9–5–01 Wednesday
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WASHINGTON, DC

WHEN: September 20, 2001—9:00 a.m. to noon

WHERE: Office of the Federal Register
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800 North Capitol Street, NW.
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(3 blocks north of Union Station Metro)

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Contents

Federal Register

Vol. 66, No. 172

Wednesday, September 5, 2001

Separate Parts In This Issue

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 66, No. 172
Wednesday, September 5, 2001

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Docket No. 01–080–1

Oriental Fruit Fly; Designation of Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Oriental fruit fly regulations by quarantining a portion of San Bernardino County, CA, and restricting the interstate movement of regulated articles from the quarantined area. This action is necessary on an emergency basis to prevent the spread of the Oriental fruit fly into noninfested areas of the United States.

DATES: This interim rule was effective August 29, 2001. We invite you to comment on this docket. We will consider all comments that we receive by November 5, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 01–080–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 01–080–1.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Knight, PPQ, APHIS, 4700 River Road Unit 36, Riverdale, MD 20737–1231; (301) 734–8039.

SUPPLEMENTARY INFORMATION:

Background

The Oriental fruit fly, *Bactrocera dorsalis* (Hendel), is a destructive pest of citrus and other types of fruit, nuts, vegetables, and berries. The short life cycle of the Oriental fruit fly allows rapid development of serious outbreaks, which can cause severe economic losses. Heavy infestations can cause complete loss of crops.

The Oriental fruit fly regulations, contained in 7 CFR 301.93 through 301.93–10 (referred to below as the regulations), were established to prevent the spread of the Oriental fruit fly to noninfested areas of the United States. Section 301.93–3(a) provides that the Administrator will list as a quarantined area each State, or each portion of a State, in which the Oriental fruit fly has been found by an inspector, in which the Administrator has reason to believe the Oriental fruit fly is present, or that the Administrator considers necessary to regulate because of its proximity to the Oriental fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Oriental fruit fly has been found. The regulations impose restrictions on the interstate movement of regulated articles from the quarantined areas. Quarantined areas are listed in § 301.93–3(c).

Less than an entire State will be designated as a quarantined area only if the Administrator determines that: (1) The State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are substantially the same as those imposed on the interstate movement of regulated articles; and (2) The designation of less than the entire State as a quarantined area will prevent the interstate spread of the Oriental fruit fly.

Recent trapping surveys by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service (APHIS) reveal that a portion of San Bernardino County, CA, is infested with the Oriental fruit fly. The Oriental fruit fly is not known to exist anywhere else in the continental United States.

State agencies in California have begun an intensive Oriental fruit fly eradication program in the quarantined area in San Bernardino County. Also, California has taken action to restrict the intrastate movement of regulated articles from the quarantined area.

Accordingly, to prevent the spread of the Oriental fruit fly to other States, we are amending the regulations in § 301.93–3 by designating a portion of San Bernardino County, CA, as a quarantined area for the Oriental fruit fly. The quarantined area is described in the rule portion of this document.

Emergency Action

This rulemaking is necessary on an emergency basis to prevent the Oriental fruit fly from spreading to noninfested areas of the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

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

Executive Order 12866 and Regulatory Flexibility Act

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

This action amends the Oriental fruit fly regulations by adding a portion of SanBernardino County, CA, to the list of quarantined areas. The regulations restrict the interstate movement of regulated articles from the quarantined area. County records indicate there are 10 to 15 small growers within the quarantined area who will be affected by this rule. There is no commercial

agricultural acreage nor any flea markets or certified farmers markets within the quarantined area. The number of nurseries and fruit and produce dealers located within the quarantined area is presently unknown.

We expect that any small entities located within the quarantined area that sell regulated articles do so primarily for local intrastate, not interstate, movement, so the effect, if any, of this rule on these entities appears to be minimal. The effect on any small entities that may move regulated articles intrastate will be minimized by the availability of various treatments that, in most cases, will allow these small entities to move regulated articles interstate with very little additional cost.

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

Executive Order 12372

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

Executive Order 12988

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

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this interim rule. The site-specific environmental assessment provides a basis for the conclusion that the implementation of integrated pest management to eradicate the Oriental fruit fly will not have a significant impact on human health and the natural environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 am. and 4:30 p.m. Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 301

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

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

PART 301—DOMESTIC QUARANTINE NOTICES

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

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

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

2. In § 301.93–3, paragraph (c) is revised to read as follows:

§ 301.93–3 Quarantined areas.

* * * * *

(c) The areas described below are designated as quarantined areas:

California

San Bernardino County. That portion of the county beginning at the intersection of Interstate Highway 10 and Mills Avenue; then east on Mills Avenue to Haven Avenue; then south on Haven Avenue to Edison Avenue; then west on Edison Avenue to Archibald Avenue; then south on Archibald Avenue to Merrill Avenue; then west on Merrill Avenue to Carpenter Avenue; then south on Carpenter Avenue to Remington Avenue; then west on Remington Avenue to Grove Avenue; then south on Grove Avenue to Kimball Avenue; then west on Kimball Avenue to El Prado Road; then northwest on El Prado Road to Central Avenue; then southwest on Central Avenue to State Highway 71; then northwest on State Highway 71 to Schaefer Avenue; then east on Schaefer Avenue to East End Avenue; then north on East End Avenue to Grand Avenue; then east on Grand Avenue to Kadota Avenue; then north on Kadota Avenue to Mills Avenue; then northeast on Mills Avenue to the point of beginning.

Done in Washington, DC, this 29th day of August 2001.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–22241 Filed 9–4–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ASO–10]

Amendment of Class E5 Airspace; Ocracoke, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E5 airspace at Ocracoke, NC. On October 12, 1999, the Pamlico Nondirectional Radio Beacon (NDB) was decommissioned, canceling the Standard Instrument Approach Procedure (SIAP) to the Ocracoke Island Airport, served by this NAVAID. Therefore, the airspace legal description must be amended to reflect this change.

EFFECTIVE DATE: 0901 UTC, November 1, 2001.

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

SUPPLEMENTARY INFORMATION:

History

The Pamlico NDB was decommissioned on October 12, 1999, canceling the SIAP to the Ocracoke Island Airport served by this NAVAID. The extension to the Class E airspace, to accommodate the SIAP, is no longer

required. As a result, the airspace legal description must be amended. This rule will become effective on the date specified in the **EFFECTIVE DATE** section. Since this action eliminates the impact of controlled airspace on the users of the airspace in the vicinity of the Ocracoke Island Airport, Ocracoke, NC, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E5 airspace at Ocracoke, NC.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by Reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO NC E5 Ocracoke, NC [Revised]

Ocracoke Island Airport, NC
(Lat. 35°06′05″N., long. 75°57′58″W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Ocracoke Island Airport.

* * * * *

Issued in College Park, Georgia, on August 8, 2001.

Wade T. Carpenter,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 01–22246 Filed 9–4–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

New Animal Drugs; Change of Sponsor's Name and Address

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor's name and address for Baxter Pharmaceutical Products, Inc.

DATES: This rule is effective September 5, 2001.

ADDRESSES: Lonnie W. Luther, Center for Veterinary Medicine (HFV–102), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0209.

SUPPLEMENTARY INFORMATION: Baxter Pharmaceutical Products, Inc., 110 Allen Rd., Liberty Corner, NJ 07938, has informed FDA of a change of name and address to Baxter Healthcare Corp., 95 Spring St., New Providence, NJ 07974. Accordingly, the agency is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) to reflect the changes.

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

List of Subjects in 21 CFR Part 510

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

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

PART 510—NEW ANIMAL DRUGS

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

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

2. Section 510.600 is amended in the table in paragraph (c)(1) by revising the entry for ''Baxter Pharmaceutical Products, Inc.'' and in the table in paragraph (c)(2) by revising the entry for ''010019'' to read as follows:

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

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
Baxter Healthcare Corp., 95 Spring St., New Providence, NJ 07974	010019
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
010019	Baxter Healthcare Corp., 95 Spring St., New Providence, NJ 07974
* * * * * * *	

Dated: August 23, 2001.

Claire M. Lathers,

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

[FR Doc. 01–22167 Filed 9–4–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 524

Ophthalmic and Topical Dosage Form New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for an approved new animal drug application (NADA) from Dow B. Hickam, Inc., to Bertek Pharmaceuticals, Inc.

DATES: This rule is effective September 5, 2001.

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

SUPPLEMENTARY INFORMATION: Dow B. Hickam, Inc., Pharmaceuticals, P.O. Box 35413, Houston, TX 77035, has informed FDA that it has transferred to Bertek Pharmaceuticals, Inc., 12720 Dairy Ashford, Sugar Land, TX 77478, ownership of, and all rights and interests in NADA 39–583. Accordingly, the agency is amending the regulations in 21 CFR 524.2620 to reflect the transfer of ownership.

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

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

List of Subjects

21 CFR Part 510

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

21 CFR Part 524

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 524 are amended as follows:

PART 510—NEW ANIMAL DRUGS

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

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

2. Section 510.600 is amended in the table in paragraph (c)(1) by removing the entry for ''Dow B. Hickam, Inc.'' and by alphabetically adding an entry for ''Bertek Pharmaceuticals, Inc.'' and in the table in paragraph (c)(2) by removing the entry for ''000514'' and by numerically adding an entry for ''062794'' to read as follows:

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

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * * * *	
Bertek Pharmaceuticals, Inc., 12720 Dairy Ashford, Sugar Land, TX 77478	062794
* * * * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * * * *	
062794	Bertek Pharmaceuticals, Inc., 12720 Dairy Ashford, Sugar Land, TX 77478
* * * * * * *	

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

3. The authority citation for 21 CFR part 524 continues to read as follows:

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

§ 524.2620 [Amended]

4. Section 524.2620 *Liquid crystalline trypsin, Peru balsam, castor oil* is amended in paragraph (a)(2) by removing ''000514'' and adding in its place ''062794''.

Dated: August 23, 2001.

Claire M. Lathers,

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

[FR Doc. 01–22198 Filed 9–4–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Marbofloxacin Tablets

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pfizer, Inc. The supplemental NADA provides for the use of marbofloxacin tablets in cats for the treatment of infections associated with bacteria susceptible to marbofloxacin.

DATES: This rule is effective September 5, 2001.

FOR FURTHER INFORMATION CONTACT: Melanie R. Berson, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7540.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 East 42d St., New York, NY 10017–5755, is the sponsor of NADA 141–151 that provides for use of Zeniquin™ (marbofloxacin) Tablets for the treatment of infections in dogs associated with bacteria susceptible to marbofloxacin. Pfizer, Inc., filed a supplemental NADA which provides for the addition of cats to product indications. The supplemental NADA is approved as of August 1, 2001, and the regulations in 21 CFR 520.1310 are amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetics Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval for non-food-producing animals qualifies for 3 years of marketing exclusivity beginning August 1, 2001, because the application contains substantial evidence of effectiveness of the drug involved or any studies of animal safety required for approval of the application and conducted or sponsored by the applicant.

The agency has determined under 21 CFR 25.33(d)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

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

2. Section 520.1310 is amended by revising paragraphs (a) and (d) to read as follows:

§ 520.1310 Marbofloxacin tablets.

(a) *Specifications.* Each tablet contains 25, 50, 100, or 200 milligrams (mg) marbofloxacin.

* * * * *

(d) *Conditions of use*—(1) *Amount.* 1.25 mg per pound (/lb) of body weight once daily, but may be increased to 2.5 mg/lb of body weight once daily.

(2) *Indications for use.* For the treatment of infections in dogs and cats associated with bacteria susceptible to marbofloxacin.

(3) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian. Federal law prohibits the extralabel use of this drug in food-producing animals.

Dated: August 21, 2001.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 01–22165 Filed 9–4–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs; Moxidectin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Fort Dodge Animal Health. The supplemental NADA provides for topical use of a 0.5 percent moxidectin solution on cattle for treatment and control of infections of additional life stages and species of gastrointestinal roundworms.

DATES: This rule is effective September 5, 2001.

FOR FURTHER INFORMATION CONTACT: Janis Messenheimer, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7578.

SUPPLEMENTARY INFORMATION: Fort Dodge Animal Health, Div. of American Home Products Corp., 800 Fifth St. NW., Fort Dodge, IA 50501, filed supplemental NADA 141–099 that provides for use of Cydectin® (moxidectin) 0.5% Pour-On for Beef and Dairy Cattle at 500 micrograms moxidectin per kilogram of body weight for treatment and control of infections of additional life stages and species of gastrointestinal roundworms. The supplemental NADA is approved as of June 18, 2001, and the regulations are amended in 21 CFR 524.1451 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval qualifies for 3 years of marketing exclusivity beginning June 18, 2001, because the supplemental application contains substantial evidence of the effectiveness of the drug involved, any studies of animal safety or, in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) required for approval of the application and conducted or sponsored by the applicant.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant impact on human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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

List of Subjects in 21 CFR Part 524

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 524 is amended as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 524 continues to read as follows:

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

2. Section 524.1451 is amended by redesignating paragraph (d) as paragraph (e), by removing the last sentence of newly redesignated paragraph (e)(3), by adding new paragraph (d), and by revising newly redesignated paragraph (e)(2) to read as follows.

§ 524.1451 Moxidectin.

* * * * *

(d) *Special considerations.* See § 500.25 of this chapter.

(e) * * *

(2) *Indications for use.* Beef and dairy cattle: For treatment and control of internal and external parasites: gastrointestinal roundworms (*Ostertagia ostertagi* (adult and L4, including inhibited larvae), *Haemonchus placei* (adult and L4), *Trichostrongylus axei* (adult and L4), *T. colubriformis* (adult and L4), *Cooperia oncophora* (adult and L4), *C. pectinata* (adult), *C. punctata* (adult and L4), *C. spatulata* (adult), *C. surnabada* (adult and L4), *Bunostomum phlebotomum* (adult), *Oesophagostomum radiatum* (adult and L4), *Nematodirus helvetianus* (adult and L4)); lungworms (*Dictyocaulus viviparus*, adult and L4); cattle grubs (H*ypoderma bovis*, *H. lineatum*); mites (*Chorioptes bovis*, *Psoroptes ovis* (*P. communis* var. *bovis*)); lice (*Linognathus vituli*, *Haematopinus eurysternus*, *Solenopotes capillatus*, *Bovicola*(*Damalinia*) *bovis*); and horn flies (*Haematobia irritans*). To control infections and to protect from reinfection with *H. placei* for 14 days after treatment, *O. radiatum* and *O. ostertagi* for 28 days after treatment, and *D. viviparus* for 42 days after treatment.

* * * * *

Dated: August 24, 2001.

Claire M. Lathers,

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

[FR Doc. 01–22200 Filed 9–4–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 556

Tolerances for Residues of New Animal Drugs in Food; Oxytetracycline; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the tolerance for the sum of residues of the tetracyclines in milk previously established but inadvertently removed in a subsequent amendment and to reflect the correct tolerance of 0.3 part per million oxytetracycline in milk. This action is being taken to improve the accuracy of the agency's regulations.

DATES: This rule is effective September 5, 2001.

FOR FURTHER INFORMATION CONTACT: Lynn G. Friedlander, Center for Veterinary Medicine (HFV–151), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–6985.

SUPPLEMENTARY INFORMATION: FDA is amending the animal drug regulations in § 556.500 (21 CFR 556.500) to reflect the tolerance for the sum of residues of the tetracyclines in milk, which had been established in a final rule published in the **Federal Register** of September 30, 1998 (63 FR 52157 at 52158), but removed in a subsequent amendment to § 556.500 in a final rule published in the **Federal Register** of October 27, 1998 (63 FR 57245 at 57246). At this time, § 556.500 is being amended to reflect the correct tolerance of 0.3 part per million for the sum of residues of the tetracyclines including chlortetracycline, oxytetracycline, and tetracycline in milk.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808. Publication of this document constitutes final action on this changes under the Administrative Procedure Act (5 U.S.C. 553).

List of Subjects in 21 CFR Part 556

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 556 is amended as follows:

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

1. The authority citation for 21 CFR part 556 continues to read as follows:

Authority: 21 U.S.C. 342, 360b, 371.

2. Section 556.500 is amended by revising paragraph (b) to read as follows:

§ 556.500 Oxytetracycline.

* * * * *

(b) *Beef cattle, dairy cattle, calves, swine, sheep, chickens, turkeys, catfish, lobster, and salmonids.* Tolerances are established for the sum of residues of the tetracyclines including chlortetracycline, oxytetracycline, and tetracycline, in tissues and milk as follows:

(1) 2 parts per million (ppm) in muscle.

(2) 6 ppm in liver.

(3) 12 ppm in fat and kidney.

(4) 0.3 ppm in milk.

Dated: August 20, 2001.

Claire M. Lathers,

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

[FR Doc. 01–22164 Filed 9–4–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lasalocid and Bacitracin Methylene Disalicylate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Alpharma, Inc. The NADA provides for use of approved, single-ingredient lasalocid and bacitracin methylene disalicylate Type A medicated articles to make two-way combination drug Type C medicated feeds. These combination medicated feeds are used for the prevention of coccidiosis, and for increased rate of weight gain and improved feed efficiency in growing turkeys.

DATES: This rule is effective September 5, 2001.

FOR FURTHER INFORMATION CONTACT: Charles J. Andres, Center for Veterinary Medicine (HFV–128), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–1600.

SUPPLEMENTARY INFORMATION: Alpharma, Inc., One Executive Dr., P.O. Box 1399, Fort Lee, NJ 07024, filed NADA 141–179 that provides for use of AVATEC® (90.7 grams per pound (g/lb) of lasalocid sodium) and BMD® (50 g/lb of bacitracin methylene disalicylate) Type A medicated articles to make combination drug Type C medicated turkey feeds. The combination Type C medicated feeds are used for prevention of coccidiosis caused by *Eimeria meleagrimitis*, *E. gallopavonis*, *E. adenoeides*, and for increased rate of weight gain and improved feed efficiency in growing turkeys. The NADA is approved as of July 11, 2001, and the regulations are amended in 21 CFR 558.311 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(2) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

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

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

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

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

2. Section 558.311 is amended in the table in paragraph (e)(1) by alphabetically adding an item under entry (xv) following ''Bacitracin 4 to 50'' to read as follows:

§ 558.311 Lasalocid.

* * * * *

(e) * * *

(1) * * *

Lasalocid sodium activity in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
* *	*	*	*	*
(xv) 68 (0.0075 pct) to 113 (0.0125 pct)				
	Bacitracin 4 to 50	* * *	* * *	* * *
	Bacitracin methylene disalicylate 4 to 50	Growing turkeys; for prevention of coccidiosis caused by *E. meleagrimitis*, *E. gallopavonis*, and *E. adenoeides*; for increased rate of weight gain and improved feed efficiency.	Feed continuously as sole ration. Bacitracin methylene disalicylate as provided by No. 046573 in § 510.600(c) of this chapter.	046573
* *	*	*	*	*

* * * * *

Dated: August 21, 2001.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 01–22163 Filed 9–4–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Parts 230 and 231a

RIN 0790–AG73

Financial Institutions on DoD Installations

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This final rule removes regulations on ''Procedures governing Banking Offices on DoD Installations'' and revises regulations on ''Financial Institutions on DoD Installations.'' This rule is being promulgated to provide administrative guidelines for the operation of banks and credit unions on domestic and overseas installations of the Department of Defense and addresses areas such as the solicitation for such services, the types of services and the logistics support provided.

DATES: This rule is effective June 1, 2001.

FOR FURTHER INFORMATION CONTACT: T. Summers, 703–602–0299.

SUPPLEMENTARY INFORMATION:

I. Background

Stateside military banking began in 1941 when the Department realized that financial services were urgently needed by military and civilian personnel on domestic installations. To address this need, the Department permitted installation commanders to negotiate with nearby local banks to establish branches on their installation. Today, there are over 230 domestic installations that have either a bank or credit union or both. To ensure consistency between installations in the level, cost and types of financial services offered, the Department established regulations in parts 230 and 231 to govern the operation and oversight of these institutions. These regulations limit the number of financial institutions that may operate on an installation to one bank and one credit union (with a grandfather provision). The regulations require full and open competition for a full spectrum of banking services (to include electronic banking services). Policy guidance relating to the military banking program, by regulation, is the responsibility of the Under Secretary of Defense (Comptroller) while operational guidance rests with the Defense Finance and Accounting Service (DFAS). To ensure financial services are available on our overseas installations, the Department operates the overseas military banking program. The DFAS has been assigned the program office responsibilities for this effort, which is provided under contract by a domestic financial institution. In FY 2000, the overseas military banking program contractor operated 110 banking offices and over 250 automated teller machines in 10 foreign countries. Overseas military banks support DoD personnel and their families, disbursing officers, appropriated fund activities (such as the Defense Commissary Agency) and nonappropriated fund activities (such as the Army and Air Force Exchange Service).

II. Comments, and Changes to, the Proposed Rule

The Department of Defense published the proposed rule on August 11, 1999 (64 FR 43856). Over 240 comments from 55 entities were received in response to the publication of the previously published proposed rule. The majority of the comments on Part 230 of the proposed rule focused on two areas: (1) Prohibiting the assessment of automated teller machine (ATM) surcharging and (2) the establishment of a ceiling for other fees and charges. These comments and their disposition are specifically addressed below. The remainder of the comments were either administrative in nature or suggested that additional clarification was needed in certain areas. None of these resulted in any significant changes to the proposed rule.

A. Section 230.4(a)(7)(i)

This section of the previously published proposed rule would have required that on-base ATM service offered by financial institutions operating on domestic installations and domestic credit unions operating on DoD installations overseas be provided without surcharge. Forty-nine of the fifty-five entities providing comments objected to this limitation. While being sympathetic to the Department's interest in shielding lower income military members and civilian employees from ATM fees, the comments essentially reflected the belief that the freedom from any regulatory constraints relating to a surcharge fee structure should be permitted to create an environment by which the ''economics of the marketplace'' determine the level of any surcharges that an institution might consider levying. In this regard, such factors as operational expense structures, ATM usage factors and the convenience factor should be the litmus test of the extent to which surcharges, if any, should be imposed by the financial institution installing the ATM. It was also noted that ATM surcharges typically are incurred by noncustomers, i.e., by persons who have chosen to use a particular financial institution's ATM, but have chosen not to establish an account relationship with that institution. Thus, the incurring of ATM surcharges is voluntary and an individual can readily avoid surcharges by either establishing a deposit account with that institution or by only using the ATMs of the individual's existing depositary institution. Those entities providing comments on this section made a number of compelling arguments to retain the existing requirement that requires the banking liaison officer (BLO) and credit union liaison officer (CULO) annually review service charges and fees (to include surcharges on ATM transactions). As a result, this section has been deleted in its entirety.

B. Section 230.4(a)(3)(iv)

This section of the previously published proposed rule would have required that retail fees and services for products (to include related minimum balance requirements for noninterest checking, Negotiable Order of Withdrawal (NOW) and savings accounts) offered by financial institutions operating on DoD installations shall not exceed 110 percent of the industry-wide averages for banks in the ''Annual Report to Congress on Retail Fees and Services of Depository Institutions,'' published by the Board of Governors of the Federal Reserve System. In its comments, the National Association of Federal Credit Unions (NAFCU) took exception to the 110 percent limitation citing that a credit union's fee structure is designed to allow credit unions to provide members with convenient and efficient services, as well as, a good return on their ownership interest. The Department has reviewed the concerns expressed and, based on its review, has removed the 110 percent ceiling requirement.

III. Executive Order 12866, Regulatory Planning and Review

It has been determined that 32 CFR part 230 is not a significant regulatory action. The rule does not:

(1) Have an annual effect to the economy of $100 million or more or adversely affect in a material way the

economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

IV. Public Law 96–354, Regulatory Flexibility Act (5 U.S.C. 601)

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. This rule is being promulgated to provide administrative guidelines for the operation of banks and credit unions on domestic and overseas installations of the Department of Defense and address areas such as the solicitation for such services, the types of services and the logistics support provided.

V. Public Law 96–511, Paperwork Reduction Act (44 U.S.C. Chapter 35)

It has been certified that this part does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

VI. Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

It has been certified that the rule does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

VII. Executive Order 13132, ''Federalism''

It has been certified that the rule does not have federalism implications. The rules do 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.

List of Subjects in 32 CFR Parts 230 and 231a

Armed forces, Banks, Banking, Credit unions, Federal buildings and facilities.

Accordingly, 32 CFR part 230 is revised to read as follows:

PART 230—FINANCIAL INSTITUTIONS ON DOD INSTALLATIONS

Sec.

Authority: 10 U.S.C. 136

§ 230.1 Purpose.

This part:

(a) Updates policies and responsibilities for financial institutions that serve Department of Defense (DoD) personnel on DoD installations worldwide. Associated procedures are contained in 32 CFR part 231.

(b) Prescribes consistent arrangements for the provision of services by financial institutions among the DoD Components, and requires that financial institutions operating on DoD installations provide, and are provided, support consistent with the policies stated in this part.

§ 230.2 Applicability.

This part applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff (JCS), the Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter collectively referred to as ''the DoD Components'') and all nonappropriated fund instrumentalities including the Military Exchange Services and morale, welfare and recreation (MWR) activities.

§ 230.3 Definitions.

Terms used in this part are set forth in 32 CFR part 231.

§ 230.4 Policy.

(a) The following pertains to financial institutions on DoD installations:

(1) Except where they already may exist as of May 1, 2000, no more than one banking institution and one credit union shall be permitted to operate on a DoD installation.

(2) Upon the request of an installation commander and with the approval of the Secretary of the Military Department concerned (or designee), duly chartered financial institutions may be authorized to provide financial services on DoD installations to enhance the morale and welfare of DoD personnel and facilitate the administration of public and quasi-public monies. Arrangement for the provision of such services shall be in accordance with this part and the applicable provisions of 32 CFR part 231.

(3) Financial institutions or branches thereof, shall be established on DoD installations only after approval by the Secretary of the Military Department concerned (or designee) and the appropriate regulatory agency.

(i) Except in limited situations overseas (see paragraph (b)(2)(iii) of this section), only banking institutions insured by the Federal Deposit Insurance Corporation and credit unions insured by the National Credit Union Share Insurance Fund or by another insurance organization specifically qualified by the Secretary of the Treasury, shall operate on DoD installations. These financial institutions may either be State or federally chartered; however, U.S. credit unions operated overseas shall be federally insured.

(ii) Military banking facilities (MBFs) shall be established on DoD installations only when a demonstrated and justified need cannot be met through other means. An MBF is a financial institution that is established by the Department of the Treasury under statutory authority that is separate from State or Federal laws that govern commercial banking. Section 265 of title 12, United States Code contains the provisions for the Department of the Treasury to establish MBFs. Normally, MBFs shall be authorized only at overseas locations. This form of financial institution may be considered for use at domestic DoD installations only when the cognizant DoD Component has been unable to obtain, through normal means, financial services from a State or federally chartered financial institution authorized to operate in the State in which the installation is located. In times of mobilization, it may become necessary to designate additional MBFs as an emergency measure. The Director, Defense Finance and Accounting Service (DFAS) may recommend the designation of MBFs to the Department of the Treasury.

(iii) Retail banking operations shall not be performed by any DoD Component. Solicitations for such services shall be issued, or proposals accepted, only in accordance with the policies identified in this part. The DoD Components shall rely on commercially available sources in accordance with DoD Directive 4100.15.[1]

(4) Installation commanders shall not seek the provision of financial services from any entity other than the on-base banking office or credit union. The Director, DFAS, with the concurrence of the Under Secretary of Defense

[1] See footnote 1 to § 231.1(a).

(Comptroller) (USD(C)), may approve exceptions to this policy.

(5) Financial institutions authorized to locate on DoD installations shall be provided logistic support as set forth in 32 CFR part 231.

(6) Military disbursing offices, nonappropriated fund instrumentalities (including MWR activities and the Military Exchange Services) and other DoD Component activities requiring financial services shall use on-base financial institutions to the maximum extent feasible.

(7) The Department encourages the delivery of retail financial services on DoD installations via nationally networked automated teller machines (ATMs).

(i) ATMs are considered electronic banking services and, as such, shall be provided only by financial institutions that are chartered and insured in accordance with the provisions of paragraph (a)(3) of this section.

(ii) Proposals by the installation commander to install ATMs from other than on-base financial institutions shall comply with the provisions of paragraph (a)(4) of this section.

(8) Expansion of financial services (to include in-store banking) requiring the outgrant of additional space or logistical support shall be approved by the installation commander. Any DoD activity or financial institution seeking to expand financial services shall coordinate such requests with the installation bank/credit union liaison officer prior to the commander's consideration.

(9) The installation commander shall ensure, to the maximum extent feasible, that all financial institutions operating on that installation are given the opportunity to participate in pilot programs to demonstrate new financial-related technology or establish new business lines (e.g., in-store banking) where a determination has been made by the respective DoD Component that the offering of such services is warranted.

(10) The installation commander shall approve requests for termination of financial services that are substantiated by sufficient evidence and forwarded to the Secretary of the Military Department concerned (or designee). The Secretary of the Military Department (or designee) shall coordinate such requests with the USD(C), through the Director, DFAS, before notification to the appropriate regulatory agency.

(11) Additional guidance pertaining to financial services is set forth in 32 CFR part 231.

(b) The following additional provisions pertain only to financial institutions on overseas DoD installations:

(1) The extension of services by MBFs and credit unions overseas shall be consistent with the policies stated in this part and with the applicable status of forces agreements, other intergovernmental agreements, or host-country law.

(2) Financial services at overseas DoD installations may be provided by:

(i) Domestic on-base credit unions operating overseas under a geographic franchise and, where applicable, as authorized by the pertinent status of forces agreements, other intergovernmental agreements, or host-country law.

(ii) MBFs operated under and authorized by the pertinent status of forces agreement, other intergovernmental agreement, or host-country law.

(iii) Domestic and foreign banks located on overseas DoD installations that are:

(A) Chartered to provide financial services in that country, and

(B) A party to a formal operating agreement with the installation commander to provide such services, and

(C) Identified, where applicable, in the status of forces agreements, other intergovernmental agreements, or host-country law.

(3) In countries served by MBFs operated under contract, nonappropriated fund instrumentalities and on-base credit unions that desire, and are authorized, to provide accommodation exchange services shall acquire foreign currency from the MBF at the MBF accommodation rate; and shall sell such foreign currency at a rate of exchange that is no more favorable to the customer than the customer rate available at the MBF.

§ 230.5 Responsibilities.

(a) The Under Secretary of Defense (Comptroller) (USD(C)) shall develop policies governing establishment, operation, and termination of financial institutions on DoD installations and take final action on requests for exceptions to this part.

(b) The Under Secretary of Defense (Acquisition, Technology and Logistics) (USD(AT&L)) shall monitor policies and procedures governing logistical support furnished to financial institutions on DoD installations, including the use of DoD real property and equipment.

(c) The Under Secretary of Defense (Personnel and Readiness) (USD(P&R)) shall advise the USD(C) on all aspects of on-base financial institution services that affect the morale and welfare of DoD personnel.

(d) DoD Component responsibilities pertaining to this part are set forth in 32 CFR part 231.

PART 231a—[REMOVED]

By the authority of 10 U.S.C. 301, 32 CFR part 231a is removed.

Dated: August 29, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–22172 Filed 9–4–01; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–01–056]

Special Local Regulations for Marine Events; Hampton River, Hampton, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: The Coast Guard is implementing the special local regulations at 33 CFR 100.508 during the Hampton Bay Days Festival to be held September 7–9, 2001, on the waters of the Hampton River at Hampton, Virginia. These special local regulations are necessary to control vessel traffic due to the confined nature of the waterway and expected vessel congestion during the festival events. The effect will be to restrict general navigation in the regulated area for the safety of event participants, spectators and vessels transiting the event area.

EFFECTIVE DATES: 33 CFR 100.508 is effective from 12 noon eastern time on September 7, 2001 to 6 p.m. eastern time on September 9, 2001.

FOR FURTHER INFORMATION CONTACT: Chief Petty Officer J. Saffold, Marine Events Coordinator, Commander, Coast Guard Group Hampton Roads, 4000 Coast Guard Blvd., Portsmouth, VA 23703–2199, (757) 483–8521.

SUPPLEMENTARY INFORMATION: Hampton Bay Days, Inc. will sponsor the Hampton Bay Days Festival on September 7–9, 2001 on the Hampton River, Hampton, Virginia. The festival will include water ski demonstrations, personal watercraft and wake board competitions, paddle boat races, classic boat displays, fireworks displays and a helicopter rescue demonstration. A fleet of spectator vessels is expected to gather nearby to view the festival events. In

order to ensure the safety of participants, spectators and transiting vessels, 33 CFR 100.508 will be in effect for the duration of the festival activities. Under provisions of 33 CFR 100.508, vessels may not enter the regulated area without permission from the Coast Guard Patrol Commander, except that vessels may enter and anchor in the special spectator anchorage areas if they proceed at slow, no wake speed. The Coast Guard Patrol Commander will allow vessels to transit the regulated area between festival events. Because these restrictions will be in effect for a limited period, they should not result in a significant disruption of maritime traffic.

