officer, OMB, Room 10236, NEOB, Washington, DC 20503, and a copy of Stephanie Morris, General Services Administration, Acquisition Policy Division, 1800 F Street, NW., Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Beverly Cromer, Office of Acquisition Policy (202) 208–6750.

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration is requesting the Office of Management and Budget (OMB) to review and approve information collection, 3090–0246, concerning the GSAR Packing List clause. This clause requires a contractor to include a packing list that verifies placement of an order and identifies the items shipped. In addition to information contractors would normally include on packing lists, the identification of cardholder name, telephone number and the term ''Credit Card'' is required.

B. Annual Reporting Burden

Respondents: 4,000.

Annual Responses: 931,219.

Burden Hours: 7,760.

Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, Regulatory Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 3090–0246, GSAR Packing List Clause.

Dated: August 9, 2001.

David A. Drabkin,

Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration.

[FR Doc. 01–20677 Filed 8–15–01; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Citizens Advisory Committee on Public Health Service (PHS) Activities and Research at Department of Energy (DOE) Sites: Oak Ridge Reservation Health Effects Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) announce the following meeting.

Name: Citizens Advisory Committee on PHS Activities and Research at DOE Sites: Oak Ridge Reservation Health Effects Subcommittee (ORRHES).

Times and Dates: 12:00 p.m.–7 p.m., September 11, 2001.

8:30 a.m.–5 p.m., September 12, 2001.

Place: Oak Ridge Mall, Crown Conference Center, Club Room, 333 Main Street, Suite 216, Oak Ridge, TN 37830. Telephone: (865) 482–2008.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 150 people.

Background: A Memorandum of Understanding (MOU), signed in October 1990 and renewed in September 2000 between ATSDR and DOE, delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or ''Superfund''). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles. In addition, under an MOU signed in December 1990 with DOE and replaced by an MOU signed in 2000, the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. HHS has delegated program responsibility to CDC.

Purpose: This subcommittee is charged with providing advice and recommendations to the Director, CDC, and the Administrator, ATSDR, pertaining to CDC's and ATSDR's public health activities and research at this DOE site. Activities shall focus on providing the public with a vehicle to express concerns and provide advice and recommendations to CDC and ATSDR. The purpose of this meeting is to receive updates from ATSDR and CDC, and to address other issues and topics, as necessary.

Matters to be Discussed: The agenda includes a discussion of the public health assessment, updates from the Public Health Assessment, Public Health Needs Assessment, Agenda, and Outreach and Communications Workgroup, and a continued discussion on Epidemiology for committee members. Agenda items are subject to change as priorities dictate.

Contact Person for More Information: La Freta Dalton, Designated Federal Official, or Marilyn Palmer, Committee Management Specialist, Division of Health Assessment and Consultation, ATSDR, 1600 Clifton Road, NE, M/S E–54, Atlanta, Georgia 30333, telephone 1–888–42–ATSDR(28737), fax 404/498–1744.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: August 9, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–20624 Filed 8–15–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01185]

Landmine-Related Injuries, Trauma Prevention and Capacity Building Program; 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 increase the capacity of organizations that work in the area of landmine-related injuries, including psycho-social trauma. This program addresses the ''Healthy People 2010'' focus areas of Injury and Violence Prevention and Environmental Health.

The purpose of this program is to develop, implement, and evaluate diverse activities addressing landmines and other war-related injuries as well as psycho-social trauma, in current or former war-affected countries. This program will establish an improved understanding of the burden of war-related injury and trauma in refugee populations, and how these effects may be mitigated.

No human subjects research will be supported under this program announcement.

B. Eligible Applicants

Assistance will be provided only to U.S. based non governmental organizations (NGO) or other U.S. non-profit organizations that are working in the following combined areas in at least four international settings: refugee health, landmine/war-related injuries, mental health and psycho-social trauma related to conflict.

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 $436,358 is available in FY 2001 to fund up to four awards. Awards are expected to range from $50,000 to $175,000. Applications that request more than $175,000 will be determined to be non-responsive to the announcement and returned to the applicant without review.

It is expected that 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:

a. Using currently collected data, evaluate the impact of war-related injuries and psycho-social trauma among war-affected and refugee populations.

b. Design and implement violent injury prevention activities in war-affected displaced and refugee populations.

c. Present and disseminate findings from program activities so as to add to the body of knowledge and methods related to violent injury and psycho-social trauma in displaced populations affected by conflict.

d. Collect and analyze existing landmine impact survey data, including data on mental health, for use in public health program development and evaluation in one or more countries.

e. Develop and disseminate guidelines for the use of routinely collected landmine impact evaluation data in the implementation of public health responses to landmine-affected communities.

f. Using routinely collected impact survey data, evaluate the implementation of CARE/United Nations mine awareness guidelines (which are the most frequently used mine awareness guidelines) in one or more countries and recommend steps for improving CARE/United Nations mine awareness program guidelines.

2. CDC Activities:

a. Provide consultation and assistance, as needed, in planning and implementing programs activities among displaced and refugee populations.

b. Provide science-based collaboration and technical assistance, as needed, in injury and psycho-social trauma prevention and measurement strategies in displaced and refugee populations.

c. Provide technical assistance, as needed, in the preparation and presentation of data regularly collected for surveillance and evaluation purposes.

E. Content

Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 25 double-spaced pages, printed on one side, with one inch margins, and unreduced font. The application must be submitted unstapled and unbound.

In completing the application, the applicant should:

1. Concisely state their understanding of the objectives and program intent, problems, complexities, and interactions required of this cooperative agreement.

2. Present a plan and approach for carrying out the evaluation and surveillance activities for landmine-related injuries and psycho-social trauma in war-affected and refugee populations.

3. Describe their experience in conducting similar work.

4. Identify the professional personnel to be assigned to this project and their commitment to this effort, and describe the support staff services to be provided.

5. Provide first year budget estimates for addressing each of the activities described.

F. Submission and Deadline

Submit the original and two copies of PHS 5161–1 (OMB Number 0920–0428). Forms are available in the application kit and at the following Internet address: www.cdc.gov/od/pgo/forminfo.htm

On or before September 4, 2001, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Understanding of the problem (20 percent)

Extent to which the applicant demonstrates a clear, concise understanding of the nature of the problem to be addressed. This includes a description of the public health importance of the planned activities to be undertaken, and realistic presentation of proposed objectives.

2. Technical approach (25 percent)

The extent to which the applicant's proposed activities form a logical strategy, including a reasonable activity time-line, and measurable management and data analysis steps.

3. Ability to carry out the project (25 percent)

The extent to which the applicant provides evidence of its ability to carry out the proposed project.

4. Personnel (20 percent)

The extent to which professional personnel involved in this project are qualified, including evidence of experience similar to this project.

5. Plans for Administration (10 percent)

Adequacy of plans for administering the project.

6. Budget (not scored)

The extent to which itemized budget for conducting the project, along with justification, is reasonable and consistent with stated objectives and planned program activities.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

Semi-annual progress reports no more than 30 days after the end of the report period; annual financial status report, no more than 90 days after the end of the budget period; and final financial status 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.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I of the announcement in the application kit.

AR–9 Paperwork Reduction

AR–10 Smoke-Free Workplace Requirements

AR–11 Healthy People 2010

AR–12 Lobbying Restrictions

AR–14 Accounting System Requirements

AR–15 Proof of Non-Profit Status

AR–16 Security Clearance Requirement

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301, 307, and 317 of the Public Health Service Act, [42 U.S.C. section 241, 242(l) and 247(b)], as amended. The Catalog of Federal Domestic Assistance number is 93.283.

J. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address—http://www.cdc.gov Click on ''Funding'' then ''Grants and Cooperative Agreements.''

To obtain business management technical assistance, contact:

Sharron Orum, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Announcement 01185, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone number: (770) 488–2716, Email address: sorum@cdc.gov.

For program technical assistance, contact: Marilyn DiSirio, International Emergency Refugee Health Branch, Division of Emergency and Environmental Health Services, National Center for Environmental Health, Centers for Disease Control and Prevention, 4770 Buford Highway, NE (F–48), Atlanta, GA 30341, Telephone number: (770) 488–7021, Email address: mdisirio@cdc.gov.

Dated: August 10, 2001.

Rebecca O'Kelley,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–20623 Filed 8–15–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0336]

Schering Corp. et al.; Withdrawal of Approval of 51 New Drug Applications and 25 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 51 new drug applications (NDAs) and 25 abbreviated new drug applications (ANDAs). The holders of the applications notified the agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

DATES: Effective September 17, 2001.

FOR FURTHER INFORMATION CONTACT: Florine P. Purdie, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: The holders of the applications listed in the table in this document have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications. The applicants have also, by their requests, waived their opportunity for a hearing.

Application No.	Drug	Applicant
NDA 3–158	Oreton Methyl (methyltestosterone) Tablets, 10 milligrams (mg) and 25 mg.	Schering Corp., 2000 Galloping Hill Rd., Kenilworth, NJ 07033.
NDA 5–963	Sodium Sulamyd (sulfacetamide sodium) Ophthalmic Solution and Ointment.	Do.
NDA 6–325	Tubocurarine Chloride Injection.	Lilly Research Laboratories, Lilly Corporate Center, Indianapolis, IN 46285.
NDA 6–632	Metubine Iodide (metocurine iodide) Injection.	Do.
NDA 6–772	Vasoxyl (methoxamine hydrochloride (HCl)) Injection.	GlaxoSmithKline (GSK), P.O. Box 13398, Five Moore Dr., Research Triangle Park, NC 27709.
NDA 6–925	Nisentil (alphaprodine HCl) Injection.	Hoffman-LaRoche, Inc., 340 Kingsland St., Nutley, NJ 07110–1199.
NDA 7–600	Surital (thiamylal sodium).	Parkdale Pharmaceuticals, 2800 Plymouth Rd., Ann Arbor, MI 48105.
NDA 8–200	Sodium Iodide I-131 Capsules, Solution, and Injection.	Syncor International Corp., 6464 Canoga Ave., Woodland Hills, CA 91367.
NDA 8–592	Ravocaine HCl (propoxycaine HCl and procaine HCl, with nordefrin or norepinephrine bitartrate).	Eastman Kodak Co., Health Imaging, 343 State St., Rochester, NY 14612–1122.
NDA 9–127	Cortril (hydrocortisone) Tablets.	Pfizer, Inc., 235 East 42d St., New York, NY 10017.
NDA 9–130	Cortril (hydrocortisone acetate) Ophthalmic Ointment.	Do.
NDA 9–238	Progesterone Injection.	Eli Lilly and Co., Lilly Corporate Center, Indianapolis, IN 46285.
NDA 9–458	Cortisone Acetate Tablets, 25 mg.	Impax Laboratories, Inc., 30831 Huntwood Ave., Hayward, CA 94544.
NDA 9–996	Sterane (prednisolone) Tablets.	Pfizer, Inc.
NDA 10–423	Lorfan (levallorphan tartrate) Injection.	Hoffman-LaRoche, Inc.
NDA 10–554	Magnacort (hydrocortamate HCl) Topical Ointment.	Pfizer Pharmaceuticals, 235 East 42d St., New York, NY 10017.
NDA 11–539	Ultra-Feminine (Topical Liquid).	Coscelebre, Inc., 415 Madison Ave., New York, NY 10017.
NDA 11–557	Trilafon (perphenazine) Concentrate, 16 mg/5 mL (milliliters).	Schering Corp.
NDA 11–679	Pentothal Sodium (thiopental sodium) Suspension.	Abbott Laboratories, D–389, Bldg. AP30, 200 Abbott Park Rd., Abbott Park, IL 60064–6157.
NDA 12–148	Oreticyl Tablets and Oreticyle Forte (hydrochlorothiazide and deserpidine) Tablets.	Do.
NDA 12–715	Gantanol (sulfamethoxazole) Tablets.	Hoffman-LaRoche, Inc.

Application No.	Drug	Applicant
NDA 13–056	Penthrane (methoxyflurane) Inhalation Liquid.	Abbott Laboratories.
NDA 13–934	Stoxil (idoxuridine) Ophthalmic Solution, 0.1%.	SmithKline Beecham Pharmaceuticals, One Franklin Plaza, P.O. Box 7929, Philadelphia, PA 19101.
NDA 14–083	Apodol (anileridine HCl) Tablets.	Bristol-Myers Squibb, P.O. Box 4000, Princeton, NJ 08543–4000.
NDA 14–087	Apodol (anileridine) Injection.	Do.
NDA 15–868	Stoxil (idoxuridine) Ophthalmic Ointment, 0.5%.	SmithKline Beecham Pharmaceuticals.
NDA 17–255	DTPA (chelate) Multidose (kit for the preparation of Tc-99m pentetate injection).	Nycomed Amersham Imaging, 101 Carnegie Center, Princeton, NJ 08540.
NDA 17–256	Xenon Xe-133.	Do.
NDA 17–257	Selenomethionine Se-75 Injection.	Do.
NDA 17–266	Technetium Tc-99m Sulfur Colloid Injection.	Do.
NDA 17–267	Sodium Pertechnetate Tc-99m Injection.	Do.
NDA 17–383	Methosarb (calusterone) Tablets.	The Upjohn Co., 7000 Portage Rd., Kalamazoo, MI 49001.
NDA 17–456	Technetium Tc–99m Sulfur Colloid.	Do.
NDA 17–483	Methadone HCl Bulk (methadone HCl).	Penick Corp., 158 Mount Olivet Ave., Newark, NJ 07114.
NDA 17–562	Technetium Tc-99m Diphosphonate Injection (Tin Kit).	Nycomed Amersham Imaging.
NDA 17–664	Sodium Polyphosphate Injection (Tin Kit).	Do.
NDA 17–667	Stannous Diphosphonate Injection.	Do.
NDA 18–228	Hypnomidate (etomidate) Injection.	Janssen Research Foundation, 1125 Trenton-Harbourton Rd., P.O. Box 200, Titusville, NJ 08560.
NDA 18–289	Iodohippurate Sodium I-123.	Nycomed Amersham Imaging.
NDA 18–871	Protostat (metronidazole) Tablets.	R. W. Johnson Pharmaceutical Research Institute, Route 202 South, P.O. Box 300, Raritan, NJ 08869–0602.
NDA 19–450	Velosulin BR Human (semisynthetic purified human insulin) Injection.	Novo Nordisk Pharmaceuticals, Inc., 100 College Rd. West, Princeton, NJ 08540.
NDA 20–420	GenESA (arbutamine HCl) Injection.	Gensia Automedics, Inc., 9360 Towne Centre Dr., San Diego, CA 92121.
NDA 20–689	Posicor (miobefradil dihydrochloride) Oral Tablets, 50 mg and 100 mg.	Hoffmann-LaRoche, Inc.
ANDA 40–059	Fluocinolone Acetonide Topical Solution USP, 0.01%.	Bausch & Lomb Pharmaceuticals, Inc., 8500 Hidden River Pkwy., Tampa, FL 33637.
NDA 50–311	Rondomycin (methacycline HCl) Capsules.	Pfizer, Inc.
NDA 50–448	Grifulvin (griseofulvin) Oral Suspension.	Johnson & Johnson Consumer Products Co., 199 Grandview Rd., Skillman, NJ 8558–9418.
NDA 50–637	Zefazone (cefmetazole sodium) Sterile Powder.	Pharmacia & Upjohn Co., 7000 Portage Rd., Kalamazoo, MI 49001.
NDA 50–683	Zefazone (cefmetazole sodium) Intraveous Solution.	Do.
ANDA 60–760	Oxytetracycline HCl Capsules, 250 mg.	Impax Laboratories, Inc.
ANDA 62–223	Totacillin (Ampicillin Trihydrate for Oral Suspension USP).	SmithKline Beecham Pharmaceuticals.
ANDA 62–736	Bactocill (oxacillin sodium) Injection.	GlaxoSmithKline (GSK).
ANDA 64–055	Neomycin Sulfate and Dexamethosone Sodium Phosphate Ophthalmic Solution	Bausch & Lomb Pharmaceuticals, Inc.

Application No.	Drug	Applicant
ANDA 74–813	Etoposide Injection 20 mg/mL.	Pierre Fabre Medicament, c/o Guidelines Integrated Service, 10320 USA Today Way, Miramar, FL 33062.
ANDA 80–079	Trisulfapyrimidines Tablets USP.	Impax Laboratories, Inc.
ANDA 80–151	Thyroglobulin Tablets USP.	Do.
ANDA 80–153	Isoniazid Tablets USP.	Do.
ANDA 80–281	Oreton Methyl Buccal Tablets (Methyltestosterone Tablets USP).	Schering Corp.
ANDA 80–780	Prednisolone Tablets USP, 5 mg.	Impax Laboratories, Inc.
ANDA 80–807	Diphenhydramine HCl Capsules USP, 25 mg and 50 mg.	Do.
ANDA 80–951	Ergocalciferol Capsules USP.	Do.
ANDA 80–952	Vitamin A Capsules USP.	Do.
ANDA 80–953	Vitamin A Capsules USP.	Do.
ANDA 80–955	Vitamin A Capsules USP.	Do.
ANDA 83–011	Hydrocortisone Cream USP, 1%.	Solvay Pharmaceuticals, Inc., 901 Sawyer Rd., Marietta, GA 30062.
ANDA 83–347	Quinidine Sulfate Tablets USP, 200 mg.	Impax Laboratories, Inc.
ANDA 84–214	Promethazine HCl Tablets USP, 25 mg.	Do.
ANDA 84–340	Triamcinolone Tablets USP, 4 mg.	Do.
ANDA 84–575	Aminophylline Tablets USP, 200 mg.	Do.
ANDA 84–577	Aminophylline Tablets USP, 100 mg.	Do.
ANDA 85–098	Hydrocholorothiazide Tablets USP, 100 mg.	Do.
ANDA 85–563	Glycopyrrolate Tablets, 2 mg.	Circa, 130 Lincoln St., Copiague, NY 11726.
ANDA 86–639	Levsin PB (hyoscyamine sulfate and phenobarbital) Oral Solution.	Schwarz Pharma, Inc., P.O. Box 2038, Milwaukee, WI 53201.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) and under authority delegated to the Director, Center for Drug Evaluation and Research (21 CFR 5.82), approval of the applications listed in the table in this document, and all amendments and supplements thereto, is hereby withdrawn, effective September 17, 2001.

Dated: August 1, 2001.

Janet Woodcock,

Director, Center for Drug Evaluation and Research.

[FR Doc. 01–20605 Filed 8–15–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel, Biomedical Research Technology.

Date: October 22–23, 2001.

Time: October 22, 2001, 8:00 am to adjournment.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott, Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Mohan Viswanathan, Phd, Scientific Review Administrator, National Center for Research Resources, National Institutes of Health, Office of Review, 6705 Rockledge Drive, MSC 7965, One Rockledge Centre, Room 6018, Bethesda, MD 20892, (301) 435–0829, viswanathanm@ncrr.nih.gov

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: August 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–20596 Filed 8–15–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Heart, Lung, and Blood Institute Special Emphasis Panel, June 28, 2001, 10:00 AM to June 28, 2001, 11:00 AM, 6701 Rockledge Drive, Room 7214, Bethesda, MD, 20892 which was published in the **Federal Register** on June 13, 2001, FR 66 32365.

The meeting will be held on August 17, 2001 instead of June 28, 2001. The meeting is closed to the public.

Dated: August 9, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–20594 Filed 8–15–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: August 20, 2001.

Time: 3:30 pm to 5:30 pm.

Agenda: To review and evaluate grant applications.

Place: 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Alan L. Willard, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: August 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–20595 Filed 8–15–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council on Alcohol Abuse and Alcoholism.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Alcohol Abuse and Alcoholism.

Date: September 19–20, 2001.

Closed: September 19, 2001, 7:00 PM to 9:00 PM.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.

Open: September 20, 2001, 8:30 AM to 4:00 PM.

Agenda: Program documents.

Place: 45 Center Drive, Natcher Building, Conference Room E1/2, Bethesda, MD 20892.

Contact Person: Ida Faustino Nestorio, Committee Management Officer, NIAAA, National Institutes of Health, National Institute on Alcohol Abuse, and Alcoholism, Willco, Building, Suite 409, MSC 7003, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–4376, inestori@willco.niaaa.nih.gov

Information is also available on the Institute's/Center's home page: silk.nih.gov/silk/niaaa1/about/roster.htm, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: August 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–20597 Filed 8–15–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

Date: August 14, 2001.