In addition to this notice, the maritime community will be provided extensive advance notification via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly.

Dated: August 24, 2001.

Thad W. Allen,

Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 01–22255 Filed 9–4–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD05–01–055]

RIN 2115–AE46

Special Local Regulations for Marine Events; Nanticoke River, Sharptown, Maryland

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations for the Sharptown Outboard Regatta, a marine event to be held on the waters of the Nanticoke River between the Maryland S.R. 313 bridge at Sharptown, Maryland and Nanticoke River Light 43 (LLN–24175). These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of the Nanticoke River during the event.

DATES: This rule is effective from 11 a.m. eastern time on September 22, 2001 until 6 p.m. eastern time on September 23, 2001.

ADDRESSES: Comments and materials received from the public as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05–01–055 and are available for inspection or copying at Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Dulani Woods, Marine Events Coordinator, Commander, Coast Guard Activities Baltimore, telephone number (410) 576–2513.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. In keeping with 5 U.S.C. 553(b)(B) and 553(d)(3), the Coast Guard finds that good cause exists for not publishing a NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. The high-speed boat races will take place on September 22 and 23, 2001. The special local regulations are necessary to provide for the safety of event participants, support vessels, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. In addition, advance notifications will be made via the Local Notice to Mariners, marine information broadcasts, and area newspapers.

Background and Purpose

The North-South Racing Association will sponsor the Sharptown Outboard Regatta on September 22 and 23, 2001. The event will consist of 50 hydroplanes and runabouts conducting a high-speed competitive race on the waters of the Nanticoke River between the Maryland S.R. 313 bridge at Sharptown, Maryland and Nanticoke River Light 43 (LLN–24175). A fleet of spectator vessels is anticipated for the event. Due to the need for vessel control during the races, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels.

Discussion of Regulations

The Coast Guard is establishing temporary special local regulations on specified waters of the Nanticoke River. The regulated area will include waters of the Nanticoke River between Maryland S.R. 313 bridge at Sharptown, Maryland and Nanticoke River Light 43 (LLN–24175). The temporary special local regulations will be enforced from 11 a.m. to 6 p.m. eastern time on September 22 and 23, 2001, and will restrict general navigation in the regulated area during the event. Except for participants in the Sharptown Outboard Regatta and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

Although this regulation prevents traffic from transiting a portion of the Nanticoke River during the event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers so mariners can adjust their plans accordingly.

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, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in the effected portions of the Nanticoke River during the event.

Although this regulation prevents traffic from transiting a portion of the Nanticoke River during the event, the effect of this regulation will not be significant because of the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers so

mariners can adjust their plans accordingly.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pubic Law 104–121), we want to assist small entities in understanding this temporary 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 contact the address listed under **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

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

Unfunded Mandates Reform Act

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

Taking of Private Property

This rule will not affect 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.

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 and direct effect on one or more Indian tribes, on the relationship between the Federal Governments 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 prepared an ''Environmental Assessment'' in accordance with Commandant Instruction M16475.1C, and determined that this rule will not significantly affect the quality of the human environment. The ''Environmental Assessment'' and ''Finding of No Significant Impact'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

PART 100—MARINE EVENTS

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. Add a temporary section, § 100.35–T05–055 to read as follows:

§ 100.35–T05–055 Nanticoke River, Sharptown, Maryland.

(a) *Definitions*—(1) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Activities Baltimore.

(2) *Official Patrol.* The Official Patrol is any vessel assigned or approved by Commander, Coast Guard Activities Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participating Vessels.* Participating vessels include all vessels participating in the Sharptown Outboard Regatta under the auspices of the Maine Event Application submitted by the North-South Racing Association Inc., and approved by the Commander, Fifth Coast Guard District.

(4) *Regulated Area.* All waters of the Nanticoke River, near Sharptown, Maryland, between Maryland S.R. 313 bridge and Nanticoke River Light 43 (LLN–24175), bounded by a line drawn between the following points: southeasterly from latitude 38°32′47″ N, longitude 075°43′15″ W, to latitude 38°32′42″ N, longitude 75°43′09″ W, thence northeasterly to latitude 38°33′07″ N, longitude 075°42′27″ W, thence northwesterly to latitude 38°33′10″ N, longitude 75°42′46″ W, thence southwesterly to latitude 38°32′47″ N, longitude 75°43′15″ W. All coordinates reference Datum NAD 1983.

(b) *Special Local Regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(c) *Effective Dates.* The regulated area is effective from 11 a.m. eastern time on

September 22, 2001 until 6 p.m. eastern time on September 23, 2001.

(d) *Enforcement Times:* This section will be enforced from 11 a.m. to 6 p.m. eastern time on September 22 and 23, 2001.

Dated: August 24, 2001.

Thad W. Allen,

Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 01–22256 Filed 9–4–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD05–01–054]

Special Local Regulations for Marine Events; Wrightsville Channel, Wrightsville Beach, North Carolina

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: The Coast Guard is implementing the special local regulations at 33 CFR 100.513 during the Wilmington YMCA Triathlon to be held September 16, 2001, on the waters of Wrightsville Channel, Wrightsville Beach, North Carolina. This action is necessary to provide for the safety of life on navigable waters during the event. The effect will be to restrict general navigation in the regulated area for the safety of participants and vessels transiting the event area.

EFFECTIVE DATES: 33 CFR 100.513 is effective from 6:15 a.m. to 7:30 a.m. eastern time on September 16, 2001.

FOR FURTHER INFORMATION CONTACT: S. L. Phillips, Project Manager, Operations Division, Auxiliary and Boating Safety Section, at (757) 398–6204.

SUPPLEMENTARY INFORMATION: The Wilmington YMCA will sponsor the Wilmington YMCA Triathlon on September 16, 2001 on the waters of Wrightsville Channel, Wrightsville Beach, North Carolina. The event will involve 500 swimmers racing along a course within the regulated area. In order to ensure the safety of the swimmers and transiting vessels, 33 CFR 100.513 will be in effect for the duration of the event. Under provisions of 33 CFR 100.513, a vessel may not enter the regulated area unless it receives permission from the Coast Guard Patrol Commander.

In addition to this notice, the maritime community will be provided extensive advance notification via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly.

Dated: August 24, 2001.

Thad W. Allen,

Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 01–22257 Filed 9–4–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD05–01–053]

RIN 2115–AE46

Special Local Regulations for Marine Events; Delaware River, Pea Patch Island to Delaware City, DE

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is adopting temporary special local regulations for the Escape from Fort Delaware Triathlon, a marine event to be held on the waters of the Delaware River between Pea Patch Island and Delaware City, Delaware. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of the Delaware River between Pea Patch Island and Delaware City during the event.

DATE: This rule is effective from 7:45 a.m. to 10:15 a.m. eastern time on September 15, 2001.

ADDRESSES: Comments and materials received from the public as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05–01–053 and are available for inspection or copying at Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: S. L. Phillips, Project Manager, Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, telephone number (757) 398–6204.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. In keeping with 5 U.S.C. 553(b)(B) and 553(d)(3), the Coast Guard finds that good cause exists for not publishing a NPRM and for making this rule effective less than 30 days after publication in the **Federal Register**. The swimming event will take place on September 15, 2001. The special local regulations are necessary to provide for the safety of event participants, support vessels, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have these regulations in effect during the event. In addition, advance notifications will be made via the Local Notice to Mariners, marine information broadcasts, and area newspapers.

Background and Purpose

On September 15, 2001, Diamond State Games 2001 will sponsor the Escape from Fort Delaware Triathlon. The swimming segment of the triathlon will be conducted on a portion of the Delaware River between Pea Patch Island and Delaware City, Delaware. A fleet of spectator vessels is expected to gather near the event site to view the triathlon. To provide for the safety of participants, spectators and other transiting vessels, the Coast Guard will temporarily restrict vessel traffic in the event area during the event.

Discussion of Regulations

The Coast Guard is establishing temporary special local regulations on specified waters of the Delaware River between Pea Patch Island and Delaware City, Delaware. The temporary special local regulations will be in effect from 7:45 a.m. to 10:15 a.m. eastern time on September 15, 2001. The effect will be to restrict general navigation in the regulated area during the event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

Although this regulation prevents traffic from transiting a portion of the Delaware River during the event, the

effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers so mariners can adjust their plans accordingly.

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, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in the effected portions of the Delaware River during the event.

Although this regulation prevents traffic from transiting a portion of the Delaware River during the event, the effect of this regulation will not be significant because of the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers so mariners can adjust their plans accordingly.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this temporary 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 contact the address listed under **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

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

Unfunded Mandates Reform Act

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

Taking of Private Property

This rule will not affect 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.

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 and direct effect on one or more Indian tribes, on the relationship between the Federal Governments 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 rule and concluded that, under figure 2–1, paragraph (34)(h), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade are specifically excluded from further analysis and documentation under that section. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—MARINE EVENTS

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. Add a temporary section, § 100.35–T05–053 to read as follows:

§ 100.35–T05–053 Delaware River, Pea Patch Island to Delaware City, Delaware.

(a) *Regulated Area.* All waters of the Delaware River between Pea Patch Island and Delaware City, Delaware, bounded by a line connecting the following points:

Latitude	Longitude
39°35′40.2″ North ..	075°34′36.6″ West, to
39°34′58.8″ North ..	075°35′38.4″ West, to
39°34′11.4″ North ..	075°34′43.8″ West, to
39°35′06.6″ North ..	075°34′11.6″ West

All coordinates reference Datum NAD 1983.

(b) Coast Guard Patrol Commander. The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Philadelphia.

(c) Special Local Regulations:

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(d) Effective Dates. This section is effective from 7:45 a.m. to 10:15 a.m. eastern time on September 15, 2001.

Dated: August 24, 2001.

Thad W. Allen,

Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 01–22258 Filed 9–4–01; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD078–3078a; FRL–7049–3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions From Marine Vessels Coating Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a revision to the Maryland State Implementation Plan (SIP). This revision establishes reasonable available control technology (RACT) to reduce volatile organic compound (VOC) emissions from marine vessel coating operations. The intent of this action is to approve Maryland's RACT regulation to control VOC emissions from marine vessel coating operations. EPA is fully approving these revisions in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on October 22, 2001 without further notice, unless EPA receives adverse written comment by October 5, 2001. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to Makeba Morris, Permits and Technical Assessment Branch, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Makeba Morris at (215) 814–2187, or by e-mail at morris.makeba@epa.gov. Please note that while questions may be posed via telephone and e-mail, formal comments must be submitted, in writing, as indicated in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION:

I. Background

On August 20, 2001, the State of Maryland submitted a formal revision to its State Implementation Plan (SIP). This SIP revision, submitted by the Maryland Department of the Environment (MDE), consists of the Code of Maryland Regulations (COMAR) 26.11.19.27, Control of Volatile Organic Compound (VOC) Emissions From Marine Vessel Coating Operations.

II. Summary of the SIP Revision

A. Applicability—COMAR 26.11.19.27 applies to sources, where marine vessel coating operations are performed, with facility-wide potential VOC emissions of 25 tons per year or more or actual emissions of 20 pounds per day.

B. Definitions—COMAR 26.11.19.27 defines the following terms: Air flask coating, Antenna coating, Antifoulant coating, Chemical agent resistant coating, Heat resistant coating, High gloss coating, High-temperature coating, Inorganic zinc (high build) coating, Marine vessel coating operation, Mist/tack coating, Navigational aids coating, Nonskid coating, Nuclear coating, Organic zinc coating, Pretreatment wash primer coating, Rubber camouflage coating, Sealant coating, Ship, Special marking coating, Speciality interior coating, Thermoplastic coating, Undersea weapons systems coating, Weld-through (shop) preconstruction primer.

C. Coating Requirements—COMAR 26.11.19.27 establishes limits for the following marine vessel coatings:

Coating	Maximum VOC Content, Pounds per gallon, as applied (Grams per liter)
Air Flask	2.83 (340)
Antenna	4.42 (530)
Antifoulant	3.42 (400)
CARC	2.83 (340)
Heat Resistant	3.50 (420)
High Gloss	3.50 (420)
High Temperature	4.17 (500)
Inorganic zinc high build primer	2.83 (340)

Coating	Maximum VOC Content, Pounds per gallon, as applied (Grams per liter)
Mist/Tack	5.08 (610)
Navigational aids	4.58 (550)
Nonskid	2.83 (340)
Nuclear	3.50 (420)
Organic zinc	3.00 (360)
Pre-treatment wash primer	6.50 (780)
Rubber camouflage	2.83 (340)
Sealant coat for thermal spray aluminum	5.08 (610)
Special marking	4.08 (490)
Specialty interior	2.83 (340)
Thermoplastic coating	4.58 (550)
Undersea weapons systems	2.83 (340)
Weld-through (shop) primer	5.42 (650)

In addition to the limit on the VOC content of the coatings listed above, the following requirements apply:

(1) A coating which satisfies the definition of more than one category of coating is subject to the maximum VOC content which applies to the applicable coating category,

(2) Any other coatings not specifically listed in the regulation may not exceed a VOC content of 2.83 pounds per gallon (340 grams per liter), as applied, and

(3) The limits established by the new regulation may be exceeded by 20 percent, but only during the time period between November 1 of a given year through March 31 of the following year.

D. Clean-Up Requirements—This regulation also requires reasonable precautions to minimize the release of VOCs into the atmosphere. These work-practice requirements include:

(1) Storing all waste materials containing VOC, including cloth and paper, in closed containers, (2) Maintaining lids on any VOC-bearing materials when not in use, and

(3) Using enclosed containers or VOC recycling equipment to clean spray gun equipment.

E. Compliance—Compliance must be demonstrated in accordance with COMAR 26.11.19.02.

F. Record keeping—Records of total volume and VOC content of each coating, coating solvent, and cleanup solvent used that contains VOCs must be maintained on a monthly basis and retained for at least three years.

III. EPA's Evaluation

This SIP revision imposing RACT to control VOC emissions from marine vessel coating operations is consistent with federal guidelines and will result in significant VOC emission reductions. EPA has determined that COMAR 26.11.19.27 is approvable as a SIP revision.

Final Action: EPA is approving the addition of COMAR 26.11.19.27, Control of Volatile Organic Compound (VOC) Emissions from Marine Vessel Coating Operations as a revision to the Maryland SIP as submitted by MDE on August 20, 2001. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipate no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on October 22, 2001 without further notice unless EPA receives adverse comment by October 5, 2001. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

IV. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.'' See 66 FR 28355, May 22, 2001. This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law.

Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission

that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 5, 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, approving Maryland's regulation imposing RACT to control VOC emissions from marine vessel coating operations, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: August 28, 2001.

Thomas C. Voltaggio,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart V—Maryland

2. Section 52.1070 is amended by adding paragraph (c)(166) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(166) Revisions to the Maryland State Implementation Plan submitted on August 20, 2001 by the Maryland Department of the Environment consisting of Reasonably Available Control Technology (RACT) requirements to reduce volatile organic compound (VOC) emissions from marine vessel coating operations.

(i) Incorporation by reference.

(A) A letter dated August 20, 2001 from the Maryland Department of the Environment transmitting an addition to Maryland's State Implementation Plan, pertaining to volatile organic compound (VOC) regulations in Maryland's air quality regulations, COMAR 26.11.19.27.

(B) Addition of new COMAR 26.11.19.27—Control of Volatile Organic Compounds from Marine Vessel Coating Operations, effective on October 20, 1997.

(ii) Additional Materials—Remainder of the August 20, 2001 submittal pertaining to COMAR 26.11.19.27—Control of VOC Emissions from Marine Vessel Coating Operations.

[FR Doc. 01–22267 Filed 9–4–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301159; FRL–6796–6]

RIN 2070–AB

Buprofezin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of buprofezin (2-tert-butylimino-3-isopropyl-5-phenyl-1,3,5-thiadiazinan-4-one) in or on almonds; banana; citrus; citrus, oil; citrus, dried pulp; grape; grape, raisin; milk; fat (cattle, goats, hogs, horses, sheep); meat byproducts (cattle, goats, hogs, horses, sheep); liver (cattle, goats, hogs, horses, sheep). Aventis (formerly AgrEvo) requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. In addition, this regulation also establishes time-limited tolerances for residues of buprofezin (2-tert-butylimino-3-isopropyl-5-phenyl-1,3,5-thiadiazinan-4-one) in or on almond, hulls; cotton, undelinted seed; cotton, gin byproducts; and tomato. Aventis (formerly AgrEvo) requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerances will expire on July 31, 2005.

DATES: This regulation is effective September 5, 2001. Objections and requests for hearings, identified by docket control number OPP–301159, must be received by EPA on or before November 5, 2001.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301159 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Richard J. Gebken, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–6701; and e-mail address: gebken.richard@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 Codes	Examples of Potentially Affected Entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing
	32532	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/. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at http://www.epa.gov/opptsfrs/home/guidelin.htm. 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.hhtml, a beta site currently under development.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–301159. 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 June 21, 2000 (65 FR 38543) (FRL–6557–3), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104–170) announcing the filing of a pesticide petition (PP) for tolerance by AgrEvo USA Company, Little Falls Centre One, 2711 Centerville Road, Wilmington, DE 19808. This notice included a summary of the petition prepared by Aventis (formerly AgrEvo), the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.511 be amended by establishing a tolerance for residues of the insecticide buprofezin in or on almonds, nutmeats at 0.05 part per million (ppm); almonds, hulls, at 0.7 ppm; bananas at 0.1 ppm, the citrus crop group, fruit, at 0.7 ppm, cotton seed at 1.0 ppm, grapes at 0.4 ppm, and tomatoes, fruit at 0.8 ppm; in or on the following processed commodities: citrus oil at 26 ppm; citrus pulp, dried, at 2.5 ppm; cotton gin byproducts at 23 ppm; and raisins at 1.0 ppm; and in or on the following meat and milk commodities: the fat, meat and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 ppm; and milk at 0.01 ppm.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish 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(b)(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. . . .''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of buprofezin, on almond; banana; citrus; citrus, oil; citrus, dried pulp; grape; grape, raisin; milk; fat (cattle, goats, hogs, horses, sheep); meat byproducts (cattle, goats, hogs, horses, sheep); liver (cattle, goats, hogs, horses, sheep); almond, hulls; cotton, undelinted seed; cotton, gin byproducts and tomato at 0.05, 0.20, 2.0, 60, 6.0, 0.40, 0.60, 0.01, 0.05, 0.05, 0.05, 0.70, 0.40, 15, 0.40 ppm, respectively. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies 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. The nature of the toxic effects caused by buprofezin are discussed in the following Table 1 as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY

Guideline No.	Study Type	Results
870.3100	90-Day oral toxicity rodents	NOAEL = 13.0 mg/kg/day males NOAEL = 16.3 mg/kg/day females LOAEL = 68.6 mg/kg/day males LOAEL = 81.8 mg/kg/day females based on increased relative thyroid weight for males, increased liver weights for both male and females, and increased microscopic lesions in liver and thyroid for both male and females.
870.3200	24-Day dermal toxicity	*Systemic* NOAEL = 300 mg/kg/day LOAEL = 1,000 mg/kg/day based on increased focal necrosis with an inflammatory infiltrate in liver for females. *Dermal* NOAEL = 300 mg/kg/day LOAEL = 1,000 mg/kg/day based on increased acanthosis and hyperkeratosis in skin for females.
870.3700	Prenatal developmental in rodents	*Maternal* NOAEL = 200 mg/kg/day LOAEL = 800 mg/kg/day based on mortality, decreased pregnancy rates, and increased resorption rates. *Developmental* NOAEL = 200 mg/kg/day LOAEL = 800 mg/kg/day based on reduced ossification, reduced pup weight, fetal edema.
870.3700	Prenatal developmental in non-rodents	*Maternal* NOAEL = 50 mg/kg/day LOAEL = 250 mg/kg/day based on decreased food consumption, decreased body weights. *Developmental* NOAEL = 250 mg/kg/day LOAEL = not established (less than 250 mg/kg/day)
870.3800	Reproduction and fertility effects	*Parental/systemic* NOAEL = 7.89 mg/kg/day LOAEL = 81.47 mg/kg/day based on decreased body weight gain and on organ weight changes. *Reproductive* NOAEL = 7.89 mg/kg/day LOAEL = 81.47 mg/kg/day based on decreased pup weight
870.4100	Chronic toxicity dogs	NOAEL = 2 mg/kg/day LOAEL = 20 mg/kg/day based on increased bile duct hyperplasia in both males and females, increased serum alkaline phosphatase activity in both males and females, increased relative and absolute liver weights and decreased liver function in females
870.4200	Carcinogenicity mice	NOAEL = 1.82 mg/kg/day for males and 17.4 mg/kg/day for females. LOAEL 17.40 and 191.0 mg/kg/day for males and females respectively, based on increased absolute liver weights, increased hepatocellular adenomas in females, and increased hepatocellular adenomas + carcinomas in females
870.4300	Carcinogenicity rats	NOAEL = 1 mg/kg/day LOAEL = 8.7 mg/kg/day based on increased incidence of follicular cell hyperplasia and hypertrophy in thyroid in males. No evidence of carcinogenicity
870.5100	Gene mutation salmonella	Not mutagenic, with or without activation tested up to cytotocic levels.
870.5100	Gene mutation mouse lymphoma	Not mutagenic, with or without activation tested up to cytotoxic levels.
870.5100	Gene mutation *in vitro* human cytogenetic assay	Negative for micronucleus induction in bone marrow cells of males and females. Tested up to cytotoxic levels.
870.5100	Unscheduled DNA synthesis	Negative for DNA repair tested up to cytotoxic levels.
870.7485	Metabolism and pharmacokinetics	79.1% recovered from feces, 12.9% from urine within 72 hours and 45.4% recovered as parent cpd, several metabolites identified.

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10x to account for interspecies differences and 10x for intraspecies differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10x to account for interspecies differences and 10x for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1×10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a ''point of departure'' is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for buprofezin used for human risk assessment is shown in the following Table 2:

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR BUPROFEZIN FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute dietary (females 13-50 years of age)	NOAEL = 200 mg/kg/day UF = 100 Acute RfD = 2.0 mg/kg/day	FQPA SF = 3x aPAD = acute RfD ÷ FQPA SF = 0.67 mg/kg/day	Developmental toxicity rat LOAEL = 800 mg/kg/day based on skeletal effects and decreased body weight in offspring.
Acute dietary (general population including infants and children)	N/A	N/A	No appropriate study with a single-dose endpoint. This risk assessment is not required.
Chronic dietary (all populations)	NOAEL= 1.0 mg/kg/day UF = 100 Chronic RfD = 0.01 mg/kg/day	FQPA SF = 3x cPAD = chronic RfD divide FQPA SF = 0.003 mg/kg/day	2–Year chronic toxicity/carcinogenicity in rat LOAEL = 8.7 mg/kg/day based on increased incidence of follicular cell hyperplasia and hypertrophy in the thyroid of males.
Intermediate-term dermal (1 week to several months) (residential)	Dermal NOAEL = 300 mg/kg/day	LOC for MOE = 100 (Occupational)	24-Day dermal toxicity rat LOAEL = 1,000 mg/kg/day based on an increase of focal necrosis with an inflammatory infiltrate in liver in females
Short-term inhalation (1 to 7 days) (residential)	Inhalation (or oral) study NOAEL= 200 mg/kg/day (inhalation absorption rate = 100%)	LOC for MOE = 100 (Occupational)	Developmental toxicity rat LOAEL = 800 mg/kg/day based on skeletal effects and decreased body weight in offspring
Intermediate-term inhalation (1 week to several months) (residential)	Oral study NOAEL = 13 mg/kg/day (inhalation absorption rate = 100%)	LOC for MOE = 100 (Occupational)	90-day oral subchronic study in rat LOAEL = 68.6 mg/kg/day based on organ weight changes and microscopic findings in liver and thyroid (male and females) and kidney (males only).
Cancer (oral, dermal, inhalation)	Suggestive evidence of carcinogenicity, but not sufficient to assess human carcinogenic potential	N/A	2–Year carcinogenicity study in mice. Liver tumors observed in female mice. The Agency's Cancer Assessment Review Committee (CARC) recommended that no quantification of cancer risk is required.

*The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.511) for the residues of buprofezin, in or on a variety of raw agricultural commodities. Tolerances were corrected from the petitioner's original request from the following commodities: bananas at 0.1 ppm, citrus crop group, fruit, at 0.7 ppm, citrus oil at 26 ppm; citrus pulp, dried, at 2.5 ppm, and meat of cattle, goats, hogs, horses, and sheep at 0.05 ppm. The petitioner in the case of bananas, citrus and associated byproducts utilized the average residue values, and the Agency utilized the highest sample concentration for the purpose of evaluating the risk assessment. In addition, the Agency determined upon evaluation of the submitted data, that a residue for meat of cattle, goats, hogs, horses and sheep of 0.05 ppm was unnecessary. Risk assessments were conducted by EPA to assess dietary exposures from buprofezin in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1 day or single exposure. The Dietary Exposure Evaluation Model (DEEM™ ver 7.075) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The acute analysis assumed tolerance level residues and 100% crop treated for all registered and proposed uses.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the DEEM™ analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide CSFII and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: The chronic analysis incorporated average residues calculated from field trial and processing studies and assumed 100% crop treated for all commodities except tomatoes (40% crop treated assumed). The acute and chronic dietary food exposure estimates to buprofezin, for all population subgroups, were less than the Agency's level of concern (greater than 100% aPAD and cPAD)

iii. *Cancer.* In accordance with the EPA Guidelines for Carcinogen Risk Assessment (proposed July 1999), the Agency's Cancer Assessment Review Committee has classified buprofezin as having ''suggestive evidence of carcinogenicity,'' but not sufficient to assess human carcinogenic potential, and further recommended that no quantification of cancer risk is required. Therefore, a cancer risk assessment is not required.

iv. *Anticipated residue and percent crop treated information.* Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a Data Call-In for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance.

The Agency used percent crop treated (PCT) information as follows.

The Agency believes that the three conditions listed above have been met. With respect to Condition 1, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. EPA uses a weighted average PCT for chronic dietary exposure estimates. This weighted average PCT figure is derived by averaging State-level data for a period of up to 10 years, and weighting for the more robust and recent data. A weighted average of the PCT reasonably represents a person's dietary exposure over a lifetime, and is unlikely to underestimate exposure to an individual because of the fact that pesticide use patterns (both regionally and nationally) tend to change continuously over time, such that an individual is unlikely to be exposed to more than the average PCT over a lifetime. For acute dietary exposure estimates, EPA uses an estimated maximum PCT. The exposure estimates resulting from this approach reasonably represent the highest levels to which an individual could be exposed, and are unlikely to underestimate an individual's acute dietary exposure. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions 2 and 3, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the regional consumption of food to which buprofezin may be applied in a particular area. All estimates assumed 100% crop treated for all commodities except tomatoes (40% crop treated assumed because Agency data indicates that actual application of buprofezin on all tomatoes produced in the U.S. would be less than 40%).

2. *Dietary exposure from drinking water.* The Agency Metabolism Assessment Review Committee has concluded that buprofezin was the only residue of concern in drinking water (acute and chronic ground water EECs of 0.09 ppb (SCI-GROW) and peak and 56–day average surface water concentrations of 34 ppb and 17.7 ppb (17.7/3 = 5.9 ppb), respectively (GENEEC; Tier 1)).

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and SCI-GROW, which predicts pesticide concentrations in ground water. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporate an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that

drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to buprofezin they are further discussed in the aggregate risk sections below.

Based on the GENEEC and SCI-GROW models the EECs of buprofezin for acute and chronic ground water estimated EECs of 0.09 ppb (SCI-GROW) and peak and 56-day average surface water concentrations of 34 ppb and 17.7 ppb (17.7/3 = 5.9 ppb), respectively (GENEEC; Tier 1).

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Buprofezin is not registered for use on any sites that would result in residential exposure.

4. *Cumulative exposure to substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, 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 does not have, at this time, available data to determine whether buprofezin has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, buprofezin does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that buprofezin has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *Safety factor for infants and children*—i. *In general*. FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

ii. *Prenatal and postnatal sensitivity*. It was concluded that toxicity data provide no indication of increased susceptibility of rats or rabbits following *in utero* exposure or of rats following prenatal/postnatal exposure to buprofezin. In the prenatal developmental toxicity study in rats, developmental effects were seen only in the presence of severe maternal toxicity including deaths. No developmental toxicity was seen at the highest dose tested in the prenatal developmental toxicity study in rabbits. In the two-generation reproduction study in rats, effects in the offspring were observed only at treatment levels which resulted in evidence of parental toxicity

iii. *Conclusion*. The toxicology data base for buprofezin is complete for FQPA assessment. The developmental toxicity studies in rats and rabbits and the two-generation reproduction study in rats are available and considered acceptable acute and subchronic neurotoxicity studies are not required for buprofezin.

The Agency determined that an additional developmental neurotoxicity study in rats is required based on the evidence of thyroid toxicity following subchronic and chronic exposures to rats as well as chronic exposures to dogs. In these studies, thyroid toxicity was characterized as decreases in serum thyroxine levels and increased thyroid weights in dogs and histopathological lesions in the subchronic and chronic toxicity studies in rats. While the Agency recognized the fact that thyroid toxicity was seen in the presence of hepatotoxicity, there was concern that thyroid effects were seen in two species following subchronic and chronic exposures.

The Agency concluded that the DNT study is needed to further evaluate the hormonal responses associated with the developing fetal nervous system. The Agency concluded that a safety factor is necessary for buprofezin since there is a data gap for a developmental neurotoxicity study in rats. This study is required due to the evidence of thyroid toxicity observed following subchronic and chronic exposures to rats and chronic exposure to dogs.

The safety factor was reduced to 3x because: (1) There is no evidence of increased susceptibility to young rats or rabbits following *in utero* exposure or following prenatal and/or postnatal exposure to rats; (2) adequate actual data, surrogate data, and/or modeling outputs are available to satisfactorily assess dietary (food and water) exposure assessment; (3) and there are no registered residential uses at the present time.

The FQPA safety factor for buprofezin is applicable to females 13-50 years and to infants and children due uncertainty resulting from data gap for the developmental neurotoxicity study in rats. This study will characterize the potential for neurotoxic effects on fetal development and may provide data that could be used in the toxicology endpoint selection for dietary exposure risk assessments for these population subgroups.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water (EECs). DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water (e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female),

and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and ground water are less than the calculated DWLOCs, the Agency concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which the Agency has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because the Agency considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, the Agency will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk*. To estimate acute aggregate exposure risk, the Agency combined the high-end value from food and water and compared it to the aPAD. Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food to buprofezin will occupy 4% of the aPAD for females 13 years and older (no endpoint was identified for the general population including infants and children). In addition, there is potential for acute dietary exposure to buprofezin in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the aPAD, as shown in the following Table 3:

TABLE 3.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO BUPROFEZIN

Population Subgroup	aPAD (mg/kg)	%aPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Acute DWLOC (ppb)
Females (13-50)	0.67	4%	34	0.09	1.9×10^4

2. *Chronic risk*. Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to buprofezin from food will utilize 73% of the cPAD for all population subgroups. There are no residential uses for buprofezin that result in chronic residential exposure to buprofezin. In addition, there is potential for chronic dietary exposure to buprofezin in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 4:

TABLE 4.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO BUPROFEZIN

Population Subgroup	cPAD mg/kg/day	Food Exposure mg/kg/day	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. population (all)	0.0033	0.001226	5.9	0.09	73
All Infants (less than 1 year)	0.0033	0.000968	5.9	0.09	23
Children (1-6 years)	0.0033	0.002385	5.9	0.09	9
Children (7-12 years)	0.0033	0.001622	5.9	0.09	17
Females (13-50)	0.0033	0.001084	5.9	0.09	66
Males (13-19 years)	0.0033	0.001050	5.9	0.09	79
Males (20+ years)	0.0033	0.000999	5.9	0.09	81
Seniors (55+)	0.0033	0.001060	5.9	0.09	78

3. *Short-term risk*. Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Buprofezin is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

4. *Intermediate-term risk*. Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Buprofezin is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

5. *Aggregate cancer risk for U.S. population*. In accordance with the EPA Guidelines for Carcinogen Risk Assessment (proposed July 1999), the Agency's Cancer Assessment Review Committee has classified buprofezin as having suggestive evidence of carcinogenicity, but not sufficient to assess human carcinogenic potential, and further recommended that no quantification of cancer risk is required.

Therefore, a cancer risk assessment is not required.

6. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population and to infants and children from aggregate exposure to buprofezin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

1. *Residue analytical methods–plants*. The petitioner proposed method BF/10/97 for enforcement of the almond, banana, citrus, cotton, and grape tolerances. Adequate radiovalidation and independent laboratory validation (ILV) have been received and the method was forwarded to the Analytical Chemistry Laboratory (ACL) for petition method validation (PMV). The petitioner will be required to make any modifications or revision to the proposed enforcement method resulting from PMV. The petitioner is requested to submit a confirmatory method and an interference study. If the petitioner proposes a confirmatory method which employs a mass spectrum detector (MS), then an interference study is not necessary (chromatograms and spectra of fortified samples should be submitted; structurally significant ions should be chosen with a m/z < 91 and intensity < 3x noise at the LOQ for the primary method).

2. *Residue analytical methods–livestock*. The petitioner proposed method BF/11/97 for enforcement of livestock tolerances. Adequate ILV has been received and the method was forwarded to the ACL for PMV (D271333, T. Bloem, 21-Dec-2000). The petitioner will be required to make any modifications or revision to the proposed enforcement method resulting from the PMV. The petitioner is also required to submit a radiovalidation study.

3. *Multiresidue method*. The petitioner submitted data concerning the behavior of buprofezin through FDA multiresidue testing protocols C–F. This information has been forwarded to FDA for inclusion in PAM I.

B. International Residue Limits

Codex has a maximum residue limit (MRL) for buprofezin in/on tomato (1 ppm) and oranges (0.5 ppm). Mexico has a MRL for buprofezin in/on cottonseed (0.05 ppm). Canada does not have any MRLs for the proposed crops. Since the orange and cottonseed MRLs are less than the tolerances determined appropriate by the Agency, harmonization is not possible. Since the tomato MRL is 2x the tolerance determined appropriate by the Agency, harmonization is not possible.

C. Conditions

Conditions for continued registration are as follows: A developmental neurotoxicity study in rats (OPPTS 870.6300) guideline requirement (40 CFR part 158) for Food/Feed Use due to possible endocrine disruptor effects, a revised Section B, a revised Section F, Plant Enforcement Method (BF/10/97) - Confirmatory Method, Interference Study, and successful Agency Validation, Plant Enforcement Method (BF/02/96) - Confirmatory Method and Interference Study, Livestock Enforcement Method - successful Agency Validation and Radioavalidation, Storage Stability Data, validation of frozen storage intervals, petition method validation, an interference study, Additional almond, banana, citrus, cotton, and tomato field trial data, and a citrus processing study.

V. Conclusion

Therefore, the tolerance is established for residues of buprofezin (2-tert-butylimino-3-isopropyl-5-phenyl-1,3,5-thiadiazinan-4-one), in or on almond; banana; citrus; citrus, oil; citrus, dried pulp; grape; grape, raisin; milk; fat (cattle, goats, hogs, horses, sheep); meat byproducts (cattle, goats, hogs, horses, sheep); liver (cattle, goats, hogs, horses, sheep); almond, hulls; cotton, undelinted seed; cotton, gin byproducts and tomato at 0.05, 0.20, 2.0, 60, 6.0, 0.40, 0.60, 0.01, 0.05, 0.05, 0.05, 0.70, 0.40, 15, 0.40 ppm, respectively.

VI. 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–301159 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 November 5, 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, 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 VI.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 control number OPP–301159, 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).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance 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). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, 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). 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 tolerance 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).

VIII. 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: August 21, 2001.

Donald R. Stubbs,

Acting Director, Registration Division, 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 180.511 is amended by alphabetically adding the following commodities to the table in paragraph (a) and by removing and reserving paragraph (b) to read as follows:

§ 180.511 Buprofezin; tolerances for residues.

(a) * * *

Commodity	Parts per million	Expiration/ Revocation Date
Almonds, nutmeat	0.05	none
Almond, hulls	0.70	12/31/05
Banana	0.20	none
Cattle, fat	0.05	none
Cattle, mbyp	0.05	none
Cattle, liver	0.05	none
Citrus fruit	2.0	none
Citrus, oil	60	none
Citrus, dried pulp	6.0	none
Cotton, gin byproducts	15	12/31/05
Cotton, undelinted seed	0.40	12/31/05
Goats, fat	0.05	none
Goats, mbyp	0.05	none
Goats, liver	0.05	none
Grape	0.40	none
Grape, raisin	0.60	none
Hogs, fat	0.05	none
Hogs, mbyp	0.05	none
Hogs, liver	0.05	none
Horses, fat	0.05	none
Horses, mbyp	0.05	none
Horses, liver	0.05	none
* * * * * * *		
Milk	0.01	none
Sheep, fat	0.05	none
Sheep, mbyp	0.05	none
Sheep, liver	0.05	none
Tomato	0.40	12/31/05
* * * * * * *		

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(b) *Section 18 emergency exemption.* [Reserved]

[FR Doc. 01–22281 Filed 9–4–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301165; FRL–6798–6]

RIN 2070–AB78

Pyriproxyfen; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for the combined residues of pyriproxyfen in or on succulent beans. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on succulent beans. This regulation establishes a maximum permissible level for residues of pyriproxyfen in this food commodity. The tolerance will expire and is revoked on June 30, 2003.

DATES: This regulation is effective September 5, 2001. Objections and requests for hearings, identified by docket control number OPP–301165, must be received by EPA on or before November 5, 2001.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VII. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301165 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Andrew Ertman, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–9367; and e-mail address: ertman.andrew@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially 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 codes	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–301165. 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, 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

EPA, on its own initiative, in accordance with sections 408(e) and 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, is establishing a tolerance for combined residues of the insect growth regulator pyriproxyfen, [2-[1-methyl-2-(4-phenoxyphenoxy)ethoxy]pyridine], in or on succulent beans at 0.10 part per million (ppm). This tolerance will expire and is revoked on June 30, 2003. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations.

Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on section 18 related tolerances to set binding precedents for the application of section 408 and the new safety standard to other tolerances and exemptions. Section 408(e) of the FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, i.e., without having received any petition from an outside party.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish 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(b)(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. . . .''

Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' This provision was not amended by the Food Quality Protection Act (FQPA). EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for Pyriproxyfen on Succulent Beans and FFDCA Tolerances

The silverleaf whitefly (SLW) is a relatively new pest, and has caused severe economic damage to various commodities nationwide. The larval instars and adults feed on the sap of bean plants, resulting in honeydew production which serves as a medium for fungal disease development, which hampers photosynthesis and renders pods unmarketable. Additionally, in late 1992, bean golden mosaic virus (BGMV) was first detected, although it's distribution was limited for several years. This virus is transmitted by the SLW. Recently, BGMV has become a more serious problem, believed to be the result of season-long build-up of the disease. This shift is a significant new development making BGMV a major pest in legume production in Florida. This trend is expected to continue unless an effective insecticide is available to control the SLW. EPA has authorized under FIFRA section 18 the use of pyriproxyfen on succulent beans for control of silverleaf whitefly in Florida. After having reviewed the submission, EPA concurs that emergency conditions exist for this State.

As part of its assessment of this emergency exemption, EPA assessed the potential risks presented by residues of pyriproxyfen in or on succulent beans. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment as provided in section 408(l)(6). Although this tolerance will expire and is revoked on June 30, 2003, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on succulent beans after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by this tolerance at the time of that application. EPA will take action to revoke this tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because this tolerance is being approved under emergency conditions, EPA has not made any decisions about whether pyriproxyfen meets EPA's registration requirements for use on succulent beans or whether a permanent tolerance for this use would be appropriate. Under these circumstances, EPA does not believe that this tolerance serves as a basis for registration of pyriproxyfen by a State for special local needs under FIFRA section 24(c). Nor does this tolerance serve as the basis for any State other than Florida to use this pesticide on this crop under section 18 of FIFRA without following all provisions of EPA's regulations implementing section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemption for pyriproxyfen, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. Aggregate Risk Assessment and Determination of Safety

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of pyriproxyfen and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a time-limited tolerance for combined residues of pyriproxyfen in or on succulent beans at 0.10 ppm. EPA's assessment of the dietary exposures and risks associated with establishing the tolerance follows.

A. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological endpoint. However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intra species differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is

retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the level of concern (LOC). For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1 x10^{-6} or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a ''point of departure'' is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated. A summary of the toxicological endpoints for pyriproxyfen used for human risk assessment is shown in the following Table 1:

TABLE 1.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR PYRIPROXYFEN FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF[1]	FQPA SF* and Endpoint for Risk Assessment	Study and Toxicological Effects
Acute dietary all populations	not applicable	not applicable	There were no effects that could be attributed to a single exposure (dose) in oral toxicity studies including the developmental toxicity studies in rats and rabbits.
Chronic dietary all populations	NOAEL= 35.1 mg/kg/day UF = 100 Chronic RfD = 0.35 mg/kg/day	FQPA SF = 1 cPAD = 0.35 1 = 0.35 mg/kg/day	Combined/chronic toxicity - rat LOAEL = 182.7 mg/kg/day based on decreased weight gain in female rats.
Short-term dermal and inhalation (1-7 days) and intermediate-term dermal and inhalation (1 week - several months) (Occupational/Residential)	not applicable	not applicable	
Long-term dermal (several months - lifetime)[2] (Occupational/Residential)	35.1 mg/kg/day	LOC for MOE = 100 (Residential)	Combined/chronic toxicity - rat LOAEL = 182.7 mg/kg/day based on decreased weight gain in female rats.
Long-term inhalation (several months - lifetime)[2] (Occupational/Residential)	35.1 mg/kg/day	LOC for MOE = 100 (Residential)	Combined/chronic toxicity - rat LOAEL = 182.7 mg/kg/day based on decreased weight gain in female rats.
Cancer (oral, dermal, inhalation)	''Group E'' human carcinogen	not applicable	There is no evidence of carcinogenic potential. Therefore, a cancer risk assessment is not required.

[1]UF = uncertainty factor, FQPA SF = FQPA safety factor, NOAEL = no observed adverse effect level, LOAEL = lowest observed adverse effect level, PAD = population adjusted dose (a = acute, c = chronic) RfD = reference dose, LOC = level of concern, MOE = margin of exposure.

[2]Appropriate route-to-route extrapolation should be performed for these risk assessments. Exposure values using absorption factors of 10% for dermal and 100% for inhalation (default value) should be converted to equivalent oral doses and compared to the oral NOAEL.

*The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

B. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.510) for the combined residues of pyriproxyfen, in or on a variety of raw agricultural commodities. Section 18 emergency exemptions for use in/on cotton, citrus, almonds, and stone fruits have been approved. Section 3 permanent tolerances have been granted for cotton, citrus fruits, pome fruits, tree nuts, fruiting vegetables, and all foods in food handling establishments. Risk assessments were conducted by EPA to assess dietary exposures from pyriproxyfen in food as follows:

i. *Acute exposure*. Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1 day or single exposure. The acute dietary assessment is not required for pyriproxyfen because there were no effects that could be attributed to a single exposure (dose) in oral toxicity studies including the developmental toxicity studies in rats and rabbits.

ii. *Chronic exposure*. In conducting this chronic dietary risk assessment the Dietary Exposure Evaluation Model (DEEM™) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992–nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments:

Tolerance level residues and 100% crop treated.

iii. *Cancer*. Pyriproxyfen has been classified as a Group E carcinogen; there is no evidence of carcinogenic potential. Therefore, a cancer risk assessment is not required.

2. *Dietary exposure from drinking water*. The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for pyriproxyfen in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of pyriproxyfen.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/ Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and Screening Concentrations in Ground Water (SCI-GROW), which predicts pesticide concentrations in groundwater. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporate an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to pyriproxyfen they are further discussed in the aggregate risk sections below.

Based on the PRZM/EXAMS and SCI-GROW models the EECs of pyriproxyfen for chronic exposures are estimated to be 0.11 ppb for surface water and 0.006 ppb for ground water.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Pyriproxyfen is currently registered for use on the following residential non-dietary sites: Residential (indoor, non-food) products for flea and tick control. Formulations include contact sprays, emulsifiable concentrates, and impregnated materials (pet collars). With the exception of the pet collar uses, consumer use of pyriproxyfen typically results in short-term, intermittent exposures. Hence, chronic residential postapplication exposure and risk assessments were conducted to estimate the potential risks from pet collar uses.

The risk assessment was conducted using the following assumptions: Application rate of 0.58 mg ai/day (product label), average body weight for a 1 to 6 year old child of 10 kg, the active ingredient dissipates uniformly through 365 days (the label instructs to change the collar once a year), and 1% of the active ingredient is available for dermal and inhalation exposure per day. The assessment also assumes an absorption rate of 100%. This is a conservative assumption since the dermal absorption was estimated to be 10%.

4. *Cumulative exposure to substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, 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 does not have, at this time, available data to determine whether pyriproxyfen has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, pyriproxyfen does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that pyriproxyfen has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

C. Safety Factor for Infants and Children

1. *In general*. FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

2. *Developmental toxicity studies*. In the developmental study in rats, the maternal (systemic) NOAEL was 100 mg/kg/day, based on decreased body weight, body weight gain, food consumption and increased water consumption at the LOAEL of 300 mg/kg/day. The developmental (fetal) NOAEL was 300 mg/kg/day, based on increased skeletal variations and unspecified visceral variations at the LOAEL of 1,000 mg/kg/day.

In the developmental toxicity study in rabbits, the maternal (systemic) NOAEL was 100 mg/kg/day, based on abortions, soft stools, emaciation, decreased activity and bradypnea at the LOAEL of 300 mg/kg/day. The developmental (pup) NOAEL was 300 mg/kg/day, based on decreased viable litters at the LOAEL of 1,000 mg/kg/day.

3. *Reproductive toxicity study*. In the 2-generation reproductive toxicity study in rats, the maternal (systemic) NOAEL was 87/96 mg/kg/day for M/F, based on decreased body weights, body weight gains, and increased liver weight associated with histopathological findings in the liver at the LOAEL of 453/498 mg/kg/day for M/F. The developmental (pup) NOAEL was 87/96 mg/kg/day, based on decreased body weight on lactation days 14 and 21 at the LOAEL of 453/498 mg/kg/day. The

reproductive NOAEL was 453/498 mg/kg/day HDT.

4. *Prenatal and postnatal sensitivity.* The toxicological data base for evaluating prenatal and postnatal toxicity for pyriproxyfen is complete with respect to current data requirements. There are no prenatal or postnatal toxicity comparisons for infants and children, based on the results of the rat and rabbit developmental toxicity studies and the 2-generation rat reproductive toxicity study.

5. *Conclusion.* Based on the above, the Agency concludes that reliable data support use of a 100-fold margin of exposure/uncertainty factor, rather than the standard 1,000-fold margin/factor, to protect infants and children.

D. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water EECs. DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + chronic non-dietary, non-occupational exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: Acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and ground water are less than the calculated DWLOCs, OPP concludes with reasonable certainty that exposures to pyriproxyfen in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of pyriproxyfen on drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* The acute dietary assessment is not required for pyriproxyfen because there were no effects that could be attributed to a single exposure (dose) in oral toxicity studies including the developmental toxicity studies in rats and rabbits.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to pyriproxyfen from food will utilize 0.9% of the cPAD for the U.S. population, 1.6% of the cPAD for all infants <1 year old and 2.6% of the cPAD for children 1-6 years old. Chronic residential exposure to pyriproxyfen from pet collars is estimated to increase total pyriproxyfen exposure to infants and children only marginally. In addition, despite the potential for chronic dietary exposure to pyriproxyfen in drinking water, after calculating DWLOCs and comparing them to conservative model estimated environmental concentrations of pyriproxyfen in surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 2:

TABLE 2.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO PYRIPROXYFEN

Population Subgroup	cPAD mg/kg/day	%cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. population all seasons	0.35	0.9	0.11	0.006	12000
All infants (<1 year)	0.35	1.6	0.11	0.006	3400
Children (1-6 years)	0.35	2.6	0.11	0.006	3400
Children (7-12 years)	0.35	1.5	0.11	0.006	3400
Females (13-50 years)	0.35	0.7	0.11	0.006	10000
Males (13-19 years)	0.35	0.9	0.11	0.006	12000
Males (20+ years)	0.35	0.6	0.11	0.006	12000
Seniors (55+)	0.35	0.6	0.11	0.006	12000

3. *Short-term risk.* Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). A short-term residential exposure assessment is not required for pyriproxyfen due to the lack of significant toxicological effects observed.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account non-dietary, non-occupational exposure plus chronic exposure to food and water (considered to be a background exposure level). An intermediate-term residential exposure assessment is not required for pyriproxyfen due to the lack of significant toxicological effects observed.

5. *Aggregate cancer risk for U.S. population.* Pyriproxyfen has been classified as a Group E carcinogen; there is no evidence of carcinogenic potential.

Therefore, a cancer risk assessment is not required.

6. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to pyriproxyfen residues.

V. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (example - gas chromotography) is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PIRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

B. International Residue Limits

There are no CODEX, Canadian, or Mexican Maximum Residue Limits (MRL) for pyriproxyfen on succulent beans.

VI. Conclusion

Therefore, the tolerance is established for combined residues of pyriproxyfen in or on succulent beans at 0.10 ppm.

VII. 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–301165 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 November 5, 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, 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 VII.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 the docket control number OPP–301165, 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).

VIII. Regulatory Assessment Requirements

This final rule establishes a time-limited tolerance under FFDCA section 408. 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 special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or 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 FIFRA section 18 petition under FFDCA section 408, such as the tolerances 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). For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.'' This rule 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.

IX. 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: August 21, 2001.

Donald R. Stubbs,

Acting Director, Registration Division, 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 180.510 is amended by alphabetically adding the commodity bean, succulent to the table in paragraph (b) to read as follows:

§ 180.510 Pyriproxyfen; tolerances for residues.

* * * * *

(b)* * *

Commodity	Parts per million	Expiration/Revocation Date
* * * * *		
Bean, succulent	0.10	6/30/03
* * * * *		

* * * * *

[FR Doc. 01–22282 Filed 9–4–01; 8:45am]
BILLING CODE 6560–50–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 447

[CMS–2100–F]

RIN 0938–AK89

Medicaid Program; Modification of the Medicaid Upper Payment Limit Transition Period for Inpatient Hospital Services, Outpatient Hospital Services, Nursing Facility Services, Intermediate Care Facility Services for the Mentally Retarded, and Clinic Services

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final rule.

SUMMARY: This final rule modifies the Medicaid upper payment (UPL) limit provisions by establishing a new transition period for States that submitted plan amendments before March 13, 2001 that do not comply with the new UPLs effective on that date (but do comply with the prior UPLs) and were approved on or after January 22, 2001. This new transition period applies to payments for inpatient hospital services, outpatient hospital services, nursing facility services, intermediate care facility services for the mentally retarded, and clinic services.

EFFECTIVE DATE: November 5, 2001.

FOR FURTHER INFORMATION CONTACT:

Robert Weaver, (410) 786–5914—Nursing facility services and intermediate care facility services for the mentally retarded

Marge Lee, (410) 786–4361—Inpatient and outpatient hospital services and clinic services

SUPPLEMENTARY INFORMATION:

I. Background

In the final rule published on January 12, 2001 in the **Federal Register** (66 FR 3148), we specified transition periods for those States with State plan amendments (SPAs) approved before the final rule effective date of March 13, 2001. In our March 13, 2001 letter to State Medicaid Directors, we clarified that state plan amendments submitted on or after the effective date of that final rule would be subject to the new requirements of that final rule. We further explained that we would disapprove any state plan amendment that is submitted on or after that date, including modification to existing state plans, that does not conform with the new upper payment limitations.

The State Medicaid Directors letter did not address the amendments pending CMS approval. After reviewing the legal and policy issues involved, the Administration now believes that each State's pending amendment should be reviewed under the criteria in place when it was submitted, and, for those submitted before March 13, 2001, the criteria before the January 12, 2001 final rule rather than applying the provisions of that rule. However, the Administration is also committed to phasing out the UPL loophole and assuring that tax dollars are spent properly. Absent modification of the UPL transition provisions, approval of these State plan amendments could trigger a 2-year transition period through September 30, 2002, which would have greater budget implications than anticipated.

II. Provisions of the Proposed Rule

On April 3, 2001, we published a proposed rule in the **Federal Register** (66 FR 17657) proposing to create a separate UPL transition period for State plan amendments that were submitted to us before March 13, 2001 but were approved on or after January 22, 2001. We proposed that these State plan amendments would qualify for a transition period that would end on the later of March 13, 2001 or 1 year after the approved effective date of each State plan amendment. With respect to pending UPL plans that are expansions of previously approved plans, we proposed that the separate transition period would only apply to the portion of spending under the pending plan that is above the amount that was previously approved.

The proposed rule did not include those State plan amendments that were actively (not deemed) approved after January 12, 2001 based on their compliance with the final rule of January 12, 2001. Because these amendments comply with the January 12, 2001 final rule, the amendments are not subject to the transition periods specified in the January 12, 2001 final rule. Also, as noted in the State Medicaid Directors letter of March 13, 2001, any State plan amendments submitted on or after March 13, 2001 would be reviewed and acted upon under the January 12, 2001 final rule. We would also treat any material change submitted on or after March 13, 2001 to a State plan amendment pending on that date as a new State plan amendment. We would not be able to approve such a submission under the UPL requirements in effect, and it would not be eligible for the new transition period.

III. Analysis of and Responses to Public Comments

We received 7 timely comments in response to the April 3, 2001 proposed rule. The majority of the comments were from State agencies, and associations representing hospitals, health care systems, and providers of long-term care, assisted living, and nursing facilities. We reviewed each comment and grouped like or related comments. The comments and our responses are summarized below.

Comment: Several commenters requested either this regulation be withdrawn or that State plan amendments submitted prior to March 13, 2001 and approved after January 22, 2001 receive the transition period as defined in the January 12, 2001 final UPL rule. Several of these commenters felt the rule was a retroactive application of policy. Two commenters pointed out that the impact on one State would be to reduce its transition period from September 30, 2002 to September 30, 2001. Another commenter felt it was unfair to change the rules in mid-stream on States that had submitted amendments prior to January 12, 2001. If we decline to withdraw this proposal, one commenter asked that States submitting plan amendments on or before January 12, 2001 be allowed to exceed the newly established payment limits until September 30, 2002, the rationale being that States did not receive official word until the rule was published on January 12, 2001.

Response: We do not agree with the request to withdraw this rule or to extend the full two-year transition period to States with pending (unapproved) amendments as of January 12, 2001 but we have altered the timing of the new transition period to ensure that it will not apply retroactively to any payments that may already have been made.

We note that States had clear and sufficient notice of an impending change in the UPL rules, and should have had no reasonable expectation of favorable treatment for unapproved amendments after the publication of the final rule. Therefore, the proposed shorter transition reflected an approach to balance our interest in curtailing the use of inappropriate Federal Medicaid funds with the States concerns about a shift in federal rules. When the final UPL regulation was issued on January 12, 2001, we did not state that pending State plan amendments would be approved. Thus, we do not believe

States had a reasonable reliance on the expectation of a full transition period. Nevertheless, we were aware of the possibility that some States may have been adversely affected by the timing of the issuance of the final rule. Thus, we determined that we would approve amendments pending prior to the effective date (March 13, 2001) of the January UPL regulation but we announced that we would propose a shorter transition period for those amendments.

The duration of the proposed new transition period was not intended to apply retroactively to any payments. Because of the timing in issuing this final rule, we have lengthened the duration of the new transition period to ensure that this remains the case. The new transition period will not end until the later of: (1) One year from the initial effective date of the State plan provision; or (2) the effective date of this final rule.

As a result of this change, no State that qualifies for this new transition period will have its transition period expire prior to the effective date of this final rule. In addition, all such States will also have or have had at least 1 full year to make payments under their amendments, which was our intent in issuing the transition policies in the April 3, 2001 proposed rule.

Comment: One commenter asked for clarification that state plan amendments pending as of March 12, 2001 that do not increase spending levels at non-State, government owned hospitals would not be impacted by this rule.

Response: If the pending amendments do not increase spending, then the transition period provided by this rule would not be applicable.

Comment: Two commenters indicated that they were uncertain how the transition period in this final regulation would impact States that have relied on enhanced Medicaid funding for many years. One of these commenters was under the impression that this regulation would permit a window of two years for those States that had approved state plans before October 1, 1992 and did not submit amendments.

Response: A State's eligibility for one of the two longer transition periods set forth in the January 12, 2001 final UPL rule is not altered by this rule. What could be impacted is the maximum amount of excessive funding that is phased out over long periods of time. If an amendment pending on March 13 was approved after January 22, 2001, and the amendment had the effect of increasing the amount of spending that already exceeded the January 12, 2001 final UPL rule, then just the incremental increase provided by that amendment would be subject to the transition period in this rule.

Comment: One commenter recommended that only state plan amendments submitted to CMS on or after March 13, 2001, the effective date of the January 12, 2001 UPL regulation, be subject to this regulation. A second commenter similarly recommended this regulation apply only to amendments submitted after January 12, 2001.

Response: We do not agree with these comments. The purpose of providing any transition period is to help mitigate the effect the new upper payment limits may have in States which have relied on enhanced payments under the former regulations to leverage federal Medicaid dollars. By extending a grace period to amendments submitted after the March 13, 2001 effective date of the new upper payment limits, this recommendation would provide a transition period to spending situations where clearly there was no reliance when the new rules took effect. We similarly believe that any State that submitted an amendment after the January 12, 2001 publication date of the final rule arguably had no basis to expect the amendment would be approved or had any history of reliance on such spending.

Comment: One commenter stated that we did not respond adequately in the January 12, 2001 final rule to several comments submitted on the October 10, 2000 proposed rule. Another commenter expressed concerns over the provisions of the January 12, 2001 final rule.

Response: We believe that, in the January 12, 2001 final rule, we adequately responded to all comments submitted in response to the October 10, 2000 proposed rule. We do not think it is necessary or appropriate to further respond to those comments, or respond to comments on the provisions of the January 12, 2001 final rule, in this final rule.

IV. Provisions of the Final Regulation

For the reasons discussed in section III of this preamble, this final rule adopts the separate UPL transition period proposed in the April 3, 2001 proposed rule.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 35).

VI. Regulatory Impact Analysis

A. Introduction

We have examined the impact of this final rule as required by Executive Order (EO) 12866, the Unfunded Mandates Act of 1995, and the Regulatory Flexibility Act (RFA) (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($110 million or more in any one year). We consider this to be a major rule and we have provided an analysis below.

B. Overall Impact

The estimates provided below are based on State-reported Federal fiscal year information submitted with State plan amendments and State expenditure information, where available. We have lowered our estimate of potentially impacted State plan amendments that may qualify for a transition period to 4. In the April 3, 2001 proposed rule, we had estimated that 11 State plan amendments may have qualified for the transition period provided by this rule. Our revised estimate is based on a better understanding of State spending made pursuant to the amendments that targeted payments to public providers.

Were these State plan amendments to be approved under the 2-year transition period, we estimate the increase in spending attributed to these amendments would total $1.0 billion over fiscal years 2001 and 2002 as a result of the two-year transition period ending on September 30, 2002. Subjecting these same state payment provisions to the new shorter transition periods provided by this final rule will result in .5 billion savings over the same period relative to the spending that could have occurred under transition 2-year transition period ending September 30, 2002.

C. Impact on Small Entities and Rural Hospitals

The Regulatory Flexibility Act requires agencies to analyze options for regulatory relief of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations and government agencies. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having

revenues of $5 million to $25 million (see 65 FR 69432) or less annually. For purposes of the RFA, all hospitals, nursing facilities, intermediate care facilities for the mentally retarded, and clinics are considered to be small entities. Individuals and States are not included in the definition of a small entity.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds.

We do not believe the shorter transition periods adopted in this final rule will have a significant impact on small entities, including small rural hospitals. Although the transition policy allows States to make higher payments to government providers than what otherwise would have been allowable under the rules that were effective on March 13, 2001, this flexibility is only available for one year. Therefore, we do not expect small entities to develop any reliance on these payments.

D. The Unfunded Mandates Act

The Unfunded Mandates Reform Act of 1995 also requires (in section 202) that agencies perform an assessment of anticipated costs and benefits before proposing any rule that may result in a mandated expenditure in any one year by State, local, or Tribal governments, in the aggregate, or by the private sector, of $110 million. Because this final rule does not mandate any new spending requirements or costs, but rather provides for new transition periods, we do not believe it has any unfunded mandate implications.

E. Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct compliance costs on State and local governments, preempts State law, or otherwise has Federalism implications. We do not believe this final rule in any way imposes substantial direct compliance costs on State and local governments, or preempts or supersedes State or local law. However, we realize the reform of upper payment limits is an issue some States are very interested in. Therefore, in addition to providing States with an opportunity to comment on the proposed rule, we have tried to afford States ample opportunities to express their interest and concerns as we have moved forward in developing reforms.

F. Executive Order 12866

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects in 42 CFR Part 447

Accounting, Administrative practice and procedure, Drugs, Grant programs-health, Health facilities, Health professions, Medicaid, Reporting and recordkeeping requirements, Rural areas.

For the reasons set forth in the preamble, 42 CFR part 447 is amended as follows:

PART 447—PAYMENTS FOR SERVICES

1. The authority citation for part 447 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. In § 447.272, revise paragraph (e)(2)(ii)(A) and add a new paragraph (e)(2)(ii)(D) to read as follows:

§ 447.272 Inpatient services: Application of upper payment limits.

* * * * *

(e) * * *

(2) * * *

(ii) * * *

(A) For State plan provisions that are effective after September 30, 1999 and were approved before January 22, 2001, payments may exceed the upper payment limit in paragraph (b) of this section until September 30, 2002.

* * * * *

(D) For State plan provisions that were effective after September 30, 1999, submitted to CMS before March 13, 2001, and approved by CMS after January 21, 2001, payments may exceed the limit in paragraph (b) of this section until the later of November 5, 2001, or 1 year from the approved effective date of the State plan provision.

* * * * *

3. In § 447.321, revise paragraph (e)(2)(ii)(A) and add a new paragraph (e)(2)(ii)(D) to read as follows:

§ 447.321 Outpatient hospital and clinic services: Application of upper payment limits.

* * * * *

(e) * * *

(2) * * *

(ii) * * *

(A) For State plan provisions that are effective after September 30, 1999 and were approved before January 22, 2001, payments may exceed the upper payment limit in paragraph (b) of this section until September 30, 2002.

* * * * *

(D) For State plan provisions that were effective after September 30, 1999, submitted to CMS before March 13, 2001, and approved by CMS after January 21, 2001, payments may exceed the limit in paragraph (b) of this section until the later of November 5, 2001, or 1 year from the approved effective date of the State plan provision.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: August 9, 2001.

Thomas A. Scully,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 01–22269 Filed 9–4–01; 8:45 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–2000; MM Docket No. 00–166; RM–9951; RM–10015; RM–10016]

Radio Broadcasting Services; Wickenburg, Bagdad and Aguila, AZ

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants a Petition for Reconsideration of the *Report and Order* in this proceeding, 66 FR 21680, May 1, 2001, as requested by Circle S Broadcasting Co., Inc., licensee of Station KSWG (FM), Channel 231C3, Wickenburg, Arizona, to the extent it substitutes Channel 242C3 for Channel 231C3 and modifies its license accordingly, rather than the allotment of Channel 242C3 at Wickenburg as that community's third local FM transmission service. The substitution and modification at Wickenburg is preferred over the allotment of Channel 242C3 for general application based upon the original proponent's withdrawal of interest, and the failure of any other party to express an interest therein. Coordinates used for Channel 242C3 at Wickenburg remain as specified in the *Report and Order.* Allotments made in the context of this proceeding at Bagdad and Aguila, Arizona, remain unchanged. Additionally, as Wickenburg is located

within 320 kilometers (199 miles) of the US-Mexico border, concurrence of the Mexican government to this allotment was requested, but has not been received. Therefore, the allotment of Channel 242C3 at Wickenburg is conditioned on concurrence of the Mexican government in accordance with the 1992 USA-Mexico M Broadcast Agreement.

DATES: Effective October 9, 2001.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order,* MM Docket No. 00–166, adopted August 15, 2001, and released August 24, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 231C3 at Wickenburg.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–22203 Filed 9–4–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 082701D]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

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

ACTION: Adjustment of daily retention limit; inseason quota transfer.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (BFT) General category daily retention limit should be adjusted to two large medium or giant BFT per vessel. NMFS has also determined that the BFT General category restricted fishing day (RFD) schedule should be adjusted; i.e., certain RFDs should be waived to allow for maximum utilization of the General category subquota for the September fishing period. Therefore, NMFS increases the daily retention limit from zero to two large medium or giant BFT on the following previously designated RFDs for 2001: September 2, 3, 5, 9, 10, and 12. NMFS has also determined that a quota transfer to allow continued fishing in the Harpoon category is appropriate, and therefore transfers 15 metric tons (mt) from the Reserve to the Harpoon category for the remainder of the 2001 fishing year.

DATES: The retention limit adjustment for General category vessels is effective September 1, 2001 through September 15, 2001. The quota transfer to the Harpoon category is effective August 29, 2001 through May 31, 2002.