Time: 1:00 PM to 3:00 PM.

Agenda: To review and evaluate contract proposals.

Place: 45 Natcher Bldg., Rm 5As.25u, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Tracy A. Shahan, PhD, Scientific Review Administrator, National Institute of Arthritis and Musculoskeletal and Skin Diseases, Natcher Building, MSC 6500, 45 Center Drive, 5AS–25H, Bethesda, MD 20892, (301) 594–4952.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: August 9, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–20598 Filed 8–15–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 13, 2001.

Time: 11:30 am to 12:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jeanne N. Ketley, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435–1789.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 16, 2001.

Time: 1:00 pm to 2:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jeanne N. Ketley, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435–1789.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 16, 2001.

Time: 2:30 pm to 4:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Prabha L. Atreya, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5152, MSC 7842, Bethesda, MD 20892, (301) 435–8367.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 9, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–20593 Filed 8–15–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program; Workshop

SUMMARY: National Toxicology Program (NTP); National Institute of Environmental Health Sciences (NIEHS); Announces a Workshop on the ''Assessment of the Allergenic Potential of Genetically Modified Foods,'' September 24–26, 2001, Durham Marriott at the Civic Center, 201 Foster Street, Durham, NC.

Background

There is growing concern among the general public and the scientific community regarding the potential toxicity of genetically modified (GM) foods. Of specific interest is the ability of GM proteins to elicit potentially harmful immunologic responses including hypersensitivity and/or autoimmunity. The lack of information on the potential toxicity of these products has created a considerable backlash against the producers and users of these crops. This workshop will gather experts in food allergy, GM crops, and the regulatory aspects of these products, along with bench scientists and clinicians, to examine the current state of knowledge in the area, identify the critical issues regarding these materials, and develop testing strategies to examine the allergenicity of these compounds.

Sponsors for the workshop include the Office of Research and Development, U.S. Environmental Protection Agency; National Toxicology Program, Department of Health and Human Services; National Institute of Environmental Health Sciences, National Institutes of Health; Office of Rare Diseases, National Institutes of Health; Center for Food Safety and Nutrition, U.S. Food and Drug Administration. The workshop is organized by the National Institute of Environmental Health Sciences and the National Toxicology Program, Research Triangle Park, North Carolina.

Preliminary Meeting Agenda

Monday, September 24, 2001

8:30 a.m.
Meeting Begins/Welcome
Introduction: What are the issues?—Dr. Dean Metcalfe
National Center for Food Safety and Technology Conference Conclusion, November 2000—Dr. Steven Gendel

Session I: Clinical Aspects and Clinical Investigation of Food Allergy

Clinical Spectrum of Food Allergy—Dr. Hugh Sampson
Clinical Assessment of Food Allergy to Novel Proteins—Dr. Sam Lehrer
Contribution of Inhalation Allergenicity—Occupational/Rural Exposures—Dr. Leonard Bernstein
The Role of Eosinophils in Food Allergy—Dr. Marc Rothenberg

12:00 p.m.
Lunch
Post-Marketing Surveillance—Dr. Carol Rubin

Session II: Toxicological Evaluation of Novel Proteins

Assessment of Protein Structure, Sequence Homology and Stability—Dr. Tong-Jen Fu, Dr. Gary Bannon

Session III: Regulatory Considerations

Panel Discussion: This session will consist of short presentations from regulatory and industry scientists followed by a panel discussion. Panelists will consider what studies (data) are most useful in assessing the

safety of exposure to potentially allergenic substances and what are the biggest uncertainties.

Speaker/Panelist—Dr. Laura Tarantino (FDA), Dr. John Kough (EPA), Dr. James Astwood (Monsanto), Dr. Katherine Sarlo (Proctor and Gamble), Dr. Val Giddings (Biosys)

Session IV: Risk Communication

Biotechnology and How The Public Perceives It—Dr. Thomas Hoban, Dr. Rebecca Goldburg

5:00 p.m.
Open Discussion

Tuesday, September 25, 2001

Session V: Toxicologic Methods of Safety Assessment

8:30 a.m.
Meeting Begins/Overview
Oral and Intraperitoneal Exposure of Brown Norway Rats—Dr. Andre Penninks
Oral and Systemic Exposure of BALB/c Mice—Dr. Ian Kimber
Assessment of Allergenicity in Dogs—Dr. Robert Buchanan
Assessment of Allergencity Using Swine Models—Dr. Ricki Helm
Serum Screening & Challenges for Allergenicity Safety Assessment—Dr. Susan Hefle

12: 00 p.m.
Lunch
Charge to Breakout Groups:

The afternoon of the 25th will be devoted to breakout sessions. Breakout group reports will be presented the morning of the 26th. Meeting participants will divide into breakout groups that will address questions and evaluate research needs as listed below. It is anticipated that each breakout group will consist of 8–10 individuals with varied expertise. On the final day of the meeting, each breakout group will report on their discussions of the state of the science, the research gaps in the specific area, and approaches to address these gaps.

What are the research needs in the areas of:

1. Use of Human Clinical Data for Risk Assessment
2. Animal Models to Assess Food allergy
3. Biomarkers of Exposure and Effect
4. Sensitive Populations
5. Models of Dose Response
6. Post-market Surveillance

Session VI—Breakout Group Meetings

Address Questions, Research Needs and Areas of Particular Focus
Observer Question and Discussion Session (Within Breakout Groups)

5:00 p.m.
Adjourn

Wednesday September 26, 2001

Session VII—Breakout Group Presentations

8:30 a.m.
Meeting Begins/Presentations
Meeting Summary and Discussion
Consensus Building and Agreement on the Way Forward

12:30 p.m.
Adjourn

Open to the Public/Registration Information

The public is invited to attend the workshop as observers. The number of observers will be limited only by the space available. An open discussion session is scheduled each day to provide an opportunity for observers to contribute to the scientific discussion. Due to space limitations, advance registration is requested by August 31, 2001. For registration information, contact Ms. Angie Sanders, NTP Office of Liaison and Scientific Review, 111 T.W. Alexander Drive, NIEHS, MD A3–02, Research Triangle Park, NC 27709: *sanders5@niehs.nih.gov;* 919–541–0530 (telephone); 919–541–0295 (fax). For additional information or to view the registration package, please access the meeting web page located on the NTP web site: *http://ntp-server.niehs.nih.gov/htdocs/Liason/GMFoodPg.html.* For scientific information, contact Dr. Dori Germolec: *germolec@niehs.nih.gov;* 919–541–3230 (telephone); 919–541–0870 (fax).

Dated: August 6, 2001.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

[FR Doc. 01–20599 Filed 8–15–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZA 31816]

Notice of Proposed Withdrawal; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Forest Service proposes to withdraw 158.06 acres of National Forest System land to protect the unique prehistoric, recreational, historical, and interpretive integrity of the Snake Gulch area. This notice segregates the land for up to 2 years from location and entry under the United States mining laws. The land will remain open to all other uses which may by law be made of National Forest System land.

DATES: Comments should be received on or before November 14, 2001.

ADDRESSES: Comments should be sent to the Forest Supervisor, Kaibab National Forest, 800 South 6th Street, Williams, Arizona 86046.

FOR FURTHER INFORMATION CONTACT: Dwan Utley, Kaibab National Forest, 928–635–8275.

SUPPLEMENTARY INFORMATION: The Forest Service proposes to withdraw the following described National Forest System land from location and entry under the United States mining laws, subject to valid existing rights:

Kaibab National Forest

Gila and Salt River Meridian
T. 37 N., R. 3 W., (unsurveyed) and T. 38 N., R. 3 W., HES No. 581

The area described contains 158.06 acres in Coconino and Mohave Counties.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Forest Supervisor of the Kaibab National Forest.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request, by the date specified above, to the Forest Supervisor, Kaibab National Forest. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date.

Dated: August 1, 2001.

John R. Christensen,

Acting Deputy State Director, Resources Division.

[FR Doc. 01–20601 Filed 8–15–01; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB control number 1010–0112).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval of its routine renewal. The information collection request (ICR) concerns the Performance Measures Data Form MMS–131.

DATES: Submit written comments by October 15, 2001.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. If you wish to e-mail comments, the e-mail address is: rules.comments@mms.gov. Reference ''Information Collection 1010–0112'' in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600.

SUPPLEMENTARY INFORMATION:

Title: Performance Measures Data Form, Form MMS–131.

OMB Control Number: 1010–0112.

Abstract: The Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331 *et seq.*), as amended, requires the Secretary of the Interior to preserve, protect, and develop OCS oil, gas, and sulphur resources; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources offshore; and preserve and maintain free enterprise competition. These responsibilities are among those delegated to the MMS. MMS generally issues regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protect the environment; and result in diligent exploration, development, and production of OCS leases.

Beginning in 1991, MMS has promoted, on a voluntary basis, the implementation of a comprehensive Safety and Environmental Management Program (SEMP) for the offshore oil and gas industry as a complement to current regulatory efforts to protect people and the environment during OCS oil and gas exploration and production activities. From the beginning, MMS, the industry as a whole, and individual companies realized that at some point they would want to know the effect of SEMP on safety and environmental management of the OCS. The natural consequence of this interest was the establishment of performance measures. We will be requesting OMB approval for a routine renewal of the performance measures data form MMS–131 without changes.

The responses to this collection of information are voluntary, although we consider the information to be critical for assessing the effects of the OCS Safety and Environmental Management Program. We can better focus our regulatory and research programs on areas where the performance measures indicate that operators are having difficulty meeting MMS expectations. We are more effective in leveraging resources by redirecting research efforts, promoting appropriate regulatory initiatives, and shifting inspection program emphasis. The performance measures also give us valuable quantitative information to use in judging the reasonableness of company requests for alternative compliance or departures under 30 CFR 250.141 and 250.142. We also use the information collected to work with industry representatives to identify and request ''pacesetter'' companies to make presentations at periodic workshops.

Knowing how the offshore operators as a group are doing and where their own company ranks provides company management with information to focus their continuous improvement efforts. This leads to more cost-effective prevention actions and, therefore, better cost containment. This information also provides offshore operators and organizations with a credible data source to demonstrate to those outside the industry how well the industry and individual companies are doing.

No questions of a ''sensitive'' nature are asked and the collection of information involves no proprietary information. We intend to release data collected on form MMS–131 only in a summary format that is not company-specific. We will protect the information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2).

Frequency: The frequency is annual during the 1st quarter of the year.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas or sulphur lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: The currently approved ''hour'' burden for form MMS–131 is 960 hours. We estimate the public reporting burden averages 12 hours per response. This includes the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information.

Estimated Annual Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no ''non-hour cost'' burden associated with form MMS–131.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Upon request we will provide a copy of the form MMS–131 to you without charge. Before submitting an ICR to OMB for approval, PRA section 3506(c)(2)(A) requires each agency ''. . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .''. Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. We will summarize written responses to this notice and address them in our submission for OMB approval, including any appropriate adjustments to the estimated burden.

Agencies must estimate both the ''hour'' and ''non-hour cost'' burdens to respondents or recordkeepers resulting from the collection of information. We have not identified any non-hour cost burdens for the information collection aspects of form MMS–131. Therefore, if you have costs to generate, maintain, and disclose this information, you

should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

Public Comment Policy: We will summarize written responses to this notice and address them in our submission for OMB approval, including appropriate adjustments to the estimated burdens. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: July 30, 2001.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01–20640 Filed 8–15–01; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation 332–325]

The Economic Effects of Significant U.S. Import Restraints: Third Update

AGENCY: United States International Trade Commission.

ACTION: Notice of third update report and scheduling of public hearing.

EFFECTIVE DATE: August 9, 2001.

SUMMARY: The Commission has announced the schedule for its third update report in investigation No. 332–325, The Economic Effects of Significant U.S. Import Restraints, and has established deadlines for the submission of requests to appear at the hearing and for the filing of written submissions as set forth below. The investigation was requested by the Office of the U.S. Trade Representative (USTR) in May 1992. That request called for an initial investigation and subsequent updates, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)).

FOR FURTHER INFORMATION CONTACT: Sandra A. Rivera, Project Leader (202–205–3007) or Kyle Johnson, Deputy Project Leader (202–205–3229), Office of Economics, U.S. International Trade Commission, Washington, DC, 20436. For information on the legal aspects of this investigation, contact William Gearhart of the Office of the General Counsel (202–205–3091). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usitc.gov). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at http://dockets.usitc.gov/eol/public.

Background

The Commission instituted this investigation following receipt on May 15, 1992 of a request from the USTR. The request asked that the Commission conduct an investigation assessing the quantitative economic effects of significant U.S. import restraints on the U.S. economy, and prepare periodic update reports following the submission of the first report. The first report was delivered to the USTR in November 1993, the first update in December 1995, and the second update in May 1999. In this third update report, the Commission will assess the economic effects of significant tariff and non-tariff U.S. import restraints on U.S. consumers, on the activities of U.S. firms, on the income and employment of U.S. workers, and on the net economic welfare of the United States. The assessment will not include import restraints resulting from final antidumping or countervailing duty investigations, section 337, 201, and 406 investigations, or section 301 actions.

The initial notice of institution of this investigation was published in the **Federal Register** of June 17, 1992 (57 FR 27063).

Public Hearing

A public hearing in connection with the investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC, beginning at 9:30 a.m. on December 4, 2001. All persons shall have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436, no later than 5:15 p.m., November 9, 2001. Any prehearing briefs (original and 14 copies) should be filed not later than close of business, November 14, 2001; the deadline for filing post-hearing briefs or statements is close of business, January 10, 2002. In the event that, as of the close of business on November 9, 2001, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary to the Commission (202–205–2000) after November 9, 2001, to determine whether the hearing will be held.

Written Submissions

In lieu of or in addition to participating in the hearing, interested parties are invited to submit written statements (original and 14 copies) concerning the matters to be addressed by the Commission in its report on this investigation. Commercial or financial information that a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's rules of practice and procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary for inspection by interested parties. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on January 10, 2002. All

submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW, Washington, DC 20436. The Commission's rules do not authorize filing submissions with the Secretary by facsimile or electronic means.

List of Subjects

U.S. Import Restraints, Nontariff measures (NTM), Tariffs, Imports.

By order of the Commission.

Issued: August 13, 2001.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–20655 Filed 8–15–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a proposed consent decree was lodged on July 27, 2001 with the United States District Court for the Eastern District of California. The Consent Decree embodies a second settlement in *United States* v. *Chevron USA Inc., et al.,* Civil Action No. F–98–5412 REC DLB. A prior consent decree was entered by the Court on December 21, 1998.

In the complaint filed concurrently with the lodging of the first consent decree, the United States sought injunctive relief for performance of response actions, and reimbursement for response costs incurred by the United States Environmental Protection Agency, in response to releases of hazardous substances at the Purity Oil Sales Superfund Site (''Site''), located near Fresno, California, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9601 *et seq.* The settling defendants agreed to contribute towards performance of future response actions at the Purity Site; defendant Chevron USA Inc. (''Chevron'') agreed to perform that work. Future work under the first consent decree includes operation and maintenance of the groundwater extraction and treatment system for the groundwater operable unit and construction, operation, and maintenance of the components of the soils operable unit.

The proposed consent decree provides for performance by Chevron of activities in connection with the temporary and permanent relocation of residents of the Tall Trees Trailer Park, located next to the Site. In addition, the proposed decree provides that EPA will reimburse Chevron for up to $1.5 million in costs incurred for performance of such activities.

The proposed consent decree includes a covenant-not-to-sue under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606, 9607, and under section 7003 of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6973.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Chevron USA Inc., et al.*, DOJ Ref #90–11–2–355. Commenters may request a public hearing in the affected area, pursuant to section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The proposed consent decree may be examined at the Region IX Office of the Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105. A copy of the proposed consent decree may also be obtained by mail from the Department of Justice Consent Decree Library, Box 7611, Ben Franklin Station, Washington, DC 20044–7611. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $14.50 (25 cents per page reproduction costs), payable to the Consent Decree Library. A copy of the decree, exclusive of attachments, may be obtained for $20.50.

Ellen M. Mahan,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–20641 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on July 31, 2001, a proposed Consent Decree in *United States* v. *Lockheed Martin Corp., et al.*, Civil Action No. 3–01–3166–19, was lodged with the United States District Court for the District of South Carolina.

In this action, the United States sought reimbursement of past response costs under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9607(a), for costs incurred by the United States for response actions performed at or in connection with the Divex, Inc. Superfund Site located in Richland County, South Carolina (the ''Site''). In the same action, co-plaintiff South Carolina Department of Health and Environmental Control (''SCDHEC'') sought reimbursement of past response costs under section 107(a) of CERCLA and S.C. Code Ann. § 44–56–200 for costs incurred by SCDHEC for response actions performed at or in connection with the Site. Under the proposed Consent Decree, the six defendants have agreed to pay a total of $1,067,811 in reimbursement of the United States' past response costs and $7,189 in reimbursement of SCDHEC's past response costs. In addition, under the proposed Consent Decree, Settling Federal Agencies have agreed to pay $930,662 in reimbursement of the United States' past response costs, and $6,376 in reimbursement of SCDHEC's past response costs.

The Department of Justice will receive for a period of thirty(30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Lockheed Martin Corp., et al.*, D.J. Ref. 90–11–3–06841.

The Consent Decree may be examined at the Office of the United States Attorney, First Union Building, 1441 Main Street, Suite 500, Columbia, South Carolina 29201, and at U.S. EPA Region 4, 61 Forsyth Street, Atlanta, Georgia 30303. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy, please enclose a check in the amount of $8.00 (25 cents per page reproduction costs) payable to the Consent Decree Library.

Ellen M. Mahan,

Assistant Chief, Environmental Enforcement Section Environment and Natural Resources Division.

[FR Doc. 01–20644 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act and the Comprehensive Environmental Response, Compensation, and Liability Act

Under 28 CFR 50.7, notice is hereby given that on July 25, 2001, a proposed Consent Decree in *United States* v. *Powell Duffryn Terminals, Inc.*, Civil Action No. CV401–173 was lodged with the United States District Court for the Southern District of Georgia. On the same day, the United States filed a Complaint against Powell Duffryn Terminals, Inc. (''PDTI'') for alleged violations of Section 112(r)(1) of the Clean Air Act, 42 U.S.C. 7412(r)(1) (''CAA''), and for recovery of costs pursuant to section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(a), (''CERCLA'') relating to a fire and explosion at PDTI's tank farm facility in Savannah, Georgia. The Complaint alleges that Powell Duffryn violated its obligations under the General Duty Clause of the CAA. Under the Consent Decree, PDTI will pay $1.8 million in past response costs under CERCLA, and its parent company, Powell-Duffryn Ltd., will provide $320,000 for the purchase of emergency response equipment for the Savannah Fire and Emergency Services Department.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Powell Duffryn Terminals, Inc.*, D.J. Ref. DOJ #90–5–2–1–2172/1.

The consent decree may be examined at the Office of the United States Attorney, Southern District of Georgia, 100 Bull Street, Savannah, GA 31401, at U.S. EPA Region 4, 61 Forsyth Street, SW., Atlanta, GA 30303. A copy of the proposed Consent Decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy please refer to the referenced case and enclose a check in the amount of $5.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Ellen Mahan,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–20642 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to Sections 107 and 113 of CERCLA

Notice is hereby given that on July 17, 2001, the United States lodged a proposed Consent Decree with the United States District Court for the Southern District of Texas, in *United States* v. *Union Pacific Railroad Company,* Civ. A. No. H–00–0226, pursuant to sections 107 and 113 of CERCLA, 42 U.S.C. 9607 and 9613. The proposed Consent Decree resolves civil claims of the United States against Union Pacific Railroad Company (''Union Pacific''), the former owner and operator at the time of disposal of hazardous substance at the Brownsville Federal Courthouse Site (the ''Site'') located in the City of Brownsville, Cameron County, Texas. Under the proposed Consent Decree, Union Pacific agrees to pay $300,000 of the United States' past response costs related to the Site.