FOR FURTHER INFORMATION CONTACT: Pat Scida or Brad McHale, 978–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories, and General category effort controls (including time-period subquotas and RFDs) are specified annually as required under 50 CFR 635.23 (a) and 635.27 (a). The initial 2001 BFT fishing category quotas and General category effort controls were specified on July 13, 2000 (66 FR 37421, July 18, 2001).

Adjustment of Daily Retention Limits

Under § 635.23 (a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range from zero (on RFDs) to a maximum of three per vessel to allow for maximum utilization of the quota for BFT. Based on a review of dealer reports, daily landing trends, and the availability of BFT on the fishing grounds, NMFS has determined that an increase of the daily retention limit for the first half of September is appropriate and necessary to allow full use of the September subquota. Therefore, NMFS adjusts the daily retention limit for September 1 through September 15 to two large medium or giant BFT per vessel. Additionally, under 50 CFR 635.23 (a)(4), NMFS has determined that adjustment of the RFD schedule is also necessary to allow full use of the September subquota. Consequently, NMFS must increase the daily BFT retention limit for certain previously designated RFDs. Therefore, NMFS adjusts the daily retention limit for September 2, 3, 5, 9, 10, and 12, 2001, to two large medium or giant BFT per vessel. NMFS has selected these days in order to give adequate advance notice to fishery participants and NMFS enforcement.

The intent of these adjustments is to allow for maximum utilization of the General category subquotas for the September fishing period specified under 50 CFR 635.27 (a) to achieve optimum yield in the General category fishery, to collect a broad range of catch-effort data for stock monitoring purposes, and to be consistent with the objectives of the HMS FMP. For these same reasons, NMFS adjusted the General category daily retention limit on several occasions for previously scheduled RFDs over the last two years (64 FR 42855, August 6, 1999; 64 FR 51079, September 21, 1999; 65 FR 46654, July 31, 2000; and 65 FR 54970, September 12, 2000).

While BFT catch rates have been slow so far this season, NMFS recognizes that catch rates tend to increase in the fall fisheries. In order to ensure that the September subquota is not filled prematurely and to ensure equitable fishing opportunities in all areas and for all gear types, NMFS is adjusting the General category daily retention limit only through September 15 and NMFS is not waiving all the RFDs previously scheduled for September. After September 15, the daily BFT retention

limit for vessels fishing under the General category quota reverts to one fish per day on authorized fishing days. Additionally, the scheduled RFDs for September 16, 17, 19, 23, 24, 26, 30, and October 1 and 3, remain in effect. If catch rates continue to be low after September 15, daily retention limits may be increased and some or all of the remaining previously scheduled RFDs may be waived as well.

Inseason Transfer to the Harpoon Category

Under the implementing regulations at 50 CFR 635.27 (a)(7), NMFS has the authority to allocate any portion of the Reserve to any category quota in the fishery, other than the Angling category school BFT subquota (for which there is a separate reserve), after considering the following factors: (1) The usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock; (2) the catches of the particular category quota to date and the likelihood of closure of that segment of the fishery if no allocation is made; (3) the projected ability of the vessels fishing under the particular category quota to harvest the additional amount of BFT before the end of the fishing year; (4) the estimated amounts by which quotas established for other gear segments of the fishery might be exceeded; (5) effects of the transfer on BFT rebuilding and overfishing; and (6) effects of the transfer on accomplishing the objectives of the HMS FMP.

The 2001 annual BFT quota specifications previously issued under § 635.27 provide for a quota of 55 mt of large medium and giant BFT to be harvested from the regulatory area by vessels fishing under the Harpoon category quota. As of August 23, 2001, Harpoon category landings totaled approximately 48 mt, with 7 mt available for the remainder of the season.

After considering the factors for making transfers between categories and from the Reserve, NMFS has determined that 15 mt of the remaining 41.9 mt of Reserve should be transferred to the Harpoon category. Thus, the Harpoon category quota is adjusted to 70 mt for the 2001 fishing year.

Once the adjusted Harpoon category quota has been attained, the Harpoon category will be closed. Announcement of the closure will be filed with the Office of the Federal Register, stating the effective date of closure, and further communicated through the Highly Migratory Species Fax Network, the Atlantic Tunas Information Line, NOAA weather radio, and Coast Guard Notice to Mariners. Although notification of closure will be provided as far in advance as possible, fishermen are encouraged to call the Atlantic Tunas Information Line at (888) USA-TUNA or (978) 281–9305, to check the status of the fishery before leaving for a fishing trip.

Classification

This action is taken under 50 CFR 635.23(a)(4) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: August 29, 2001.

Richard W. Surdi,

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

[FR Doc. 01–22159 Filed 8–29–01; 4:49 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 082901B]

Atlantic Highly Migratory Species (HMS) Fisheries; Large Coastal Shark Species

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

ACTION: Postponement of closure; fishing season notification.

SUMMARY: NMFS notifies eligible participants of the commercial fishery for large coastal sharks (LCS) in the Western North Atlantic Ocean, including the Gulf of Mexico and the Caribbean Sea, which was scheduled to be closed on August 31, 2001, at 11:30 p.m. local time, has been extended to September 4, 2001, at 11:30 p.m. local time.

DATES: The commercial fishery for LCS will close on September 4, 2001, at 11:30 p.m. local time through December 31, 2001.

FOR FURTHER INFORMATION CONTACT: Christopher Rogers or Karyl Brewster-Geisz, 301–713–2347; fax 301–713–1917.

SUPPLEMENTARY INFORMATION: The Atlantic shark fishery is managed under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks, and its implementing regulations found at 50 CFR part 635 issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*).

On June 26, 2001, NMFS announced in the **Federal Register** (66 FR 33918) that the LCS commercial quota for the second semi-annual 2001 fishing season was 697 metric tons (mt) dressed weight (dw). Additionally, NMFS announced that, based on past catch rates, the LCS fishery would close on August 31, 2001. As of July 31, 2001, approximately 331 mt dw, or 47 percent of the available quota, had been reported landed. Extending the season should ensure that eligible participants have an adequate opportunity to harvest the available quota.

Commercial fishing for pelagic and small coastal sharks may continue until further notice. When quotas for these species are projected to be reached, NMFS will file notice of closure at the Office of the Federal Register.

This action is taken under 50 CFR part 635 and is exempt from review under Executive Order 12866.

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

Dated: August 29, 2001.

Richard W. Surdi

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

[FR Doc. 01–22160 Filed 8–29–01; 4:49 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 070201A]

Atlantic Highly Migratory Species; Swordfish Quota Adjustment

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

ACTION: Adjustment of annual catch quotas.

SUMMARY: NMFS adjusts the 2001 fishing year directed fishery and incidental catch quotas for North Atlantic swordfish to account for underharvest from the 1999 fishing year. Any unharvested quota from the 2000 fishing year will be transferred at a later date, once final landings have been tabulated. The 2001 South Atlantic swordfish quota remains at 289 mt dw. This action is consistent with the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP) and the provisions for swordfish quota adjustments at 50 CFR part 635.

DATES: Effective September 4, 2001 through May 31, 2002.

FOR FURTHER INFORMATION CONTACT: Jill Stevenson or Mike Barnette at 727–570–5447; Fax: 727–570–5656 or by email at jill.stevenson@noaa.gov or michael.barnette@noaa.gov.

SUPPLEMENTARY INFORMATION: The HMS FMP and its implementing regulations at 50 CFR part 635 establish catch quotas and, as applicable, fishing category and seasonal subquotas, for the North Atlantic and South Atlantic swordfish stocks. Under the FMP, these catch quotas are required to be consistent with recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). Additionally, the implementing regulations require that, if total landings are above or below the applicable Atlantic swordfish quotas, the difference must be subtracted from, or added to, the following year's quota for the specific management category, provided such quota adjustments are consistent with ICCAT recommendations. Landings reports for the directed fisheries for North and South Atlantic swordfish, and estimates of the incidental catch of North Atlantic swordfish, indicate that the allocations for the respective fisheries were not completely harvested during the 1999 fishing year (June 1, 1999 through May 31, 2000.)

North Atlantic Swordfish

Directed fishery landings and incidental catch of North Atlantic swordfish during the 1999 fishing year were reported to ICCAT to be 2896 metric tons (mt) whole weight, equivalent to 2177.5 mt dressed weight (dw). The 1999 fishing year quota, after adjustment for the previous year's underharvest (65 FR 15873, March 24, 2000), was 2727.3 mt dw. Therefore, a total of 549.8 mt dw of unharvested swordfish quota may be carried over.

Under applicable regulations at 50 CFR 635.23 (c)(3), if total landings are above or below the specific North Atlantic swordfish annual quotas, they must be subtracted from, or added to, the following year's quota. Further, any carryover adjustments to the annual North Atlantic swordfish directed fishery quota must be apportioned equally between the two semiannual periods. The ICCAT recommendation on rebuilding the North Atlantic swordfish stock does allow for such carryovers. Because the 2000 fishing year ended May 31, 2001, the carryover amount will be applied to the current fishing year (June 1, 2001 through May 31, 2002.)

A total of 249 mt dw of the unharvested 1999 quota is added to the base 2001 directed fishery quota of 2033.2 mt dw for an adjusted North Atlantic swordfish directed catch quota of 2282.2 mt dw. This adjusted annual quota is divided into 2 equal semiannual quotas of 1141.1 mt dw for the periods of June 1, 2001 through November 30, 2001 and December 1, 2001 through May 31, 2002. The remaining 300.8 mt dw of the unharvested 1999 fishing year quota is added to the base 2001 incidental catch quota of 300 mt dw for an adjusted North Atlantic swordfish incidental catch quota of 600.8 mt dw.

South Atlantic Swordfish

Directed fishery landings of South Atlantic swordfish during the 1999 fishing year were reported to ICCAT to be 51 mt whole weight, equivalent to 38.3 mt dw. The 1999 fishing year quota was set at 289 mt dw (64 FR 29090, May 28, 1999). Consequently, a total of 250.7 mt dw was unharvested at the end of the fishing year.

The ICCAT recommendation on allocating the total allowable catch of South Atlantic swordfish contains no provisions to adjust country-specific quotas for over or under harvests in prior years. Therefore, the U.S. quota for South Atlantic swordfish remains at the current level of 289 mt dw. There is no incidental catch quota for South Atlantic swordfish.

Additional Quota Adjustments

When final swordfish landings figures for the 2000 fishing year are available, NMFS will transfer any unharvested quota to the 2001 fishing year. Additionally, if NMFS estimates that U.S. fishermen discarded more than 320 mt ww of swordfish during the 2000 fishing year, the dressed weight equivalent of the amount by which that allowance is exceeded will be deducted from the 2001 fishing year landings quota, consistent with the ICCAT swordfish rebuilding recommendation and HMS regulations at 50 CFR 635.27 (c)(3)(iii). NMFS will publish the 2000 fishing year swordfish landings and dead discards estimates at a later date and will announce any required adjustments to the 2001 fishing year quotas in the **Federal Register**.

Under the swordfish limited access program established under the 1999 HMS FMP and implemented by regulations at 50 CFR 635.16, NMFS has issued incidental catch permits. All swordfish catch by vessels so permitted are applied to the incidental catch quota as required by regulations at 50 CFR 635.27 (c). In past years, only a fraction of the incidental catch quota has been landed and NMFS has received comments requesting reallocation of a portion of the incidental catch quota to the directed fishery category. While under current regulations such reallocation is possible through an inseason quota adjustment, a permanent reallocation could reduce the potential for closure of the directed fishery mid-season. NMFS is currently evaluating the need for reallocation and may address this issue in a future rulemaking.

At the 2000 meeting of ICCAT, Japan indicated that it had exceeded its annual allocation of North Atlantic swordfish, due to higher than anticipated incidental catch rates of swordfish in its bigeye tuna fishery. This problem is difficult to address, because swordfish are not a target species and overharvest of the quota has forced Japanese fishermen to discard all swordfish, dead or alive. At the ICCAT meeting, the United States agreed to assist Japan in its efforts to comply with the catch allocation provisions of the swordfish rebuilding program by transferring to Japan a total of 400 mt whole weight (300.8 mt dw) of the U.S. North Atlantic swordfish quota for the 2001 fishing year. In order to accomplish this transfer, NMFS will have to reserve a portion of the 2001 North Atlantic swordfish quota. This reserve quota will be proposed in an upcoming rulemaking and the public will be provided with an opportunity to comment.

Classification

This action is taken under 50 CFR 635.27 (c). This action is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 16 U.S.C. 1801 *et seq*.

Dated: August 29, 2001.

Richard W. Surdi,

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

[FR Doc. 01–22184 Filed 9–4–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 010502110–1110–01; I.D. 081601C]

Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment for the Commercial Salmon Season from Queets River, WA, to Cape Falcon, OR

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

ACTION: Inseason adjustment to the 2001 annual management measures for the ocean salmon fishery; request for comments.

SUMMARY: NMFS announces a modification of the open periods and limited retention regulation for the commercial fishery from the Queets River, WA, to Cape Falcon, OR. The fishing period opened August 3, 2001, and closed at midnight on August 12, 2001, with a limit of 100 chinook per boat for this open period. The fishery was assessed on August 14, 2001, and any further openings will be announced as needed. This action is necessary to conform to the 2001 annual management measures for ocean salmon fisheries.

DATES: Adjustment in the area from Queets River, WA, to Cape Falcon, OR -- effective 0001 hours local time (l.t.), August 3, 2001, until August 12, 2001. Comments will be accepted through September 20, 2001.

ADDRESSES: Submit written comments to Donna Darm, Acting Regional Administrator, Northwest Region, NMFS, NOAA, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115–0070; fax 206–526–6376; or Rebecca Lent, Regional Administrator, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802–4132; fax 562–980–4018. Comments will not be accepted if submitted via e-mail or the Internet. Information relevant to this document is available for public review during business hours at the Office of the Regional Administrator, Northwest Region, NMFS.

FOR FURTHER INFORMATION CONTACT: Christopher Wright, 206–526–6140, Northwest Region, NMFS, NOAA.

SUPPLEMENTARY INFORMATION: The Northwest Regional Administrator, NMFS (Regional Administrator), determined that the modification of the open periods and limited retention regulation for the commercial fishery from the Queets River, WA, to Cape Falcon, OR, was justified, given the relative catch rate of chinook and coho. The open period for the fishery was modified to open for 10 days, starting August 3, 2001, and closed at midnight on August 12, 2001, with a limited retention regulation of 100 chinook per boat for this open period. Modification of fishing seasons is authorized by regulations at 50 CFR 660.409(b)(1)(i). Modification of the species that may be caught and landed during specific seasons, and the establishment or modification of limited retention regulations, is authorized by regulations at 50 CFR 660.409(b)(1)(ii).

In the 2001 annual management measures for ocean salmon fisheries (66 FR 23185, May 8, 2001), NMFS announced that the commercial fishery for all salmon in the area from Queets River to Cape Falcon would open the earlier of the day following closure of the U.S.-Canada Border to Leadbetter Pt. July troll fishery or July 28, but not before July 20, through the earliest of September 30 or the overall chinook quota (preseason 6,000-chinook guideline) or a 63,000 marked-coho guideline. The fishery was scheduled to run continuously until 75 percent of either guideline was caught; it would then revert to a cycle of 4 days open/3 days closed. The annual measures also indicated that trip limits, gear restrictions, and guidelines may be instituted or adjusted inseason.

The U.S.-Canada Border to Leadbetter Pt. July troll fishery was closed in an inseason action on July 9, 2001, at 2359 hours l.t.(66 FR 38573, July 25, 2001). Therefore, the commercial fishery for all salmon from Queets River to Cape Falcon opened on July 20, 2001.

NMFS announced a modification of the weekly opening period and the addition of a limited retention regulation for the commercial fishery from the Queets River, WA, to Cape Falcon, OR, to follow a cycle of 4 days open/3 days closed, and a limit of 65 chinook per open period per boat effective 0001 hours l.t., July 20, 2001 (66 FR 45634, August 29, 2001). The Regional Administrator consulted with representatives of the Pacific Fishery Management Council (Council), Washington Department of Fish and Wildlife (WDFW), and Oregon Department of Fish and Wildlife (ODFW) regarding the inseason action by conference call on July 18, 2001. The states indicated that there was a higher than projected chinook/coho catch ratio. The modifications to the season were adopted to avoid closing the fishery early because of the chinook quota, thus precluding the opportunity to catch available marked hatchery coho salmon.

There was a subsequent conference call on July 26, 2001, following the first open period, to assess the status of the fishery. The chinook/coho catch rates and effort data in the first open period indicated that no further season modifications were necessary for the second 4-day opening (July 27-30, 2001).

After the second open period, the Regional Administrator again consulted with representatives of the Council, WDFW, and ODFW by conference call on August 1, 2001, regarding the fishery. The chinook/coho catch rates and effort data indicated that the availability of coho was increasing in the area. The states recommended that the season be modified to open for 10 days, reopening August 3, 2001, and closing at midnight on August 12, 2001, with a limit of 100 chinook per boat for the open period. All other restrictions that apply to this fishery, as announced in the 2001 annual management measures for ocean salmon fisheries and subsequent inseason actions, remain in effect.

The Regional Administrator consulted with representatives of the Council, WDFW, and ODFW regarding the inseason action by conference call. The best available information on August 1, 2001, indicated that the catch/effort data and projections supported the commercial fishery season modifications. The states will manage the fisheries in state waters adjacent to the areas of the exclusive economic zone in accordance with these Federal actions. As provided by the inseason notice procedures of 50 CFR 660.411, actual notice to fishermen of the adjustments in the area from Queets River to Cape Falcon effective 0001 hours l.t., August 3, 2001, was given prior to the effective date by telephone hotline number 206–526–6667 and 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF–FM and 2182 kHz.

Because of the need for immediate action for the season modifications for the area from Queets River to Cape Falcon, NMFS has determined that good cause existed for this notification to be issued without affording a prior opportunity for public comment because such notification would be unnecessary, impracticable, and contrary to the public interest. Moreover, because of the immediate need to modify a season because of estimates of effort and catch, the

Assistant Administrator for Fisheries, NOAA finds, for good cause, under 5 U.S.C. 553(d)(3), that delaying the effectiveness of this rule for 30 days is impracticable and contrary to public interest.

This action does not apply to other fisheries that may be operating in other areas.

Classification

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under Executive Order 12866.

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

Dated: August 23, 2001.

Dean Swanson,

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

[FR Doc. 01–22277 Filed 9–4–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013–1013–01; I.D. 083001B]

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for groundfish by vessels using hook-and-line gear in the Gulf of Alaska (GOA), except for sablefish or demersal shelf rockfish in the Southeast Outside District. This action is necessary because the Pacific halibut prohibited species catch (PSC) limit specified for hook-and-line gear targeting groundfish other than sablefish in the GOA and demersal shelf rockfish in the Southeast Outside District has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 4, 2001, until 2400 hrs, A.l.t., December 31, 2001.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Pacific halibut PSC limit for groundfish included in the other hook-and-line fishery, which is defined at § 679.21 (d)(4)(iii)(C), was established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001) and subsequent adjustments (66 FR 17087, March 29, 2001 and 66 FR 37167, July 17, 2001) as 290 metric tons (mt).

The other hook-and-line fishery includes all groundfish except sablefish in the GOA and demersal shelf rockfish in the Southeast Outside District.

In accordance with § 679.21 (d)(7)(ii), NMFS is prohibiting directed fishing for groundfish other than sablefish in the GOA or demersal shelf rockfish in the Southeast Outside District by vessels using hook-and-line gear.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20 (e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action because the Pacific halibut hook-and-line PSC limit has been reached constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553 (b)(3)(B) and 50 CFR 679.20 (b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion because the Pacific halibut hook-and-line PSC limit has been reached constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553 (d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: August 30, 2001.

Richard W. Surdi,

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

[FR Doc. 01–22265 Filed 8–30–01; 1:58 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013–1013–01; I.D. 083001A]

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel with gears other than jig in the Eastern Aleutian District and the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2001 total allowable catch (TAC) of Atka mackerel in these areas.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 3, 2001, through 2400 hrs, A.l.t., December 31, 2001.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP at subpart H of 50 CFR part 600 and CFR part 679.

The Atka mackerel TAC for non-jig gear in the Eastern Aleutian District and the Bering Sea subarea was specified as 7,143 metric tons (mt) (66 FR 7276, January 22, 2001). See § 679.20(a)(8)(ii).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the TAC for non-jig gear Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 6,943 mt, and is setting aside the remaining 200 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed

fishing allowance soon will be reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea of the BSAI.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the 2001 TAC of Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea of the BSAI constitutes good cause to waive the requirement to provide prior notice opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to prevent exceeding the 2001 TAC of Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea of the BSAI constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: August 30, 2001.

Richard W. Surdi,

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

[FR Doc. 01–22264 Filed 8–30–01; 1:58 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 172
Wednesday, September 5, 2001

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ASO–3]

Proposed Establishment of Class E5 Airspace; Reform, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to establish Class E5 airspace at Reform, AL. A Area Navigation (RNAV) Global Positioning System (GPS) Runway (RWY) 19 Standard Instrument Approach Procedure (SIAP) has been developed for North Pickens Airport, Reform, AL. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain the SIAP and other Instrument Flight Rules (IFR) operations at North Pickens Airport. The operating status of the airport would change from Visual Flight Rules (VFR) to include IFR operations concurrent with the publication of the SIAP.

DATES: Comments must be received on or before October 5, 2001.

ADDRESSES: Send comments on the proposed in triplicate to: Federal Aviation Administration, Docket No. 01–ASO–3, Manager, Airspace Branch, ASO–520, P. O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305–5586.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this document must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 01–ASO–3.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace Branch, ASO–520, Air Traffic Division, P. O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E5 airspace at Reform, AL. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting

Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

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

* * * * *

ASO AL E5 Reform, AL [New]

North Pickens Airport, AL
(lat. 33°23′20″N., long. 88°00′20″W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of North Pickens Airport.

* * * * *

Issued in College Park, Georgia, on August 20, 2001.

Wade T. Carpenter,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 01–22247 Filed 9–4–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 801

[Docket No. 010607148–1148–01]

RIN 0691–AA42

International Services Surveys: BE–48, Annual Survey of Reinsurance and Other Insurance Transactions by U.S. Insurance Companies With Foreign Persons

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice sets forth proposed rules to amend the reporting requirements for the BE–48, Annual Survey of Reinsurance and Other Insurance Transactions by U.S. Insurance Companies with Foreign Persons.

The BE–48 survey is conducted by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce, under the International Investment and Trade in Services Survey Act. The data are needed to support U.S. trade policy initiatives; compile the U.S. international transactions, national income and product, and input-output accounts; assess U.S. competitiveness in international trade in services; and improve the ability of U.S. businesses to identify and evaluate market opportunities.

BEA proposes to raise the exemption level for the BE–48 survey to $2 million in either reinsurance premiums, received or paid; reinsurance losses, paid or recovered; primary insurance premiums received; or primary insurance losses paid, from $1 million on the previous (2000) survey. Raising the exemption level will reduce respondent burden, particularly for small companies.

DATES: Comments on these proposed rules will receive consideration if submitted in writing on or before November 5, 2001.

ADDRESSES: Mail comments to the Office of the Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington DC 20230, or hand delivered to room M–100, 1441 L Street, NW., Washington, DC 20005. Comments will be available for public inspection in room 7005, 1441 L Street, NW., between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: R. David Belli, Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606–9800.

SUPPLEMENTARY INFORMATION: These proposed rules amend 15 CFR part 801 by revising § 801.9(b)(4)(ii) to set forth revised reporting requirements for the BE–48, Annual Survey of Reinsurance and Other Insurance Transactions by U.S. Insurance Companies with Foreign Persons. The survey is conducted by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce, under the International Investment and Trade in Services Survey Act (Pub.L. 94–472, 90 Stat. 2059, 22 U.S.C. 3101–3108, as amended). Section 3103(a) of the Act provides that ''The President shall, to the extent he deems necessary and feasible— * * * (1) conduct a regular data collection program to secure current information * * *related to international investment and trade in services * * *'' In Section 3 of Executive Order 11961, as amended by Executive Order 12518, the President delegated the authority under the Act as concerns international trade in services to the Secretary of Commerce, who has redelegated it to BEA.

The BE–48 is an annual survey of U.S. reinsurance and other insurance transactions with unaffiliated foreign persons. The data are needed to support U.S. trade policy initiatives; compile the U.S. international transactions, national income and product, and input-output accounts; assess U.S. competitiveness in international trade in services; and improve the ability of U.S. businesses to identify and evaluate market opportunities.

Under the proposed rule, reporting in the BE–48 annual survey would be required from all U.S. persons whose reinsurance premiums, received or paid; reinsurance losses, paid or recovered; primary insurance premiums received; or primary insurance losses paid exceeded $2 million during the reporting year. The proposed exemption level is an increase from the current level of $1 million. The increase is intended to reduce respondent burden, particularly for small companies. The data collected on the BE–48 are disaggregated by country and by type of insurance transaction.

Executive Order 12866

These proposed rules are not significant for purposes of E.O. 12866.

Executive Order 13132

These proposed rules do not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 13132.

Paperwork Reduction Act

These proposed rules contain a collection of information requirement subject to the Paperwork Reduction Act. A request for review of the forms has been submitted to the Office of Management and Budget under section 3507 of the Paperwork Reduction Act.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.

Public reporting burden for this collection of information is estimated to vary from less than one hour to 20 hours, with an overall average burden of 4 hours. This includes time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the agency, including whether the information will have practical utility; (b) the accuracy of the 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. Comments should be addressed to: Director, Bureau of Economic Analysis (BE–1), U.S.

Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, O.I.R.A., Paperwork Reduction Project 0608–0016, Washington, DC 20503 (Attention PRA Desk Officer for BEA).

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities. While the survey does not collect data on total sales or other measures of the overall size of businesses that respond to the survey, historically the respondent universe has been comprised mainly of major U.S. corporations. With the proposed increase in the exemption level for the survey from $1 million to $2 million in covered receipts or payments, even fewer small businesses can be expected to be subject to reporting than in the past. Of those smaller businesses that must report, most will tend to have specialized operations and activities and thus will be likely to report only one type of insurance transaction, often limited to transactions with a single partner country; therefore, the burden on them can be expected to be small.

List of Subjects in 15 CFR Part 801

Balance of payments, Economic statistics, Foreign trade, Penalties, Reporting and recordkeeping requirements.

Dated: June 4, 2001.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

For the reasons set forth in the preamble, BEA proposes to amend 15 CFR Part 801, as follows:

PART 801—SURVEY OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS

1. The authority citation for 15 CFR part 801 continues to read as follows:

Authority: 5 U.S.C. 301, 15 U.S.C. 4908, 22 U.S.C. 3101–3108, and E.O. 11961 (3 CFR, 1977 Comp., p. 860 as amended by E.O. 12013 (3 CFR, 1977 Comp., p. 147), E.O. 12318 (3 CFR, 1981 Comp., p. 173), and E.O. 12518 (3 CFR, 1985 Comp., p. 348).

2. Section 801.9 is amended by revising paragraph (b)(4)(ii) to read as follows:

§ 801.9 Reports required.

* * * * *

(b) * * *

(4) * * *

(ii) Exemption. A U.S. person otherwise required to report is exempt if , with respect to transactions with foreign persons, each of the following six items were $2 million or less in the reporting period: Reinsurance premiums received, reinsurance premiums paid, reinsurance losses paid, reinsurance losses recovered, primary insurance premiums received, and primary insurance losses paid. If any one of these items is greater than $2 million in the reporting period, a report must be filed.

* * * * *

[FR Doc. 01–22190 Filed 9–4–01; 8:45 am]

BILLING CODE 3510–06–P

RAILROAD RETIREMENT BOARD

20 CFR Part 200

RIN 3220–AB48

Assessment or Waiver of Interest, Penalties, and Administrative Costs With Respect to Collection of Certain Debts

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board (Board) hereby proposes to amend its regulations to conform those regulations to the practice of the agency to waive interest, penalties, and administrative costs where a debt is being recovered by setoff from current annuities and where the debt was not caused by fraud. This amendment will conform the regulation to current agency practice.

DATES: Submit comments on or before November 5, 2001.

ADDRESSES: Address any comments concerning this proposed rule to the secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092.

FOR FURTHER INFORMATION CONTACT: Michael C. Litt, (312) 751–4929, TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Section 200.7 of the Board's regulations provides for the assessment and waiver of interest, penalties, and administrative costs with respect to the collection of debts owed the Board. The Board proposes to amend its regulations so that the assessment of interest, penalties and administrative costs will be automatically waived in any case where the debt is being recovered by full or partial withholding of current annuities payable under the Railroad Retirement Act and where fraud on the part of the debtor is not involved. This amendment will conform the Board's regulations to Board policy regarding recovery of debts due to the Board. The Social Security Administration also follows this same practice.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action for purposes of Executive Order 12866. Therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

List of Subjects in 20 CFR Part 200

Railroad retirement.

For the reasons set out in the preamble, the Railroad Retirement Board proposes to amend 20 CFR part 200 as follows:

PART 200—GENERAL ADMINISTRATION

1. The authority citation for part 200 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5) and 45 U.S.C. 362; § 200.4 also issued under 5 U.S.C. 552; § 200.5 also issued under 5 U.S.C. 552a; § 200.6 also issued under 5 U.S.C. 552b; and § 200.7 also issued under 31 U.S.C. 3717.

2. Amend § 200.7 by adding a new paragraph (i) to read as follows:

§ 200.7 Assessment or waiver of interest, penalties, and administrative costs with respect to collection of certain debts.

* * * * *

(i) The Board shall waive the collection of interest, penalties, and administrative costs in any case where the debt to be recovered is being recovered by full or partial withholding of a current annuity payable under the Railroad Retirement Act and the debt was not incurred through fraud.

Dated: August 27, 2001.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 01–22272 Filed 9–4–01; 8:45 am]

BILLING CODE 7905–01–P

RAILROAD RETIREMENT BOARD

20 CFR Part 200

RIN 3220–AB35

Designation of Central and Field Organization

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board (Board) proposes to amend its

regulations to reflect its current agency structure due to recent reorganizations.

DATES: Submit comments on or before November 5, 2001.

ADDRESSES: Address any comments concerning the proposed rule to the Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092.

FOR FURTHER INFORMATION CONTACT: Marguerite P. Dadabo, Assistant General Counsel, (312)751–4945, TDD (312)751–4701.

SUPPLEMENTARY INFORMATION: Part 200 of the Board's regulations deals with general administration of the Board. The Board proposes to amend § 200.1 dealing with the designation of central and field offices to reflect current agency structure due to recent reorganizations.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866. Therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

List of Subjects in 20 CFR Part 200

Organization and functions (Government agencies), Railroad retirement.

For the reasons set out in the preamble, the Railroad Retirement Board proposes to amend 20 CFR part 200 as follows:

PART 200—GENERAL ADMINISTRATION

1. The authority citation for part 200 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5) and 45 U.S.C. 362; § 200.4 also issued under 5 U.S.C. 552; § 200.5 also issued under 5 U.S.C. 552a; § 200.6 also issued under 5 U.S.C. 552b; and § 200.7 also issued under 31 U.S.C. 3717.

2. Section 200.1 is amended by revising paragraphs (a)(4), (b)(1), and (b)(2) to read as follows:

§ 200.1 Designation of central and field organization.

(a) * * *

(4) The headquarters of the Board is in Chicago, Illinois, at 844 North Rush Street. The Board maintains numerous district offices across the country in localities easily accessible to large numbers of railroad workers, in addition to three regional offices located in Atlanta, Georgia; Denver, Colorado; and, Philadelphia, Pennsylvania.

(b) *Internal organization.* (1) Reporting directly to the Board Members is the six member Executive Committee. The Executive Committee is comprised of the General Counsel, who also serves as the Senior Executive Officer, the Director of Administration, the Director of Programs, the Chief Financial Officer, the Chief Information Officer, and the Chief Actuary.

(2) The Executive Committee is responsible for the day to day operations of the agency. The Senior Executive Officer is responsible for direction and oversight of the Executive Committee. The General Counsel is responsible for advising the Board Members on major issues, interpreting the Acts and regulations administered by the Board, drafting and analyzing legislation, and planning, directing, and coordinating the work of the Office of General Counsel, the Bureau of Hearings and Appeals, and the Office of Legislative Affairs through their respective directors, and the Office of Secretary to the Board. The Director of Programs is responsible for managing, coordinating, and controlling the program operations of the agency which carry out provisions of the Railroad Retirement and Railroad Unemployment Insurance Acts. The Director of Administration is responsible for managing, coordinating, and controlling certain administrative operations of the Board including the Bureau of Supply and Service, the Bureau of Human Resources, the Office of Public Affairs, and the Office of Equal Opportunity. The Chief Financial Officer is responsible for the financial management of the agency, and the Chief Information Officer is responsible for coordinating the agency's information resources management program. The Board's Chief Actuary is responsible for the actuarial program of the Board. The Chief Actuary is a non-voting member of the Executive Committee.