The Department of Justice will receive comments relating to the proposed Consent Decree for 30 days following publication of this Notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, PO Box 7611, Ben Franklin Station, Washington, DC 20044–7611, and should refer to *United States* v. *Union Pacific Railroad Company,* DOJ No. 90–11–3–07036. The proposed Consent Decree may be examined at the Office of the United States Attorney for the Southern District of Texas, Houston, Texas, and the General Services Administration, Fritz G. Lanham Building, 819 Taylor Street, Fort Worth, Texas, 76102–6195. A copy of the proposed Consent Decree may be obtained by mail from the Department of Justice Consent Decree Library, PO Box 761, Washington, DC 20044. In requesting a copy, please enclose a check for reproduction costs (at 25 cents per page) in the amount of $4.50 for the Decree, payable to the Consent Decree Library.

Walker B. Smith,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–20643 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection under Review: Application to Adjust Status from Temporary to Permanent Resident.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on May 4, 2001 at 66 FR 22600, allowing for a 60-day public comment period. No comments were received by the INS on this proposed information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until September 17, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Room 10235, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, and other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Application to Adjust Status from Temporary to Permanent Resident.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–698, Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract;* Primary: Individuals or Households. The data collected on this form is used by the Service to determine an applicant's eligibility to adjust status from temporary to permanent resident.

(5) *An estimate of the total number of respondents and the amounts of time estimated for an average respondent to respond:* 1,179 responses at 1 hour per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 1,179 annual burden hours.

If you have additional comments, suggestions or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: August 9. 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–20681 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Notice of Information Collection Under Review; Document Verification Request and Document Verification Request Supplement.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until October 15, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved collection(s).

(2) *Title of the Form/Collection:* Document Verification Request and Document Verification Request Supplement.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Forms G–845 and G–845 Supplement. SAVE Branch, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals and Households. The information collections allow for the verification of immigration status of certain persons applying for benefits under certain entitlement programs.

(5) *An estimate of total number of respondents and the amount of time estimated for an average respondent to respond:* 500,000 responses at 5 minutes (.083) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 41,500 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, N.W., Suite 1220, Washington, DC 20530.

Dated: August 7, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–20682 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection under Review: Application for Stay of Deportation or Removal.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on June 6, 2001 at 66 FR 30485, allowing for a 60-day public comment period. No comments were received by the INS on this proposed information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until September 17, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Room 10235, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Application for Stay of Deportation or Removal.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–246, Detention and Deportation, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. This form is used by the Immigration and Naturalization Service to determine the eligibility of an applicant for stay of deportation or removal.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 10,000 responses at 30 minutes (0.5 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 5,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact; Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: August 9, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–20683 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Application for Advance Permission to Enter as Nonimmigrant (Pursuant to 212(d)(3) of the Immigration and Nationality Act).

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until October 15, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection: Extension of a currently approved collection.*

(2) *Title of the Form/Collection:* Application for Advance Permission to Enter as Nonimmigrant (Pursuant to 212(d)(3) of the Immigration and Nationality Act).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–192. Information Services Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The information furnished on Form I–192 will be used by the Immigration and Naturalization Service to determine if the applicant is eligible to enter the U.S. temporarily under the provision of section 212(d)(3) of the Immigration and Nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 12,000 response at 15 minutes (0.25) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 3,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291. Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, N.W., Suite 1220, Washington, DC 20530

Dated: August 7, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–20684 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Request for the Return of Original Document(s).

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until October 15, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points.

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information; including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are 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.

Overview of this information collection:

(1) *Type of Information Collection: Extension of a currently approved collection.*

(2) *Title of the Form/Collection:* Request for the Return of Original Document(s).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form G–884. Records Operation, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The information provided will be used by the INS to determine whether a person is eligible to obtain original document(s) contained in an Alien File.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 2,500 responses at 15 minutes (0.25) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 625 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service. U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: August 7, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–20685 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Request OMB Emergency Approval; Biographical Information/ Program Eligibility Questionnaire.

The Department of Justice (DOJ), Immigration and Naturalization Service (INS) has submitted an emergency information collection request (ICR) utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with section 1320.13(a)(1)(ii) and (a)(2)(i) of the Paperwork Reduction Act of 1995. The INS has determined that it cannot reasonably comply with the normal clearance procedures under this part because normal clearance procedures are reasonably likely to prevent or disrupt the collection of information. INS is requesting emergency review from OMB of this information collection to enable the DOJ/INS to launch the INS practitioner Fraud Pilot Program. Emergency review and approval of this ICR provides safeguards to encourage undocumented alien victims of immigration practitioner fraud to come forward and file complaints. OMB approval has been requested by August 24, 2001. If granted, the emergency approval is only valid for 180 days. ALL comments and/or questions pertaining to this pending request for emergency approval MUST be directed to OMB, Office of Information and Regulatory Affairs, Attention: Ms. Lauren Wittenberg, Department of Justice Desk Officer, 725 17th Street, NW., Suite 10102, Washington, DC 20503. Comments regarding the emergency submission of this information collection may also be submitted via facsimile to Ms. Wittenberg at 202–395–6974.

During the first 60 days of this same period, a regular review of this information collection is also being undertaken. During the regular review

period, the INS requests written comments and suggestions from the public and affected agencies concerning this information collection. Comments are encouraged and will be accepted until October 15, 2001. During the 60-day regular review, ALL comments and suggestions, or questions regarding additional information, to include obtaining a copy of the information collection instrument with instructions, should be directed to Mr. Richard A. Sloan, 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* New collection(s).

(2) *Title of the Form/Collection:* Biographical Information/Program Eligibility Questionnaire; Practitioner Fraud Pilot Program Initial Interview form.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Forms I–908 and I–909. Office of Enforcement, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This information collection will be used by the INS to identify unscrupulous immigration practitioners who intentionally defraud undocumented alien victims.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 5,000 responses at 1 hour per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 5,000 annual burden hours.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: August 9, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–20686 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection under Review: Alien Crewman Landing Permit

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on June 6, 2001 at 66 FR 30484, allowing for a 60-day public comment period. No comments were received by the INS on this proposed information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until September 17, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Room 10325, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Alien Crewman Landing Permit.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–95 A&B, Inspections Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. This form issued by the Service in compliance with Sections 251 and 252 of the Immigration and nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 433,00 responses at 5 minutes (.083 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 35,939 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response

time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: August 9, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–20687 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Extension of Existing Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Medical Examination of Aliens Seeking Adjustment of Status.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until [Insert date of the 60th day from the date that this notice is published in the **Federal Register**].

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Medical Examination of Aliens Seeking Adjustment of Status.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–693. Information Services Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This information collection will be used by the Service in considering eligibility for adjustment of status under sections 209, 210, 245 and 245A of the Immigration and Nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 800,000 respondents at 1.5 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,200,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: August 7, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–20688 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Extension of Existing Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Passenger List, Crew List.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until October 15, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection: Extension of a currently approved collection.*

(2) *Title of the Form/Collection:* Passenger List, Crew List.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–418. Inspections Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This form is prescribed by the Attorney General for the INS for use

by masters, owners or agents of vessels in complying with sections 231 and 251 of the Immigration and Nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 95,000 respondents at 1 hour per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 95,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan, 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: August 7, 2001.

Richard A. Sloan,

Director, Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–20689 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection under Review: Request to Enforce Affidavit of Financial Support and Intent to Petition for Custody for Public Law 97–359 Amerasian.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on June 6, 2001 at 66 FR 30484, allowing for a 60-day public comment period. No comments were received by the INS on this proposed information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until September 17, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Room 10235, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Request to Enforce Affidavit of Financial Support and Intent to Petition for Custody for Public Law 97–359 Amerasian.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–363, Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. This form is used by the Service to determine whether an Affidavit of Financial Support and Intent to Petition for Legal Custody require enforcement.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 50 responses at 30 minutes (0.5 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 25 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: August 9, 2001.

Richard A. Sloan,

Department Clearance Officer, Immigration and Naturalization Service.

[FR Doc. 01–20679 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection under Review: Alien Change of Address Card.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on June 6, 2001 at 66 FR 30485, allowing for a 60-day public comment period. No comments

were received by the INS on this proposed information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until September 17, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs. Attention: Department of Justice Desk Officer, Room 10235, Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Alien Change of Address Card.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form AR–11, Records Operation, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. Section 265 of the Immigration and Nationally Act requires aliens in the United States to inform the Immigration and Naturalization Service of any change of address. This form provides a standardized format for compliance.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 250,000 responses at 5 minutes (.083 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 20,750 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: August 9, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–20680 Filed 8–15–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

August 6, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King at (202) 693–4129 or E-Mail: King-Darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: Stuart Shapiro, OMB Desk Officer MSHA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: Extension of a currently approved collection.

Agency: Mine Safety and Health Administration (MSHA).

Title: Radiation Sampling and Exposure Records—30 CFR 57.5037 and 57.5040.

OMB Number: 1219–0003.

Affected Public: Business or other for-profit.

Frequency: Annually; Weekly.

Number of Respondents: 2.

Number of Annual Responses: 100.

Average Time Per Response: Ranges from 6.5 hours to collect air sample and record results to 1.5 hours to submit the Form MSHA 4000–9.

Annual Burden Hours: 800.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: Airborne radon and radon daughters exist in every uranium mine and several other underground mining commodities. Radon is a radioactive gas. Operators are required to conduct weekly sampling of airborne radon and radon daughters concentrations. Mine operators must report individual miner's exposure to radon daughter concentrations annually to MSHA on the Form 4000–9. The mine operators are required to keep records of all mandatory samples, retain the results at the mine site of nearest mine office for two years.

Type of Review: Extension of a currently approved collection.

Agency: Mine Safety and Health Administration (MSHA).

Title: Hazardous Conditions Complaints—30 CFR 43.4 and 43.7.

OMB Number: 1219–0014.

Affecting Public: Business or other for-profit; Individuals or households.

Frequency: On occasion.

Number of Respondents: 651.

Number of Annual Responses: 651.

Average Time Per Response: 12 minutes.

Annual Burden Hours: 130.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services: $0.

Description: 30 CFR, part 43, provides procedures for a representative of miners or, if there is no representative of miners, an individual miner acting voluntarily for submitting or giving written notification to MSHA of an alleged violation of the Federal Mine Safety and Health Act or a mandatory standard or of an imminent danger. Such notification requires MSHA to make an immediate inspection.

Type of Review: Extension of a currently approved collection.

Agency: Mine Safety and Health Administration (MSHA).

Title: Mine Ventilation System Plan—30 CFR 57.8520.

OMB Number: 1219–0016.

Affected Public: Business or other for-profit.

Frequency: Annually.

Number of Respondents: 284.

Requirement	Number of annual responses	Frequency	Estimated time per response	Annual burden hours
Develop new plan	15	Annual	24	360
Revising existing plan	269	Annual	24	6,456
Total	284			6,816

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services: $0.

Description: 30 CFR 57.8520 requires mine operators to prepare written mine ventilation system plans and update those plans annually. The purposes are to ensure that each operator routinely plans, reviews, and updates the mine ventilation system; to ensure the availability of accurate and current ventilation; and to provide MSHA with the opportunity to alert the mine operator to potential hazards.

Type of Review: Extension of a currently approved collection.

Agency: Mine Safety and Health Administration (MSHA).

Title: Slope and Shaft Sinking Plans—30 CFR 77.1900.

OMB Number: 1219–0019.

Affected Public: Business or other for-profit.

Frequency: On occasion.

Number of Respondents: 887.

Number of Annual Responses: 48.

Average Time Per Response: 20 hours.

Annual Burden Hours: 960.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services: $720.

Annual Burden Hours: 130.

Total Annualized Capital/Startup Costs: $0.

Description: 30 CFR 77.1900 requires coal mine operators to submit to MSHA for approval, a plan that will provide for the safety of workers in each slope or shaft that is commenced or extended.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 01–20604 Filed 8–15–01; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

July 20, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor. To obtain documentation contact Darrin King at (202) 693–4129 or E-Mail *King-Darrin@dol.gov.*

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officers for BLS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through he use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics (BLS).

Title: Survey of Occupational Injuries and Illnesses.

OMB Number: 1220–0045.

Affected Public: Business or other for-profit; Not-for-profit institutions; Farms; and State, Local, or Tribal Government.

Frequency: Annually.

Number of Respondents: 230,000.

Number of Annual Responses: 230,000.

Estimated Time Per Response: 24 minutes to complete the BLS–9300 form; 14 minutes to record an injury case on the OSHA Injury and Illness Log; and 22 minutes to record an entry on the OSHA Injury and Illness Incident Report.

Total Burden Hours: 327,666.

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: The Survey of Occupational Injuries and Illnesses is the primary indicator of the Nation's

progress in providing every working man and woman safe and healthful working conditions. Survey data are also used to evaluate the effectiveness of the Federal and State occupational safety and health programs and to prioritize the use of resources.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 01–19952 Filed 8–15–01; 8:45 am]

BILLING CODE 4510–24–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

July 26, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King at (202) 693–4129 or E-Mail King-Darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ESA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility, and clarity of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: Revision of a currently approved collection.

Agency: Employment Standards Administration (ESA).

Title: Operator Controversion, Operator Response, Operator Response to Schedule for Submission of Additional Evidence, and Operator Response to Notice of Claim.

OMB Number: 1215–0058.

Affected Public: Business or other for-profit and State, Local, or Tribal Government.

Frequency: On occasion.

Annual Respondents: 5,400.

Form	Annual responses	Average response time (hours)	Burden hours
CM–970, CM–970a, and CM–2970a	5,800	.25	1,450
CM–2970	5,000	.16	833
Total	10,800	.....	2,283

Total Annualized Capital/Startup Costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $3,996.

Description: The CM–970 and CM–970a are used by most coal mine operators to controvert an initial finding or potential liability for payment of Black Lung benefits under the Black Lung Benefits Act. The CM–2970a is used by most coal mine operators to indicate that additional evidence will be presented to back up their controversion. The CM–2970 is used by most coal mine operators to respond to a notice of claim.

Ira L. Mills,

Department Clearance Officer.

[FR Doc. 01–19953 Filed 8–15–01; 8:45 am]

BILLING CODE 4510–CK–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Revisions

The agenda for the 485th ACRS meeting, scheduled to be held on September 5–8, 2001, has been revised to reflect the changes noted below. Notice of this meeting was previously published in the **Federal Register** on Thursday, August 9, 2001 (66 FR 41911).

Wednesday, September 5, 2001

• The discussion of the power uprate application for the Duane Arnold Energy Center scheduled between 8:35 and 10 a.m. has been canceled due to the unavailability of the NRC staff's safety evaluation report.

• The discussion of the Proposed Resolution of Generic Safety Issue (GSI)–191, ''Assessment of Debris Accumulation on PWR Sump Pump Performance'' has been rescheduled to Wednesday, September 5, 2001 between 8:35 and 10 a.m.

All other items for September 5, 2001 meeting remain the same as previously announced in the **Federal Register** on Thursday, August 9, 2001 (66 FR 41911).

Thursday, September 6, 2001

• The discussion of the TRACG best-estimate large-break loss-of-coolant accident code has been rescheduled to Thursday, September 6, 2001 between 10:20 and 12 Noon.

• The discussion of the proposed final revision to Regulatory Guide 1.78 (DG–1089), ''Main Control Room Habitability During a Postulated Hazardous Chemical Release,'' has been rescheduled to 1 and 2 p.m.

• A report by the Chairman of the Thermal-Hydraulic Phenomena Subcommittee on the results of the July 17–18, 2001 meeting held at the Oregon State University has been added and scheduled between 2 and 2:30 p.m.

• The preparation of ACRS reports will start at 2:45 p.m. instead of 3:30 p.m. as previously announced.

All other items for September 6, 2001 meeting remain the same as previously announced in the **Federal Register** on Thursday, August 9, 2001 (66 FR 41911).

For further information contact: Dr. Sher Bahadur (telephone 301–415–0138), between 7:30 a.m. and 4:15 p.m., EDT.

Dated: August 10, 2001.

Annette Vietti-Cook,

Acting Advisory Committee Management Officer.

[FR Doc. 01–20625 Filed 8–15–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27431]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

August 10, 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 for the proposed transaction(s) summarized below. The applicant(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 September 4, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 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 September 4, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Progress Energy Inc., et al. (70–9909)

Progress Energy Inc. (''Progress''), a registered holding company formerly known as CP&L Energy Inc., 410 South Wilmington Street, Raleigh, North Carolina 27602, and its wholly-owned public utility subsidiaries, Carolina Power & Light Company (''CP&L'') and North Carolina Natural Gas Corporation (''NCNG''), 410 South Wilmington Street, Raleigh, North Carolina 27602, and Florida Power Corporation (''Florida Power''), One Progress Plaza, St. Petersburg, Florida 33701 (Collectively, the ''Utility Subsidiaries''), have filed an application declaration under sections 6(a), 7, 9(a), 10, and 12(b) of the Act and Rules 42, 45 and 54 under the Act.

Progress and the Utility Subsidiaries have proposed certain modifications to financing transactions through September 30, 2003, which were approved by the Commission on December 12, 2000 (HCAR No. 27297) (''December Order''). Progress also requests authority to acquire long-term securities from NCNG, and NCNG requests authority to issue long-term securities to Progress, subject to any required approval from the North Carolina Utilities Commission.

The requested modifications to the December Order specifically include increasing: (1) the aggregate amount of common stock, preferred stock and under preferred securities and debentures that Progress may issue and have outstanding during the approved authorization period from $3.8 billion to $5 billion; (2) Progress' short-term debt limit from $1 billion to $2.5 billion; (3) Progress' limit for all indebtedness from $5 billion to $6 billion; (4) the limit of short-term debt for NCNG from $125 million to $400 million; and (5) the borrowing limit for NCNG from the Progress Utility Money Pool from $125 million to $400 million.

Progress states that the proposed increases in the authorized limits for long-term equity and debt securities and short-term debt will enable it to complete refinancing the acquisition debit incurred in November 2000 when it purchased all issued and outstanding common stock of Florida Progress, to fund inter-company loans to NCNG, and to facilitate the consolidation of external short-term borrowing facilities maintained by certain of its subsidiaries. The applicants state that any direct borrowings by NCNG from Progress Energy will have interest rates and maturities that are designed to parallel Progress' effective cost of funds.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–20626 Filed 8–15–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44662; File No. 4–208]

Intermarket Trading System; Notice of Filing of the Eighteenth Amendment to the ITS Plan Relating to the Pacific Exchange, Inc.'s Implementation of the ARCA Facility

August 8, 2001.

Pursuant to section 11A of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 11A3a3–2 thereunder,[2] notice is hereby given that on July 24, 2001, the Intermarket Trading System Operating Committee (''ITSOC'') submitted to the Securities and Exchange Commission (''Commission'') a proposed amendment (''Eighteenth Amendment'') to the restated ITS Plan.[3] The purpose of the proposed amendment is to: (1) eliminate provisions relating to the PCX's Remote Specialists; and (2) recognize the PCX's implementation of the Archipelago (''ARCA'') Facility. The Commission is publishing this notice to solicit comment on the proposed amendment from interested persons.

I. Description of the Amendment

The proposed amendment deletes provisions of the ITS Plan relating to PCX's Remote Specialists.[4] In addition, the proposed amendment recognizes the PCX's implementation of the ARCA Facility. The proposed amendment defines ''ARCA Facility'' as the computerized electronic facility for the trading of equity securities at the PCX, through its wholly owned subsidiary, the PCX Equities, Inc. (''PCXE'').[5] The proposed amendment also defines the ''ARCA Facility Supervisory Center'' as the premises of the PCX at which the

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 240.11Aa3–2.

[3] The ITS is a National Market System (''NMS'') plan, which was designed to facilitate intermarket trading in exchange-listed equity securities based on current quotation information emanating from the linked markets. *See* Securities Exchange Act Release No. 19456 (January 27, 1983), 48 FR 4938 (February 3, 1983).

The ITS Participants include the American Stock Exchange LLC (''Amex''), the Boston Stock Exchange, Inc. (''BSE''), the Chicago Board Options Exchange, Inc. (''CBOE''), the Chicago Stock Exchange, Inc. (''CHX''), the Cincinnati Stock Exchange, Inc. (''CSE''), the National Association of Securities Dealers, Inc. (''NASD''), the New York Stock Exchange, Inc. (''NYSE''), the Pacific Exchange, Inc. (''PCX''), and the Philadelphia Stock Exchange, Inc. (''PHLX'') (''Participants'').

[4] *See* ITS Plan, Sections 1(33B1) (defining ''PCX Coordinating Specialist''), 1(33C) (defining ''PCX Regular Specialist''), 1(33D) (defining ''PCX Remote Specialist''), and 1(33E) (defining ''PCX Registered Specialist'').