Dated: August 27, 2001.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 01–22271 Filed 9–4–01; 8:45 am]

BILLING CODE 7905–01–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

37 CFR Part 1

[Docket No.: 010815207–1207–01]

RIN 0651–AB41

Requirements for Claiming the Benefit of Prior-Filed Applications Under Eighteen-Month Publication of Patent Applications

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: In implementing the provisions of the American Inventors Protection Act of 1999 related to the eighteen-month publication of patent applications, the United States Patent and Trademark Office (Office) revised the rules of practice related to requirements for claiming the benefit of a prior-filed application. The Office is now proposing to revise the time period for claiming the benefit of a prior-filed application in an application filed under the Patent Cooperation Treaty (PCT), revise the time period for filing an English language translation of a non-English language provisional application, and make other technical corrections to the rules of practice related to eighteen-month publication. The Office is also proposing to make permanent a temporary rule that amends the rules of practice to include the current statutory provisions that define when national stage commencement occurs in an application filed under the PCT.

DATES: To be ensured of consideration, written comments must be received on or before October 5, 2001. No public hearing will be held.

ADDRESSES: Comments should be sent by electronic mail message over the Internet addressed to AB41comments@uspto.gov. Comments may also be submitted by mail addressed to: Box Comments—Patents, Commissioner for Patents, Washington, DC 20231, or by facsimile to (703) 872–9399, marked to the attention of Robert A. Clarke. Although comments may be submitted by mail or facsimile, the Office prefers to receive comments via the Internet. If comments are submitted by mail, the Office prefers that the comments be submitted on a DOS formatted 3 ½ inch disk accompanied by a paper copy.

The comments will be available for public inspection at the Office of the Commissioner for Patents, located in

Crystal Park 2, Suite 910, 2121 Crystal Drive, Arlington, Virginia, and will be available through anonymous file transfer protocol (ftp) via the Internet (address: http://www.uspto.gov). Since comments will be made available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included in the comments.

FOR FURTHER INFORMATION CONTACT: Robert A. Clarke or Joni Y. Chang, Legal Advisors, Office of Patent Legal Administration, by telephone at (703) 308–6906, or by mail addressed to: Box Comments—Patents, Commissioner for Patents, Washington, DC 20231, or by facsimile to (703) 872–9399, marked to the attention of Robert A. Clarke.

SUPPLEMENTARY INFORMATION: The American Inventors Protection Act of 1999 was enacted into law on November 29, 1999. *See* Public Law 106–113, 113 Stat. 1501, 1501A–552 through 1501A–591 (1999). The American Inventors Protection Act of 1999 contained a number of changes to title 35, United States Code, including provisions for the publication of pending applications for patent, with certain exceptions, promptly after the expiration of a period of eighteen months from the earliest filing date for which a benefit is sought under title 35, United States Code (''eighteen-month publication''). The Office implemented the eighteen-month publication provisions of the American Inventors Protection Act of 1999 in a final rule published in September of 2000. *See Changes to Implement Eighteen-Month Publication of Patent Applications,* 65 FR 57023 (Sept. 20, 2000), 1239 *Off. Gaz. Pat. Office* 63 (Oct. 10, 2000) (final rule).

Section 4503(b) of the American Inventors Protection Act of 1999 amended 35 U.S.C. 119(e) and 120 to provide that no application shall be entitled to the benefit of a prior-filed application unless an amendment containing the specific reference to the prior-filed application is submitted at such time during the pendency of the application as required by the Office. Section 4503(b) of the American Inventors Protection Act of 1999 also amended 35 U.S.C. 119(e) and 120 to permit the Office to establish procedures for accepting an unintentionally delayed claim for the benefit of a prior-filed application. This notice proposes to amend 37 CFR 1.78 to: (1) Clarify the requirements for claiming the benefit of a prior-filed application in an application filed under the PCT; and (2) revise the time period and requirements for filing an English language translation of a non-English language provisional application.

35 U.S.C. 371(b) currently sets forth the time period for commencement of the national stage in an application filed under the PCT. Due to a possible statutory revision of 35 U.S.C. 371(b) to provide that the time period for commencement of the national stage will be set forth in the regulations, the Office is amending § 1.491 such that the regulations set forth the current language of 35 U.S.C. 371(b) (as amended by Pub. L. 99–616, section 7(b), 100 Stat. 3485, 3485 (1986)) that defines when national stage commencement occurs. Certain U.S. statutes and regulations provide for requirements that are tied to the date of national stage ''commencement'' (*e.g.,* the date of national stage commencement is relevant to the due date for the national fee, an oath or declaration, and any required translation of the international application or amendments under PCT Article 19 (35 U.S.C. 371(d)), and in determining whether patentees are entitled to a patent term adjustment pursuant to 35 U.S.C. 154(b)(1)(B) (37 CFR 1.702(b))). Therefore, it is important that the regulations provide for a date of commencement of the national stage as to the United States in advance of any statutory revision to 35 U.S.C. 371(b).

Discussion of Specific Rules

Title 37 of the Code of Federal Regulations, Part 1, is proposed to be amended as follows:

Section 1.78

Section 1.78(a)(1) is proposed to be amended to make its provisions applicable to international applications designating the United States of America. The phrase ''nonprovisional application'' as used in the rules of practice means either an application filed under 35 U.S.C. 111(a) or an international application filed under 35 U.S.C. 363 that entered the national stage after compliance with 35 U.S.C. 371. *See* § 1.9(a)(3). Thus, provisions which apply only to a nonprovisional application (*e.g.,* the requirement in § 1.78(a)(2)(iii) for a specific reference in an application data sheet (§ 1.76) or the specification) do not apply to any international application that does not enter national stage processing under 35 U.S.C. 371. The specific reference requirements of 35 U.S.C. 119(e) and 120 are met in such an international application by a specific reference to the prior-filed application in the international application papers (*e.g.,* in the Request (PCT Rule 4.10 and § 1.434(d)(2)), or a correction or addition in accordance with PCT Rule 26*bis*).

Section 1.78(a)(2) is proposed to be amended to place its provisions in separate paragraphs (a)(2)(i) through (a)(2)(iv) for clarity. Sections 1.78(a)(2) is also proposed to be amended to also make its provisions applicable to international applications designating the United States of America, and to set forth the time period for making a claim (providing the specific reference required by § 1.78(a)(2)(i)) for both an application filed under 35 U.S.C. 111(a) and an international application designating the United States of America which entered the national stage after compliance with 35 U.S.C. 371.

Specifically, if the later-filed application is an application filed under 35 U.S.C. 111(a), the specific reference required by § 1.78(a)(2)(i) must be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior application. If, however, the later-filed application is a nonprovisional application which entered the national stage from an international application after compliance with 35 U.S.C. 371, the specific reference required by § 1.78(a)(2)(i) must be submitted within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. This reference must, in any event, be submitted during the pendency of the later-filed application. The provisions relating to an application filed under 35 U.S.C. 111(a) do not change the time period for submitting a specific reference in such applications. The provisions relating to an international application designating the United States of America which entered the national stage after compliance with 35 U.S.C. 371, however, do change the time period for submitting a specific reference in such applications in that the four-month period is measured from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) rather than the actual filing date of the international application under 35 U.S.C. 363.

Section 1.78(a)(2) is also amended to eliminate the requirement that if the application claims the benefit of an international application, the first sentence of the specification must include an indication of whether the international application was published under PCT Article 21(2) in English. The Office is eliminating this requirement because: (1) The Office will not delay publication of the application if this

requirement is not met; and (2) this information can be obtained from other sources (*e.g.*, the language of publication can usually be determined by the country of origin of the international application).

Section 1.78(a)(2) is also amended to change the sentence ''(t)he identification of an application by application number under this section is the specific reference required by 35 U.S.C. 120 to every application assigned that application number'' to ''(t)he identification of an application by application number under this section is the identification of every application assigned that application number necessary for a specific reference required by 35 U.S.C. 120 to every such application assigned that application number.'' This change clarifies that the other provisions of § 1.78(a)(2) (*e.g.*, that the claim be in the application data sheet or the first sentence of the specification) remain applicable when an application under § 1.53(b) claims the benefit under 35 U.S.C. 120 of a continued prosecution application filed under § 1.53(d). *See Changes to Patent Practice and Procedure*, 62 FR 53131, 53144 (Oct. 10, 1997), 1203 *Off. Gaz. Pat. Office* 63, 73 (Oct. 21, 1997) (final rule).

Section 1.78(a)(3) is proposed to be amended to change ''nonprovisional application'' to ''application,'' and change ''paragraph (a)(2)'' to paragraph ''(a)(2)(ii)'' for consistency with the changes to § 1.78(a)(2).

Section 1.78(a)(3) provides that if the reference required by 35 U.S.C. 120 and § 1.78(a)(2) of this section is presented in an application after the time period provided by § 1.78(a)(2)(ii), the claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed copending nonprovisional application or international application designating the United States may be accepted if the applicant files a petition to accept the delayed claim that is accompanied by: (1) The surcharge set forth in § 1.17(t); and (2) a statement that the entire delay between the date the claim was due under § 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

If an applicant includes a claim to the benefit of a prior-filed nonprovisional application or international application designating the United States elsewhere in the application but not in the manner specified in § 1.78(a)(2)(i) (*e.g.*, if the claim is included in an unexecuted oath or declaration or the application transmittal letter) within the time period set forth in § 1.78(a)(2)(ii), the Office will not require a petition (and the surcharge under § 1.17(t)) to correct the claim if the information concerning the claim contained elsewhere in the application was recognized by the Office as shown by its inclusion on a filing receipt. This is because the application will have been scheduled for publication on the basis of the information concerning the claim contained elsewhere in the application within the time period set forth in § 1.78(a)(2)(ii). If, however, an applicant includes such a claim elsewhere in the application and not in the manner specified in § 1.78(a)(2)(i), and the claim is not recognized by the Office as shown by its absence on a filing receipt (*e.g.,* if the claim is in a part of the application where priority or continuity claims are not conventionally located, such as the body of the specification), the Office will require a petition (and the surcharge under § 1.17(t)) to correct such claim. This is because the application will not have been scheduled for publication on the basis of the information concerning the claim contained elsewhere in the application.

Section 1.78(a)(4) is proposed to be amended to make its provisions applicable to international applications designating the United States of America.

Section 1.78(a)(5) is proposed to be amended to place its provisions in separate paragraphs (a)(5)(i) through (a)(5)(iv) for clarity. Section 1.78(a)(5) is also proposed to be amended to: (1) Make its provisions applicable to international applications designating the United States of America; (2) set forth the time period for making a claim (providing the specific reference required by § 1.78(a)(5)) for both an application filed under 35 U.S.C. 111(a) and an international application designating the United States of America which entered the national stage after compliance with 35 U.S.C. 371; and (3) change the time period and requirements for filing an English language translation of a non-English language provisional application.

Specifically, if the later-filed application is an application filed under 35 U.S.C. 111(a), the specific reference required by § 1.78(a)(5)(i) must be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior application. If, however, the later-filed application is a nonprovisional application which entered the national stage from an international application after compliance with 35 U.S.C. 371, the specific reference required by § 1.78(a)(5)(i) must be submitted within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. This reference must, in any event, be submitted during the pendency of the later-filed application. The provisions relating to an application filed under 35 U.S.C. 111(a) do not change the time period for submitting a specific reference in such applications. The provisions relating to an international application designating the United States of America which entered the national stage after compliance with 35 U.S.C. 371, however, do change the time period for submitting a specific reference in such applications in that the four-month period is measured from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) rather than the actual filing date of the international application under 35 U.S.C. 363.

Section 1.78(a)(5) is also proposed to be amended to provide that if a provisional application was filed in a language other than English and an English-language translation of the provisional application and a statement that the translation is accurate were not previously filed in the provisional application or the nonprovisional application, applicant will be notified and given a period of time within which to file an English-language translation of the non-English-language provisional application and a statement that the translation is accurate to avoid abandonment of the nonprovisional application. Thus, § 1.78(a)(5) will no longer provide that if a provisional application was filed in a language other than English, a claim to the benefit of such provisional application is waived if an English language translation of a non-English language provisional application is not submitted within the later of four months from the actual filing date of the nonprovisional application or sixteen months from the filing date of the prior provisional application. In the event that the Office schedules for publication an application that claims the benefit of a provisional application filed in a language other than English without issuing a notice requiring the applicant to file English-language translation of the non-English-language provisional application, the applicant should file the English-language translation of the non-English-language provisional application and a statement that the translation is accurate before the scheduled publication date. This change to § 1.78(a)(5) will also allow applicant to file an English-language translation of a non-English language provisional application either in the provisional application or in each nonprovisional application that claims

the benefit of the provisional application.

Section 1.78(a)(5) is also proposed to be amended to delete the term ''copending,'' as 35 U.S.C. 119(e) no longer requires copendency between a nonprovisional application and a provisional application for the nonprovisional application to claim the benefit of the filing date of the provisional application under 35 U.S.C. 119(e). 35 U.S.C. 119(e)(1) continues to require that any nonprovisional application claiming the benefit of a provisional application be filed within twelve months after the filing date of the provisional application (or the next succeeding business day if the date that is twelve months after the filing date of the provisional application falls on a Saturday, Sunday, or Federal holiday). *See Request for Continued Examination Practice and Changes to Provisional Application Practice*, 65 FR 50092, 50098 (Aug. 16, 2000), 1238 *Off. Gaz. Pat. Office* 13, 18–19 (Sept. 5, 2000) (final rule) (comment 2 and response).

Section 1.78(a)(6) provides that if the reference required by 35 U.S.C. 119(e) and paragraph (a)(5) of this section is presented in an application after the time period provided by § 1.78(a)(5)(ii), the claim under 35 U.S.C. 119(e) for the benefit of a prior-filed provisional application may be accepted if the applicant files a petition to accept the delayed claim that is accompanied by: (1) The surcharge set forth in § 1.17(t); and (2) a statement that the entire delay between the date the claim was due under § 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

If an applicant includes a claim to the benefit of a prior-filed provisional application elsewhere in the application but not in the manner specified in § 1.78(a)(5)(i) (*e.g.*, if the claim is included in an unexecuted oath or declaration or the application transmittal letter) within the time period set forth in § 1.78(a)(5)(ii), the Office will not require a petition (and the surcharge under § 1.17(t)) to correct the claim if the information concerning the claim contained elsewhere in the application was recognized by the Office as shown by its inclusion on a filing receipt. This is because the application will have been scheduled for publication on the basis of the information concerning the claim contained elsewhere in the application within the time period set forth in § 1.78(a)(5)(ii). If, however, an applicant includes such a claim elsewhere in the application and not in the manner specified in § 1.78(a)(5)(i), and the claim is not recognized by the Office as shown by its absence on a filing receipt (*e.g.*, if the claim is in a part of the application where priority or continuity claims are not conventionally located, such as the body of the specification), the Office will require a petition (and the surcharge under § 1.17(t)) to correct such claim. This is because the application will not have been scheduled for publication on the basis of the information concerning the claim contained elsewhere in the application.

Section 1.311

Section 1.311(a) is proposed to be amended to correct the parenthetical reference to ''(§ 1.211(f))'' to ''(§ 1.211(e)).''

Section 1.434

Section 1.434(d)(2) is proposed to be amended by deleting the term ''copending,'' as the prior national application may be a provisional application and 35 U.S.C. 119(e) no longer requires copendency for a nonprovisional application to claim the benefit of the filing date of a provisional application under 35 U.S.C. 119(e).

Section 1.491

Section 1.491 is proposed to be amended to define both commencement of the national stage and entry into the national stage. Because these two events (commencement of the national stage and entry into the national stage) may not take place at the same time, the Office is amending § 1.491 to clarify when each of these two events takes place. Section 1.491(a) specifically indicates that, subject to 35 U.S.C. 371(f), the national stage shall commence with the expiration of the applicable time limit under PCT Article 22(1) or (2), or under PCT Article 39(1)(a). Thus, § 1.491(a) merely incorporates the statutory language contained in 35 U.S.C. 371(b) (as amended by Pub. L. 99–616, § 7(b), 100 Stat. 3485, 3485 (1986)). Section 1.491(b) contains the provisions of former § 1.491, and provides that an international application enters the national stage when the applicant has filed the documents and fees required by 35 U.S.C. 371(c) within the period set in § 1.494 or § 1.495.

On August 30, 2001, the Office published a temporary rule that amends § 1.491 to define both commencement of the national stage and entry into the national stage in the manner discussed above. This notice proposes to make the amendment to § 1.491 in that temporary rule permanent.

Classification

Administrative Procedure Act

The changes proposed in this notice concern only the procedures for filing claims for the benefit of a prior-filed application under 35 U.S.C. 119(e) or 120, the procedures for filing an English language translation of a non-English language provisional application, and technical corrections to the provisions of §§ 1.78, 1.311, 1.434, and 1.491. Because all of the changes relate to Office practices and procedures, prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553(b)(A) (or any other law). However, because the Office desires the benefit of public comment on this topic, the Office is voluntarily accepting comments.

Regulatory Flexibility Act

As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 (or any other law), an initial regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is not required. *See* 5 U.S.C. 603.

Executive Order 13132

This rulemaking does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (Aug. 4, 1999).

Executive Order 12866

This rulemaking has been determined to be not significant for purposes of Executive Order 12866 (Sept. 30, 1993).

Paperwork Reduction Act

This notice involves information collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collections of information involved in this notice have been reviewed and previously approved by OMB under the following control numbers: 0651–0021, 0651–0031, 0651–0032, and 0651–0033. The Office is not resubmitting information collection packages to OMB for its review and approval because the changes in this notice do not affect the information collection requirements associated with the information collections under these OMB control numbers.

The title, description and respondent description of each of the information collections are shown below with an estimate of each of the annual reporting burdens. Included in each estimate is the time for reviewing instructions, gathering and maintaining the data

needed, and completing and reviewing the collection of information.

OMB Number: 0651–0021.

Title: Patent Cooperation Treaty.

Form Numbers: PCT/RO/101,ANNEX/134/144, PTO–1382, PCT/IPEA/401, PCT/IB/328.

Type of Review: Regular submission (approved through December of 2003).

Affected Public: Individuals or Households, Business or Other For-Profit Institutions, Federal Agencies or Employees, Not-for-Profit Institutions, Small Businesses or Organizations.

Estimated Number of Respondents: 331,288.

Estimated Time Per Response: Between 15 minutes and 4 hours.

Estimated Total Annual Burden Hours: 401,083.

Needs and Uses: The information collected is required by the Patent Cooperation Treaty (PCT). The general purpose of the PCT is to simplify the filing of patent applications on the same invention in different countries. It provides for a centralized filing procedure and a standardized application format.

OMB Number: 0651–0031.

Title: Patent Processing (Updating).

Form Numbers: PTO/SB/08/21–27/30/31/35/36/42/43/61/62/63/64/67/68/91/92/96/97.

Type of Review: Regular submission (approved through October of 2002).

Affected Public: Individuals or households, business or other for-profit institutions, not-for-profit institutions and Federal Government.

Estimated Number of Respondents: 2,247,389.

Estimated Time Per Response: 0.45 hours.

Estimated Total Annual Burden Hours: 1,021,941 hours.

Needs and Uses: During the processing of an application for a patent, the applicant/agent may be required or desire to submit additional information to the United States Patent and Trademark Office concerning the examination of a specific application. The specific information required or which may be submitted includes: Information Disclosure Statements; Terminal Disclaimers; Petitions to Revive; Express Abandonments; Appeal Notices; Petitions for Access; Powers to Inspect; Certificates of Mailing or Transmission; Statements under § 3.73(b); Amendments; Petitions and their Transmittal Letters; and Deposit Account Order Forms.

OMB Number: 0651–0032.

Title: Initial Patent Application.

Form Number: PTO/SB/01–07/13PCT/17–19/29/101–110.

Type of Review: Regular submission (approved through October of 2002).

Affected Public: Individuals or households, business or other for-profit institutions, not-for-profit institutions and Federal Government.

Estimated Number of Respondents: 319,350.

Estimated Time Per Response: 9.35 hours.

Estimated Total Annual Burden Hours: 2,984,360 hours.

Needs and Uses: The purpose of this information collection is to permit the Office to determine whether an application meets the criteria set forth in the patent statute and regulations. The standard Fee Transmittal form, New Utility Patent Application Transmittal form, New Design Patent Application Transmittal form, New Plant Patent Application Transmittal form, Declaration, and Plant Patent Application Declaration will assist applicants in complying with the requirements of the patent statute and regulations, and will further assist the Office in the processing and examination of the application.

OMB Number: 0651–0033.

Title: Post Allowance and Refiling.

Form Numbers: PTO/SB/13/14/44/50–57; PTOL–85b.

Type of Review: Regular submission (approved through September of 2000).

Affected Public: Individuals or households, business or other for-profit institutions, not-for-profit institutions and Federal Government.

Estimated Number of Respondents: 135,250.

Estimated Time Per Response: 0.325 hour.

Estimated Total Annual Burden Hours: 43,893 hours.

Needs and Uses: This collection of information is required to administer the patent laws pursuant to title 35, U.S.C., concerning the issuance of patents and related actions including correcting errors in printed patents, refiling of patent applications, requesting reexamination of a patent, and requesting a reissue patent to correct an error in a patent. The affected public includes any individual or institution whose application for a patent has been allowed or who takes action as covered by the applicable rules.

Comments are invited on: (1) Whether the collection of information is necessary for proper performance of the functions of the agency; (2) the accuracy of the agency's estimate of the burden; (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 to respondents.

Interested persons are requested to send comments regarding these information collections, including suggestions for reducing this burden, to Robert J. Spar, Director, Office of Patent Legal Administration, United States Patent and Trademark Office, Washington, DC 20231, or to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, 725 17th Street, NW., Room 10235, Washington, DC 20503, Attention: Desk Officer for the United States Patent and Trademark Office.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of Information, Inventions and patents, Reporting and record keeping requirements, Small businesses.

For the reasons set forth in the preamble, 37 CFR part 1 is proposed to be amended as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR part 1 continues to read as follows:

Authority: 35 U.S.C. 2(b)(2).

2. Section 1.78 is amended by revising paragraph (a) to read as follows:

§ 1.78 Claiming benefit of earlier filing date and cross references to other applications.

(a)(1) A nonprovisional application or international application designating the United States of America may claim an invention disclosed in one or more prior-filed copending nonprovisional applications or copending international applications designating the United States of America. In order for an application to claim the benefit of a prior-filed copending nonprovisional application or copending international application designating the United States of America, each prior application must name as an inventor at least one inventor named in the later-filed application and disclose the named inventor's invention claimed in at least one claim of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112. In addition, each prior application must be:

(i) An international application entitled to a filing date in accordance

with PCT Article 11 and designating the United States of America; or

(ii) Complete as set forth in § 1.51(b); or

(iii) Entitled to a filing date as set forth in § 1.53(b) or § 1.53(d) and include the basic filing fee set forth in § 1.16; or

(iv) Entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(l) within the time period set forth in § 1.53(f).

(2)(i) Except for a continued prosecution application filed under § 1.53(d), any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending nonprovisional applications or international applications designating the United States of America must contain or be amended to contain a reference to each such prior application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (see § 1.14).

(ii) This reference must be submitted during the pendency of the later-filed application. If the later-filed application is an application filed under 35 U.S.C. 111(a), this reference must also be submitted during the pendency of the later-filed application and within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior application. If the later-filed application is a nonprovisional application which entered the national stage from an international application after compliance with 35 U.S.C. 371, this reference must also be submitted during the pendency of the later-filed application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. These time periods are not extendable. Except as provided in paragraph (a)(3) of this section, the failure to timely submit the reference required by 35 U.S.C. 120 and paragraph (a)(2)(i) of this section is considered a waiver of any benefit under 35 U.S.C. 120, 121, or 365(c) to such prior application. The time periods set forth in this paragraph do not apply to an application for a design patent.

(iii) If the later-filed application is a nonprovisional application, the reference required by this paragraph must be included in an application data sheet (§ 1.76) or the specification must contain or be amended to contain such reference in the first sentence following the title.

(iv) The request for a continued prosecution application under § 1.53(d) is the specific reference required by 35 U.S.C. 120 to the prior application. The identification of an application by application number under this section is the identification of every application assigned that application number necessary for a specific reference required by 35 U.S.C. 120 to every such application assigned that application number.

(3) If the reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section is presented in an application after the time period provided by paragraph (a)(2)(ii) of this section, the claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed copending nonprovisional application or international application designating the United States of America may be accepted if the reference identifying the prior application by application number or international application number and international filing date was unintentionally delayed. A petition to accept an unintentionally delayed claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed application must be accompanied by:

(i) The surcharge set forth in § 1.17(t); and

(ii) A statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

(4) A nonprovisional application other than for a design patent or an international application designating the United States of America may claim an invention disclosed in one or more prior-filed provisional applications. In order for an application to claim the benefit of one or more prior-filed provisional applications, each prior provisional application must name as an inventor at least one inventor named in the later-filed application and disclose the named inventor's invention claimed in at least one claim of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112. In addition, each prior provisional application must be entitled to a filing date as set forth in § 1.53(c), and the basic filing fee set forth in § 1.16(k) must be paid within the time period set forth in § 1.53(g).

(5)(i) Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed provisional applications must contain or be amended to contain a reference to each such prior provisional application, identifying it by the provisional application number (consisting of series code and serial number).

(ii) This reference must be submitted during the pendency of the later-filed application. If the later-filed application is an application filed under 35 U.S.C. 111(a), this reference must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior provisional application. If the later-filed application is a nonprovisional application which entered the national stage from an international application after compliance with 35 U.S.C. 371, this reference must also be submitted and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior provisional application. These time periods are not extendable. Except as provided in paragraph (a)(6) of this section, the failure to timely submit the reference is considered a waiver of any benefit under 35 U.S.C. 119(e) to such prior provisional application.

(iii) If the later-filed application is a nonprovisional application, the reference required by this paragraph must be included in an application data sheet (§ 1.76) or the specification must contain or be amended to contain such reference in the first sentence following the title.

(iv) If the provisional application was filed in a language other than English and an English-language translation of the provisional application and a statement that the translation is accurate were not previously filed in the provisional application or the nonprovisional application, applicant will be notified and given a period of time within which to file an English-language translation of the non-English-language provisional application and a statement that the translation is accurate to avoid abandonment of the nonprovisional application.

(6) If the reference required by 35 U.S.C. 119(e) and paragraph (a)(5) of this section is presented in an application after the time period provided by paragraph (a)(5)(ii) of this section, the claim under 35 U.S.C. 119(e) for the benefit of a prior-filed provisional application may be accepted during the pendency of the later-filed

application if the reference identifying the prior application by provisional application number was unintentionally delayed. A petition to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of a prior-filed provisional application must be accompanied by:

(i) The surcharge set forth in § 1.17(t); and

(ii) A statement that the entire delay between the date the claim was due under paragraph (a)(5)(ii) of this section and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

* * * * *

3. Section 1.311 is amended by revising paragraph (a) to read as follows:

§ 1.311 Notice of allowance.

(a) If, on examination, it appears that the applicant is entitled to a patent under the law, a notice of allowance will be sent to the applicant at the correspondence address indicated in § 1.33. The notice of allowance shall specify a sum constituting the issue fee which must be paid within three months from the date of mailing of the notice of allowance to avoid abandonment of the application. The sum specified in the notice of allowance may also include the publication fee, in which case the issue fee and publication fee (§ 1.211(e)) must both be paid within three months from the date of mailing of the notice of allowance to avoid abandonment of the application. This three-month period is not extendable.

* * * * *

4. Section 1.434 is amended by revising paragraph (d)(2) to read as follows:

§ 1.434 The request.

* * * * *

(d) * * *

(2) A reference to any prior-filed national application or international application designating the United States of America, if the benefit of the filing date for the prior-filed application is to be claimed.

5. Section 1.491 is revised to read as follows:

§ 1.491 National stage commencement and entry.

(a) Subject to 35 U.S.C. 371(f), the national stage shall commence with the expiration of the applicable time limit under PCT Article 22(1) or (2), or under PCT Article 39(1)(a).

(b) An international application enters the national stage when the applicant has filed the documents and fees required by 35 U.S.C. 371(c) within the period set in § 1.494 or § 1.495.

Dated: August 29, 2001.

Nicholas P. Godici,

Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.

[FR Doc. 01–22273 Filed 9–4–01; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD078–3078b; FRL 7049–4]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions From Marine Vessel Coating Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a revision to the Maryland State Implementation Plan (SIP) revision. The revision establishes and imposes reasonably available control technology to reduce volatile organic compound (VOC) emissions from marine vessel coating operations. In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by October 5, 2001.

ADDRESSES: Written comments should be addressed to Makeba Morris, Chief, Permits and Technical Assessment Branch, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Makeba Morris, (215) 814–2182, at the EPA Region III address above, or by e-mail at makeba.morris@epa.gov. Please note that while questions may be posed via telephone and e-mail, formal comments must be submitted, in writing, as indicated in the **ADDRESSES** section of this document.

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

Dated: August 28, 2001.

Thomas C. Voltaggio,

Regional Administrator, Region III.

[FR Doc. 01–22268 Filed 9–4–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301166; FRL–6799–6]

RIN 2070–AC18

Sulfuryl Fluoride; Proposed Pesticide Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish temporary tolerances for sulfuryl fluoride and inorganic fluoride residues resulting from application of sulfuryl fluoride in or on walnuts and raisins under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. This fumigant is being proposed as a methyl bromide alternative in the post-harvest fumigation of stored walnuts and raisins. These temporary tolerances would support a proposed 3–year experimental use permit (EUP) effective between September 24, 2001 and September 24, 2004, conducted by Dow AgroSciences entirely in the state of California. The temporary tolerances will expire April 1, 2006. This will allow approximately 18 months after the end of the EUP, for all the treated commodities to clear commerce.

DATES: Comments, identified by docket control number OPP–301166 must be received on or before October 5, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–301166 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Dennis McNeilly, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave, NW., Washington, DC 20460; telephone number: (703) 308–6742; e-mail address: mcneilly.dennis@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	Crop production
	112	Animal production
	311	Food manufacturing
	32532	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/.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–301166. 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.

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 OPP–301166 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), 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 PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–301166. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the proposed rule or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background and Statutory Findings

In the **Federal Register** of June 15, 2001 (66 FR 32618) (FRL–6788–2), EPA

issued a notice under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a announcing the filing of an Experimental Use Permit (EUP) and associated request for temporary tolerances by Dow AgroSciences LLC. Dow AgroSciences requested temporary tolerances for sulfuryl fluoride residue of the insecticide sulfuryl fluoride, in or on walnuts and raisins at 2.0 and 0.004 part per million (ppm), respectively. The June 15, 2001 Notice inadvertently omitted reference to the requested 2.0 ppm tolerance for walnuts. In addition, the company has since submitted a revised limit of quantitation (LOQ) for sulfuryl fluoride in raisins of 0.004 ppm instead of 0.003 ppm. Dow AgroSciences also requested a temporary tolerance for fluoride residue of the insecticide sulfuryl fluoride, in or on walnuts at 12.0 part per million (ppm) and an exemption from the requirement of a tolerance for fluoride residues in or on raisins resulting from treatment with the insecticide sulfuryl fluoride under the USEPA's Threshold of Regulation Policy - Deciding Whether a Pesticide with a Food Use Pattern Needs a Tolerance. EPA is issuing this action as a proposal (rather than a final rule) because after review of the initial petitions and Notice of Filing the Agency has determined that:

1. The original Notice of Filing did not include the 2.0 ppm tolerance for sulfuryl fluoride residues in or on walnuts. In addition, the company has revised the limit of quantitation of fluoride residues in or on raisins from 0.003 ppm to 0.004 ppm.

2. The Agency wanted to publish its planned approach for regulating fluoride residues in or on raisins. This approach differs from that proposed by Dow AgroSciences. Although Dow AgroSciences has submitted data indicating that post-harvest use of sulfuryl fluoride is not expected to result in finite residues of either sulfuryl fluoride or fluoride in or on raisins, that data is limited and may not accurately reflect residues that may occur in actual use. EPA also notes that the existing 7.0 ppm tolerance in 40 CFR 180.145 established to regulate fluoride residues in or on grapes from use of cryolite might be affected by fluoride residues in or on raisins from sulfuryl fluoride use. The enforcement analytical methods for both cryolite and sulfuryl fluoride measure fluoride anion and cannot distinguish fluoride resulting from cryolite application to grapes, sulfuryl fluoride application to raisins, or even fluoride which may be a natural constituent of grapes. Because this existing tolerance is expressed in §180.145 as parts per million of cryolite, the Agency will add a new paragraph (a)(3) to 40 CFR 180.145 expressing the temporary tolerances for raisins and walnuts as parts per million fluoride, in order to reduce the potential for confusion. The tolerance expression will clarify that the tolerance for fluoride residues in or on raisins covers residues from application of both cryolite to grapes, expected to be the major source of fluoride residue, and residues of fluoride from post-harvest treatment with sulfuryl fluoride. The fluoride tolerance for raisins must also account for naturally occurring levels of fluoride in raisins. Residues of fluoride from use of sulfuryl fluoride on raisins are expected to be at most trace levels with most raisins having non-detectable (1.1 ppm) residue levels.