[5] *See* PCXE Rule 7.1(a)(3) (defining term ''facilities'' or ''trading facilities'').

ITS supervisory stations are located, which monitor the PCX's Participant Market.

The ITSOC proposes to amend the ITS Plan in various sections to incorporate the usage of the ARCA Facility and the ARCA Facility Supervisory Center. In particular, the ITS Plan would be amended to include references to the ARCA Facility and the ARCA Facility Supervisory Center regarding ITS supervisory stations, the receipt of quotations, the description of ITS transactions, commitment information, implementation obligations of the pre-opening application, system access, and the operational parameters for the ARCA Facility.[6]

II. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed Plan amendment 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 Plan amendment that are filed with the Commission, and all written communications relating to the proposed Plan amendment between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such proposed Plan Amendment will also be available for inspection and copying at the principal office of the ITS. All submissions should refer to File No. 4–208 and should be submitted by September 6, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–20627 Filed 8–15–01; 8:45 am]

BILLING CODE 8010–01–M

[6] *See* ITS Plan, Section 1 (''Definitions''); Section 5 (''The System''); Section 6 (''ITS''); Section 7 (''Pre-Opening Application''); and Section 8 (''Participants' Implementation Obligations'') (proposing to incorporate the usage of the ARCA Facility and the ARCA Facility Supervisory Center on the PCX in these sections, respectively).

[7] 17 CFR 200.30–3(a)(29).

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Butte County, California

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Butte County, California.

FOR FURTHER INFORMATION CONTACT: R. Clayton Slovensky, Acting Team Leader, Program Delivery Team—North, Federal Highway Administration, California Division, 980 Ninth Street, Suite 400, Sacramento, California 95814, Telephone: (916) 498–5774.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans), will prepare an environmental impact statement (EIS) for a proposed gap-closure project on State Route (SR) 149 in Butte County, California. The proposed improvement would include upgrading the 4.6 miles of SR 149 to a 4-lane expressway, and constructing freeway-to-freeway interchanges at the existing SR 70/149 and SR 99/149 intersections.

Improvements to the corridor are considered necessary to improve safety, provide for existing and projected traffic demand, and to accommodate interregional traffic between the cities of Oroville and Chico, California. Alternatives under consideration include (1) taking no action; (2) constructing two additional lanes and a median on the south side of SR 149; (3) constructing two additional lanes and a median on the north side of SR 149; and (4) upgrading SR 149 by a combination of widening to the south and to the north.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. In addition, a public workshop will be held, with public notice being given of the time and location. The draft EIS will be available for public and agency review and comment prior to the public workshop. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: August 9, 2001.

R. Clayton Slovensky,

Acting Chief, Program Delivery—North Sacramento, California.

[FR Doc. 01–20645 Filed 8–15–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2001–10343]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before October 15, 2001.

ADDRESSES: Comments must refer to the docket notice numbers cited at the beginning of this notice and be submitted to Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. Please identify the proposed collection of information for which a comment is provided, by referencing its OMB clearance Number. It is requested, but not required, that 2 copies of the comment be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT: Complete copies of each request for collection of information may be

obtained at no charge from Walter Culbreath, NHTSA 400 Seventh Street, SW., Room 5208, NAD–40,Washington, DC 20590. Mr. Culbreath's telephone number is (202) 366–1566. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d), an agency must ask for public comment on the following:

(i) 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) 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) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

(1) *Title:* 49 CFR Part 512, Confidential Business Information.

OMB Control Number: 2127–0025.

Affected Public: Business or other-for-profit, individuals or households.

Abstract: NHTSA's statutory authority at 49 CFR chapter 301 prohibits, with certain exceptions, the agency from making public confidential information which it obtains. On the other hand, the Administrative Procedure Act requires all agencies to make public all non-confidential information upon request, (5 U.S.C. 552) and all agency rules to be supported by substantial evidence in the public record (5 U.S.C. 706). It is therefore very important for the agency to promptly determine whether or not information it obtains should be accorded confidential treatment.

NHTSA therefore promulgated 49 CFR part 512 Confidential Business Information to establish the procedure by which NHTSA will consider claims that information submitted to the agency, or which it otherwise obtains, is confidential business information. Because of part 512, both NHTSA and the submitters of information for which confidential treatment is requested are now able to ensure that confidentiality requests are properly substantiated and expeditiously processed.

Estimated Annual Burden: 600 hours.

Number of Respondents: 150

(2) Title: 49 CFR Part 557, Petitions for hearings on Notifications and Remedy on Defects

OMB Control Number: 2127–0039.

Affected Public: Business or other-for-profit, individuals or households.

Abstract: NHTSA's statutory authority at 49 U.S.C. 30118(e) and 30120(e) specifies that ''on petition of any interested person,'' NHTSA may hold hearings to determine whether a manufacturer of motor vehicles or motor vehicle equipment has met its obligation to notify owners, purchasers, and dealers of vehicles or equipment of a defect or noncompliance and to remedy a defect or noncompliance for Federal Motor Vehicle Safety Standards for some of the products the manufacturer produces.

To address these areas, NHTSA has promulgated 49 CFR part 557, Petitions for Hearings on Notification and Remedy of Defects, which adopts a uniform regulation that establishes procedures to provide for submission and disposition of petitions, and to hold hearings on the issue of whether the manufacturer has met its obligation to notify owners, distributors, and dealers of safety related defects or noncompliance and to remedy the problems by repair, repurchase, or replacement.

Estimated Annual Burden: 21 hours.

Number of Respondents: 21.

(3) *Title:* 49 CFR Part 576, Record Retention.

OMB Control Number: 2127–0042.

Affected Public: Business or other for-profit.

Abstract: Under 49 U.S.C. 30166(e), NHTSA ''reasonably may require a manufacturer of a motor vehicle or motor vehicle equipment to keep records, and a manufacturer, distributor, or dealer to make reports, to enable (NHTSA) to decide whether the manufacturer, distributor or dealer has complied or is complying with this chapter or a regulation prescribed under this chapter.''

49 U.S.C. 30118(c) requires manufacturers to notify NHTSA and owners, purchasers, and dealers if the manufacturer (1) ''learns'' that any vehicle or equipment manufactured by it contains a defect and decides in good faith that the defect relates to motor vehicle safety, or (2) ''decides in good faith'' that the vehicle or equipment does not comply with an applicable Federal motor vehicle safety standard. The only way for the agency to decide if and when a manufacturer ''learned'' of a safety-related defect or ''decided in good faith'' that some products did not comply with an applicable Federal motor vehicle safety standard is for the agency to have access to the information available to the manufacturer.

Further, 49 U.S.C. 30118(a) requires NHTSA to immediately notify a manufacturer if the agency determines that some of the manufacturer's products either do not comply with an applicable Federal motor vehicle safety standard or contain a safety-related defect, and provide the manufacturer with all the information on which the determination is based. Agency determinations of noncompliance are generally based upon actual testing conducted by or for the agency. However, defect determinations depend heavily upon review of consumer complaints submitted to the manufacturer, communications between manufacturers and suppliers, and the manufacturers' analyses of field problems and/or warranty claims. Without these complaints and manufacturer documents, NHTSA would have only limited access to information about vehicle or equipment problems.

To ensure that NHTSA will have access to this type of information, the agency exercised the authority granted in 49 U.S.C. 30166(e) and promulgated 49 CFR part 576, Record Retention. This regulation requires manufacturers of motor vehicles to retain one copy of all records that contain information concerning malfunctions that may be related to motor vehicle safety for a period of five years after the record is generated or acquired by the manufacturer.

Estimated Annual Burden: 40,000.

Number of Respondents: 1,000.

(4) *Title:* 49 CFR part 552, Petitions for Rulemaking, Defect and Noncompliance Orders.

OMB Control Number: 2127–0046.

Affected Public: Business or other-for-profit, Individuals or households.

Abstract: 49 U.S.C. 30162 specifies that any ''interested person may file a petition with the Secretary of Transportation requesting the Secretary to begin a proceeding'' to prescribe a motor vehicle safety standard under 49

U.S.C. chapter 301, or to decide whether to issue an order under 49 U.S.C. 30118(b). 49 U.S.C. 30111 gives the Secretary authority to prescribe motor vehicle safety standards. 49 U.S.C. 30118(b) gives the Secretary authority to issue an order to a manufacturer to notify vehicle or equipment owners, purchasers, and dealers of the defect or noncompliance and to remedy the defect or noncompliance.

Section 30162 further specifies that all petitions filed under its authority shall set forth the facts which it is claimed establish that an order is necessary and briefly describe the order the Secretary should issue.

To implement these statutory provisions, NHTSA promulgated part 552 according to the informal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553 *et seq.*) This regulation allows the agency to ensure that the petitions filed under section 30162 are both properly substantiated and efficiently processed.

Estimated Annual Burden: 100 hours.

Number of Respondents: 100.

Issued on: August 13, 2001.

Herman L. Simms,

Associate Administrator for Administration.

[FR Doc. 01–20669 Filed 8–15–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2000–7125 Notice 2]

General Motors Corporation; Denial of Application for Determination of Inconsequential Noncompliance

General Motors Corporation (GM) has determined that seat belt assemblies in certain 1999–2000 Model Year Chevrolet S–10 and GMC Sonoma pickup trucks and Chevrolet Blazer/ Trail Blazer, GMC Jimmy/ Envoy, and Oldsmobile Bravada sport utility vehicles failed to comply with the requirements of Federal Motor Vehicle Safety Standard (FMVSS) No. 209 ''Seat Belt Assemblies,'' and filed an appropriate report pursuant to 49 CFR part 573, ''Defect and Noncompliance Information Reports.'' GM also applied to be exempted from the notification and remedy requirements of 49 U.S.C. 30118—30120 on the basis that the noncompliance is inconsequential to motor vehicle safety. See 49 U.S.C. 30118(d) and 30120(h).

Notice of receipt of the application was published on April 25, 2000, and an opportunity afforded for comment (65 FR 24252). This notice denies the application.

According to GM, from November 1998 through August 1999, the company manufactured approximately 463,513 1999 and 2000 model year Chevrolet S–10 and GMC Sonoma pickup trucks and the Chevrolet Blazer/Trail Blazer, GMC Jimmy/Envoy, and Oldsmobile Bravada sport utility vehicles that failed the performance requirement of S4.3(j)(1) of FMVSS No. 209 which states, ''* * * Shall lock before the webbing extends 25 mm when the retractor is subjected to an acceleration of 7 m/s^2 (0.7g) . . .''

GM stated that the noncompliance results from a plastic flash (burr) on the mechanical sensor lever near its pivot where it mates to the sensor housing. This flash can cause a nonconformance to the 0.7 g locking requirement due to potential increased drag of the sensor lever in the housing. GM believes that only a very small portion of the subject retractors fail to meet the 0.7 g retractor locking requirement and the transportation shock and vibration that the subject retractors might experience during transit to dealerships, either by rail or truck (haulaway), would make compliant a large percentage of the noncompliant retractors.

GM stated that the subject seat belt assemblies locked at no more than 1.2 g. GM provided dynamic frontal barrier test data demonstrating that onset shoulder belt loading occurs prior to the time it takes for the seat belt assembly to reach 1.2 g. In addition, GM calculated the acceleration to lock the retractor in a rollover simulation and concluded that the subject retractors will lock up prior to rollover.

No responses were received on the request for public comments.

The purpose of the emergency locking retractor (ELR) requirement is to lock the webbing spool and restrain an occupant's travel distance before the occupant strikes the vehicle's interior structure during panic braking to avoid death and injury. In establishing the levels for the ELR requirement, in response to the March 17, 1970 Notice of Proposed Rulemaking (NPRM) to amend S4.3(j)(1) of FMVSS No. 209 GM stated,

> ''General Motors believes that emergency locking retractors should lock during panic braking maneuvers if optimum performance is to be expected from an upper torso restraint system that is equipped with such retractors. During panic braking, an occupant may be subjected to deceleration forces well under 1.0 gravity. These decelerations usually cause the occupant to move relative to the vehicle unless restrained. In many instances, vehicle impacts are immediately preceded by panic braking which may cause the restraint system to become fully extended prior to impact unless the retractor can lock at values under 1.0 gravity. In order to balance the convenient use of the system with the necessity to have it perform its safety restraint function, General Motors believes the standard should require that an emergency locking retractor should not lock below 0.3 gravity but must lock above 0.7 gravity.'' (35 FR 4641)

The subject ELRs locked at levels as high as 1.2 g, which is not the ''optimum performance * * * expected from an upper torso restraint system,'' which currently is required at 0.7 g, as recommended by GM in their response to the 1970 NPRM. GM determined by its dynamic frontal barrier test data that onset shoulder belt loading occurs prior to the time it takes for the seat belt assembly to reach 1.2 g. NHTSA shares the same concern GM had in its 1970 NPRM response that,

> ''during panic braking, an occupant may be subjected to deceleration forces well under 1.0 gravity. These decelerations usually cause the occupant to move relative to the vehicle unless restrained. In many instances, vehicle impacts are immediately preceded by panic braking which may cause the restraint system to become fully extended prior to impact unless the retractor can lock at values under 1.0 gravity.''

Since these subject retractors do not lock at deceleration forces below 1.0 g, but instead lock up at 1.2 g, the delay in lockup time may cause occupants to move about more freely in a frontal crash or in a rollover, and thus be injured by striking the interior of the vehicle. The injury potential may apply more so to those who sit in a full forward seating position, or close to an object such as the steering wheel, the knee bolster, or other parts of the interior of the vehicle. GM did not provide any dynamic frontal crash injury criteria data to disprove the delay in lockup might not cause injury to an occupant with these noncompliant retractors.

GM believes that the pre-sale delivery transportation shock and vibration that the subject retractors might experience during transit to dealerships, either by rail or truck (haulaway), would jar a lot of the burrs off of these parts and make compliant a large percentage of the noncompliant retractors. However, GM admits that some noncompliant retractors will remain and a safety risk will still exist.

In order for NHTSA to decide an inconsequentiality petition, it is necessary to determine whether the particular noncompliance is likely to increase the risk that an occupant will experience the type of injury that the requirement is intended to prevent.

Arguments that only a small number of vehicles or pieces of motor vehicle equipment are affected generally will not justify granting a petition. But, more importantly, the key issue is whether the noncompliance is likely to increase the safety risk to occupants. *Cosco, Inc.; Denial of Application for Inconsequential Noncompliance,* 64 FR 29408 (June 1, 1999). In this instance, we conclude that the noncompliance is likely to increase a safety risk to users of the restraint system.

In consideration of the foregoing, it is hereby found that the applicant has failed to meet its burden of persuasion that the noncompliance herein described is inconsequential to safety, and its application is denied.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: August 13, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–20667 Filed 8–15–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration (RSPA)

[Docket No. RSPA–98–4470]

Pipeline Safety: Meeting of Gas Pipeline Safety Advisory Committee

AGENCY: Office of Pipeline Safety, Research and Special Programs Administration, DOT.

ACTION: Notice of technical pipeline safety standards advisory committee meeting (TPSSC).

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 1) notice is given of a public meeting of the Technical Pipeline Safety Standards Committee (TPSSC) to be conducted by the Research and Special Programs Administration's (RSPA), Office of Pipeline Safety (OPS). The meeting will be held on Thursday, September 13, 2001 from 9 a.m. to 5 p.m.

The TPSSC is a statutorily mandated advisory committee that advises RSPA on proposed safety standards for gas pipelines. The committee consists of 15 members—five each representing government, industry, and the public.

On July 27, 2001, RSPA issued a notice of request for comments, ''Pipeline Safety: Integrity Management in High Consequence Areas (Gas Transmission Pipelines),'' (66 FR 34318). RSPA sought further information and clarification, and invited further public comment about integrity management concepts as they relate to gas pipelines. A copy of the notice and comments received in docket number RSPA 00–7666 are available over the Internet from the DOT Dockets Management System http://dms.dot.gov. To prepare the TPSSC for future consideration of proposed rules on integrity management programs for gas pipelines, RSPA will brief the Committee on integrity management concepts for gas pipelines and on the comments received in response to the notice.

Discussions will be focused on a summary of comments on the seven elements described in the notice:

1. Defining high consequence areas.
2. Identifying and evaluating threats to pipeline integrity.
3. Selecting the assessment technologies.
4. Determining time frames to conduct a baseline integrity assessment and to make repairs.
5. Identifying and implementing additional preventive and mitigative measures.
6. Continually evaluating and reassessing pipeline segments.
7. Monitoring the effectiveness of the management process.

In addition, the TPSSC will be briefed on the progress of the American Society of Mechanical Engineers' B31.8 Committee on the Integrity Management Standard. This new standard will outline the technical guidance for implementation of an operator's integrity management plan, including data management, quality control, management of change and communication.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Juan Carlos Martinez at (202) 366–1933.

FOR FURTHER INFORMATION CONTACT: Cheryl Whetsel, OPS, (202) 366–4431 or Richard Huriaux, OPS, (202) 366–4565, regarding the subject matter of this notice.

SUPPLEMENTARY INFORMATION: Members of the public may attend the meeting in person at Dulles Airport Marriott, 45020 Aviation Drive, Dulles, VA 20166; phone (703) 471–9500. Due to limited space, anyone wishing to attend or participate should notify Juan Carlos Martinez, at (202) 366–1933, not later than August 30, 2001.

Authority: 49 U.S.C. 60102, 60115.

Issued in Washington, DC on August 10, 2001.

Stacey L. Gerard,

Associate Administrator for Pipeline Safety.

[FR Doc. 01–20634 Filed 8–15–01; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34078]

Carrizo Gorge Railway Inc.-Operation Exemption-Line of San Diego and Arizona Eastern Railway Company and San Diego & Imperial Valley Railroad Company, Inc

Carrizo Gorge Railway Inc. (CZRY), a noncarrier, has filed a notice of exemption under 49 CFR 1150.31 to operate approximately 6.2 miles of rail line currently owned by San Diego and Arizona Eastern Railway Company (SD&AE) and controlled through management by San Diego & Imperial Valley Railroad Company, Inc. (SDIY). The rail line extends between the International Border between the United States and Mexico, milepost 59.60 at Division, CA, and milepost 65.80 at Campo, CA (subject line).[1]

CZRY states that, for 17 years until July 1, 2001, pursuant to an operation and management agreement with SD&AE, SDIY provided freight service over a rail line that extends a distance of approximately 130 miles between San Diego, CA, and a point near Plaster City, CA (the San Diego-Plaster City line), including the Tijuana and Tecate Railroad (T&T), with approximately 45 miles of that line located in Mexico.[2] *See San Diego & Imperial Valley R. Co., Inc.—Exemption,* 1 I.C.C.2d 941 (1985). CZRY further states that, effective July 1, 2001, a unit of the Mexican government awarded it the right to operate the T&T.

CZRY indicates that it and SDIY have entered into an Interchange Agreement (Agreement), as of June 28, 2001, whereby CZRY is authorized to operate the subject line for the purpose of interchanging traffic that originated or will terminate in Mexico with SDIY.

[1] SD&AE is owned by the San Diego Metropolitan Transit Development Board, a noncarrier public agency which operates light rail passenger transit service over a portion of the San Diego-Plaster City line between San Diego, CA, and the International Border between the United States and Mexico at San Ysidro, CA/Tijuana, MX.

See San Diego & Imperial Valley Railroad Company, Inc.-Exemption From 49 U.S.C. 10901 and 11301, Finance Docket No. 30457 (ICC served Aug. 17, 1984).

[2] The Board has no jurisdiction over track located in Mexico. *Id.* at n.3.

CZRY has been operating over the subject line pursuant to that Agreement since July 1, 2001. CZRY further indicates that, since late May 2001, it has been transporting sand over the subject line pursuant to a CZRY–SDIY Detour Agreement dated May 25, 2001.

CZRY asserts that it only recently became aware that its operations over the subject line required authority from the Board or an exemption, and that it has acted diligently in filing its notice of exemption upon learning of such requirement. CZRY certifies that its projected revenues will not exceed those that would qualify it as a Class III rail carrier and that its revenues are not projected to exceed $5 million.

The transaction was scheduled to be consummated on or shortly after August 1, 2001 (7 days after the exemption was filed).

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34078, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Thomas F. McFarland, 208 South LaSalle Street, Suite 1890, Chicago, IL 60604–1194.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: August 9, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–20511 Filed 8–15–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Privacy Act of 1974, as Amended; System of Records

AGENCY: Department of the Treasury.

ACTION: Notice of proposed privacy act system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury gives notice of a proposed system of records entitled ''Treasury .011—Treasury Safety Incident Management Information System.''

DATES: Comments must be received no later than September 17, 2001. The proposed system of records will be effective September 25, 2001, unless the Department receives comments that would result in a contrary determination.

ADDRESSES: Comments should be sent to the Office of Asset Management, Department of the Treasury, 1310 G Street NW, Suite 400W, Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Carolyn Austin-Diggs, Director, Office of Asset Management, (202) 622–0500. Fax: (202) 622–1468.

SUPPLEMENTARY INFORMATION: The Department of the Treasury is giving notice of the new system of records which is subject to the Privacy Act. The proposed system of records will maintain Treasury-wide information of incidents involving occupational illnesses, injuries and near-misses to Treasury employees and contractors. The system will also maintain records on such incidents for members of the public while on federal property as well. Further, the system will maintain files of environmental incidents, government vehicle accidents, property losses (such as fires, weather related, earthquakes, etc.), and tort claims.

The new system of records report, as required by 5 U.S.C. 552a(r), has been submitted to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Government Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A–130, Federal Agency Responsibilities for Maintaining Records About Individuals, dated February 8, 1996.

The proposed system of records, Treasury .011—Treasury Safety Incident Management Information System, is published in its entirety below.

Dated: August 8, 2001.

W. Earl Wright, Jr.,

Chief Management and Administrative Programs Officer.

Treasury .011

SYSTEM NAME:

Treasury Safety Incident Management Information System (SIMIS)—Treasury

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220. Other locations at which the system is maintained by Treasury components and their associated field offices are:

(1)a. Departmental Offices (DO): 1500 Pennsylvania Ave., NW, Washington, DC 20220.

b. Financial Crimes Enforcement Network (FinCEN): 2070 Chain Bridge Road, Vienna, VA 22182.

c. The Office of Inspector General (OIG): 740 15th Street, NW, Washington, DC 20220.

d. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW, Washington, DC 20224.

e. Community Development Financial Institutions Fund (CDFI): 601 13th Street, NW, Washington, DC 20005.

(2) Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW, Washington, DC 20226.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, SW, Washington, DC 20219–0001.

(4) United States Customs Service (CS): 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

(5) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW, Washington, DC 20228.

(6) Federal Law Enforcement Training Center (FLETC): Glynco, GA 31524.

(7) Financial Management Service (FMS): 401 14th Street, SW, Washington, DC 20227.

(8) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW, Washington, DC 20224.

(9) United States Mint (MINT): 801 9th Street, NW, Washington, DC 20220.

(10) Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

(11) United States Secret Service (USSS): 950 H Street, NW, Washington, DC 20001.

(12) Office of Thrift Supervision (OTS): 1700 G Street, NW, Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and past Treasury employees and contractors who are injured on Department of the Treasury property or while in the performance of their duties offsite. Members of the public who are injured on Department of the Treasury property are also included in the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system pertain to medical injuries and occupational illnesses of employees which include social security numbers, full names, job titles, government and home addresses (city, state, zip code), home telephone numbers, work telephone numbers, work shifts, location codes, and gender. Mishap information on environmental

incidents, vehicle accidents, property losses and tort claims will be included also. In addition, there will be records such as results of investigations, corrective actions, supervisory information, safety representatives names, data as to chemicals used, processes affected, causes of losses, etc. Records relating to contractors include full name, job title, work addresses (city, state, zip code), work telephone number, location codes, and gender. Records pertaining to a member of the public include full name, home address (city, state, zip code), home telephone number, location codes and gender. (Official compensation claim file, maintained by the Department of Labor's Office of Workers' Compensation Programs (OWCP), is part of that agency's system of records and not covered by this notice.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Executive Order 12196, section 1–2.

PURPOSES(S):

This system of records supports the development and maintenance of a Treasury-wide incident tracking and reporting system and will make it possible to streamline a cumbersome paper process. Current web technology will be employed and facilitate obtaining real-time data and reports related to injuries and illnesses. As an enterprise system for the Department and its component bureaus, incidents analyses can be performed instantly to affect a more immediate implementation of corrective actions and to prevent future occurrences. Information pertaining to past and all current employees and contractors injured on Treasury property or while in the performance of their duties offsite, as well as members of the public injured while on Federal property, will be gathered and stored in SIMIS. This data will be used for analytical purposes such as trend analysis, and the forecasting/projecting of incidents. The data will be used to generate graphical reports resulting from the analyses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies, or other public authority responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Disclose pertinent information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(3) Disclose information to the Office of Workers' Compensation Programs, Department of Labor, which is responsible for the administration of the Federal Employees' Worker Compensation Act (FECA);

(4) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(5) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which the Department of the Treasury (agency) is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(6) Disclose information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(7) Disclose information to a contractor for the purpose of processing administrative records and/or compiling, organizing, analyzing, programming, or otherwise refining records subject to the same limitations applicable to U.S. Department of the Treasury officers and employees under the Privacy Act;

(8) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena where relevant or potentially relevant to a proceeding;

(9) Disclose information to unions recognized as exclusive bargaining representatives under 5 U.S.C. chapter 71, arbitrators, and other parties responsible for the administration of the Federal labor-management program if needed in the performance of their authorized duties;

(10) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, and other parties responsible for the administration of the Federal labor management program for the purpose of processing any corrective actions or grievances or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties;

(11) Disclose information to a Federal, State, or local public health service agency as required by applicable law, concerning individuals who have contracted or who have been exposed to certain communicable diseases or conditions. Such information is used to prevent further outbreak of the disease or condition;

(12) Disclose information to representatives of the General Services Administration (GSA) or the National Archives and Records Administration (NARA) who are conducting records management inspections under authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in hardcopy and electronic media.

RETRIEVABILITY:

Records can be retrieved by name, or by categories listed above under ''Categories of records in the system.''

SAFEGUARDS:

Protection and control of any sensitive but unclassified (SBU) records are in accordance with TD P 7110, Department of the Treasury Security Manual. The hardcopy files and electronic media are secured in locked rooms. Access to the records is available only to employees responsible for the management of the system and/or employees of program offices who have a need for such information and have been subject to a background check and/or security clearance.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedule No. 1.

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury official prescribing policies and practices: Director, Office of Safety, Health and Environment, Department of the Treasury, Washington, DC 20220.

The system managers for the Treasury components are:

1. (a) DO: Safety and Occupational Health Manager, 1500 Pennsylvania Avenue, Room 1400 Annex, NW, Washington , DC 20220.

(b) FinCEN: Safety and Occupational Health Manager, 2070 Chain Bridge Road, Vienna, VA 22182.

(c) OIG: Safety and Occupational Health Manager, 740 15th Street, NW, Washington, DC 20220.

(d) TIGTA: Safety and Occupational Health Manager, 1111 Constitution Ave., NW, Washington, DC 20224.

(e) CDFI: Safety and Occupational Health Manager, 601 13th Street, NW, Washington, DC 20005.

2. ATF: Safety and Occupational Health Manager, 650 Massachusetts Avenue, NW, Washington, DC 20226.

3. OCC: Safety and Occupational Health Manager, 250 E Street, SW, Washington, DC 20219–0001.

4. CS: Safety and Occupational Health Manager, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

5. BEP: Safety and Occupational Health Manager, 14th & C Streets, SW, Washington, DC 20228.

6. FLETC: Safety and Occupational Health Manager, Glynco, GA, 31524.

7. FMS: Safety and Occupational Health Manager, PG 3700 East-West Highway, Hyatsville, MD 20782.

8. IRS: Safety and Occupational Health Manager, 1111 Constitution Avenue, NW, Washington, DC 20224.

9. MINT: Safety and Occupational Health Manager, 801 9th Street, NW, Washington, DC 20220.

10. BPD: Safety and Occupational Health Manager, 200 Third Street, Parkersburg, WV 26101.

11. USSS: Safety and Occupational Health Manager, 950 H Street, NW, Washington, DC 20001.

12. OTS: Safety and Occupational Health Manager, 1700 G Street, NW, Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices, A–L.

RECORD ACCESS PROCEDURES:

See ''Notification Procedures'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedures'' above.

RECORD SOURCE CATEGORIES:

Information is obtained from current Treasury employees, contractors, members of the public, witnesses, medical providers, and relevant industry experts.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–20646 Filed 8–15–01; 8:45 am]

BILLING CODE 4811–16–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Correction—Cooperativa de Seguros Multiples de Puerto Rico

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 1 to the Treasury Department Circular 570; 2001 Revision, published July 2, 2001, at 66 FR 35024.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6765.

SUPPLEMENTARY INFORMATION: The underwriting limitation for Cooperatival de Seguros Multiples de Puerto Rico, which was last listed in Treasury Department Circular 570, July 2, 2001 revision at 66 FR 35034 as $12,640,000, is hereby corrected to read $14,450,000, effective today.

Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 2001 Revision, at page 35034 to reflect this change. The Circular may be viewed and downloaded through the Internet at http://www.fms.treas.gov/c570/index.html. A hard copy may be purchased from the Government Printing Office (GPO), Subscription Service, Washington, DC, telephone (202) 512–1800. When ordering the Circular from GPO, use the following stock number: 769–004–04067–1.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6A04, Hyattsville, MD 20782.

Dated: August 7, 2001.

Wanda J. Rogers,

Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 01–20678 Filed 8–15–01; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974: System of Records

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of establishment of a new system of records—Center for Acquisition and Materiel Management Education Online (CAMEO)—VA (111VA95E).

SUMMARY: The Privacy Act of 1974 (5 U.S.C. 552(e)(4)) requires that all agencies publish in the **Federal Register** a notice of the existence and character of their systems of records. Notice is hereby given that the Department of Veterans Affairs (VA) is establishing a new system of records entitled ''Center for Acquisition and Materiel Management Education Online (CAMEO)—VA'' (111VA95E).

DATES: Comments on this new system of records must be received no later than September 17, 2001. If no public comment is received, the new system will become effective September 17, 2001.

ADDRESSES: Mail or hand-deliver written comments concerning the proposed new system of records to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420; or fax comments to (202) 273–9289; or e-mail comments to *OGCRegulations@mail.va.gov.* Comments should indicate that they are submitted in response to ''111VA95E.'' All comments received will be available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Emily Sherman (95E), Office of Acquisition and Materiel Management, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420; telephone (202) 273–6083.

SUPPLEMENTARY INFORMATION: The VA Office of Acquisition and Materiel Management (OA&MM) is responsible for overseeing the acquisition, storage, and distribution of supplies, services,

and equipment used by VA facilities. OA&MM is the primary source of acquisition and materiel management training to approximately 6,000 VA employees. VA's acquisition and materiel management employees are geographically dispersed throughout the United States, the Commonwealth of Puerto Rico, and the Republic of the Philippines.

OA&MM's two training organizations, the Acquisition Training and Career Development Division (AT&CD) (95E) and the Materiel Policy, Training, and Operations Division (MPT&OD) (92), are responsible for management of the training and career development programs for VA's acquisition and materiel management work force. AT&CD and MPT&OD staff schedule courses, allocate funds and class slots for VA acquisition and materiel management staff, and maintain records of training. In addition, AT&CD staff will be responsible for maintaining the central, VA-wide acquisition work force training database required by Office of Federal Procurement Policy (OFPP) Policy Letter 97–01, ''Procurement System Education, Training and Experience Requirements for Acquisition Personnel.''

VA's database will be titled ''Center for Acquisition and Materiel Management Education Online (CAMEO)—VA'' and is the subject of this notice. The purpose of CAMEO is to collect and maintain training and education data for VA's acquisition and materiel management work force. Once developed, the database will electronically interface with the Government-wide acquisition work force management information system, entitled ''Acquisition Career Management Information System (ACMIS).'' ACMIS is being developed by OFPP in response to a statutory mandate at 41 U.S.C. 433(d)—''The Administrator shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition work force related to implementation of [Section 37 of the OFPP Act]. To the maximum extent practicable, such data requirements shall conform to standards established by the Office of Personnel Management for the Central Personnel Data File.'' The Privacy Act Notice of Establishment of a New System of Records for ACMIS, GSA/OAP–2, was published by the General Services Administration in the **Federal Register** on November 6, 2000 (65 FR 66544).

VA is proposing to establish the following routine use disclosures of the information that will be maintained in the system:

1. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

Individuals sometimes request the help of a Member of Congress in resolving some issue relating to a matter before VA. The Member of Congress then writes VA, and VA must be able to give sufficient information to be responsive to the inquiry.

2. Disclosure may be made to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of Title 44 U.S.C.

NARA is responsible for archiving old records no longer actively used, but which may be appropriate for preservation; they are responsible in general for the physical maintenance of the Federal Government's records. VA must be able to turn records over to NARA in order to determine the proper disposition of such records.

3. Records from this system of records may be disclosed to the Department of Justice (DOJ) or in a proceeding before a court, adjudicative body, or other administrative body before which the Agency is authorized to appear when: (1) The Agency, or any component thereof; (2) any employee of the Agency in his or her official capacity, where DOJ or the Agency has agreed to represent the employee; or (3) the United States, when the Agency determines that litigation is likely to affect the Agency or any of its components; is a party to litigation, and has an interest in such litigation, and the use of such records by DOJ or the Agency is deemed by the Agency to be relevant and necessary to the litigation, provided, however, that the disclosure is compatible with the purpose for which the records were collected.

Whenever VA is involved in litigation, or occasionally when another party is involved in litigation and VA policies or operations could be affected by the outcome of the litigation, VA would be able to disclose information to the court or parties involved. A determination would be made in each instance that, under the circumstances involved, the purpose served by use of the information in the particular litigation is compatible with a purpose for which VA collects the information.

4. Disclosure of relevant information may be made to individuals, organizations, private or public agencies, or other entities with whom VA has a contract or agreement or where there is a subcontract to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.

VA must be able to provide information to contractors or subcontractors with whom VA has a contract or agreement in order to perform the services of the contract or agreement.

5. VA may disclose on its own initiative any information in this system that is relevant to a suspected or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, to a Federal, State, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order.

VA must be able to comply with the requirements of agencies charged with enforcing the law and investigations of violations or possible violations of law. VA must also be able to provide information to Federal, State, local, tribal and foreign agencies charged with protecting the public health as set forth in law.

6. Disclosure may be made to an appeal, grievance, hearing, or complaints examiner; an equal employment opportunity investigator, arbitrator, or mediator; and an exclusive representative or other person authorized to investigate or settle a grievance, complaint, or appeal filed by an individual who is the subject of the record.

Whenever VA is involved in an appeal, grievance, or complaint, or occasionally when another party is involved and VA policies or operations could be affected by the outcome, VA would be able to disclose information to the examiner or other official or parties involved. A determination would be made in each instance that, under the circumstances involved, the purpose served by use of the information is compatible with a purpose for which VA collects the information. The information may be needed by the examiner or investigator in order to resolve a grievance. Inability to release the data may have a negative impact on the individual filing the grievance.

7. Disclosure may be made to the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), and the General Accounting Office (GAO) in order for them to perform their responsibilities for evaluating Federal programs.

VA must be able to provide information to these agencies in order

for them to carry out their responsibilities for evaluating Federal programs.

8. Disclosure may be made to a requesting Federal agency for that agency's use in connection with the hiring, retaining or promotion of an employee where the information is relevant and necessary for the decision.

VA must be able to provide information to Federal agencies in order to assist them in determining the qualifications of an individual seeking employment.

9. Information may be disclosed to officials of labor organizations recognized under 5 U.S.C. Chapter 71, when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

VA must be able to disclose information to officials of labor organizations to assist them in fulfilling their responsibilities in representing employees.

10. Information may be disclosed to officials of the Merit Systems Protection Board or the Office of the Special Counsel when requested in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

VA must be able to disclose information to these agencies to assist them in fulfilling their responsibilities.

11. Information may be disclosed to the Equal Employment Opportunity Commission when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or for other functions of the Commission as authorized by law.

VA must be able to disclose information to the Commission in order for it to fulfill its responsibilities to protect employee rights.

12. Information may be disclosed to the Federal Labor Relations Authority (including its General Counsel) when appropriate jurisdiction has been established and the information has been requested in connection with the investigation and resolution of allegations of unfair labor practices or in connection with the resolution of exceptions to arbitration awards when a question of material fact is raised; and to the Federal Service Impasses Panel in matters they are considering.

VA must be able to disclose information to these agencies in order for them to fulfill their responsibilities.

The system of records will not contain information identifying individuals as veterans, and consequently, the limitations on disclosures of the names and home addresses of veterans and their dependents that are normally in Routine Use No. 5 in other VA systems of records are not necessary here and consequently have not been included in this Notice.

The notice of intent to publish and an advance copy of the system notice have been sent to the appropriate Congressional committees and to the Director of the Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by OMB on December 12, 2000 (65 FR 77677).

Approved: August 2, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

111VA95E

SYSTEM NAME:

Center for Acquisition and Materiel Management Education Online (CAMEO)—VA.

SYSTEM LOCATION:

The system is maintained for the Department of Veterans Affairs (VA) under contract. Records are located at the contractor's facility, currently Meridian Knowledge Solutions, Inc., 4465 Brookfield Corporate Drive, Suite 201, Chantilly, VA 20151. In addition, information from these records or copies of the records may be maintained at the Department of Veterans Affairs, Office of Acquisition and Materiel Management, 810 Vermont Avenue, NW, Washington, DC 20420.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The records include information concerning VA employees who work in acquisition, contracting, and materiel management positions, including personnel in the 1100 occupational series, contracting officers, contracting officers' technical representatives, and other employees performing acquisition, contracting, procurement, and materiel management functions.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system will contain information needed for enhancing training opportunities of VA employees in the Federal acquisition and materiel management work force. Records include, but are not limited to: (1) Biographical data such as name, social security number, and educational level; (2) work-related data such as duty station, occupational series and grade, supervisor's name, and contracting officer warrant information; (3) educational qualifications such as degrees from accredited universities or colleges and business credits completed; and (4) training information such as completed acquisition core courses and total continuing education hours for the previous and current fiscal year.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code (U.S.C.), section 501, and section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433).

PURPOSE(S):

The records and information will be used to enhance training opportunities of VA employees in acquisition and materiel management occupations; to ensure that employees meet training requirements; and to document the training received. The system will provide management and employees up-to-date information on employee certification levels, qualification standards, academic degrees, mandatory and other pertinent training, and contracting officer warrant status.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

2. Disclosure may be made to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of Title 44 U.S.C.

3. Records from this system of records may be disclosed to the Department of Justice (DOJ) or in a proceeding before a court, adjudicative body, or other administrative body before which the Agency is authorized to appear when: (1) The Agency, or any component thereof; (2) any employee of the Agency in his or her official capacity, where DOJ or the Agency has agreed to represent the employee; or (3) the United States, when the Agency determines that litigation is likely to affect the Agency or any of its components; is a party to litigation, and has an interest in such litigation, and the use of such records by DOJ or the Agency is deemed by the Agency to be relevant and necessary to the litigation, provided, however, that the disclosure is compatible with the purpose for which the records were collected.

4. Disclosure of relevant information may be made to individuals, organizations, private or public agencies, or other entities with whom VA has a contract or agreement or where there is a subcontract to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.

5. VA may disclose on its own initiative any information in this system that is relevant to a suspected or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, to a Federal, State, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order.

6. Disclosure may be made to an appeal, grievance, hearing, or complaints examiner; an equal employment opportunity investigator, arbitrator, or mediator; and an exclusive representative or other person authorized to investigate or settle a grievance, complaint, or appeal filed by an individual who is the subject of the record.

7. Disclosure may be made to the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), and the General Accounting Office (GAO) in order for them to perform their responsibilities for evaluating Federal programs.

8. Disclosure may be made to a requesting Federal agency for that agency's use in connection with the hiring, retaining or promotion of an employee where the information is relevant and necessary for the decision.

9. Information may be disclosed to officials of labor organizations recognized under 5 U.S.C. Chapter 71, when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

10. Information may be disclosed to officials of the Merit Systems Protection Board or the Office of the Special Counsel when requested in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

11. Information may be disclosed to the Equal Employment Opportunity Commission when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or for other functions of the Commission as authorized by law.