3. Sulfuryl fluoride is a fumigant that is being proposed as a methyl bromide alternative for the post-harvest control of pests in stored walnuts and raisins. In the future, it is likely that other commodities may be proposed for post-harvest, stored commodity fumigation using this fumigant.

Section 408(r) of the FFDCA authorizes EPA to establish a temporary tolerance or exemption for pesticide chemical residues resulting from use of a pesticide pursuant to a FIFRA section 5 experimental use permit (EUP). Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish 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(b)(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. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for residues of sulfuryl fluoride on walnuts and raisins at 2.0 and 0.004 ppm, respectively. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for temporary tolerances for inorganic fluoride residues of sulfuryl fluoride on walnuts and raisins at 12.0 and 30.0 ppm, respectively. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies 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. The nature of the toxic effects caused by sulfuryl fluoride and fluoride are discussed in the following discussion.

Acute, subchronic, chronic, and other toxicity. Technical grade sulfuryl fluoride (Profume® Gas Fumigant, 99.8% active ingredient) is marketed as a liquified gas in pressurized steel cylinders. The acute oral LD_{50} of sulfuryl fluoride has been estimated to be approximately 100 (milligrams/kilogram (mg/kg) in rats (Toxicity Category II). The acute inhalation LC_{50} in mice (4 hour exposure) is 660 ppm (2.56 milligram/liter (mg/L) in males and 642 ppm (2.49 mg/L) in females. The acute inhalation LC_{50} in rats (1 hour exposure) is 17.5 mg/L. Based on the use pattern for sulfuryl fluoride and several reported incidences of human poisonings in the Sulfuryl Fluoride Reregistration Eligibility Decision (RED) (September, 1993) and elsewhere in the general toxicologic literature, the Agency has classified sulfuryl fluoride as Toxicity Category I for acute inhalation toxicity. The acute dermal

toxicity study (assumed Toxicity Category of IV), the primary skin irritation study (assumed Toxicity Category of IV), the primary eye irritation study (assumed Toxicity Category of I), and the dermal sensitization study (assumed to be a non-sensitizer) have been waived. These studies were waived because they would not change the overall signal word from DANGER, and/or alter personal protective equipment requirements. In addition, the insecticide is a volatile gas. In a non-guideline study in which rats were dermally exposed (with no inhalation exposure) to vapors of sulfuryl fluoride gas at an exposure concentration of 9,599 ppm for 4 hours, no treatment-related adverse effects were observed.

In 2–week inhalation studies in rats, dogs and rabbits, different target organs were affected. In rats, the primary target organ was the kidneys, in which severe histopathological lesions were observed. These lesions included papillary necrosis, hyperplasia of the epithelial cells of the papillae, and degeneration/regeneration of collecting tubules and proximal tubules. In dogs, the primary target organ was the upper respiratory tract, in which minimal inflammation was observed. Intermittant tremors and tetany were also noted in dogs. In rabbits, the primary target organ was the brain, in which malacia (necrosis) and vacuolation were observed in the cerebrum. Inflammation of the upper respiratory tract was also noted in rabbits.

In subchronic (90–day) inhalation studies in rats, dogs, rabbits and mice, the brain was the major target organ. Malacia and/or vacuolation were observed in the white matter of the brain in all four species. The portions of the brain most often affected were the caudate-putamen nucleus in the basal ganglia, the white fiber tracts in the internal and external capsules, and the globus pallidus of the cerebrum. In dogs and rabbits, clinical signs of neurotoxicity (including tremors, tetany, incoordination, convulsions and/or hind limb paralysis) were also observed. Inflammation of the nasal passages and histiocytosis of the lungs were observed in rats and rabbits; but not in dogs, in which species inflammation of the upper respiratory tract was more prominent in the 2–week study. In rats, kidney damage was also observed. In mice, follicular cell hypertrophy was noted in the thyroid gland. Decreased body weights and body weight gains were also observed in rats, dogs and mice.

In chronic (1–2 year) inhalation studies in rats, dogs and mice, target organs were the same as in the 90–day studies. In rats, severe kidney damage caused renal failure and mortalities in many animals. Additional gross and histopathological lesions in numerous organs and tissues were considered to be secondary to the primary effect on the kidneys. Other treatment-related effects in rats included effects in the brain (vacuolation of the cerebrum and thalamus/hypothalamus) and respiratory tract (reactive hyperplasia and inflammation of the respiratory epithelium of the nasal turbinates, lung congestion, aggregates of alveolar macrophages). In dogs and mice, increased mortalities, malacia and/or vacuolation in the white matter in the brain, histopathology in the lungs, and follicular cell hypertrophy in the thyroid gland were observed. Decreased body weights and body weight gains were also noted in all three species. No evidence of carcinogenicity was observed in either the combined chronic toxicity/carcinogenicity study in rats or in the 18–month carcinogenicity study in mice.

In many subchronic and chronic inhalation studies in rats, dogs, and rabbits, dental fluorosis was the most sensitive toxic effect observed in the study. In two 90–day studies in rats and rabbits, in which serum fluoride levels were determined, an increased serum level of fluoride anions was observed at even lower dose levels. The increased serum fluoride levels were due to the conversion of sulfuryl fluoride to fluoride anions in the body.

In specially designed acute and subchronic inhalation neurotoxicity studies in rats, several electrophysiological parameters (EEGs) were recorded in addition to observations for clinical signs of neurotoxicity, functional observational battery (FOB) and motor activity testing, and/or neurohistopathologic examination. Following two exposures on consecutive days for 6 hours/day at 300 ppm of sulfuryl fluoride (354 mg/kg/day), no treatment-related neurotoxic effects were noted. In a 90–day study, changes in some EEG patterns were observed at 100 ppm (80 mg/kg/day) and in several additional patterns at 300 ppm (240 mg/kg/day). Vacuolation of the white matter in the cerebrum was also observed at 300 ppm in this study. In a specially designed 1–year chronic inhalation neurotoxicity study in rats, no treatment-related neurotoxic effects were observed at 80 ppm (56 mg/kg/day). EEGs were not recorded in this study.

In a developmental toxicity inhalation study in rats, no developmental toxicity was observed in the pups. Although no maternal toxicity was observed in this study at the highest dose tested (225 ppm), significant maternal toxicity (decreased body weight, body weight gain and food consumption; increased water consumption and kidney weights; and gross pathological changes in the kidneys and liver) was observed in a previously conducted range-finding study at a slightly higher dose level (300 ppm). In a developmental toxicity inhalation study in rabbits, decreased fetal body weights were observed in the pups. At the same dose level, decreased body weight and body weight gain were observed in the dams. In a 2-generation reproduction inhalation study in rats, vacuolation of the white matter in the brain, pathology in the lungs (pale, gray foci; increased alveolar macrophages) and decreased body weights were observed in the parental animals. Decreased pup body weights in the F_1 and F_2 generations were observed in the offspring. No effects on reproductive parameters were noted in this study. No quantitative or qualitative evidence of increased susceptibility of fetuses or pups was observed in the developmental toxicity or reproduction studies on sulfuryl fluoride.

A battery of mutagenicity studies was negative for genotoxic potential. The studies included an Ames assay in *Salmonella typhimurium*, an unscheduled DNA synthesis assay in primary rat hepatocytes, and a micronucleus assay in mouse bone marrow cells.

Sulfuryl fluoride is classified as a ''not likely'' human carcinogen according to the EPA Draft Guidelines for Carcinogen Risk Assessment (July, 1999)

Poisonings and fatalities have been reported in humans following inhalation exposure to sulfuryl fluoride. The severity of these effects has depended on the concentration of sulfuryl fluoride and the duration of exposure. Short-term inhalation exposure to high concentrations has caused respiratory irritation, pulmonary edema, nausea, abdominal pain, central nervous system depression, and numbness in the extremities. In addition, there have been two reports of deaths of persons entering houses treated with sulfuryl fluoride. One person entered the house illegally and was found dead the next morning. A second person died of cardiac arrest after sleeping in the house overnight following fumigation. A plasma fluoride level of 0.5 mg/L (10 times normal) was found in this person following exposure. Prolonged chronic inhalation exposure to concentrations of sulfuryl fluoride gas significantly above the TLV

of 5 ppm have caused fluorosis in humans because sulfuryl fluoride is converted to fluoride anion in the body. Fluorosis is characterized by binding of fluoride anion to teeth (causing mottling of the teeth) and to bone.

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intra species differences. There are no additional uncertainty factors (other than the 3X FQPA Safety Factor) used in this assessment, except a 3X factor used in long-term occupational inhalation exposure/risk assessment. A 3X factor is used there, rather than a 1X factor, because the toxicological endpoint is based on a 90–day inhalation study rather than a chronic study.

For dietary risk assessment (other than cancer) the Agency calculates an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such an additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) EPA determines a LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

A summary of the toxicological endpoints for sulfuryl fluoride used for human risk assessment is shown in the following Table 1:

TABLE 1.—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR SULFURYL FLUORIDE FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario[1]	Dose (mg/kg/day)	Endpoint	Study
Acute Dietary (General Population including Infants and Children)	None UF = N/A FQPA Factor = N/A	No toxicological endpoint attributable to a single exposure was identified in the available toxicology studies on sulfuryl fluoride. Acute RfD = Not Required	None
Chronic Dietary (General Population including Infants and Children)	NOAEL = 8.5; UF = 300; FQPA Factor = 3	Vacuolation of white matter in the brain of females. Chronic RfD = 0.028 mg/kg/day Chronic Population-Adjusted Dose (cPAD) = 0.0093 mg/kg/day	90–Day inhalation-rabbits
Oral, Incidental (All Durations)	None; UF = N/A; FQPA Factor = N/A	Due to sulfuryl fluoride being a gas and its use pattern, no significant incidental oral exposure is anticipated.	None
Dermal (All Durations)	None; UF = N/A; FQPA Factor = N/A	Due to sulfuryl fluoride being a gas and its use pattern, no significant dermal exposure is anticipated.	None
Inhalation Short-Term (Occupational)	NOAEL = 30; MOE = 100; FQPA Factor = N/A	Malacia (necrosis) and vacuolation in the cerebrum, inflammation of nasal tissues and trachea.	2–Week inhalation-rabbits
Inhalation Short-Term (Residential)	NOAEL = 30; MOE = 300; FQPA Factor = 3	Malacia (necrosis) and vacuolation in the cerebrum, inflammation of nasal tissues and trachea.	2– Week inhalation-rabbits
Inhalation Intermediate-Term (Occupational)	NOAEL = 8.5; MOE = 100; FQPA Factor = N/A	Vacuolation of white matter in the brain of females.	90–Day inhalation-rabbits
Inhalation Intermediate-Term (Residential)	NOAEL = 8.5; MOE = 300; FQPA Factor = 3	Vacuolation of white matter in the brain of females.	90–Day inhalation-rabbits
Inhalation Long-Term (Occupational)	NOAEL = 8.5; MOE =300; FQPA Factor = N/A	Vacuolation of white matter in the brain of females.	90–Day inhalation-rabbits

TABLE 1.—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR SULFURYL FLUORIDE FOR USE IN HUMAN RISK ASSESSMENT—Continued

Exposure Scenario[1]	Dose (mg/kg/day)	Endpoint	Study
Carcinogenicity Chronic Exposure	Classified as a ''not likely'' human carcinogen	Negative for carcinogenicity in carcinogenicity studies in rats and mice	Chronic toxicity/carcinogenicity, rats and Carcinogenicity, mice

*The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

[1] The only significant route of exposure for inorganic fluoride is dietary exposure, which includes residues in drinking water. This risk assessment uses the maximum concentration limit goal (MCLG) of 4.0 ppm for fluoride as the basis for a maximum allowable exposure to inorganic fluoride (see the Cryolite Reregistration Eligibility Decision, 8/96, EPA- 738–R–96–016). Using the Agency default values of body weight (70 kg) and water consumption (2 liters/day), the MCLG converts to an exposure limit of 0.114 mg/kg/day. This exposure is used as the cPAD for inorganic fluoride in this risk assessment.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* No tolerances have ever been established in the United States for sulfuryl fluoride. This is the first food use for sulfuryl fluoride in the U.S. tolerances have been established for the insecticide cryolite (40 CFR 180.145) for residues of fluoride, in or on a variety of raw agricultural commodities. Cryolite degrades after application, with the metabolite of toxicological concern being fluoride. Section 180.145 already contains a tolerance for fluoride resulting from the use of cryolite in or on grapes, measured as fluoride but expressed as 7 ppm cryolite equivalents. Section 180.145 does not set a specific tolerance for raisins, the 7.0 ppm tolerance for the raw agricultural commodity grapes would apply to residues in the processed commodity raisins. See 40 CFR 180.1(f). A tolerance for fluoride (55 ppm expressed as Cryolite) residue in or on raisins was proposed but has not been finalized. See 62 FR 42546 (Aug 7, 1997). There is also uncertainty concerning the extent of naturally occurring levels of fluoride in raisins; and, a major purpose of this experimental use permit is to generate comprehensive residue data collected from different storage facilities. It is for these reasons that the Agency proposes setting a 30 ppm tolerance for fluoride (55 ppm cryolite divided by 1.84 conversion factor) that would adequately address residues from cryolite application to grapes, sulfuryl fluoride application to raisins, and naturally occurring background levels of fluoride in raisins. Risk assessments were conducted by EPA to assess dietary exposures from sulfuryl fluoride and the metabolite inorganic fluoride in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. No toxicological endpoint attributable to a single exposure was identified in the available toxicology studies on sulfuryl fluoride or inorganic fluoride (Cryolite RED) that would be applicable for an acute dietary exposure.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the Dietary Exposure Evaluation Model (DEEM®) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992–nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. This survey indicates the following average daily consumption for the total U.S. population for the commodities involved in this EUP: 0.0000253 mg/kg/day for raisins and 0.0000040 mg/kg/day for walnuts. To determine the estimated daily average consumption for a ''U.S. population'' individual, simply multiple the daily average times the body weight in kg.

The existing tolerance for cryolite on grapes (40 CFR 180.145) is in fact a tolerance for fluoride, because the approved analytical method for enforcement tests only for fluoride, and not cryolite. There is no analytical method for distinguishing between cryolite and sulfuryl fluoride as the source of inorganic fluoride in or on grapes or raisins, nor is there any toxicological reason to distinguish between such residues.

In order to assess compliance with the tolerances in 40 CFR 180.145, measured levels of fluoride in grapes are converted to cryolite equivalents by multiplying the concentration (in parts per million) of fluoride by a factor of 1.84 (molecular weight of cryolite divided by molecular weight of fluoride, divided by the number of fluoride atoms in cryolite; (210 amu) ÷ (19 amu) x 6 = 1.84). A tolerance for fluoride (55 ppm expressed as Cryolite) residue in or on raisins was proposed but has not yet been finalized, see 62 FR 42546 (Aug 7, 1997). The Agency is proposing a 30 ppm tolerance for fluoride (55 ppm cryolite divided by 1.84 conversion factor) that would adequately address residues from cryolite use on grapes, sulfuryl fluoride use on raisins, and background levels.

In order to provide additional data concerning the residues of fluoride in grapes treated with sulfuryl fluoride, the petitioner has agreed to monitor fluoride levels in all batches of raisins fumigated pursuant to the EUP and to provide the data to the Agency. The exposure and risk estimates for Sulfuryl Fluoride and Fluoride Anion from the fumigation of raisins and walnuts with Sulfuryl Fluoride are indicated in the following Table 2:

TABLE 2.—EXPOSURE AND RISK ESTIMATES FOR SULFURYL FLUORIDE AND FLUORIDE ANION FROM THE FUMIGATION OF RAISINS AND WALNUTS WITH SULFURYL FLUORIDE

Population Subgroup	Sulfuryl Fluoride		Fluoride Anion	
	Risk, % cPAD[a]	Exposure, mg/kg/day	Exposure, mg/kg/day	Risk, % MCLG[b]
U.S. Population	0.000008	<1	0.000808	<1

TABLE 2.—EXPOSURE AND RISK ESTIMATES FOR SULFURYL FLUORIDE AND FLUORIDE ANION FROM THE FUMIGATION OF RAISINS AND WALNUTS WITH SULFURYL FLUORIDE—Continued

Population Subgroup	Sulfuryl Fluoride		Fluoride Anion	
	Risk, % cPAD[a]	Exposure, mg/kg/day	Exposure, mg/kg/day	Risk, % MCLG[b]
All Infants (<1 Year)	0.000000	<1	0.000065	<1
Children (1–6 Years of Age)	0.000016	<1	0.002447	2
Children (7–12 Years of Age)	0.000014	<1	0.000862	<1
Females (13–50 Years of Age)	0.000009	<1	0.000600	<1
Males (13–19 Years of Age)	0.000005	<1	0.000420	<1
Males (20+ Years of Age)	0.000005	<1	0.000547	<1
Seniors (55+ Years of Age)	0.000007	<1	0.000870	<1

[a] Exposure ÷ cPAD (0.009 mg/kg/day) x 100
[b] Exposure ÷ Max. Conc. Limit Goal for fluoride anion (0.114 mg/kg/day) x 100

iii. *Cancer*. Sulfuryl fluoride is classified as ''not likely to be carcinogenic to humans.'' This classification is based on the lack of evidence of carcinogenicity in male and female rats as well as male and female mice and on the lack of genotoxicity in an acceptable battery of mutagenicity studies performed on the technical grade material.

iv. *Anticipated residue and percent crop treated information*. For the purposes of these temporary tolerances, the Agency is assuming 100% of the walnut and raisin crops will be treated with sulfuryl fluoride, and that residues will be at the proposed tolerance levels. These conservative assumptions over state the actual exposure but because this is an experimental use permit reliable data on the actual percent crop treated and residues are not available. The registrant estimates that this experimental use permit may entail treatment of up to 14% and 32% of the domestically produced walnuts and raisins, respectively. In this risk assessment, all walnuts are assumed to contain 2.0 ppm residues of sulfuryl fluoride and 12.0 ppm residue of fluoride, and raisins are assumed to contain 0.004 ppm residues of sulfuryl fluoride and 30.0 ppm residues of fluoride.

2. *Dietary exposure from drinking water*. The Agency has determined that because of the indoor use pattern and physicochemical characteristics of sulfuryl fluoride (such as low water solubility and high volatility), neither residues of sulfuryl fluoride nor of inorganic fluoride are expected to reach surface or groundwater due to the post harvest fumigation of walnuts and raisins. There are no other anticipated sources of sulfuryl fluoride in surface or ground water, and EPA believes that it is not present in drinking water. Any releases to wastewater treatment plants would be ''stripped'' from the wastewater during the aeration of the activated sludge or trickling filter processes (secondary treatment). Residues of inorganic fluoride may be in drinking water due to intentional fluoridation or to natural sources. Dietary exposure to fluoride from drinking water is estimated to average 0.057 mg/kg/day (Cryolite RED, 8/96, EPA–738–R–96–016).

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). The Agency has determined that exposure of residents to sulfuryl fluoride resulting from home fumigation is negligible. The only significant exposure pathway for inorganic fluoride is via the diet (food + drinking water).

Structural pest control, a residential non-dietary site, is the only currently registered use of sulfuryl fluoride. Details concerning residential exposure from the structural pest control use of sulfuryl fluoride are discussed in the Sulfuryl Fluoride Reregistration Eligibility Decision (RED) issued in September 1993 (EPA 738–R–93–016). The Agency does note that this insecticide is a Restricted Use Pesticide and there are no homeowner products registered.

4. *Cumulative exposure to substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, 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 does not have, at this time, available data to determine whether sulfuryl fluoride per se has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. For the purposes of this tolerance action, therefore, EPA has not assumed that sulfuryl fluoride has a common mechanism of toxicity with other substances. On this basis, the petitioner must submit, upon EPA's request and according to a schedule determined by the Agency, such information as the Agency directs to be submitted in order to evaluate issues related to whether sulfuryl fluoride shares a common mechanism of toxicity with any other substance and, if so, whether any tolerances for sulfuryl fluoride need to be modified or revoked.

Crop protection uses of cryolite, intentional fluoridation of municipal drinking water, and the proposed uses of sulfuryl fluoride appear to share a common mechanism of toxicity through residues of their common degradate, inorganic fluoride. Exposure to fluoride from chronic ingestion of cryolite-treated commodities combined with residues of inorganic fluoride in drinking water is estimated to be 0.085 mg/kg/day. This is derived using 0.028 mg/kg/day for fluoride from cryolite treated commodities + 0.057 mg/kg/day from fluoride intentionally added to drinking water (Cryolite RED). Aggregate exposure to inorganic fluoride from sulfuryl fluoride, cryolite, and

water fluoridation is estimated to be 0.087 mg/kg/day for the most highly exposed population subgroup (children 1–6 years of age). This exposure estimate is approximately 75% of the exposure-converted MCLG for fluoride and indicates that the sulfuryl fluoride contributes a negligible amount to the cumulative exposure estimate for inorganic fluoride.

The Agency has determined that because the use pattern and physicochemical characteristics of sulfuryl fluoride, neither residues of sulfuryl fluoride nor of inorganic fluoride are expected to reach surface or ground water due to the post-harvest fumigation of walnut and raisins. Specifically, the indoor use of this highly volatile compound is not expected to result in residues in either surface or ground water.

For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *In general*. FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

2. *Prenatal and postnatal sensitivity*. Neither quantitative not qualitative evidence of increased susceptibility of fetuses or pups to sulfuryl fluoride was demonstrated in the prenatal developmental toxicity studies in rats and rabbits or in the 2-generation reproduction study in rats.

3. *Conclusion*. There is an adequate toxicity database for sulfuryl fluoride, for the purposes of this experimental use permit only. Adequate exposure data for the purposes of this experimental use permit are available or are estimated based on data that reasonably account for potential exposures. The Agency has reduced the FQPA Safety Factor from 10X to 3X in assessing the toxicity from exposure to sulfuryl fluoride from all sources. The FQPA Safety factor was reduced because:

(i) There is no qualitative or quantitative evidence of increased susceptibility following *in utero* exposure to rats and/or following pre-/postnatal exposure to rats.

(ii) The dietary (food and drinking water) and non-occupational exposure assessments will not underestimate the potential exposure to infants, children, and/or women of childbearing age. The FQPA Safety Factor was not reduced to 1X because of the lack of a developmental neurotoxicity study in rats.

E. Aggregate Risks and Determination of Safety

The potential exists for exposure to sulfuryl fluoride from dietary and residential pathways. However, the risk from exposure to sulfuryl fluoride via the residential pathway is considered negligible. Accordingly, EPA has considered only dietary exposure as contributing to the aggregate risk from sulfuryl fluoride. As explained in Unit III. C.1.ii. of this preamble, chronic exposure was estimated using DEEM and assuming 100% of the raisin and walnut crops would be treated and contain tolerance level residues. The resulting dietary risk estimates are less than 1% of the cPAD, except for ''Children (1–6 years of age)''. The Agency's level of concern is risks > 100% of the cPAD. No acute dietary risks were assessed since no toxicological endpoint attributable to a single exposure could be identified.

The only significant exposure pathway for inorganic fluoride is via the diet (food + drinking water). EPA notes that anticipated fluoride exposure resulting from post-harvest use of sulfuryl fluoride on walnuts and raisins is negligible in comparison to fluoride levels permitted under the Safe Drinking Water Act. The Agency's Office of Water has set a MCLG of 4.0 ppm for fluoride. The Office of Pesticides Programs has used this number as the exposure level in drinking water. This concentration is a level that provides no known or anticipated adverse health effects. The MCLG has been reviewed and is supported by the Surgeon General. Risks from dietary exposure to inorganic fluoride from the post-harvest fumigation of raisins and walnuts are estimated to be less than 1% of the MCLG for fluoride when the MCLG is converted to an exposure equivalent using Agency default values of body weight and drinking water consumption. Total exposure to fluoride, including that from fluoridated water, cryolite uses and from the proposed uses of sulfuryl fluoride are discussed in Unit III.C.4. of this preamble. As noted there, aggregate fluoride exposure for the most highly exposed population is about 75% of the MCLG converted to an exposure equivalent.

Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to sulfuryl fluoride and inorganic fluoride residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate methods of analysis for both sulfuryl fluoride and fluoride anion are available. The methods are considered adequate as tolerance enforcement methods for the purposes of these temporary tolerances during the EUP. For a Section 3 registration, the registrant will need to submit independent laboratory validations for both the proposed sulfuryl fluoride and inorganic fluoride methods. For sulfuryl fluoride, the method consists of blending the sample for 5 minutes in an air-tight Eberbach blending device, equilibrating the sample for 5 minutes, and analyzing 30mL of headspace from the sample container by gas chromatography. For fluoride anion, analysis is done by ion-specific electrodes using a double standard addition procedure. Spike and recovery submitted with the request show acceptable recoveries for both sulfuryl fluoride and inorganic fluoride for raisins and walnuts.

Adequate enforcement methodology (example: gas chromotography) is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PIRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (703) 305–5229; e-mail address: furlow.calvin@epa.gov.

B. Magnitude of Residues

The petitioner submitted data describing residues of sulfuryl fluoride and inorganic fluoride in raisins and walnuts following a number of fumigation regimes including: ''To Determine and Evaluate the Significance of Sulfuryl Fluoride Residues in Dried Fruits and Tree Nuts Following Fumigation Treatments with Sulfuryl Fluoride at Different Temperatures, Sample Locations, Desorption Rates, Repeated fumigations, and A

Comparison of Treatments Done Under Vacuum or Normal Atmospheric Pressure Phase 1.'' Unpublished study sponsored by Dow AgroSciences LLC 6/1/2000. MRID 45170401.

The fumigation of walnuts and raisins consisted of treatments at either 10, 21, or 32 °C, multiple fumigations (up to 5) at 21 °C, or fumigation under vacuum versus ambient atmospheric pressure (21 °C). As part of the studies, samples were collected from the top, middle, and bottom of the fumigation chamber; additionally, samples were collected at post-aeration intervals of up to 11 days depending upon the treatment. For all treatments to raisins, residues of sulfuryl fluoride were <1 LOQ (<0.004 ppm) and most residues were <1 LOD (<0.0011 ppm); residues of inorganic fluoride were <1 LOQ (2.2 ppm) with approximately half falling below the LOD (< 0.75 ppm). Finite residues of sulfuryl fluoride and inorganic fluoride were found in/on walnuts and are summarized in Table 3 below.

The proposed use pattern specifies a maximum cumulative per batch rate of 2,500 oz-hours/1,000 ft^3 for ambient pressure fumigations and 250 oz-hours/1,000 ft^3 for vacuum fumigations. The multiple-fumigation data submitted with the EUP reflect use rates of 2,500 oz- hours/1,000 ft^3 for each fumigation; thus, a batch fumigated 5 times represents a 5X rate. In determining appropriate tolerance levels for walnuts, only data from single fumigations were considered. The data summarized below indicate that a 2.0 ppm tolerance for sulfuryl fluoride and 12.0 ppm tolerance for inorganic fluoride in or on walnuts are appropriate for the use rate being proposed in this experimental use permit. In Table 3, only those commodities treated once reflect the use rate proposed in this experimental use permit. The other data, those samples reflecting more than one application, provide additional information but reflect a higher use rate than proposed in the experimental use permit and therefore are not directly used in determining appropriate tolerances.

TABLE 3.—SUMMARY OF RESIDUE DATA FOR SULFURYL FLUORIDE AND INORGANIC FLUORIDE IN/ON WALNUTS

Temp., °C	No. of Treatments[a]	Pressure	PAT, days[b]	Sulfuryl Fluoride, ppm		Fluoride Anion, ppm	
				Mean	Max.	Mean	Max.
10	1	Ambient	4	0.184	0.259	2.9	3.1
10	1	Ambient	4	0.332	0.387	2.9	3.2
10	1	Ambient	4	0.271	0.289	3.1	3.4
21	1	Ambient	4	0.044	0.051	7.1	7.5
21	1	Ambient	7	0.006	0.007	5.8	6.1
32	1	Ambient	4	0.212	0.229	8.0	8.8
32	1	Ambient	7	0.062	0.073	9.6	10.5
21	1	Ambient	1	1.535	1.767	NS[c]	-
21	1	Ambient	4	0.124	0.135	NS	-
21	1	Ambient	7	0.007	0.010	<**2.3**	2.3
21	3	Ambient	1	4.794	5.303	NS	-
21	3	Ambient	4	0.884	0.927	NS	-
21	3	Ambient	7	0.211	0.231	10.2	38.6
21	5	Ambient	1	4.811	6.282	NS	-
21	5	Ambient	4	2.069	2.355	NS	-
21	5	Ambient	7	0.666	0.742	25.8	30.2
21	5	Ambient	11	0.214	0.252	NS	-
21	1	Vacuum	4	1.629	1.705	4.5	4.6
21	1	Vacuum	7	0.540	0.719	5.8	6.2

[a] Each fumigation was conducted at a treatment rate of 2,500 oz-hours/1,000 ft^3. The proposed use pattern is for the cumulative treatment rate not to exceed 2,500 oz-hours/1,000 ft^3 for ambient fumigations or 250 oz-hours/1,000 ft^3 for vacuum fumigations.
[b] PAT = Post-aeration Time.
[c] NS = No sample

Proposed tolerances - raisins. The data submitted with the EUP request indicate that, at the proposed use rate, only trace residues of sulfuryl fluoride are present in or on raisins, all below the LOQ. Based on these data, a tolerance for sulfuryl fluoride in or on raisins set at the LOQ, or 0.004 ppm, would not be exceeded through post-harvest application of sulfuryl fluoride.

C. International Residue Limits

There are no U.S. tolerances and/or CODEX MRLs established.

D. Conditions

The proposed temporary tolerances are to support an experimental use permit only. The registrant has agreed to analyzing every batch of raisins for fluoride levels to verify tolerance levels for fluoride are not exceeded. Other conditions may be specified on the Profume label. The Agency will not complete a final label review until comments on the proposed temporary tolerances are received and reviewed.

The Agency reserves the right to make additional data requirements for a Section 3 registration; however, the Agency knows that at least the following additional data will be required:

(1) Additional residue data to further define magnitude of the residue for both sulfuryl fluoride and inorganic fluoride (background levels vs. residues from Cryolite use).

(2) Residue data to define background levels of fluoride naturally occurring in both walnuts and raisins.

(3) Residue dissipation data examining residue levels in/on walnuts and raisins under post-fumigation storage conditions as a function of time.

(4) A comprehensive air monitoring study in and around the fumigation chambers.

(5) A Developmental Toxicity Study.

V. Conclusion

Temporary tolerances are proposed for sulfuryl fluoride residues of sulfuryl fluoride in walnuts and raisins at 2.0 and 0.004 ppm, respectively.

A temporary tolerance is also proposed for inorganic fluoride residues of sulfuryl fluoride in walnuts and raisins at 12.0 and 30.0 ppm, respectively.

VI. Regulatory Assessment Requirements

This proposed rule establishes a tolerance 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). Because this proposed rule has been exempted from review under Executive Order 12866 due to its lack of significance, 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). This proposed 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 special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or 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 tolerance in this proposed 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 proposed 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). For these same reasons, the Agency has determined that this proposed rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.'' This proposed rule 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 proposed rule.

List of Subjects in 40 CFR Part 180

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

Dated: August 22, 2001.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR chapter I be 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.

1. Section 180.145 is amended by adding paragraph (a)(3) to read as follows:

§ 180.145 Fluorine compounds; tolerances for residues.

(a) * * *

(3) Temporary tolerances are established for residues of fluoride resulting from the post-harvest treatment with sulfuryl fluoride. The tolerances are measured and expressed as ppm of fluoride. Total residues of fluoride in or on raisins from use of cryolite on grapes (addressed in paragraph (a)(1) of this section) or sulfuryl fluoride on raisins shall not exceed the tolerance list in the following table.

Commodity	Parts per million	Expiration/ Revocation Date
Raisins	30.0	4/01/06
Walnuts	12.0	4/01/06

* * * * *

2. Section 180.575 is added to read as follows:

§ 180.575 Sulfuryl fluoride; tolerances for residues.

(a) *General.* Temporary tolerances are established for residues of sulfuryl fluoride resulting from the post harvest treatment with sulfuryl fluoride.

Commodity	Parts per million	Expiration/Revocation Date
Raisins	0.004	4/01/06
Walnuts	2.0	4/01/06

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 01–22283 Filed 9–4–01; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–2001; MM Docket No. 01–205; RM–10212]

Radio Broadcasting Services; Weinert, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Jeraldine Anderson, requesting the allotment of Channel 266C3 to Weinert, Texas, as that community's first local aural transmission service. This proposal requires a site restriction 13.8 kilometers (8.6 miles) south of the community at coordinates 33–12–15 NL and 99–37–35 WL.