12. Information may be disclosed to the Federal Labor Relations Authority (including its General Counsel) when appropriate jurisdiction has been established and the information has been requested in connection with the investigation and resolution of allegations of unfair labor practices or in connection with the resolution of exceptions to arbitration awards when a question of material fact is raised; and to the Federal Service Impasses Panel in matters they are considering.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE:

Records are maintained on paper and electronic storage media, including magnetic tape and magnetic disk media.

RETRIEVABILITY:

Records are retrieved by name, social security number or other assigned identifiers of the individuals on whom the records are maintained.

SAFEGUARDS:

1. Access to VA working and storage areas is restricted to VA employees on a ''need-to-know'' basis. Strict control measures are enforced to ensure that disclosure to these individuals is also based on this same principle. Generally, VA file areas are locked after normal duty hours and the facilities are protected from outside access by the Federal Protective Service or other security personnel.

2. Access to computer rooms at VA Central Office and health care facilities is generally limited by appropriate locking devices and restricted to authorized VA employees and vendor personnel. ADP peripheral devices are placed in secure areas (areas that are locked or have limited access) or are otherwise protected.

3. Access to the contractor's computer rooms is restricted to authorized vendor employees through electronic locking devices. Information stored in the CAMEO system may be accessed by authorized VA employees at remote locations, including VA health care facilities and VA Central Office. Access is controlled by individually unique passwords/codes that must be changed periodically by the employee or the appropriate designated personnel. The database is maintained by the contractor behind a firewall that has been certified by the National Computer Security Association.

RETENTION AND DISPOSAL:

Paper records and electronic storage media are maintained and disposed of in accordance with records disposition authority approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

Official responsible for policies and procedures: Chief, Acquisition Training and Career Development Division (95E), Office of Acquisition and Materiel Management (90), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420.

NOTIFICATION PROCEDURE:

Individuals who wish to determine whether this system of records contains information about them should contact the System Manager at the above address. Inquiries should include the person's full name, social security number, dates of employment, date(s) of contact, and return address.

RECORD ACCESS PROCEDURE:

Individuals seeking information regarding access to and/or contesting the records in this system may write, call or visit the VA facility location where they are or were employed.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided:

1. By individuals on whom the record is maintained.

2. By supervisors and managers.

3. By other agency officials.

4. By accredited colleges or universities.

5. By related correspondence.

6. By other agency records.

[FR Doc. 01–20600 Filed 8–15–01; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Thursday,
August 16, 2001

Part II

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Applications for FY 2002 National Research Initiative Competitive Grants Program; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Applications for FY 2002 National Research Initiative Competitive Grants Program

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Notice of the Availability of the Solicitation for Applications for the Fiscal Year (FY) 2002 National Research Initiative Competitive Grants Program, and Request for Stakeholder Input.

SUMMARY: This notice announces the availability of the FY 2002 solicitation for applications which is titled the ''NRI Program Description and Guidelines for Proposal Preparation'' for the National Research Initiative (NRI) Competitive Grants Program administered by the Competitive Research Grants and Awards Management Division, Cooperative State Research, Education, and Extension Service (CSREES). The solicitation invites applications for competitive grant awards in agricultural, forest, and related environmental sciences for FY 2002.

By this notice, CSREES also requests stakeholder input regarding the FY 2002 NRI program solicitation from any interested party. These comments will be considered in the development of the next solicitation for this program.

DATES: Proposals must be postmarked on or before the dates provided in the table at the end of this notice.

Comments regarding this solicitation are invited for six months from the issuance of this notice. Comments received after that date will be considered to the extent practicable.

ADDRESSES: The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: NRI; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 1307, Waterfront Centre; 800 9th Street, SW.; Washington, DC 20024; telephone: 202–205–0241.

Proposals sent via the U.S. Postal Service must be sent to the following address: NRI; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW.; Washington, DC 20250–2245.

Written stakeholder comments should be submitted by mail to: Policy and Program Liaison Staff; Office of Extramural Programs; USDA–CSREES; STOP 2299; 1400 Independence Avenue, SW.; Washington, DC 20250–2299; or via e-mail to: *RFP–OEP@reeusda.gov.* (This e-mail address is intended only for receiving comments regarding this solicitation and not for requesting information or forms.) In your comments, please state that you are responding to the FY 2002 NRICGP solicitation for applications.

FOR FURTHER INFORMATION CONTACT: USDA/CSREES/NRI; Stop 2241; 1400 Independence Avenue, SW.; Washington, DC 20250–2241. Phone: (202) 401–5022. E-mail: *nricgp@reeusda.gov.*

SUPPLEMENTARY INFORMATION:

CSREES is requesting comments regarding the FY 2002 NRI solicitation for applications from any interested party. In your comments, please include the name of the program and the fiscal year solicitation for applications to which you are responding. These comments will be considered in the development of the next solicitation for applications for the program. Such comments will be used in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998, 7 U.S.C. 7613(c). Comments should be submitted as provided in the ''Addresses'' and ''Dates'' portions of this notice.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for this program is 10.206.

Authority and Applicable Regulations

The authority for this program is contained in 7 U.S.C. 450i(b). Under this program, subject to the availability of funds, the Secretary may award competitive research grants, for periods not to exceed five years, for the support of research projects to further the programs of the United States Department of Agriculture (USDA).

Regulations applicable to this program include the following: (a) the regulations governing the NRI, 7 CFR part 3411, which set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and the awarding of grants, and regulations relating to the post-award administration of grant projects; (b) the USDA Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 7 CFR part 3019; (c) the USDA Uniform Federal Assistance Regulations, 7 CFR part 3015; (d) the USDA Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 7 CFR part 3016; and (e) 7 U.S.C. 3103(17), which defines ''sustainable agriculture.''

Conflicts of Interest

For the purpose of determining conflicts of interest in accordance with 7 CFR 3411.12, the academic and administrative autonomy of an institution shall be determined by reference to the *2001 Higher Education Directory*, published by Higher Education Publications, Inc., 6400 Arlington Boulevard, Suite 648, Falls Church, Virginia 22042. Phone: (703) 532–2305. The internet address is: *http://www.hepinc.com/.*

Project Types and Eligibility Requirements

The FY 2002 NRI program solicitation solicits proposals for the following types of projects:

I. Conventional Projects

(a) Standard Research Grants: Research will be supported that is fundamental or mission-linked, and that is conducted by individual investigators, co-investigators within the same discipline, or multidisciplinary teams. Any State agricultural experiment station, college, university, other research institution or organization, Federal agency, national laboratory, private organization, corporation, or individual may apply. Proposals submitted by non-United States organizations will not be considered for support.

(b) Conferences: Scientific meetings that bring together scientists to identify research needs, update information, or advance an area of research are recognized as integral parts of research efforts. Any State agricultural experiment station, college, university, other research institution or organization, Federal agency, national laboratory, private organization, corporation, or individual is an eligible

applicant in this area. Proposals submitted by non-United States organizations will not be considered for support.

II. Agricultural Research Enhancement Awards

To contribute to the enhancement of research capabilities in the research program areas described herein, the FY 2002 NRI program solicitation solicits applications for Agricultural Research Enhancement Awards. Such applications may be submitted by any State agricultural experiment station, college, university, other research institution or organization, Federal agency, national laboratory, private organization, corporation, or individual; however, further eligibility requirements are defined in 7 CFR 3411.3 and restated in the FY 2002 NRI program solicitation. Applications submitted by non-United States organizations will not be considered for support. However, United States citizens applying as individuals for Postdoctoral Fellowships may perform all or part of the proposed work at a non-United States organization. Agricultural Research Enhancement Awards are available in the following categories:

(a) Postdoctoral Fellowships.

(b) New Investigator Awards.

(c) Strengthening Awards: Institutions in USDA Experimental Program for Stimulating Competitive Research (EPSCoR) entities are eligible for strengthening awards. 7 CFR 3411.2(o) sets forth how EPSCoR entities are determined. For FY 2002, USDA EPSCoR states consist of the following:

Alaska
Arkansas
Connecticut
Delaware
Hawaii
Idaho
Kentucky
Maine
Mississippi
Montana
Nevada
New Hampshire
New Mexico
North Dakota
Rhode Island
South Carolina
South Dakota
Vermont
West Virginia
Wyoming

For FY 2002, other USDA–EPSCoR entities consist of the following:

American Samoa
District of Columbia
Guam
Micronesia
Northern Marianas
Puerto Rico
Virgin Islands

Investigators at small and mid-sized institutions (total enrollment of 15,000 or less) may also be eligible for Strengthening Awards. An institution in this instance is an organization that possesses a significant degree of autonomy. Significant degree of autonomy is defined by being independently accredited as determined by reference to the *2001 Higher Education Directory*.

Institutions which are among the most successful universities and colleges for receiving Federal funds for science and engineering research, except those in USDA EPSCoR entities, are ineligible for strengthening awards. The most successful universities and colleges for receiving these funds, excluding those in USDA EPSCoR entities, are as follows:

Baylor College of Medicine
Boston University
California Institute of Technology
Carnegie-Mellon University
Case Western Reserve University
Colorado State University
Columbia University
Cornell University
CUNY Mount Sinai School of Medicine
Duke University
Emory University
Florida State University
Georgia Institute of Technology
Harvard University
Indiana University Purdue University at Indianapolis
Iowa State University
Johns Hopkins University
Massachusetts Institute of Technology
Medical College of Wisconsin
Michigan State University
New York University
North Carolina State University
Northwestern University
Ohio State University
Oregon Health Sciences University
Oregon State University
Pennsylvania State University
Princeton University
Purdue University
Rockefeller University
Rutgers, The State University of New Jersey
Scripps Research Institute
Stanford University
State University of New York at Stony Brook
Thomas Jefferson University
Tufts University
University Corporation for Atmospheric Research
University of Alabama Birmingham
University of Arizona
University of California Berkeley
University of California Davis
University of California Irvine
University of California Los Angeles
University of California San Diego
University of California San Francisco
University of California Santa Barbara
University of Chicago
University of Cincinnati
University of Colorado Boulder
University of Colorado Health Sciences Center
University of Florida
University of Georgia
University of Illinois Urbana-Champaign
University of Illinois Chicago
University of Iowa
University of Maryland Baltimore Prof Sch
University of Maryland College Park
University of Massachusetts Amherst
University of Massachusetts Medical School Worcester
University of Medicine and Dentistry of New Jersey
University of Miami
University of Michigan Ann Arbor
University of Minnesota Twin Cities
University of Missouri Columbia
University of North Carolina Chapel Hill
University of Pennsylvania
University of Pittsburgh
University of Rochester
University of Southern California
University of Texas at Austin
University of Texas Health Science Center Houston
University of Texas Health Science Center San Antonio
University of Texas MD Anderson Cancer Center
University of Texas Medical Branch Galveston
University of Texas SW Medical Center Dallas
University of Utah
University of Virginia
University of Washington
University of Wisconsin Madison
Vanderbilt University
Virginia Polytechnic Institute and State University
Virginia Commonwealth University
Wake Forest University
Washington University
Wayne State University
Woods Hole Oceanographic Institute
Yeshiva University, New York

See 7 CFR 3411.3 and the FY 2002 NRI program solicitation for complete details on programs and eligibility.

Funding Categories for FY 2002

The FY 2002 NRI program solicitation solicits proposals, subject to the availability of funds, for support of high priority research of importance to agriculture, forestry, and related

environmental sciences, in the following research categories (*ANTICIPATED* FY 2002 (FY02) funding and *ACTUAL* FY 2001 (FY01) funding, rounded to the $0.1M, follows in parentheses):

- Natural Resources and the Environment (FY02: $16.3M, FY01: $16.3M)
- Nutrition, Food Quality, and Health (FY02: $16.7M, FY01: $16.7M)
- Plant Systems (FY02: $32.3M, FY01: $32.3M)
- Animal Systems (FY02: $22.9M, FY01: $22.9M)
- Markets, Trade, and Policy (FY02: $3.6M, FY01: $3.6M)
- New Products and Processes (FY02: $6.5M, FY01: $6.5M)

Support for research opportunities listed below may be derived from one or more of the above funding categories based on the nature of the scientific topic to be supported. In addition, the funds described above may be used to fund proposals submitted to supplementary NRI Program Descriptions and/or solicitations for multiagency programs in which the NRI is participating.

Pursuant to 7 U.S.C. 450i(b)(10), no less than 10 percent (FY02: $9.8M, FY01: $9.8M) of the available funds listed above will be made available for Agricultural Research Enhancement Awards (excluding New Investigator Awards), and no more than 2 percent (FY02: $1.9M, FY01: $1.9M) of the available funds listed above will be made available for equipment grants. Further, no less than 30 percent (FY02: $29.5M, FY01: $29.5M) of the funds listed above shall be made available for grants for research to be conducted by multidisciplinary teams, and no less than 40 percent (FY02: $39.4M, FY01: $39.4M) of the funds listed above shall be made available for grants for mission-linked systems research.

CSREES is prohibited from paying indirect costs exceeding 19 per centum of the total Federal funds provided under each award on competitively awarded research grants (7 U.S.C. 3310). An alternative method of calculation of this limitation is to multiply total direct costs by 23.456 percent.

Strategic Issues

The NRI includes a broad portfolio of programs that address critical agricultural research needs. The NRI has now also identified two *strategic issues* where a robust investment in science will accelerate the generation of critically needed agricultural solutions. The issues are: *Agricultural Security and Safety Through Functional Genomics* and *New and Re-Emerging Disease and Pest Threats*. It is anticipated that up to $25 million (from the six funding categories) will be available for awards in FY 2002 for each of these issues, contingent upon the quality of the proposals received and the availability of funds. Both of these high priority issues cut across research programs in the NRI divisions and are directly applicable to a broad agricultural and consumer spectrum. Expectations are that these strategic issues will exist within the NRI for a minimum of 3–5 years. Clearly there are more than two strategic issues warranting increased emphasis, and which are currently supported by individual NRI programs. Dependent on future funding, additional strategic issues may be possible in future years.

Research proposed for these issues must be appropriate to one of the existing NRI programs listed under Research Opportunities. A separate peer review panel will not be assembled to review proposals addressing strategic issues. *Numerous NRI programs address various components of these issues.*

Research Opportunities

The funds appropriated as listed above will be used to support research grants in the following areas:

Natural Resources and the Environment
- Plant Responses to the Environment
- Managed Ecosystems
- Soils and Soil Biology
- Watershed Processes and Water Resources

Nutrition, Food Safety, and Health
- Improving Human Nutrition for Optimal Health
- Food Safety
- Epidemiological Approaches for Food Safety

Animals
- Animal Reproduction
- Animal Growth and Nutrient Utilization
- Animal Genome and Genetic Mechanisms
- Animal Health and Well-Being

Biology and Management of Pests and Beneficial Organisms
- Entomology and Nematology
- Biologically Based Pest Management
- Biology of Plant-Microbe Associations
- Biology of Weedy and Invasive Plants

Plants
- Plant Genetic Mechanisms
- Plant Growth and Development
- Plant Biochemistry

Markets, Trade, and Rural Development
- Markets and Trade
- Rural Development

Enhancing Value and Use of Agricultural and Forest Products
- Value-Added Products Research
- Food Characterization/Process/Product Research
- Non-Food Characterization/Process/Product Research

Application Materials

This notice does not constitute the FY 2002 NRI program solicitation. Those wishing to apply for a grant under this program should obtain a copy of the FY 2002 NRI program solicitation, which is titled the ''NRI Program Description and Guidelines for Proposal Preparation,'' and a copy of the CSREES ''Application Forms''. The NRI Program Description and Guidelines for Proposal Preparation and the CSREES ''Application Forms'' (May 2001) contain the information and materials necessary to prepare and submit a proposal and are available on the CSREES web site (www.reeusda.gov) under Funding Opportunities. CSREES encourages the use of these electronic documents. However, if necessary, paper copies of these application materials may be obtained by sending an e-mail with your name, complete mailing address (not e-mail address), phone number, and materials that you are requesting to psb@reeusda.gov. Materials will be mailed to you (not e-mailed) as quickly as possible. Alternatively, paper copies may be obtained by writing or calling the office indicated below.

Proposal Services Unit, Office of Extramural Programs, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2245, 1400 Independence Ave., S.W., Washington, DC. 20250–2245, Telephone: (202) 401–5048.

Electronic Subscription to NRI Documents

The NRI has set up a mailserver which will notify subscribers when publications such as its Program Description or Abstracts of Funded Research are available electronically on the World Wide Web. Subscribers will not receive the document itself, but instead will receive an e-mail containing an announcement regarding the document's availability on the NRI home page.

To subscribe:

Send an e-mail message to: *majordomo@reeusda.gov.* In the body of the message, include only the words: *subscribe nri-epubs.*

To unsubscribe:

Send an e-mail message to: *majordomo@reeusda.gov.* In the body of the message, include only the words: *unsubscribe nri-epubs.*

Please note that this is not a forum. Messages, other than those related to subscription, cannot be posted to this address.

NRI Deadline Dates

The following fixed dates have been established for proposal submission deadlines within the NRI. To be considered for funding in any fiscal year, proposals must be transmitted by the date listed below (as indicated by postmark or date on courier bill of lading). When the deadline date falls on a weekend or Federal holiday, transmission must be made by the following business day.

Programs offered in any fiscal year depend on availability of funds and deadlines may be delayed due to unforeseen circumstances. Consult the pertinent NRI notice in the **Federal Register**, the NRI Program Description, or the NRI home page (*www.reeusda.gov/nri*) for up-to-date information.

Postmarked dates	Program codes	Program areas
November 15	22.1	Plant Responses to the Environment
	23.1	Managed Ecosystems
	25.0	Soils and Soil Biology
	26.0	Watershed Processes and Water Resources
	31.0	Improving Human Nutrition for Optimal Health
	51.9	Biology of Weedy and Invasive Plants
December 15	52.2	Plant Genetic Mechanisms
	53.0	Plant Growth and Development
	61.0	Markets and Trade
	62.0	Rural Development
	71.1	Food Characterization/Process/Product Research
	71.2	Non-Food Characterization/Process/Product Research
January 15	32.0	Food Safety
	32.1	Epidemiological Approaches for Food Safety
	41.0	Animal Reproduction
	44.0	Animal Health and Well-Being
	51.2	Entomology and Nematology
	51.7	Biological Control
	51.8	Biology of Plant-Microbe Associations
February 15	42.0	Animal Growth and Nutrient Utilization
	43.0	Animal Genome and Genetic Mechanisms
	54.3	Plant Biochemistry

Done at Washington, D.C., this 9th day of August 2001.

George E. Cooper,

Acting Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 01–20632 Filed 8–15–01; 8:45 am]

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Federal Register

Thursday,
August 16, 2001

Part III

Environmental Protection Agency

40 CFR Part 261

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW–FRL–7025–3]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is granting a petition submitted by Eastman Chemical Corporation—Texas Operations (Eastman Chemical) to exclude from hazardous waste control (or delist) a certain solid waste. This final rule responds to the petition submitted by Eastman Chemical to delist the dewatered wastewater treatment sludge on a ''generator specific'' basis from the lists of hazardous waste.

After careful analysis, the EPA has concluded that the petitioned waste is not hazardous waste when disposed of in Subtitle D landfills. This exclusion applies to dewatered wastewater treatment sludge generated at Eastman Chemical's Longview, Texas facility. Accordingly, this final rule excludes the petitioned waste from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA) when disposed of in Subtitle D landfills but imposes testing conditions to ensure that the future-generated wastes remain qualified for delisting.

EFFECTIVE DATE: August 16, 2001.

ADDRESSES: The public docket for this final rule is located at the U.S. Environmental Protection Agency Region 6, 1445 Ross Avenue, Dallas, Texas 75202, and is available for viewing in the EPA Freedom of Information Act review room on the 7th floor from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Call (214) 665–6444 for appointments. The reference number for this docket is ''F–00–TXDEL–TXEASTMAN''. The public may copy material from any regulatory docket at no cost for the first 100 pages and at a cost of $0.15 per page for additional copies.

FOR FURTHER INFORMATION CONTACT: For general information, contact Bill Gallagher, at (214) 665–6775. For technical information concerning this document, contact Michelle Peace, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas, (214) 665–7430.

SUPPLEMENTARY INFORMATION: The information in this section is organized as follows:

I. Overview Information

A. What Action Is EPA Finalizing?

The EPA is finalizing:

(1) the decision to grant Eastman's petition to have its wastewater treatment sludge excluded, or delisted, from the definition of a hazardous waste, subject to certain continued verification and monitoring conditions; and

(2) to use the Delisting Risk Assessment Software to evaluate the potential impact of the petitioned waste on human health and the environment. The Agency used this model to predict the concentration of hazardous constituents released from the petitioned waste, once it is disposed.

After evaluating the petition, EPA proposed, on December 4, 2000 to exclude the Eastman Chemical waste from the lists of hazardous wastes under §§ 261.31 and 261.32 (see 65 FR 75637, December 4, 2000)

B. Why Is EPA Approving This Delisting?

Eastman's petition requests a delisting for listed hazardous wastes. Eastman does not believe that the petitioned waste meets the criteria for which EPA listed it. Eastman also believes no additional constituents or factors could cause the waste to be hazardous. EPA's review of this petition included consideration of the original listing criteria, and the additional factors required by the Hazardous and Solid Waste Amendments of 1984 (HSWA). See section 3001(f) of RCRA, 42 U.S.C. 6921(f), and 40 CFR 260.22 (d)(1)-(4). In making the final delisting determination, EPA evaluated the petitioned waste against the listing criteria and factors cited in §§ 261.11(a)(2) and (a)(3). Based on this review, the EPA agrees with the petitioner that the waste is nonhazardous with respect to the original listing criteria. (If the EPA had found, based on this review, that the waste remained hazardous based on the factors for which the waste were originally listed, EPA would have proposed to deny the petition.) The EPA evaluated the waste with respect to other factors or criteria to assess whether there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. The EPA considered whether the waste is acutely toxic, the concentration of the constituents in the waste, their tendency to migrate and to bioaccumulate, their persistence in the environment once released from the waste, plausible and specific types of management of the petitioned waste, the quantities of waste generated, and waste variability. The EPA believes that the petitioned waste does not meet these criteria. EPA's final decision to delist waste from Eastman's facility is based on the information submitted in support of this rule, i.e., descriptions of the waste water treatment system, incinerator, and analytical data from the Longview facility.

C. What Are the Limits of This Exclusion?

This exclusion applies to the waste described in the petition only if the requirements described in Table 1 of part 261, Appendix IX and the conditions contained herein are satisfied. The maximum annual volume of the dewatered wastewater treatment sludge is 82,100 cubic yards.

D. How Will Eastman Chemical Manage the Waste if It Is Delisted?

Eastman currently disposes of the petitioned waste (wastewater treatment sludge) generated at its facility in an on-site, state permitted solid waste landfill after the sludge has been incinerated. The ash from the incineration process was delisted by EPA in June 1996. As a delisted material, it will meet the criteria for disposal in a Subtitle D landfill without incineration.

The incinerator is a RCRA Subtitle C regulated unit permitted by the Texas Natural Resource Conservation

Commission. This final decision will not affect the current regulatory controls on the incineration unit.

E. When Is the Final Delisting Exclusion Effective?

This rule is effective August 16, 2001. The Hazardous and Solid Waste Amendments of 1984 amended Section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here because this rule reduces, rather than increases, the existing requirements for persons generating hazardous wastes. These reasons also provide a basis for making this rule effective immediately, upon publication, under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

F. How Does This Final Rule Affect States?

Because EPA is issuing this exclusion under the Federal RCRA delisting program, only states subject to Federal RCRA delisting provisions would be affected. This would exclude two categories of States: States having a dual system that includes Federal RCRA requirements and their own requirements, and States who have received our authorization to make their own delisting decisions.

Here are the details: We allow states to impose their own non-RCRA regulatory requirements that are more stringent than EPA's, under section 3009 of RCRA. These more stringent requirements may include a provision that prohibits a Federally issued exclusion from taking effect in the State. Because a dual system (that is, both Federal (RCRA) and State (non-RCRA) programs) may regulate a petitioner's waste, we urge petitioners to contact the State regulatory authority to establish the status of their wastes under the State law.

EPA has also authorized some States (for example, Louisiana, Georgia, Illinois) to administer a delisting program in place of the Federal program, that is, to make State delisting decisions. Therefore, this exclusion does not apply in those authorized States. If Eastman Chemical transports the petitioned waste to or manages the waste in any State with delisting authorization, Eastman Chemical must obtain delisting authorization from that State before they can manage the waste as nonhazardous in the State.

II. Background

A. What Is a Delisting Petition?

A delisting petition is a request from a generator to EPA or another agency with jurisdiction to exclude from the list of hazardous wastes, wastes the generator does not consider hazardous under RCRA.

B. What Regulations Allow Facilities To Delist a Waste?

Under 40 CFR 260.20 and 260.22, facilities may petition the EPA to remove their wastes from hazardous waste control by excluding them from the lists of hazardous wastes contained in §§ 261.31 and 261.32. Specifically, § 260.20 allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 266, 268 and 273 of Title 40 of the Code of Federal Regulations. Section 260.22 provides generators the opportunity to petition the Administrator to exclude a waste on a ''generator-specific'' basis from the hazardous waste lists.

C. What Information Must the Generator Supply?

Petitioners must provide sufficient information to EPA to allow the EPA to determine that the waste to be excluded does not meet any of the criteria under which the waste was listed as a hazardous waste. In addition, the Administrator must determine, where he/she has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste.

III. EPA's Evaluation of the Waste Data

A. What Waste Did Eastman Chemical Petition EPA To Delist?

On February 4, 2000, Eastman petitioned the EPA to exclude from the lists of hazardous waste contained in §§ 261.31 and 261.32, a waste by-product (dewatered sludge from the wastewater treatment plant) which falls under the classification of listed waste because of the ''derived from'' rule in RCRA 40 CFR 261.3(c)(2)(i). Specifically, in its petition, Eastman Chemical Company, Texas Operations, located in Longview, Texas, requested that EPA grant an exclusion for 82,100 cubic yards per year of dewatered sludge resulting from its hazardous waste treatment process. The resulting waste is listed, in accordance with § 261.3(c)(2)(i) (i.e., the ''derived from'' rule). The waste codes of the constituents of concern are EPA Hazardous Waste Nos. F001, F002, F003, F005, K009, K010, U001, U002, U028, U031, U069, U088, U112, U115, U117, U122, U140, U147, U154, U159, U161, U220, U226, U239 and U359. Table 1 lists the constituents of concern for these waste codes.

TABLE 1.—HAZARDOUS WASTE CODES ASSOCIATED WITH WASTE STREAMS

Waste code	Basis for characteristics/listing
F001—Spent halogented solvents used in degreasing.	Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons
F002—Spent halogented solvents	Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trichlorofluoroethane, ortho-dichlorobenzene, trichlorofluoromethane
F003—Spent non-halogented solvents	Not applicable
F005—Spent non-halogented solvents	Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane
K009—Distillation bottoms from the production of acetaldehyde from ethylene.	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid
K010—Distillation side cuts from the production of acetaldehyde from ethylene.	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid, chloroacetaldehyde
U001	Acetaldehyde
U002	Acetone
U028	Bis(2-ethylhexyl) phthalate
U031	n-Butyl alcohol
U069	Dibutyl phthalate

TABLE 1.—HAZARDOUS WASTE CODES ASSOCIATED WITH WASTE STREAMS—Continued

Waste code	Basis for characteristics/listing
U088	Di-ethyl phthalate
U112	Ethyl acetate
U115	Ethylene Oxide
U117	Ethyl ether
U122	Formaldehyde
U140	Isobutyl alcohol
U147	Maleic anhydride
U154	Methanol
U159	Methyl ethyl ketone
U161	Methyl isobutyl ketone
U220	Toluene
U226	1,1,1 Trichloroethane (Methyl chloroform)
U239	Xylene
U359	Ethylene Glycol monoethyl ether

B. How Much Waste Did Eastman Chemical Propose To Delist?

Specifically, in its petition, Eastman Chemical requested that EPA grant a standard exclusion for 82,100 cubic yards of dewatered wastewater treatment sludge generated per calender year.

C. How Did Eastman Chemical Sample and Analyze the Waste Data in This Petition?

To support its petition, Eastman submitted:

(1) descriptions of its waste water treatment system associated with petitioned wastes;

(2) results of the total constituent list for 40 CFR Part 264 Appendix IX volatiles, semivolatiles, and metals except pesticides, herbicides, and PCBs;

(3) results of the constituent list for Appendix IX on Toxicity Characteristic Leaching Procedure (TCLP) extract for volatiles, semivolatiles, and metals;

(4) results for reactive sulfide,

(5) results for reactive cyanide;

(6) results for pH;

(7) results of the metals concentrations using multiple pH extraction fluids;

(8) information and results from testing of the fluidized bed incinerator's compliance testing and

(9) results from oil and grease analysis.

IV. Public Comments Received on the Proposed Exclusion

A. Who Submitted Comments on the Proposed Rule?

The EPA received public comments on December 4, 2000, proposal from three interested parties, General Motors, Delphi Automotive, and Eastman Chemical Company.

B. Request for Clarification of Preamble Language and Provisions in Table 1 of Appendix IX of Part 261.

Eastman comments that the language in the preamble of the rules may be interpreted more strictly than the language in the exclusion.

For purposes of compliance with the exclusion in Table 1 of Appendix 1 of part 261, if Eastman significantly changes the process which generate(s) the waste(s) and which may or could affect the composition or type waste(s) generated as established under Condition (1) (by illustration, but not limitation, change in equipment or operating conditions of the treatment process). Eastman must (A) notify the EPA in writing of the change and (B) may no longer handle or manage the waste generated from the new process as nonhazardous until Eastman has demonstrated through testing the waste meets the delisting levels set in Condition (1) and (C) Eastman has received written approval to begin managing the wastes as non-hazardous from EPA. The Agency will revise Condition 4 of Table 1 of Appendix IX of part 261 to reflect this change.

Eastman also comments that the text in Item 1 of Table 1 could be misinterpreted.

There is a typo in Item 1 of Table 1 (65 FR 75649, December 4, 2000). The delisting level of 2-butanone is listed as 42.8 but should be 48.2 in accordance with Table III of the preamble. The Agency has rechecked the values from the Delisting Risk Assessment Software (DRAS) and notes the correct concentration limit is 42.8 mg/l for 2-butanone.

C. Comments on the Delisting Risk Assessment Software

Delphi Automotive generally supports the Eastman Chemical Company's Delisting Petition to delist its sludge but has extensive comments on the Delisting Risk Assessment Software. Delphi comments that the ease of use and simplicity for inputting two variables into the model has resulted in a model that is not designed to be a site-specific model but rather is waste generator specific. Hence, any site specific factors such as hydrogeology, climate, ecology, population density, etc. cannot be incorporated as modifiers of release or risk estimates. This leaves the model inflexible, not representative, and leads to an overestimation of releases and risk. Delphi goes on to identify concerns and questions regarding the Delisting Risk Assessment model. Delphi and GM list their concerns in the areas of (1) assumptions regarding the landfill; minimal cover; criteria applied regarding risk levels; the TCLP; unlikely risk scenarios; undocumented sensitivity analysis; issues surrounding Nickel; and notice and review issues.

Information on the Risk and Hazard Assessment can be found in Chapter 4 of the DTSD. A discussion of criteria and the method for quantifying of risk is provided in Chapter 4.

The Delisting Program in its history has never focused on site-specific conditions. It has since its inception been a program specifically for waste generators. A review of the 40 CFR 260.22 indicates that these are petitions to amend part 261 to exclude a waste produced at a particular facility. The Agency is not currently using the model to predict site-specific results. Since disposal of the delisted waste may occur at any landfill in the United States, site-specific considerations are not usually given. The DRAS model is based on

national averages of the site specific factors and is intended to model a reasonable worst case scenario for disposal.

The Agency continues to review chemical-specific parameter data. Where appropriate, these data will be incorporated into the DRAS analyses. However, as explained above, in delisting analyses, site specific characteristics (beyond waste constituent concentration and volume) are not incorporated into analyses. Default values are given for many parameters used in risk. The Agency can not fully evaluate how release mechanisms and exposure scenarios may be impacted because the final disposal location remains undefined. See Tenneco Automotive Proposed Rule, 66 FR 24088, May 11, 2001 and the proposed Rule for Bekaert Steel Corporation in Rogers, AR, 61 FR 32748, June 25, 1996.

Delphi comments that the DRAS assumes that landfill is unlined and that leaching occurs from the beginning which is counter to performance standard and use of liners, covers & slurry walls. The assumption of no liner is not consistent with CMTP which assumes a liner. The DRAS model should allow for the option of including a liner and should use Subtitle D landfill characteristics.

There are existing solid waste landfills which have no liner. Over time, liners also fail, delistings do not currently have an expiration date, therefore it is reasonable to consider scenarios for liner failure or that no liner exists. After a delisting has been granted, the Agency does not designate a specific landfill where the waste may be disposed. Therefore, the Agency has assumed a reasonable worst case scenario of no liner.

The DRAS assumes minimal cover which increases volatilization and particulate emission estimates which may not be reasonable.

Since disposal of a delisted material may occur in any unauthorized State, we must evaluate whether a State may or may not have regulatory requirements for daily cover. Regulations requiring daily cover on municipal landfills do not necessarily apply to industrial solid waste landfills. Furthermore, violations do occur. The worst case scenario must consider that the minimal requirements for daily cover exists.

General Motors and Delphi comments that the terms used in the DRAS should be more clearly defined. Does the term Cw for waste contamination account for the total mass of contamination in the waste or only that portion that may enter the aqueous phase and be transported into the unsaturated zone and/or the leachable portion?

All terms and equations used in the Delisting Risk Assessment Software (DRAS) program are discussed in the Delisting Technical Support Document (DTSD). All abbreviations, acronyms, and variables are listed in Chapter 1, pages x-xx of the DTSD. The DTSD is updated to reflect revisions and modifications to risk algorithms and methodology. The Agency encourages all users and reviewers to comment on the technical support documentation and continues to improve the clarity and transparency of the DTSD. The term Cw is not used in the document. Without specific information to the page location/screen location of the term referenced in the question above, no further response can be provided.

Does a Hazard Index of greater than 1 mean that the waste cannot be delisted?

A Hazard Index (HI) of 1 does not mean that the waste cannot be delisted, but that a more thorough evaluation of the waste will be necessary. In cases where the HI exceeds one for the entire waste, the Agency will then go on to evaluate the target organ for the critical effect of those chemicals contributing to the total HI. In some cases, the hazards associated with various chemicals in the waste result from effects to the same target organ, and are indeed additive. In other cases, the hazards of different chemicals impact different target organs, and are not additive, in which case the HI is lowered accordingly. The DRAS automatically assumes the conservative approach; summing all hazards to calculate the HI.

What criteria determine whether the allowable leachate concentration is set by SDWA MCL, DRAS calculation, treatment technology or toxicity characteristic level? Are some levels below background?

The allowable level is the most conservative of the DRAS calculations, a calculation based on the Safe Drinking Water Act Maximum Contaminant Level (MCL) or the toxicity characteristic level. Technology based treatment standards are not considered. The exception to this is the level for arsenic which is frequently calculated based on the concentration allowed by the MCL. Does EPA policy require that MCL or SW criteria be met? Does this policy apply at all downgradient distances or just those corresponding to the DAF?

Groundwater must meet MCL criteria but not surface water criteria. The DAF is used to calculate the concentration in the groundwater at a well a set distance downgradient. This distance was based on the results of a survey which identified the distance to the closest drinking water wells located near solid waste landfills throughout the country.

The pH of a landfill is generally higher than the pH of the extraction fluid used in the TCLP which affects the leachability of the metals.

The leachability of this waste was measured using three different extraction fluids representing a range of pH values. The pH values evaluated in this petition ranged from pH 4.93, 7.0, and 10.1. This is a fairly new piece of information requested by the Agency to evaluate whether the waste leachability will be significantly affected by changes in the pH environment.

The duration of leaching 18 min or 18 hr. may over or underestimate the leachability of some constituents. The Toxicity Characteristic Leaching Procedure (TCLP) does not account for variations in time to equilibrium for different species. The TCLP under predicts the maximum concentration of some anions and does not account for a variety of processes that can affect leachate quality, quantity and migration.

For regulatory purposes, the TCLP must be performed in 18 ± 2 hours. Eighteen hours is theoretically the residence time the aqueous phase remains in contact with the solid phase as it percolates through the waste in a landfill scenario. Assuming the data are being used for other purposes there is still no logical basis for decreasing the leaching time, since any lesser leaching time will generally under estimate the potential constituent concentrations.

The Agency should verify if the TCLP accounts for Dissolved Oxygen Content (DOC) in leachate which affects mobility of metals in the aquifer.

The TCLP does not account for site-specific conditions such as conductivity, pH, dissolved oxygen, and total dissolved solids. It is to be anticipated that no test methodology will be universally appropriate in all circumstances and will be varied based upon discrete site-specific conditions as was anticipated by the rule promulgating revisions to the TCLP. See, 55 FR 11798 (March 29, 1990) and

the Reynolds Metals Delisting Repeal 62 FR 41005 (July 31, 1997).

It may be appropriate for the Agency to consider data from the SPLP.

The Agency would consider any additional data that the petitioner chooses to submit. At this time the Agency requires leach testing for stabilized waste at 3 different pHs. The Agency also evaluates data from the Multiple Extraction Procedure (MEP). During the development of the Sampling and Analysis Plan for this delisting petition, the Agency and petitioner discussed which analytical methods were to be used and the approach for adequate characterization of the waste. The TCLP and testing at 3 different pHs were deemed appropriate analyses for characterizing this waste.

Several assumptions used in the DRAS model are unlikely and unreasonable: (1) A receptor lives and works at a single location 100 m downgradient and is exposed 350 days/yr; (2) Individuals are exposed to the 90th percentile level for all paths; (3) All media flow toward the receptor; (4) The landfill volume and conditions from 1987 is still valid; (5) The waste is placed uniformly at great depth over the whole landfill; (6) Only the most sensitive pathway for each constituent is selected which is an unlikely scenario; (7) First order decay applies although processes of oxidation, hydrolysis and biodegredation are not considered separately; (8) Transformation rate may not be reasonable for biological processes; (9) Fate and leaching estimates should include Kow, pKa, Henry's Law and potential for biological transformation; (10) All streams are fishable and representative; and (11) Nickel has a fish BCF of 307 which is unsupported by peer review publications and EPA's own documents. The DRAS model is intended to model a reasonable worst case model and is based on national averages of these factors. This is the same assumption used for the EPACML.

The DRAS employs risk assessment default parameters that are accepted throughout the Agency in risk analyses (i.e., residential exposure @ 350 days/yr, selection of the 90th percentile). These default standards are described and listed in Appendix A of the DTSD.

The DRAS does employ a conservative approach to exposure assessment by assuming the receptor may be exposed to both the most sensitive groundwater pathway and the most sensitive surface exposure pathway. To maximize the impact of the waste, the model assumes uniform placement of the waste and selects the most sensitive pathway for each constituent. The Agency has no way of knowing that this situation will not occur and therefore deems it prudent to protect for this condition by adding risks. Again, the Agency has no way of knowing the direction of media flow and must assume that all media flow may move toward the receptor. The Agency has no data to indicate that the landfill volume data and other data from the 1987 landfill survey report is not valid. When updated data are available, they will be incorporated into the analyses.

The groundwater fate and transport model used by the Agency to determine first order decay and other processes is the EPA's Composite Model for Leachate Migration with Transformation Products (EPACMTP). This model has been peer reviewed and received an excellent review from the Science Advisory Board (SAB). EPA has proposed use of this SAB-reviewed model and no convincing comments to the contrary have been received. The bioconcentration factor (BCF) for nickel has been revised from 307 to 78. The revised nickel BCF will be incorporated into the upcoming DRAS version 2.0.

GM and Delphi both comment that the model does not account for the uncertainty or sensitivity estimate on this exposure. Without a sensitivity analysis it is impossible to determine if a single pathway drives the risk. If data for most sensitive parameter is uncertain or limited, confidence in the result will be poor.

The DRAS provides the forward-calculated risk level and back-calculated allowable waste concentration for each exposure pathway, thereby permitting the user to determine which pathway drives the risk for a given chemical. These analyses are currently provided for the user by the DRAS program on the Chemical-Specific Results screen.

What is the effect of assuming a DAF of 18?

The Dilution Attenuation Factor (DAF) of 18 is a conservative DAF determined by the EPACMTP fate and transport model for the landfill waste management scenario. The DAF of 18 represents the class of organic chemicals for non-degrading, non-sorbing, characteristics. When creating a chemical to add to the DRAS chemical library for use in DRAS analyses, we recommend using a conservative value.