DATES: Comments must be filed on or before October 15, 2001, and reply comments on or before October 30, 2001.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Jeraldine Anderson, 1702 Cypress Drive, Irving, Texas 75061.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–205, adopted August 15, 2001, and released August 24, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Weinert, Channel 266C3.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–22201 Filed 9–4–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–2004, MM Docket No. 01–196, RM–10208]

Radio Broadcasting Services; Childress, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Jeraldine Anderson requesting the allotment of Channel 281C2 at Childress, Texas. The coordinates for Channel 281C2 at Childress are 34–12–44 and 100–15–55. There is a site restriction 23.6 kilometers (14.6 miles) south of the community.

DATES: Comments must be filed on or before October 15, 2001, and reply comments on or before October 30, 2001.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, S.W., Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, as follows: Jeraldine Anderson, 1702 Cypress Drive, Irving, Texas 75061. Katherine Pyeatt, 6655 Aintree Circle, Dallas, Texas 75214.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–196, adopted August 15, 2001, and released August 24, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Information Center, 445 Twelfth Street, SW, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW.,

Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 281C2 at Childress.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–22202 Filed 9–4–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–2003, MM Docket No. 01–197, RM–10170]

Radio Broadcasting Services; Baird, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Katherine Pyeatt proposing the allotment of Channel 243C3 at Baird, Texas, as that community's second local FM service. The coordinates for Channel 243C3 at Baird are 32–35–06 and 99–21–56. There is a site restriction 21.4 kilometers (13.3 miles) north of the community.

DATES: Comments must be filed on or before October 15, 2001, and reply comments on or before October 30, 2001.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, S.W., Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Katherine Pyeatt, 6655 Aintree circle, Dallas, Texas 75214.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–197, adopted August 15, 2001, and released August 24, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Information Center, 445 Twelfth Street, SW, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 243C3 at Baird.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–22204 Filed 9–4–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–1998; MM Docket No. 01–106; RM–10105]

Radio Broadcasting Services; Pacific City and Scappoose, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: John L. Zolkoske filed a petition for rule making requesting the allotment of Channel 282A at Pacific City Oregon, as the community's first local aural transmission service. *See* 66 FR 2682, May 15, 2001. Thunderegg Wireless, L.L.C (''Thunderegg'') filed a counterproposal and a subsequent request to withdraw its counterproposal. A showing of continuing interest is required before a channel will be allotted. It is the Commission's policy to refrain from making an allotment to a community absent an expression of interest. Therefore, since there is no continuing show of interest by either party, we will dismiss the instant petition and grant Thunderegg's request to withdraw its counterproposal.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 01–106, adopted August 15, 2001 , and released August 24, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–22205 Filed 9–4–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–1999; MM Docket No. 00–20; RM–9733]

Radio Broadcasting Services; Paris and Mount Pleasant, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule Making; Withdrawal.

SUMMARY: This document dismisses a petition for rule making filed by Carephil Communications, Inc. requesting the reallotment of Channel 270C2 from Paris, Texas, to Mount Pleasant, Texas, and modification of the license for Station KBUS(FM) to specify Mount Pleasant as the community of license. *See* 65 FR 7817, February 16, 2000. Carephil Communications, Inc. withdrew its interest in the reallotment of Channel 270C2 from Paris, Texas, to Mount Pleasant, Texas. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 00–20, adopted August 15, 2001, and released August 24, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–22206 Filed 9–4–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–2002; MM Docket No. 01–198, RM–10213; MM Docket No. 01–199, RM–10214; MM Docket No. 01–200, RM–10215; MM Docket No. 01–201, RM–10216; MM Docket No. 01–202, RM–10217; MM Docket No. 01–203, RM–10218; MM Docket No. 01–204, RM–10219]

Radio Broadcasting Services; Junction, TX; Knox City, TX; Dilley, TX; Frederic, MI; Goree, TX; Leakey, TX; and Sweetwater, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes seven new allotments to Junction, Texas; Knox City, Texas; Dilley, Texas, Frederic, Michigan, Goree, Texas, Leakey, Texas; and Sweetwater, Texas. *See* Supplementary Information, *infra.*

DATES: Comments must be filed on or before October 15, 2001, and reply comments on or before October 30, 2001.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Katherine Pyeatt, 6655 Aintree Circle, Dallas Texas, (Petitioner for Junction, Texas); Jeraldine Anderson, 1702 Cypress Drive, Irving, Texas 75061 (Petitioner for Knox City, Dilley, Goree, Leakey, and Sweetwater, Texas); and Arthur V. Belendiuk, Esq., Smithwick & Belendiuk, P.C., 5028 Wisconsin Ave., NW., Suite 301, Washington, DC 20016 (Counsel for Alpine Wireless of Frederic).

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–198; MM Docket No. 01–199; and MM Docket No. 01–200, MM Docket No. 01–201; MM Docket No. 01–202 ; MM Docket No. 01–203; and MM Docket No. 01–204, adopted August 15, 2001, and released August 24, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

The Commission requests comments on a petition filed by Katherine Pyeatt proposing the allotment of Channel 277C3 at Junction, Texas, as potentially the community's third local FM transmission service. Channel 277C3 can be allotted to Junction in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.3 kilometers (7.6 miles) south to avoid short-spacings to the licensed sites of Station KKCN(FM), Channel 276C1, Ballinger, Texas, and Station KEEP(FM), Channel 276A, Bandera, Texas. The coordinates for Channel 277C3 at Junction are 30–22–51 North Latitude and 99–47–59 West Longitude. Since Junction is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

The Commission requests comments on a petition filed by Jeraldine Anderson proposing the allotment of Channel 291A at Knox City, Texas, as the community's second local FM transmission service. Channel 291A can be allotted to Knox City in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.7 kilometers (1.7 miles) northeast to avoid a short-spacing to the construction permit site of Station KKHR(FM), Channel 292C2, Abilene, Texas. The coordinates for Channel 291A at Knox City are 33–25–55 North Latitude and 99–47–43 West Longitude.

The Commission requests comments on a petition filed by Jeraldine Anderson proposing the allotment of Channel 264A at Dilley, Texas, as the community's second local FM transmission service. Channel 264A can be allotted to Dilley in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 264A at Dilley are 28–40–02 North Latitude and 99–10–13 West Longitude. Since Dilley is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

The Commission requests comments on a petition filed by Alpine Wireless of Frederic proposing the allotment of Channel 237A at Frederic, Texas, as the community's first local aural transmission service. Channel 237A can be allotted to Frederic in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.6 kilometers (4.7 miles) east to avoid a short-spacing to the licensed sites of Station WCFX(FM), Channel 237A, Clare, Michigan, and Station WJZJ(FM), Channel 238C2, Glen Arbor, Michigan. The coordinates for

Channel 237A at Frederic are 44–46–29 North Latitude and 84–39–29 West Longitude. Since Frederic is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested.

The Commission requests comments on a petition filed by Jeraldine Anderson proposing the allotment of Channel 275A at Goree, Texas, as the community's first local aural transmission service. Channel 275A can be allotted to Goree in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.3 kilometers (2.7 miles) northeast to avoid a short-spacing to the licensed site of Station KHXS(FM), Channel 274C1, Merkel, Texas. The coordinates for Channel 275A at Goree are 33–30–00 North Latitude and 99–30–00 West Longitude.

The Commission requests comments on a petition filed by Jeraldine Anderson proposing the allotment of Channel 299A at Leakey, Texas, as the community's third FM transmission service. Channel 299A can be allotted to Leakey in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.3 kilometers (8.3 miles) west to avoid short-spacings to the licensed sites of Station KXTN–FM, Channel 298C, San Antonio, Texas, and Station XHPC–FM, Channel 300B, Piedras, Mexico. The coordinates for Channel 299A at Leakey are 29–41–58 North Latitude and 99–53–41 West Longitude. Since Leakey is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

The Commission requests comments on a petition filed by Jeraldine Anderson proposing the allotment of Channel 221C3 at Sweetwater, Texas, as the community's second FM transmission service. Channel 221C3 can be allotted to Sweetwater in compliance with the Commission's minimum distance separation requirements at city reference coordinates and requires no site restriction. The coordinates for Channel 221C3 at Sweetwater are 32–28–15 North Latitude and 100–24–20 West Longitude. Since Sweetwater is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by adding Frederic, Channel 237A.

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 264A at Dilley; adding Goree, Channel 275A; adding Channel 277C3 at Junction; adding Channel 291A at Knox City, TX; adding Channel 299A at Leakey; and adding Channel 221C3 at Sweetwater, TX

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–22207 Filed 9–4–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AG99

Endangered and Threatened Wildlife and Plants; Proposed Determination of Critical Habitat for the Oahu Elepaio; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; correction.

SUMMARY: The proposed rule to designate critical habitat for the Oahu elepaio (*Chasiempis sandwichensis ibidis*) was published in the **Federal Register** on June 6, 2001. The maps and legal descriptions of the critical habitat units are correct as published in the **Federal Register**, but Figure 2 in the background of the proposed rule, which showed the proposed critical habitat units in relation to the current, recent historical, and presumed prehistoric distributions of the Oahu elepaio, is incorrect. This document contains the correct version of Figure 2 with an accurate map of the proposed critical habitat units.

DATES: Comments on the proposed rule that was published June 6, 2001 (66 FR 30372) must be received no later than September 6, 2001.

ADDRESSES: Send written comments on the proposed rule to Paul Henson, Field Supervisor, Pacific Islands Fish and Wildlife Office, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 3–122, Box 50088, Honolulu, Hawaii 96850.

FOR FURTHER INFORMATION CONTACT: Paul Henson, Field Supervisor, or Eric VanderWerf, Biologist, at the above address (telephone: 808/541–3441; facsimile: 808/541–3470).

SUPPLEMENTARY INFORMATION: On June 6, 2001, the U.S. Fish and Wildlife Service (Service) published a proposed rule to designate critical habitat for the Oahu elepaio (66 FR 30372). The proposed rule contained correct maps and legal descriptions of the proposed critical habitat units. However, Figure 2 in the background of the proposed rule, which showed the proposed critical habitat units in relation to the current, recent historical, and presumed prehistoric distribution of the Oahu elepaio, showed the proposed critical habitat units incorrectly. Figure 2 erroneously showed an additional habitat unit in the northern Koolau Mountains, and the boundary of the Northern Waianae Unit was inaccurate along its northwestern edge. We are providing a corrected version of Figure 2 that contains an accurate map of the proposed critical habitat units, and which matches the critical habitat units depicted in the legal description of the original proposed rule. Page 30377 of the proposed rule should be replaced with Figure 2 of this correction.

In addition, we attempted to use the correct spelling of Hawaiian words by including diacritical marks (a single grave mark (‘) before a vowel indicating a glottal stop, and a macron or horizontal line above a vowel indicating a longer or stressed vowel sound), but we acknowledge that these marks were not printed correctly in the proposed rule. In the final rule to designate critical habitat for the Oahu elepaio, we will ensure that the Hawaiian diacritical marks are either used correctly or eliminated.

Accordingly, make the following correction to FR Doc. 01–14171 published at 66 FR 30372 on June 6, 2001.

PART 17—[CORRECTED]

1. On page 30377, correct the map for Figure 2 to read as follows:

BILLING CODE 4310–55–P

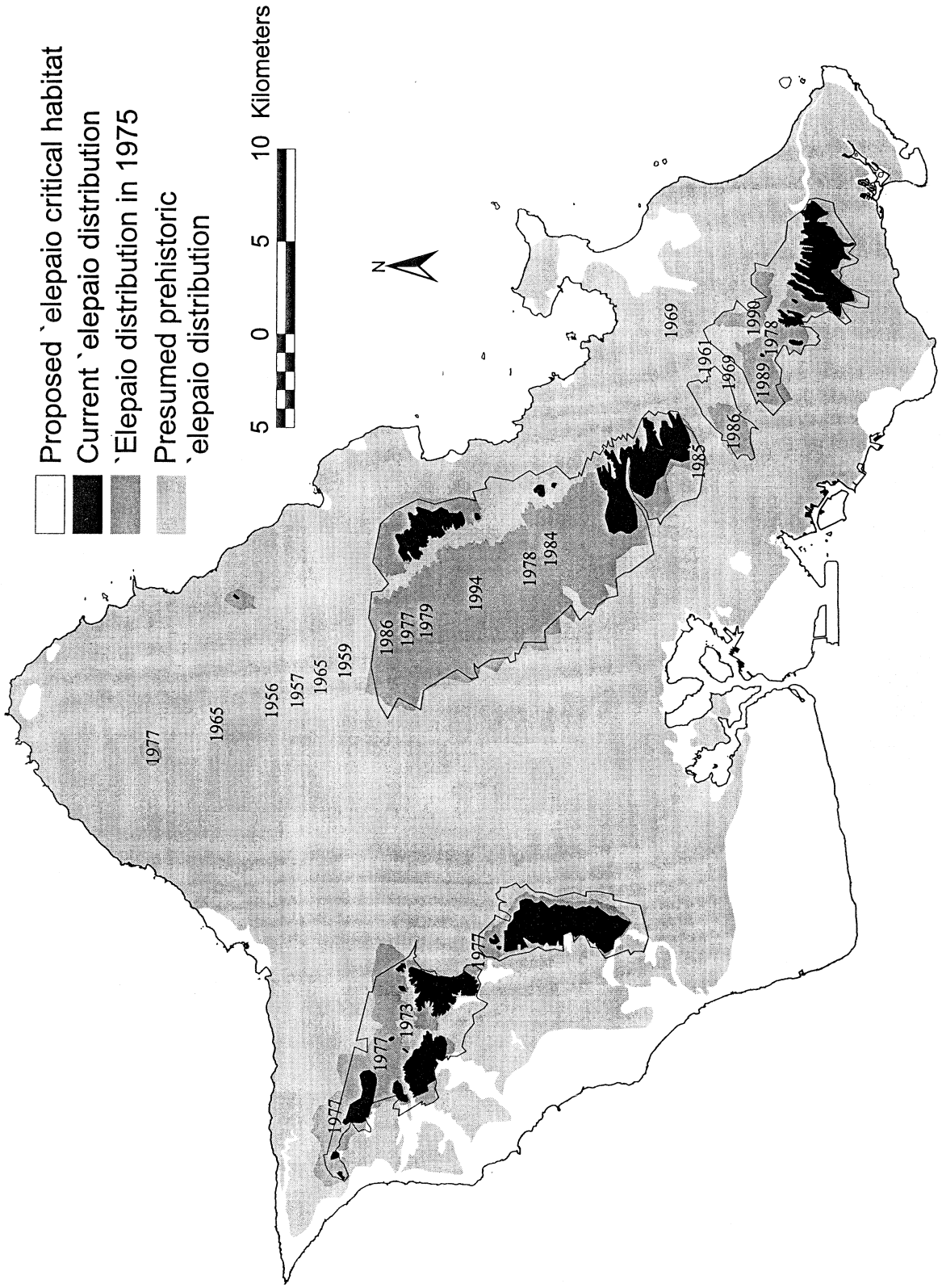

Figure 2. Current, recent historical (1975), and presumed prehistoric distributions of the O`ahu `elepaio. Years indicate when `elepaio were last observed in that area.

Dated: August 8, 2001.

Joseph E. Doddridge,

Acting Assistant Secretary for Fish and Wildllife and Parks.

[FR Doc. 01–22179 Filed 9–4–01; 8:45 am]

BILLING CODE 4310–55–C

Notices

Federal Register
Vol. 66, No. 172
Wednesday, September 5, 2001

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

DEPARTMENT OF AGRICULTURE

Forest Service

Interim Direction on Administration of Authorizations for Fiber Optic Cable Uses on National Forest System Lands

AGENCY: Forest Service, USDA.

ACTION: Notice of availability of agency directive.

SUMMARY: The Forest Service is issuing an interim directive to provide internal administrative direction to guide its employees in the processing of proposals and applications for fiber optic cable uses and in the administration of authorizations for these uses on National Forest System lands. The interim directive is issued to the Forest Service Special Uses Handbook FSH 2709.11, Chapter 40, Special Uses Administration, as ID number 2709.11–2001–1.

DATES: The interim directive is effective September 5, 2001.

ADDRESSES: The interim directive is available electronically from the Forest Service via the World Wide Web/Internet at *http://www.fs.fed.us/im/directives.* Single paper copies of the interim directive also are available by contacting the Forest Service, USDA, Lands Staff (Mail Stop 1124), P.O. Box 96090, Washington, DC 20090–6090 (telephone 202–205–1264).

FOR FURTHER INFORMATION CONTACT: Mark Scheibel, Lands Staff (202–205–1264).

Dated: August 7, 2001.

Hilda Diaz-Soltero,

Associate Chief for Natural Resources.

[FR Doc. 01–22217 Filed 9–4–01; 8:45 am]

BILLING CODE 3410–11–P

AMTRAK REFORM COUNCIL

Notice of Meeting

AGENCY: Amtrak Reform Council.

ACTION: Notice of special public business meeting in Los Angeles, CA.

SUMMARY: As provided in Section 203 of the Amtrak Reform and Accountability Act of 1997 (Reform Act), the Amtrak Reform Council (Council) gives notice of a special public meeting of the Council. On Thursday, September 20, 2001, the Council will hold a Business Meeting 8:30 a.m.–10:30 a.m. Pacific Daylight Time (PDT) during which time the Council members will discuss general Council business. Immediately following the business meeting, also on September 20, 2001 and at the same location, the Council will hold a formal Hearing inviting the Mountain and West Coast states to testify before the Council regarding the issues raised in the Council's Second Annual Report published in March 2001. The Hearing will be held from 10:30 a.m. to 5:30 p.m. PDT.

DATES: The Business Meeting will be held on Thursday, September 20, 2001, from 8:30 a.m.–10:30 a.m. PDT. The Hearing will also be held on Thursday, September 20, 2001, from 10:30 a.m. to 5:30 p.m. PDT. Both events are open to the public.

ADDRESSES: Both the Business Meeting and the Hearing will take place in the Garden West Room in the Wilshire Grand Hotel, 930 Wilshire Boulevard, Los Angeles, CA 90017. Persons in need of special arrangements should contact the person listed below.

FOR FURTHER INFORMATION CONTACT: Deirdre O'Sullivan, Amtrak Reform Council, Room 7105, JM–ARC, 400 Seventh Street, SW, Washington, DC 20590, or by telephone at (202) 366–0591; FAX: 202–493–2061. For information regarding ARC's upcoming events, the agenda for meetings, the ARC's Second Annual Report, information about ARC Council Members and staff, and much more, you can also visit the Council's website at *www.amtrakreformcouncil.gov.*

The Council meeting following the Los Angeles meeting will be held on Friday, October 12, 2001, in the Atlanta B Room of the Atlanta Renaissance Hotel at 590 West Peachtree Street, NW, Atlanta, GA 30308. The ARC Business Meeting will be held from 8:30 a.m. to 10:30 a.m. (EDT). Following the business meeting, the Council will hold a hearing inviting the Southern and East Coast states to testify on issues raised in the Council's Second Annual Report published in March 2001. The hearing will be held from 10:30 a.m. to 5:30 p.m. (EDT).

SUPPLEMENTARY INFORMATION: The ARC was created by the Amtrak Reform and Accountability Act of 1997 (Reform Act), as an independent commission, to evaluate Amtrak's performance and to make recommendations to Amtrak for achieving further cost containment, productivity improvements, and financial reforms. In addition, the Reform Act provides: that the Council is to monitor cost savings from work rules established under new agreements between Amtrak and its labor unions; that the Council submit an annual report to Congress that includes an assessment of Amtrak's progress on the resolution of productivity issues; and that, after a specified period, the Council has the authority to determine whether Amtrak can meet certain financial goals specified under the Reform Act and, if it finds that Amtrak cannot, to notify the President and the Congress.

The Reform Act prescribes that the Council is to consist of eleven members, including the Secretary of Transportation and ten others nominated by the President and the leadership of the Congress. Members serve a five-year term.

Issued in Washington, DC, August 30, 2001.

Thomas A. Till,

Executive Director.

[FR Doc. 01–22244 Filed 9–4–01; 8:45 am]

BILLING CODE 4910–06–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

The United States Chemical Safety and Hazard Investigation Board announces that it will convene a Public Meeting beginning at 9:30 a.m. local time on September 25, 2001, at 2175 K Street, Suite 400 Conference Room. The CSB will discuss the agency's draft recommendations policy guidelines. The draft Recommendations Program policy is available at *www.csb.gov* for public review.

The meeting will be open to the public. Please notify CSB if a translator or interpreter is needed, 10 business

days prior to the public meeting. For more information, please contact the Chemical Safety and Hazard Investigation Board's Office of Congressional and Public Affairs, (202) 261–7600, or visit our website.

Christopher W. Warner,

General Counsel.

[FR Doc. 01–22299 Filed 8–30–01; 4:25 pm]

BILLING CODE 6350–50–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Ohio Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Ohio Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 5 p.m. on Wednesday, September 26, 2001, at the Hyatt Regency Hotel, 350 North High Street, Columbus, Ohio 43215. The purpose of the meeting is to discuss current events and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Constance M. Davis, Director of the Midwestern Regional Office, 312–353–8311 (TDD 312–353–8362). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 29, 2001.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 01–22212 Filed 9–4–01; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Pennsylvania Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Pennsylvania Advisory Committee to the Commission will convene at 12:30 p.m. and adjourn at 4:30 p.m. on Friday, September 28, 2001, at the Philadelphia Convention Center, Conference Room B, 12th and Arch Streets, Philadelphia, Pennsylvania 19107. The Advisory Committee will plan a press conference to release its report, *Barriers to Minority and Women Owned Businesses in Pennsylvania*, and discuss new topic areas.

Persons desiring additional information, or planning a presentation to the Committee, should contact Ki-Taek Chun, Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 29, 2001.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 01–22210 Filed 9–4–01; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Vermont Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Committee to the Commission will convene at 10:45 a.m. and adjourn at 2:45 p.m. on Friday, September 21, 2001, at the Burlington International Airport, Hamilton Room-One Flight Up Restaurant, 1200 Airport Drive, South Burlington, Vermont 05430. The Advisory Committee will hold a planning meeting to review its draft project proposal, discuss future coordination with educational leaders, and plan its next project activity.

Persons desiring additional information, or planning a presentation to the Committee, should contact Marc Pentino, of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 29, 2001.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 01–22211 Filed 9–4–01; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Membership of the USCCR Performance Review Board

AGENCY: Commission on Civil Rights.

ACTION: Notice of membership of the USCCR Performance Review Board.

SUMMARY: This notice announces the appointment of the Performance Review Board (PRB) of the United States Commission on Civil Rights. Publication of PRB membership is required by 5 U.S.C. 4314(c)(4).

The PRB provides fair and impartial review of the U.S. Commission on Civil Rights' Senior Executive Service performance appraisals and makes recommendations regarding performance ratings and performance awards to the Staff Director, U.S. Commission on Civil Rights for the FY 2001 rating year.

FOR FURTHER INFORMATION CONTACT: George Harbison, Acting Director of Human Resources, U.S. Commission on Civil Rights, 624 9th Street, N.W., Washington, D.C. 20425, (202) 376–8364.

Members

Gloria Gutierrez
Assistant Director Marketing and Customer Liaison U.S. Bureau of the Census

Robert Kugelman
Director, Office of Budget Department of Commerce

Joseph Mancias
Senior Management Counsel Department of Justice

Les Jin,

Staff Director.

[FR Doc. 01–22274 Filed 9–4–01; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

[I.D. 082901C]

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: Implantation and Recovery of Archival Tags.

Form Number(s): None.

OMB Approval Number: 0648–0338.

Type of Request: Regular submission.

Burden Hours: 15.

Number of Respondents: 20.

Average Hours Per Response: 30 minutes for tag recovery and notification, 30 minutes for notification of tag implantation, and 1 hour for a report of tag implantation

Needs and Uses: Under a scientific research exemption any person may catch, possess, retain, and land any regulated species in which an archival tag has been affixed or implanted, provided that the person immediately reports the landing to NMFS. In addition, any person affixing or implanting an archival tag into a regulated species is required to provide NMFS with written notification in advance of beginning the tagging activity and to provide a written report upon completion of the activity.

Affected Public: Individuals and households, business or other for-profit organizations, not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

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 24, 2001.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 01–22183 Filed 9–4–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC 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 of 1995, Public Law 104–13.

Bureau: International Trade Administration.

Title: American Management and Business Internship Training (AMBIT) Program: Applications.

Agency Form Number: N/A.

OMB Number: 0625–0224.

Type of Request: Revision-Regular Submission.

Burden: 465.

Number of Respondents: 265.

Avg. Hours Per Response: 1–3 hours.

Needs and Uses: The U.S. Department of Commerce's International Trade Administration (ITA), in collaboration with the International Fund for Ireland (IFI), has established the American Management & Business Internship Training (AMBIT) program. AMBIT provides one-week to six-month training programs for managers and technical experts from Northern Ireland and the Border Counties of Ireland, thereby improving their skills while enhancing U.S. commercial opportunities in the region. AMBIT was launched in 1995 to demonstrate America's interest in supporting the peace process by encouraging economic development in Northern Ireland and the Six Border Counties of Ireland.

The U.S. Department of Commerce works in partnership with the IFI, an organization established in 1986 by the British and Irish Governments to promote economic/social progress and to encourage contact, dialog, and reconciliation in the region. The United States, the European Union, Canada, Australia, and New Zealand contribute to the IFI budget.

Affected Public: Business or other non-profit, individuals (non-U.S. citizens).

Frequency: On Occasion.

Respondent's Obligation: Required to obtain or retain a benefit, voluntary.

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, NW., Washington, DC 20230 or via internet at *MClayton@doc.gov.*

Written comments and recommendations for the proposed information collection should be sent to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503 within 30 days of the publication of this notice in the **Federal Register**.

Dated: August 30, 2001.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–22208 Filed 9–4–01; 8:45 am]

BILLING CODE 3510–HE–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC 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 of 1995, Public Law 104–13.

Bureau: International Trade Administration.

Title: SABIT: Applications and Questionnaires.

Agency Form Number: N/A.

OMB Number: 0625–0225.

Type of Request: Revision-Regular Submission.

Burden: 6,088.

Number of Respondents: 2,800.

Avg. Hours Per Response: 2 hours.

Needs and Uses: The Special American Business Internship Training (SABIT) programs of the Department of Commerce's International Trade Administration (ITA), are a key element in the U.S. Government's efforts to support the economic transition of the Newly Independent States (NIS) of the former Soviet Union. SABIT places business executives and scientists from the Independent States in U.S. firms for one-to-six month internships to gain firsthand experiences working in a market economy. This unique private sector-U.S. Government partnership was created in order to tap the U.S. private sector's expertise in assisting the NIS's transition to a market economy while boosting U.S.-NIS long-term trade.

Under the ''regular'' (grants) SABIT program, qualified U.S. firms will receive funds through a cooperative agreement with ITA to help defray the cost of hosting interns. The information collected by the Application is needed by the SABIT staff to recruit and screen respondents and provide U.S. firms with a pool of eligible candidates from which to select interns. Intern applications are required to determine the suitability of candidates for SABIT internships. Feedback surveys and end-of-internship reports are needed to enable SABIT to track the success of the program as regards trade between the U.S. and NIS, as well as to improve the content and administration of the programs.

Affected Public: Business or other non-profit, individuals (non-U.S. citizens).

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit, voluntary.

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, NW., Washington, DC 20230 or via internet at *MClayton@doc.gov.*

Written comments and recommendations for the proposed information collection should be sent to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503 within 30 days of the publication of this notice in the **Federal Register**.

Dated: August 30, 2001.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–22209 Filed 9–4–01; 8:45 am]

BILLING CODE 3510–HE–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–825]

Oil Country Tubular Goods From Korea: Extension of Time Limit for Preliminary Results of New Shipper Antidumping Duty Administrative Review

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

ACTION: Notice of extension of time limit for preliminary results of new shipper review.

EFFECTIVE DATE: September 5, 2001.

FOR FURTHER INFORMATION CONTACT: Michael Strollo or Dana Mermelstein, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482–5255 or (202) 482–1391, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Departments's regulations are to the current regulations, codified at 19 CFR part 351 (2001).

Background

On February 28, 2001, the Department of Commerce (the Department) received a properly filed request from Shinho Steel Company (Shinho) for a new shipper administrative review of the antidumping duty order on oil country tubular goods from Korea. On April 9, 2001, the Department published a notice of initiation of this administrative review, covering the period of August 1, 2000 through February 28, 2001 (66 FR 18438).

Extension of Time Limits for Preliminary Results

This is the first review of this order concerning Shinho. There are several complex issues, including the selection of a comparison market and the request for a constructed export price offset. As such, it is not practicable to complete this review within the time limits mandated by section 751(a)(2)(B) of the Act. Therefore, we are extending the due date for the preliminary results until January 28, 2002 pursuant to section 751(a)(2)(B)(iv) of the Act. The final results will be due 90 days after the issuance of the preliminary results, unless extended.

August 29, 2001.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 01–22276 Filed 9–4–01; 8:45 am]

BILLING CODE 3510–DS–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 01–C0011]

HMB Corporation (f/k/a Taylor Electric Supply, Inc.), Respondent Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1115.20(b)(4). Published below is a provisionally-accepted Settlement Agreement with HMB Corporation (f/k/a Taylor Electric Supply, Inc.) requiring that HMB Corporation pay between $87,500 through $175,000 for the remediation of certain in-wall electric heaters it distributed that were manufactured by Cadet Manufacturing Company.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by September 20, 2001.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 01–C0011, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Howard N. Tarnoff, Trial Attorney, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0626, 1382.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: August 29, 2001.

Todd A. Stevenson,

Acting Secretary.

Consent Agreement

This Consent Agreement is made by and between the staff of the Consumer Product Safety Commission, and HMB Corporation (f/k/a Taylor Electric Supply, Inc.) ''HMB''), a domestic corporation, to settle the staff's allegations that HMB, doing business as Taylor Electric Supply, distributed in commerce certain allegedly defective in-wall electric heaters manufactured by Cadet Manufacturing Company (''Cadet''), a domestic corporation, with its principal place of business located at 2500 West Fourth Plain Boulevard, Vancouver, Washington 98660.

Parties

1. The ''staff'' is the staff of the Consumer Product Safety Commission (''the CPSC'' or ''the Commission''), an independent regulatory agency of the United States of America, established by Congress pursuant to section 4 of the Consumer Product Safety Act (''CPSA''), 15 U.S.C. 2053, as amended.

2. Respondent HMB is a corporation organized and existing under the laws of the State of Oregon. HMB owns and maintains two commercial buildings and the property on which they are located at 1709 S.E. 3rd Ave., and 240 S.E. Clay Blvd., Portland, Oregon. HMB leases the property to Rexel Taylor Corporation, which, through its subsidiary Summers Group, Inc., purchased HMB's wholesale electrical distribution business in 1997.

Subject Matter

3. Since approximately 1978, Cadet allegedly manufactured, sold and/or distributed in commerce in-wall electric heaters for use in homes and residences under the brand names ''Cadet'' and ''Encore.'' These include all models and variants within each model of the series

FW (including models FW–051, FW–101, FW–122, FW–202, and FW–751), manufactured between 1978 and 1987; series FX (including models FX–051, FX–052, FX–071, FX–072, FX–101, FX–102, FX–122, FX–151, FX–152, FX–202, and FX–242), manufactured between 1985 and 1994; series LX (including models LX–242, LX–302, LX–402, and LX–482), manufactured between 1985 and 1994; series TK (including models TK–051, TK–071, TK–072, TK–101, TK–102, TK–151, and TK–152), manufactured between 1984 and 1998; series ZA (including models ZA–051, ZA–052, ZA–071, ZA–072, ZA–101, ZA–102, ZA–122, ZA–151, ZA–152, ZA–202, and ZA–242), manufactured between 1985 and 1994; series Z (including models Z–072, Z–101, Z–102, Z–151, Z–152, Z–202, and Z–208), manufactured between 1993 and 1999; and all series and models of the same or functionally identical heaters manufactured and distributed by Cadet under the Encore brand name, including series RX (including modes RX–072, RX–101, RX–102, RX–151, RX–152, RX–202, and RX–242), manufactured between 1985 and 1994; series RLX (including models RLX–302, RLX–402, and RLX–482) manufactured between 1985 and 1994; series RK (including models RK–101 and RK–102), manufactured between 1984 and 1998; series RA (including models RA–101, RA–102, RA–151, RA–152, and RA–202), manufactured between 1985 and 1994; series ZC (including models ZC–072, ZC–101 ZC–102, ZC–151, ZC–152, ZC–202, and ZC–208), manufactured between 1993 and 1999; and series RW, manufactured between 1978 and 1981. For each of these heaters, the variants signified by the suffix T (with thermostat), W (white color), and TW (with thermostat and white color) found after the model number are included. All the heaters and variants referred to in this paragraph shall hereinafter be collectively referred to as ''the Heaters.'' The Heaters were sold and/or distributed to consumers principally in the States of California, Idaho, Montana, Oregon, and Washington. Between approximately 1982 and 1997, Taylor Electric Supply allegedly sold and/or distributed certain of the Heaters in commerce.