What is the sensitivity of using the 50th percentile on release and risk estimates?

The DRAS assessment uses high end estimates from the 90th percentile to select the best available data for each parameter. As mentioned in 65 FR 58019 (September 27, 2000), some EPA risk assessments may select the 50th percentile of the best available to represent typical values. The DRAS assessment always defaults to high-end values.

The BCF of 307 for nickel in fish is unsupported in EPA's own documents. Nickel does not bioaccumulate due to incomplete adsorption and rapid excretion. Literature values are much less. BCF should not be used for predicting chronic toxicity. Some organs can regulate internal concentrations. Ni^{+2}, not the parent, is persistent and bioavailable.

The Bioconcentration Factor (BCF) for nickel has been revised to 78 and will be incorporated into DRAS version 2.0. This value is based on the geometric mean of 3 laboratory values (100, 100, 47). Further background on the studies used to derive these BCFs is available in the document entitled ''Screening Level Ecological Risk Assessment Protocol for Hazardous Waste Combustion Facilities'' (EPA530–D–99–001). However, neither BCF value (307 or 78) will have an impact on the delisting levels for nickel as the delisting level is driven by the groundwater ingestion pathway. In the DRAS risk analyses, nickel does not constitute an appreciable risk via surface pathways including fish ingestion in which the BCF is used to calculate risk.

How does the model distinguish metals that are important for some animals?

Delisting levels for metals far exceed any micronutrient levels. These micronutrient levels are accounted for in the delisting levels but the excess of the delisting level is not significant enough to pose a risk to the animals.

Current science suggests that the skin and respiratory tract are targets for soluble nickel salts yet the model literature states that the target organs and critical effects are decreased organ and or body weights.

The oral Reference Dose (RfD) is based on the assumption that thresholds exist for certain toxic effects such as cellular necrosis. It is expressed in units of mg/kg-day. Ambrose, et al. in ''Long-term Toxicologic Assessment of Nickel in Rats and Dogs'' [1] reported the results of a 2-year feeding study using rats given 0, 100, 1000 or 2500 ppm nickel (estimated as 0, 5, 50 and 125 mg Ni/

[1] Ambrose, A.M., P.S. Larson, J.R. Borzelleca and G.R. Hennigar, Jr. 1976. Long-term toxicologic Assessment of Nickel in Rats and Dogs. J. Food Sci. Technol. 13: 181–187.

kg bw) in the diet. Clinical signs of toxicity, such as lethargy, ataxia, irregular breathing, cool body temperature, salivation and discolored extremities, were seen primarily in the 100 mg/kg/day group; these signs were less severe in the 35 mg/kg/day group. Based on the results obtained in this study, the 5 mg/kg/day nickel dose was a ''no observed adverse effect levels'' (NOAEL), whereas 35 mg/kg/day was a ''lowest observed adverse effects levels'' (LOAEL) for decreased body and organ weights. For further information, please refer to the Agency's IRIS database.

In aquatic environs, much of the nickel present as ionic or stable organic complexes. Hence much of the nickel is insoluble with minimal bioavailability. Also, soil which contains high organic matter will limit nickel's mobility. Are maximum permissible levels set below background? Background levels for nickel are approximately 3.3 ppb freshwater; 2.1 ppb groundwater; 4 to 30 mg/kg soil.

The Agency agrees that some nickel may be insoluble, have minimal bioavailability, and have mobility dependent on organic content. However as explained above, in delisting analyses, site specific characteristics (beyond waste constituent concentration and volume) are not incorporated into analyses. Default values are given for many parameters used in risk analyses including the organic content of fishable waters. The Agency has no way of knowing what streams may be impacted and, therefore, establishes a conservative estimate of pertinent variables.

The DRAS is complex and EPA must explain the models and risk processes used in establishing regulatory limits.

Attached to the Delisting Risk Assessment Software is a Technical Support Document which explains the risk algorithms and documentation of the decisions made in development of the model. Publication costs prohibit the inclusion of all this information into the **Federal Register** notice but it is readily available in both the Technical Support Document and at the Region 6 Delisting page (*www.epa.gov/earth1/r6/pd-o/pd-o.htm*). However, the Agency believes that the Delisting Risk Assessment Software is no more complex than use of the EPACML for delisting, just because the calculations have been computerized make them no more difficult to understand than the EPACML. Similar regression models were developed for the DRAS. The risk pathways for surface water and air volatilization are evaluated by the same equations used previously in the delisting program. And finally, the pathways for showering and dermal contact are equations which are commonly used in risk assessments performed for cleanups and site assessments under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) commonly known as Superfund and other programs.

EPA should confirm stoichiometry, speciation charge, formula weight, equilibrium and enthalpy estimates with regard to metal and organic ligands as risks from metal ion concentrations may be overestimated.

The Agency continues to review chemical-specific parameter data. Where appropriate, these data will be incorporated into the DRAS analyses. Currently, MINTEQA2 is used in the EPACMTP. As refinements to metals speciation with regards to groundwater fate and transport become available, they will be incorporated into the EPACMTP model. However, as explained above, in delisting analyses, site specific characteristics (beyond waste constituent concentration and volume) are not incorporated into analyses. Default values are given for many parameters used in risk. The Agency has no way of knowing how release mechanisms and exposure scenarios may be impacted given the final disposal location remains undefined.

The model may estimate fate and transport concentration that exceed water solubility.

It is assumed that this comment refers to the groundwater fate and transport model used by DRAS (i.e., the EPACMTP). Indeed, if waste concentration exceeds soil saturation, free form conditions may occur and the assumptions of the EPACMTP may be compromised. Therefore, soil saturation values have been incorporated into DRAS and the program will notify the user if a waste concentrations exceed soil saturation concentrations. Ambient water concentrations may be influenced by more than chemical solubility (e.g., organic content). Total concentrations that exceed 1% are also highlighted and flagged within the DRAS so that further evaluation can be performed.

The use of the NOAEL in Rfd calculations has been challenged by the Science Advisory Board (SAB). The dose response relationship and the consistency in response level are not identified. Regulatory limits are based more on experimental exposure than on biological relevance.

The EPA still uses the no observed adverse effect levels (NOAEL) in the development of a reference dose (RfD). Until such time that the Agency redefines RfD methodology, delisting will continue to determine hazards based on RfDs recommended by EPA's IRIS (Integrated Risk Information System) database. The Agency continues to support the use of RfDs in delisting determinations in such a manner consistent with EPA risk assessment methodology. The EPA risk assessors and EPA's Office of Research and Development scientists who have peer reviewed the DRAS have not questioned the method in which RfDs are employed in the DRAS analyses.

GM and Delphi both comment that model should be peer reviewed and the public should have the formal opportunity to provide comments.

The model has been peer reviewed by EPA risk assessors and EPA's Office of Research and Development scientists. The public has the opportunity to comment on the DRAS model each time a delisting is proposed which is based on the DRAS model. The Agency is currently using the same level of public review used by the delisting program in the use of new models. The same notice procedures were provided for the use of the EPA Composite Model for Landfills in 1991. The model's use as modified for the delisting program was promulgated in conjunction with its use in the Reynolds Metals Delisting petition See, 56 FR 32993 (July 18, 1991).

GM summarizes its comments on the DRAS by stating that (1) EPA is proposing significant changes to the methodology it uses to evaluate delisting petitions. It appears the changes would apply to all future delisting petitions. (2) The proposed changes are complex. Not enough information has been provided about the various assumptions, methodologies, and interactions between variables used by EPA in its model. (3) It appears that the proposed changes would apply in all EPA Regions, (4) The proposed changes may include elements of the still-draft, unpromulgated, and controversial HWIR waste model. It is inappropriate and contrary to law and the Administrative Procedures Act to use a model prior to

public notice and comment. (5) No **Federal Register** notice has been given to clearly indicate the EPA plans to change the way it reviews and evaluates delisting petitions. Instead, references to the changes in the model have been made as part of proposals to delist specific waste streams. (6) The model should be peer reviewed and if EPA is changing the model it uses to evaluate delisting petitions (from the EPACML to the DRAS model) USEPA should provide specific and clear public notification of this intent. The risk assessment methodology for delisting that has been used since 1991 should still apply until public review period is completed.

The EPA is following the same notice provided for changing from the VHS model to the EPA Composite Model for Landfills (EPACML). See 56 FR 32993, July 18, 1991. The public has the opportunity to comment on the DRAS model each time a delisting is proposed which is based on the DRAS model. General Motors has not stated any reason why the DRAS model is not appropriate for use in evaluating the risk associated with the Tenneco Delisting.

General Motors states that use of model with public review and comment is a violation of the Administrative Procedures Act and law. Opportunity for public review and comment is provided for each delisting petition. Comments are requested for each delisting decision regarding the decision to delist the waste and use of a model to assess the risk posed to human health and the environment. Each time the model is used, just as with the use of the EPACML, the public and interested stakeholders can comment on the appropriateness of the use. In fact, each proposed rule for approving a delisting proposes the use of a model in the evaluation of risk and asks for comment. Examples can be seen in the **Federal Register** for the EPACML as well as the DRAS. See, 56 FR 32993, (July 18, 1991), 64 FR 44867 (August 18, 1999), and 65 FR 75641, (December 4, 2000). Any petitioner or interested party may suggest more appropriate evaluation tools for predicting risk. Thus, EPA believes that adequate public notice has been provided and the APA has not been violated.

V. Regulatory Impact

Under Executive Order 12866, EPA must conduct an ''assessment of the potential costs and benefits'' for all ''significant'' regulatory actions. The final to grant an exclusion is not significant, since its effect, if promulgated, would be to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction would be achieved by excluding waste generated at a specific facility from EPA's lists of hazardous wastes, thereby enabling this facility to manage its waste as nonhazardous. There is no additional impact therefore, due to this final rule. Therefore, this proposal would not be a significant regulation and no cost/benefit assessment is required. The Office of Management and Budget (OMB) has also exempted this rule from the requirement for OMB review under section (6) of Executive Order 12866.

VI. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility analysis is required however if the Administrator or delegated representative certifies that the rule will not have any impact on a small entities.

This rule if promulgated, will not have an adverse economic impact on small entities since its effect would be to reduce the overall costs of EPA's hazardous waste regulations. Accordingly, I hereby certify that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. This regulation therefore, does not require a regulatory flexibility analysis.

VII. Paperwork Reduction Act

Information collection and record-keeping requirements associated with this final rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Public Law 96–511, 44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2050–0053.

VIII. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, which was signed into law on March 22, 1995, EPA must prepare a written statement for rules with Federal mandates that may result in estimated costs to State, local, and tribal governments in the aggregate, or to the private sector of $100 million or more in any one year. When such a statement is required for EPA rules, under section 205 of the UMRA, EPA must identify and consider alternatives, including the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. EPA must select that alternative, unless the Administrator explains in the final rule why it was not selected or it is inconsistent with law. Before EPA establishes regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must develop under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements. The UMRA generally defines a Federal mandate for regulatory purposes as one that imposes an enforceable duty upon State, local, or tribal governments or the private sector. The EPA finds that this final delisting decision is deregulatory in nature and does not impose any enforceable duty upon State, local, or tribal governments or the private sector. In addition, the final delisting does not establish any regulatory requirements for small governments and so does not require a small government agency plan under UMRA section 203.

IX. Congressional Review Act

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 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, the Comptroller General of the United States prior to publication of the final rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will become effective on the date of publication in the **Federal Register**.

X. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If

the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' This rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

XI. Executive Order 13045

The Executive Order 13045 is entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This order applies to any rule that EPA determines (1) is economically significant as defined under Executive Order 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to Executive Order 13045 because this is not an economically significant regulatory action as defined by Executive Order 12866.

XII. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to meaningful and timely input'' in the development of regulatory policies on matters that significantly or uniquely affect their communities of Indian tribal governments. This rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

XIII. National Technology Transfer and Advancement Act

Under section 12(d) if the National Technology Transfer and Advancement Act, the Agency is directed to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) developed or adopted by voluntary consensus standard bodies. Where available and potentially applicable voluntary consensus standards are not used by EPA, the Act requires that Agency to provide Congress, through the OMB, an explanation of the reasons for not using such standards.

This rule does not establish any new technical standards and thus, the Agency has no need to consider the use of voluntary consensus standards in developing this final rule.

Lists of Subjects in 40 CFR Part 261

Environmental protection, Hazardous Waste, Recycling, Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. 6921(f).

Dated: July 27, 2001.

Stephen Gilrein,

Acting Director of Multimedia Planning and Permitting Division.

For the reasons set out in the preamble, 40 CFR part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. In Table 1, 2, and 3 of Appendix IX, part 261 add the following waste stream in alphabetical order by facility to read as follows:

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
*	*	* * * * *
Eastman Chemical Company	Longview, Texas	Wastewater treatment sludge, (at a maximum generation of 82,100 cubic yards per calendar year) generated by Eastman (EPA Hazardous Waste Nos. F001, F002, F003, F005 generated at Eastman when disposed of in a Subtitle D landfill. Eastman must implement a testing program that meets the following conditions for the exclusion to be valid: (1) *Delisting Levels:* All concentrations for the following constituents must not exceed the following levels (mg/l). For the wastewater treatment sludge constituents must be measured in the waste leachate by the method specified in 40 CFR 261.24. Wastewater treatment sludge: (i) Inorganic Constituents: Antimony-0.0515; Barium-7.30; Cobalt-2.25; Chromium-5.0; Lead-5.0; Mercury-0.0015; Nickel-2.83; Selenium-0.22; Silver-0.384; Vanadium-2.11; Zinc-28.0

TABLE 1.—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(ii) Organic Constituents: Acenaphthene-1.25; Acetone—7.13; bis(2-ethylhexylphthalate—0.28; 2-butanone—42.8; Chloroform—0.0099; Fluorene—0.55; Methanol-35.7; Methylene Chloride—0.486; naphthalene-0.0321. (2) *Waste Holding and Handling:* If the concentrations of the sludge exceed the levels provided in Condition 1, then the sludge must be treated in the Fluidized Bed Incinerator (FBI) and meet the requirements of that September 25, 1996 delisting exclusion to be non-hazardous (as FBI ash). If the sludge meets the delisting levels provided in Condition 1, then it's non-hazardous (as sludge). If the waste water treatment sludge is not managed in the manner above, Eastman must manage it in accordance with applicable RCRA Subtitle C requirements. If the levels of constituents measured in the samples of the waste water treatment sludge do not exceed the levels set forth in Condition (1), then the waste is nonhazardous and may be managed and disposed of in accordance with all applicable solid waste regulations. During the verification period, Eastman must manage the waste in the FBI incinerator prior to disposal. (3) *Verification Testing Requirements:* Eastman must perform sample collection and analyses, including quality control procedures, according to SW–846 methodologies. After completion of the initial verification period, Eastman may replace the testing required in Condition (3)(A) with the testing required in Condition (3)(B). Eastman must continue to test as specified in Condition (3)(A) until and unless notified by EPA in writing that testing in Condition (3)(A) may be replaced by Condition (3)(B). (A) *Initial Verification Testing:* At quarterly intervals for one year after the final exclusion is granted, Eastman must collect and analyze composites of the wastewater treatment sludge for constituents listed in Condition (1). (B) *Subsequent Verification Testing:* Following termination of the quarterly testing, Eastman must continue to test a representative composite sample for all constituents listed in Condition (1) on an annual basis (no later than twelve months after the final exclusion). (4) *Changes in Operating Conditions.* If Eastman significantly changes the process which generate(s) the waste(s) and which may or could affect the composition or type of waste(s) generated as established under Condition (1) (by illustration, but not limitation, change in equipment or operating conditions of the treatment process or generation of volumes in excess 82,100 cubic yards of waste annually), Eastman must (A) notify the EPA in writing of the change and (B) may no longer handle or manage the waste generated from the new process as nonhazardous until Eastman has demonstrated through testing the waste meets the delisting levels set in Condition (1) and (C) Eastman has received written approval to begin managing the wastes as non-hazardous from EPA. (5) *Data Submittals.* Eastman must submit or maintain, as applicable, the information described below. If Eastman fails to submit the required data within the specified time or maintain the required records on-site for the specified time, EPA, at its discretion, will consider this sufficient basis to reopen the exclusion as described in Condition (6). Eastman must: (A) Submit the data obtained through Condition (3) to Mr. William Gallagher, Chief, Region 6 Delisting Program, EPA, 1445 Ross Avenue, Dallas, Texas 75202–2733, Mail Code, (6PD–O) within the time specified. (B) Compile records of operating conditions and analytical data from Condition (3), summarized, and maintained on-site for a minimum of five years. (C) Furnish these records and data when EPA or the State of Texas request them for inspection. (D) Send along with all data a signed copy of the following certification statement, to attest to the truth and accuracy of the data submitted: (i) Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. 1001 and 42 U.S.C. 6928), I certify that the information contained in or accompanying this document is true, accurate and complete.

TABLE 1.—WASTE EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(ii) As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete. (iii) If any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion. (6) *Reopener Language:* (A) If, anytime after disposal of the delisted waste, Eastman possesses or is otherwise made aware of any environmental data (including but not limited to leachate data or groundwater monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified for the delisting verification testing is at level higher than the delisting level allowed by the Regional Administrator or his delegate in granting the petition, then the facility must report the data, in writing, to the Regional Administrator or his delegate within 10 days of first possessing or being made aware of that data. (B) If the annual testing of the waste does not meet the delisting requirements in Condition (1), Eastman must report the data, in writing, to the Regional Administrator or his delegate within 10 days of first possessing or being made aware of that data. (C) If Eastman fails to submit the information described in Conditions (5),(6)(A) or (6)(B) or if any other information is received from any source, the Regional Administrator or his delegate will make a preliminary determination as to whether the reported information requires Agency action to protect human health or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment. (D) If the Regional Administrator or his delegate determines that the reported information does require Agency action, the Regional Administrator or his delegate will notify the facility in writing of the actions the Regional Administrator or his delegate believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing the facility with an opportunity to present information as to why the proposed Agency action is not necessary. The facility shall have 10 days from the date of the Regional Administrator or his delegate's notice to present such information. (E) Following the receipt of information from the facility described in Condition (6)(D) or (if no information is presented under Condition (6)(D)) the initial receipt of information described in Conditions (5), (6)(A) or (6)(B), the Regional Administrator or his delegate will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment. Any required action described in the Regional Administrator or his delegate's determination shall become effective immediately, unless the Regional Administrator or his delegate provides otherwise. (7) *Notification Requirements.* Eastman must do following before transporting the delisted waste off-site: Failure to provide this notification will result in a violation of the delisting petition and a possible revocation of the exclusion. (A) Provide a one-time written notification to any State Regulatory Agency to which or through which they will transport the delisted waste described above for disposal, 60 days before beginning such activities. (B) Update the one-time written notification if they ship the delisted waste into a different disposal facility.

TABLE 2.—WASTE EXCLUDED FROM SPECIFIC SOURCES

Facility	Address	Waste description
* * *	* * *	* * *
Eastman Chemical Company	Longview, Texas	Wastewater treatment sludge, (at a maximum generation of 82,100 cubic yards per calendar year) (EPA Hazardous Waste Nos. K009, K010) generated at Eastman. Eastman must implement the testing program described in Table 1. Waste Excluded From Non-Specific Sources for the petition to be valid.

TABLE 3.—WASTE EXCLUDED FROM COMMERCIAL CHEMICAL PRODUCTS, OFF SPECIFICATION SPECIES, CONTAINER RESIDUES, AND SOIL RESIDUES THEREOF

Facility	Address	Waste description
* * *	* * *	* * * *
Eastman Chemical Company	Longview, Texas	Wastewater treatment sludge, (at a maximum generation of 82,100 cubic yards per calendar year) generated by Eastman (EPA Hazardous Waste Nos. U001, U002, U028, U031, U069, U088, U112, U115, U117, U122, U140, U147, U154, U159, U161, U220, U226, U239, U359). Eastman must implement the testing program described in Table 1. Waste Excluded From Non-Specific Sources for the petition to be valid.
* * *	* * *	* * * *

[FR Doc. 01–20262 Filed 8–15–01; 8:45 am]
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S. 468/P.L. 107–23

To designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building". (Aug. 3, 2001; 115 Stat. 198)

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ILSA Extension Act of 2001 (Aug. 3, 2001; 115 Stat. 199)

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