4. On January 14, 1999, the staff filed an Administrative Complaint (''Complaint'') against Cadet, seeking a determination that certain of the Heaters present a substantial product hazard within the meaning of section 15(a)(2) of the CPSA, 15 U.S.C. 2064(a)(2), and public notice and a recall of certain of the Heaters pursuant to sections 15(c) and (d) of the CPSA, 15 U.S.C. 2064(c) and (d). The Complaint alleged that certain of the Heaters are defective and present a substantial product hazard within the meaning of section 15(a)(2) of the CPSA, 15 U.S.C. 2064(a)(2), because their design and/or manufacture causes them to overheat, fail, and catch fire; and/or allows lint, dirt, or debris to build up within the heaters and catch fire. The Complaint also alleged that the design of certain of the Heaters can cause the Heaters to spew flames and/or burning or molten particles, or eject sparks into the living space of a home or residence, or energize the Heaters creating a risk of electric shock. On July 30, 1999, the CPSC approved a Consent Agreement and Order (''the Cadet Order'') between the Staff and Cadet which, *inter alia*, required Cadet to undertake a remediation program for notification to consumers and for the replacement of the Heaters (''the Cadet Corrective Action Plan'' or ''the Plan''). The Plan became effective on February 17, 2000. As of April 30, 2001, consumers had ordered 332,857 replacement heaters under the Cadet Corrective Action Plan.

Agreement of the Parties

5. It is the express purpose of the parties entering this Consent Agreement to protect the public safety by assisting Cadet's recall and replacement of the Heaters.

6. Fulfillment of the terms of this Consent Agreement and the attached Order (hereinafter ''Order'' or ''the Order''), which is hereby incorporated by reference, shall resolve all potential obligations of HMB (and each of HMB's successors, assigns, parents, subsidiaries, affiliated entities, agents, representatives, attorneys, employees, officers, directors, stockholders, and principals) (collectively ''the HMB Releasees'') under Sections 15(c) and (d) of the CPSA, 15 U.S.C. 2064(c) and (d), to give public notice of the alleged hazard presented by the Heaters, and to repair, replace, or refund the purchase price of the Heaters. Fulfillment of the terms of this Consent Agreement and Order shall also resolve all potential obligations and liabilities of the HMB Releasees for all other claims and causes of action which could have been alleged by the CPSC against the HMB Releasees relating to the Heaters, based upon information known to the CPSC, or otherwise in the CPSC's possession, at the time the CPSC staff signs this Consent Agreement. Nothing in this Paragraph 6 is intended to limit the CPSC's rights under Paragraph 20 of this Consent Agreement.

7. The staff believes that this Consent Agreement and Order is an equitable resolution of consumer claims against HMB for replacement heaters, and the staff has concluded that the Cadet Corrective Action Plan, and HMB's participation in that Plan, will provide an effective, fair, reasonable and adequate remedy for consumers throughout the United States who own or are otherwise exposed to the Heaters by notifying consumers of the alleged hazard and providing replacement heaters to them, and that this Agreement is, therefore, in the best interests of consumers.

8. This Consent Agreement and Order shall not be deemed or construed as an admission by HMB or as evidence: (a) Of any violation of law or regulation by HMB; (b) of other wrongdoing by HMB; (c) that the Heaters are defective, create a substantial product hazard, or are unreasonably dangerous; or (d) of the truth of any claims or other matters alleged or otherwise stated by the CPSC or any other person either against HMB or with respect to the Heaters.

9. The Heaters are ''consumer products'' within the meaning of Section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1).

10. HMB (f/k/a Taylor Electric Supply) was a ''distributor'' of ''consumer product[s],'' which were ''distributed in commerce,'' as those terms are defined in sections 3(a)(1), (5), and (11) of the CPSA, 15 U.S.C. 2052(a)(1), (5), and (11).

11. The CPSC has jurisdiction over HMB and the Heaters under sections 3(a)(1), (5), and (11) and section 15 of the CPSA, 15 U.S.C. 2052(a)(1), (5), and (11) and § 2064.

12. For purposes of this settlement only, HMB agrees not to contest the staff's allegation, which HMB denies, that the Heaters contain a ''defect which creates a substantial product hazard,'' as those terms are defined in section 15(a) of the CPSA, 15 U.S.C. 2064(a).

13. Upon final acceptance by the CPSC of this Consent Agreement and Order, HMB knowingly, voluntarily, and completely waives and relinquishes any past, present, and/or future right or rights in this matter: (a) To the issuance of a proposed complaint in accordance with 16 CFR 1115.20(6), to an administrative or judicial hearing, and to all further procedural steps—including findings of fact and conclusions of law—to determine whether the Heaters contain a defect which creates a substantial product hazard within the meaning of section 15 of the CPSA; (b) to seek judicial review or otherwise challenge or contest the validity of this consent Agreement and

Order as issued and entered; (c) to seek judicial review of this or any past orders, findings, and/or determinations of the CPSC in this matter, except as set forth in Paragraphs 21 and 24 of this Consent Agreement; and (d) to file any claim or to seek any remedy under the Equal Access to Justice Act.

14. The order is issued under Sections 15(c) and (d) of the CPSA, 15 U.S.C. 2064(c) and 9d), and a violation of this Consent Agreement and Order is a prohibited act within the meaning of section 19(a)(5) of the CPSA, 15 U.S.C. 2068(a)(5), and may subject HMB to civil and/or criminal penalties under sections 20 and 21 of the CPSA, 15 U.S.C. 2069 and 2070.

15. HMB agrees to fulfill all requirements of this Consent Agreement and Order.

16. For all purposes, this Consent Agreement and Order shall constitute an enforceable judgment obtained in ana ction or proceeding by a governmental unit to enforce its police and regulatory power. HMB acknowledges and agrees that this Consent Agreement and order are pursuant to the CPSC's police and regulatory power to remedy the alleged risk created by the Heaters, and that, once HMB signs the Consent Agreement and Order, the Consent Agreement and Order will not be subject to an automatic stay in any bankruptcy proceeding involving HMB.

17. HMB acknowledges that any interested person may bring an action pursuant to section 24 of the CPSA, 15 U.S.C. 2073, in any United States District Court in which HMB is found or transacts business, to enforce the Order and to obtain appropriate injunctive relief.

18. This Consent Agreement and Order shall be binding upon and inure to the benefit of the parties hereto and their successors, assigns, and any operating bankruptcy trustees or receivers. If, prior to the termination of this Consent Agreement and Order, HMB merges with any other business entity or sells, assigns, or otherwise transfers substantially all of its assets. HMB shall provide reasonable prior notice to the surviving corporation or to the purchaser, assignee, or transferee of substantially all of HMB's assets, of this Consent Agreement and Order, and of its binding effect upon said surviving corporation, purchaser, assignee, or transferee. The existence of this Consent Agreement and Order and its binding effect shall be noted in any agreement between HMB and such surviving corporation, purchaser, assignee, or transferee shall execute a document agreeing to be bound by the provisions of this Consent Agreement and Order and shall submit to the jurisdiction of the CPSC for purposes of enforcement of this Consent Agreement and Order. In the event of any merger, sale, assignment, or transfer of substantially all of HMB's assets, HMB shall provide written notice to the staff at least sixty (60) days prior to any such merger, asset sale, assignment, or transfer.

19. The CPSC, the staff, and/or HMB may disclose terms of this Consent Agreement and Order to the public.

20. If any provision of this Consent Agreement and Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the term of this Consent Agreement and Order, such provision shall be fully severable. In such event, there shall be added as part of this Consent Agreement and Order a provision as similar in terms to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and enforceable. The effective date of the added provision shall be the date upon which the prior provision was held to be invalid, illegal, or unenforceable. The rest of the Consent Agreement and Order shall remain in full effect, unless the CPSC determines, after providing HMB with notice and a reasonable opportunity to comment, that severing the provision materially impacts the Cadet Corrective Action Plan. The CPSC determination shall constitute the final agency decision and shall be subject to judicial review, such review to be based upon the record of any such CPSC proceeding and according to law.

21. This Consent Agreement and Order have been negotiated by the parties. HMB is not relying on the advice of the staff, nor anyone associated with the staff, as to legal, tax, or other consequences of any kind arising out of this Consent Agreement and Order, and HMB specifically assumes the risk of all legal, tax, and other consequences.

22. HMB acknowledges that this Consent Agreement and Order have been negotiated between unrelated, sophisticated, and knowledgeable parties acting in their own self-interest and represented by counsel, and the provisions of this Consent Agreement and Order shall not be interpreted or construed against any person or entity because that person or entity or any of its attorneys or representatives drafted or participated in drafting this Consent Agreement and Order.

23. The provisions of this Consent Agreement and Order shall be interpreted in a reasonable manner to effect its purpose to remedy the alleged hazard that the Heaters pose and to resolve potential claims by the CPSC against HMB with respect to the Heaters.

24. The existence of a dispute between the staff and HMB over any provision of this Consent Agreement and Order shall not excuse, toll, or suspend any obligation or deadline imposed upon HMB under this Consent Agreement and Order, other than the specific provision in dispute.

25. This Consent Agreement and Order shall not be waived, changed, amended, modified, or otherwise altered, except in writing executed by the parties and approved by the CPSC.

26. This Consent Agreement and Order contain the entire agreement, understanding, representation, and interpretation of the parties herein, and nothing else may be used to vary or contradict its terms.

27. HMB's obligations under this Consent Agreement and Order shall terminate when HMB makes the final payment required under Paragraphs 3 and 4 of the Order.

28. HMB makes the monetary payments described in Paragraphs 3 and 4 of the Order solely as restitution to find the Cadet Corrective Action Plan and thereby to settle claims arising out of its alleged distribution of the Heaters. No payment made pursuant to, or referred to in this Consent Agreement and Order is a fine or other penalty paid with respect to any violation of any law or regulation. Payment hereunder does not constitute, nor shall it be construed or treated as, payment in lieu of a fine or other penalty, punitive recovery, or forfeiture.

29. HMB may request appropriate verification from the staff, including record review, of the number of replacement heaters ordered from Cadet under the Cadet Corrective Action Plan. Upon receipt of a request from HMB, the staff shall provide such verification, subject to appropriate protective orders preserving the confidentiality of business records obtained from Cadet. In the event that such verification demonstrates the number of replacement heaters represented by the CPSC to HMB pursuant to Paragraph 5 of the Order to be incorrect, thus rendering HMB's payment into the escrow account incorrect, the staff shall direct the Escrow Agent to refund the overpayment to HMB in the amount of $0.875 per heater. A dispute as to the proper amount of contingent contribution shall be resolved in accordance with Paragraph 24 of this Consent Agreement.

30. HMB and the staff consent to the entry of the Order attached hereto.

31. Upon provisional acceptance of this Consent Agreement and Order by

the CPSC, this Consent Agreement and Order shall be placed on the public record and shall be published in the **Federal Register** in accordance with the procedures set forth in 16 CFR 1115.20(b)(4). If the CPSC does not receive any written request not to accept this Consent Agreement and Order within fifteen (15) calendar days, this Consent Agreement and Order shall be deemed finally accepted on the twentieth (20th) calendar day after the date it is published in the **Federal Register** in accordance with 16 CFR 1115.20(b)(5).

32. Upon final acceptance by the CPSC of this Consent Agreement and Order, the CPSC shall issue the incorporated Order. This Consent Agreement and Order shall become effective upon service of the signed Order upon HMB.

33. The parties have executed two (2) identical copies of this Consent Agreement and the two copies shall be treated as one and the same executed Consent Agreement.

Dated: July 12, 2001.

Howard N. Tarnoff,
Trial Attorney.
Margaret H. Plank,
Trial Attorney.
Eric L. Stone,
Director, Legal Division.
Alan H. Schoem,
Assistant Executive Director, Office of Compliance, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814. Telephone: (301) 504–0626, Facsimile: (301) 504–0359.

Dated: July 23, 2001.

William H. Taylor,
President, HMB Corporation, P.O. Box 15198, Portland, OR 97293. Telephone: (503) 233–5321.

Order

Upon consideration of the Consent Agreement entered into between Respondent HMB Corporation (''HMB'') and the staff of the Consumer Product Safety Commission (''the staff'') (collectively ''the parties'') and

The Consumer Product Safety Commission (''the CPSC'' or ''the Commission'') having jurisdiction over the subject matter and HMB;

It is hereby ordered that:

1. The Consent Agreement between HMB and the staff is incorporated herein by reference and accepted, and HMB shall comply with all obligations of the Consent Agreement and this Order.

2. Based on the Consent Agreement, the CPSC finds that the Consent Agreement and this Order are necessary to protect the public from the alleged hazard presented by Cadet's series FW, FX, LX, TK, ZA, and Z in-wall electric heaters, and the functionally identical heaters manufactured and distributed by Cadet under the Encore brand name, including series RX, RLX, RK, RA, RW, and ZC. These heaters shall hereinafter be collectively referred to as ''the Heaters.''

3. HMB shall pay into an escrow account (Chase Manhattan Trust Company, National Association, Account #76609060682) established by the staff and Cadet for the purpose of remedying the alleged hazard posed by the heaters (''Escrow Account'') the sum of EIGHTY—SEVEN THOUSAND FIVE HUNDRED DOLLARS ($87.500) upon the CPSC's final acceptance of this Order.

4. HMB shall pay into the Escrow Account contingent contribution(s) of an additional ($0.875) for every heater in excess of three hundred and fifty thousand (350,000) heaters ordered by consumers on or before February 17, 2002, under the Cadet Consent Agreement and Order, which was approved by the CPSC on July 30, 1999 (''the Cadet Order''). HMB's contingent contribution(s) shall be capped at EIGHTY—SEVEN THOUSAND FIVE HUNDRED DOLLARS ($87,500). HMB shall pay contingent contributions quarterly within fifteen (15) days of HMB's receipt of written notice from the staff of the number of replacement heaters over 350,000 ordered by consumers on or before February 17, 2002, and shipped by Cadet under the terms of the Cadet Order.

5. The CPSC may authorize the distribution of the monetary payments referred to in Paragraphs 3 and 4 above: (a) To offset expenses directly related to Cadet's CPSC-approved Corrective Action Plan; and/or (b) to otherwise remedy the alleged hazard posed by the Heaters.

6. In addition to any penalty it may incur pursuant to Paragraph 14 of the Consent Agreement, if HMB fails to make timely contributions to the Escrow Account, as required by Paragraphs 4 and 5 of this Order, HMB shall be liable for additional contributions to the Escrow Account. Such additional contributions shall consist of the following:

a. Interest at the percentage rate established by the Department of the Treasury pursuant to 31 U.S.C. 3717, for any period after the due date and

b. A five percent (5%) per month penalty charge if the deposit is not made within thirty (30) days after the due date.

Provisionally accepted and Provisional Order issued on the 29th day of August, 2001.

By order of the commission.

Todd A. Stevenson,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 01–22162 Filed 9–4–01; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF EDUCATION

[CFDA Nos. 84.019A, 84.021A, 84.022A]

Office of Postsecondary Education; Fulbright-Hays Faculty Research Abroad Fellowship Program, Fulbright-Hays Group Projects Abroad Program, and Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program

Notice inviting applications for new awards for fiscal year (FY) 2002.

Purpose of Programs: (a) The Faculty Research Abroad Fellowship Program offers opportunities to faculty members of institutions of higher education for research and study in modern foreign languages and area studies.

(b) The Group Projects Abroad Program supports overseas projects in training, research, and curriculum development in modern foreign languages and area studies for groups of teachers, students, and faculty engaged in a common endeavor. Projects may include advanced intensive language projects, short-term seminars, curriculum development, or group research or study.

(c) The Doctoral Dissertation Research Abroad Fellowship Program provides opportunities for graduate students to engage in full-time dissertation research abroad in modern foreign languages and area studies.

Eligible Applicants: (a) Institutions of higher education are eligible to participate in the Faculty Research Abroad Fellowship Program and the Doctoral Dissertation Research Abroad Fellowship Program.

(b) Institutions of higher education, State departments of education, nonprofit private educational organizations, and consortia of these entities are eligible to participate in the Group Projects Abroad Program.

DATES: The dates of availability of applications and the deadlines for the transmittal of applications under each of these competitions are listed in the chart in this notice.

Estimated Available Funds: The Administration has requested for FY 2002 (a) $1,400,000 for the Faculty Research Abroad Fellowship Program; (b) $3,459,000 for the Group Projects Abroad Program; and (c) $3,141,000 for the Doctoral Dissertation Research Abroad Fellowship Program. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for these programs.

CFDA number and name of program	Applications available	Deadline for transmittal of applications	Estimated range of awards	Estimated average size of awards	Estimated number of awards	Project period
84.019A Fulbright-Hays Faculty Research Abroad Fellowship Program.	September 12, 2001.	October 29, 2001.	$10,000–100,000	$46,667	30 fellowships ...	3–12 months.
84.021A Fulbright-Hays Group Projects Abroad Program.	September 5, 2001.	October 22, 2001.	35,000–200,000	72,063	48	4–6 weeks for short-term seminars and curriculum development projects. 3–12 months for group research or study projects. 36 months for advanced intensive language projects.
84.022A Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program.	September 12, 2001.	October 29, 2001.	10,000–70,000	26,846	117 fellowships	6–12 months.

Note: The Department is not bound by any estimates in this notice.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 85, and 86; and (b) The regulations for these programs as follows: 34 CFR part 662 governing the Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program; 34 CFR part 663 governing the Fulbright-Hays Faculty Research Abroad Fellowship Program; and 34 CFR part 664 governing the Fulbright-Hays Group Projects Abroad Program.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Priorities

Fulbright-Hays Faculty Research Abroad Fellowship Program and Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program

These competitions focus on projects designed to meet the following priority established by the Secretary for the Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program (34 CFR 662.21(d)) and the Fulbright-Hays Faculty Research Abroad Fellowship Program (34 CFR 663.21(d)):

A research project funded under this priority must focus on one or more of the following areas: Africa, East Asia, Southeast Asia and the Pacific, South Asia, the Near East, East Central Europe and Eurasia, and the Western Hemisphere (Canada, Central and South America, Mexico, and the Caribbean). Please note that applications that propose projects focused on Western Europe will not be funded.

For FY 2002 this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet the priority.

Fulbright-Hays Group Projects Abroad Program

This competition focuses on projects designed to meet the following priority established by the Secretary for this program (34 CFR 664.32(a)(2)):

A group project funded under this priority must focus on one or more of the following areas: Africa, East Asia, South Asia, Southeast Asia and the Pacific, the Western Hemisphere (Central and South America, Mexico, and the Caribbean), East Central Europe and Eurasia, and the Near East. Please note that applications that propose projects focused on Canada or Western Europe will not be funded.

For FY 2002 this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet the priority.

Competitive Priority

Within the absolute priority specified in this notice for the Fulbright-Hays Group Projects Abroad Program, this competition focuses on projects designed to meet the following priority (34 CFR 664.30(b) and 34 CFR 664.31(g)):

Short-term seminars that develop and improve foreign language and area studies at elementary and secondary schools.

Under 34 CFR 75.105(c)(2)(i) we award up to an additional five points to an application, depending on how well the application meets the priority.

Invitational Priority

Within the absolute priority specified in this notice for the Fulbright-Hays Group Projects Abroad Program, we are particularly interested in applications that meet the following invitational priority:

Group study projects that provide opportunities for regionally or nationally recruited undergraduate students to study in a foreign country for either a semester or a full academic year.

Under 34 CFR 75.105(c)(1) we do not give an application that meets the invitational priority a competitive or absolute preference over other applications.

For Applications and Further Information Contact

Applications for all the programs are available at: *www.ed.gov/offices/OPE/HEP/iegps/*

Faculty Research Abroad Fellowship Program: Eliza Washington, U.S. Department of Education, International Education and Graduate Programs Service, 1990 K Street, NW., 6th Floor, Washington, DC 20006–8521. Telephone: (202) 502–7633, or via Internet: *eliza.washington@ed.gov.*

Group Projects Abroad Program: Lungching Chiao, U.S. Department of Education, International Education and Graduate Programs Service, 1990 K Street, NW., 6th Floor, Washington, DC 20006–8521. Telephone: (202) 502–7624, or via Internet: *lungching.chiao@ed.gov.*

Doctoral Dissertation Research Abroad Fellowship Program: Karla Ver Bryck Block, U.S. Department of Education, International Education and Graduate Programs Service, 1990 K Street, NW., 6th Floor, Washington, DC 20006–8521. Telephone: (202) 502–

7632, or via Internet: *karla.verbryckblock@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the program contact persons listed under For Applications and Further Information Contact.

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting those persons. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Access to This Document

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To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html.*

Program Authority: 22 U.S.C. 2452(b)(6).

Dated: August 29, 2001.

Maureen A. McLaughlin,

Deputy Assistant Secretary for Policy, Planning and Innovation, Office of Postsecondary Education.

[FR Doc. 01–22187 Filed 9–4–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

[CFDA No. 84.153A]

Office of Postsecondary Education; Business and International Education Program

Notice inviting applications for new awards for fiscal year (FY) 2002.

Purpose of Program: The Business and International Education Program provides grants to institutions of higher education to enhance international business education programs and to expand the capacity of the business community to engage in international economic activities.

Eligible Applicants: Institutions of higher education that enter into agreements with trade associations, business enterprises, or trade organizations that are engaged in international economic activity.

Applications Available: September 17, 2001.

Deadline for Transmittal of Applications: November 5, 2001.

Deadline for Intergovernmental Review: January 4, 2002.

Estimated Available Funds: The Administration has requested $4,300,000 for this program for FY 2002. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process, if Congress appropriates funds for this program.

Estimated Range of Awards: $50,000–$95,000.

Estimated Average Size of Awards: $77,137 per year.

Estimated Number of Awards: 27.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 24 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 82, 85, 86, and 98; and (b) The regulations for this program in 34 CFR parts 655 and 661.

SUPPLEMENTARY INFORMATION: Matching requirement: Under title VI, part B, section 613(d) of the Higher Education Act of 1965, as amended, Business and International Education Program grantees must provide no less than 50 percent of the total cost of projects in each fiscal year. Example: The institution's total costs of the proposed project will be $140,000 per year. The institution may request a grant in the amount of $70,000 or less. The institution must provide the remaining $70,000 in cash or in-kind contributions.

Priority

Invitational Priority

We are particularly interested in applications that meet the following priority.

Applications from institutions of higher education that propose educational programs abroad, including pre-departure and post-return programs, for undergraduate and graduate students to study or intern or both in a foreign country for a semester or more. These programs should be integrated into the curriculum of the home institutions.

Under 34 CFR 75.105(c)(1) we do not give an application that meets the invitational priority a competitive or absolute preference over other applications.

For Applications and Further Information Contact: Tanyelle Richardson, Business and International Education Program, U.S. Department of Education, International Education and Graduate Programs Service, 1990 K Street, NW., Suite 600, Washington, DC 20006–8521. Telephone: (202) 502–7626 or via Internet: *tanyelle.richardson@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR APPLICATIONS AND FURTHER INFORMATION CONTACT.**

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

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Program Authority: 20 U.S.C. 1130a–1130b.

Dated: August 29, 2001.

Maureen A. McLaughlin,

Deputy Assistant Secretary for Policy, Planning and Innovation, Office of Postsecondary Education.

[FR Doc. 01–22188 Filed 9–4–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

[CFDA No. 84.017A]

Office of Postsecondary Education; International Research and Studies Program Notice Inviting Applications for New Awards for Fiscal Year (FY) 2002

Purpose of Program: The International Research and Studies Program provides grants to conduct research and studies to improve and strengthen instruction in modern foreign languages, area studies, and other international fields.

Eligible Applicants: Public and private agencies, organizations and institutions, and individuals.

Applications Available: September 10, 2001.

Deadline for Transmittal of Applications: November 5, 2001.

Estimated Available Funds: The Administration has requested $4,500,000 for this program for FY 2002. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications at this time to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: $50,000–$150,000 per year.

Estimated Average Size of Awards: $99,000 per year.

Estimated Number of Awards: 19.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 82, 85, 86, 97, 98, and 99; and (b) The regulations for this program in 34 CFR parts 655 and 660.

For Applications and Further Information Contact: Jose L. Martinez, International Research and Studies Program, U.S. Department of Education, International Education and Graduate Programs Service, 1990 K Street NW., Suite 600, Washington, DC 20006–8521. Telephone: (202) 502–7635, or via Internet: *jose.martinez@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under *For Applications and Further Information Contact.*

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

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Program Authority: 20 U.S.C. 1125.

Dated: August 29, 2001.

Maureen A. McLaughlin,

Deputy Assistant Secretary for Policy, Planning and Innovation, Office of Postsecondary Education.

[FR Doc. 01–22237 Filed 9–4–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

[FE Docket Nos. PP–234 and PP–235]

Notice of Floodplain and Wetlands Involvement Baja California Power, Inc. and Sempra Energy Resources

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of floodplain/wetland involvement.

SUMMARY: Baja California Power, Inc. (BCP) and Sempra Energy Resources (SER) have both applied for Presidential permits to construct, operate, maintain, and connect double-circuit electric transmission lines across the U.S. border with Mexico. The proposed action(s) have the potential to impact on a floodplain/wetlands. In accordance with DOE regulations for compliance with floodplain/wetlands environmental review requirements (10 CFR Part 1022), floodplain or wetlands assessments will be performed for these proposed actions in a manner so as to avoid or minimize potential harm to or within potentially affected floodplain and wetlands.

DATES: Comments are due to the address below no later than September 20, 2001.

ADDRESSES: Written comments, questions about the proposed action, and requests to review the draft environmental assessment should be directed to: Ellen Russell, Office of Coal & Power Import/Export (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350. Fax: (202) 287–5736. E-mail: Ellen.Russell@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael T. Skinker (Program Attorney) 202–586–6667.

For Further Information on General DOE Floodplain and Wetlands Environmental Review Requirements Contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119; Phone: 202–586–4600 or leave a message at 800–472–2756.

SUPPLEMENTARY INFORMATION: Under Executive Order 11988, Floodplain Management, and 10 CFR part 1022, Compliance with Floodplain-Wetlands Environmental Review Requirements (http://tis-nt.eh.doe.gov/nepa/tools/regulate/nepa_reg/1022/1022.htm), notice is given that DOE is considering applications from BCP and SER for Presidential permits to construct, operate, maintain and connect double circuit 230,000 kilovolt (230–kV) transmission lines across the U.S. border with Mexico to interconnect new merchant powerplants being constructed in Mexico with the electrical system of San Diego Gas & Electric (SDG&E) at SDG&E's existing Imperial Valley Substation. Notice of filing of the BCP and SER Presidential permit applications appeared in the **Federal Register** on March 22, 2001 (66 FR 16044 and 66 FR 16045, respectively).

Before making a final decision on granting or denying a Presidential permit DOE will prepare a single environmental assessment (EA) to address the environmental impacts that would accrue from the proposed project and reasonable alternatives. The EA will be prepared in compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). Because the proposed action has the potential to impact on a floodplain/wetlands, the EA will include a floodplain and wetlands assessment. A floodplain statement of findings will be included in any Finding of No Significant Impact (FONSI) that may be

issued following completion of the EA. Copies of the EA and FONSI may be requested by telephone, facsimile, or e-mail from the address given above.

Issued in Washington, D. C., on August 29, 2001.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Import/Export, Office of Fossil Energy.

[FR Doc. 01–22234 Filed 9–4–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. PP–241]

Notice of Floodplain and Wetlands Involvement;Enron North America Corp.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of floodplain/wetland involvement.

SUMMARY: Enron North America Corp. (Enron) has applied for a Presidential permit to construct, operate, maintain, and connect double-circuit electric transmission lines across the U.S. border with Mexico. The proposed action has the potential to impact on a floodplain/wetlands. In accordance with DOE regulations for compliance with floodplain/wetlands environmental review requirements (10 CFR part 1022), floodplain or wetlands assessments will be performed for these proposed actions in a manner so as to avoid or minimize potential harm to or within potentially affected floodplain and wetlands.

DATES: Comments are due to the address below no later than September 20, 2001.

ADDRESSES: Written comments, questions about the proposed action, and requests to review the draft environmental assessment should be directed to: Ellen Russell, Office of Coal & Power Import/Export (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350. Fax: (202) 287–5736. E-mail: Ellen.Russell@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael T. Skinker (Program Attorney) 202–586–6667.

FOR FURTHER INFORMATION ON GENERAL DOE FLOODPLAIN AND WETLANDS ENVIRONMENTAL REVIEW REQUIREMENTS CONTACT: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119; Phone: 202–586–4600 or leave a message at 800–472–2756.

SUPPLEMENTARY INFORMATION: Under Executive Order 11988, Floodplain Management, and 10 CFR Part 1022, Compliance with Floodplain-Wetlands Environmental Review Requirements (http://tis-nt.eh.doe.gov/nepa/tools/regulate/nepa_reg/1022/1022.htm), notice is given that DOE is considering an application from Enron for a Presidential permit to construct, operate, maintain and connect double circuit 230,000 kilovolt (230-kV) transmission lines across the U.S. border with Mexico. Notice of filing of the Enron Presidential permit application appeared in the **Federal Register** on June 27, 2001 (66 FR 34178).

Before making a final decision on granting or denying a Presidential permit, DOE will prepare an environmental assessment (EA) to address the environmental impacts that would accrue from the proposed project and reasonable alternatives. The EA will be prepared in compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). Because the proposed action has the potential to impact on a floodplain/wetlands, the EA will include a floodplain and wetlands assessment. A floodplain statement of findings will be included in any Finding of No Significant Impact (FONSI) that may be issued following completion of the EA. Copies of the EA and FONSI may be requested by telephone, facsimile, or e-mail from the address given above.

Issued in Washington, DC, on August 29, 2001.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Import/Export, Office of Fossil Energy.

[FR Doc. 01–22235 Filed 9–4–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. PP–68–2]

Notice of Floodplain and Wetlands Involvement; San Diego Gas & Electric Company

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of floodplain/wetland involvement.

SUMMARY: San Diego Gas & Electric Company (SDG&E) has applied to amend Presidential Permit PP–68 authorizing the construction, operation, maintenance, and connection of a 230-kV electric transmission line at the U.S. international border with Mexico. The proposed action has the potential to impact on a floodplain/wetlands. In accordance with DOE regulations for compliance with floodplain/wetlands environmental review requirements (10 CFR part 1022), a floodplain or wetlands assessment will be performed for this proposed action in a manner so as to avoid or minimize potential harm to or within potentially affected floodplain and wetlands.

DATES: Comments are due to the address below no later than September 20, 2001.

ADDRESSES: Written comments, questions about the proposed action, and requests to review the draft environmental assessment should be directed to: Ellen Russell, Office of Coal & Power Import and Export (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350. Fax: (202) 287–5736. E-mail: *Ellen.Russell@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202–586–9624 or Michael T. Skinker (Program Attorney) 202–586–6667.

For Further Information on General DOE Floodplain and Wetlands Environmental Review Requirements Contact:

Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0119; Phone: 202–586–4600 or leave a message at 800–472–2756.

SUPPLEMENTARY INFORMATION: Under Executive Order 11988, Floodplain Management, and 10 CFR part 1022, Compliance with Floodplain-Wetlands Environmental Review Requirements (*http://tis-nt.eh.doe.gov/nepa/tools/regulate/nepa_reg/1022/1022.htm*), notice is given that DOE is considering an application from SDG&E to amend the existing Presidential permit to authorize it to make certain changes to the existing transmission line to provide for the connection of the 510-megawatt (MW) Otay Mesa merchant powerplant being developed 1.5 miles north of the border. To interconnect the new powerplant to the existing PP–68 international transmission facilities, SDG&E proposes to construct a 5-acre switchyard within the fenced boundary of the powerplant and to construct approximately 0.1 miles of new 230-kV transmission line to interconnect with the 230-kV Miguel-Tijuana transmission line.

SDG&E also proposes to reconductor that portion of the existing transmission line from the new 5-acre switchyard, north to the Miguel Substation, a distance of approximately 8.5 miles. SDG&E proposes to bundle each circuit by adding a second set of conductors to

each phase (i.e., 12 total conductors versus 6 that currently exist). The 1.5 mile portion of SDG&E's Miguel-Tijuana international transmission line south of the Otay Mesa powerplant will remain unchanged. Notice of SDG&E's application to amend Presidential Permit PP–68 appeared in the **Federal Register** on February 27, 2001 (66 FR 12504).

Before making a final decision on granting or denying a Presidential permit amendment to SDG&E, DOE will prepare an environmental assessment (EA) to address the environmental impacts that would accrue from the proposed project and reasonable alternatives. The EA will be prepared in compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). Because the proposed action has the potential to impact on a floodplain/wetlands, the EA will include a floodplain and wetlands assessment. A floodplain statement of findings will be included in any Finding of No Significant Impact (FONSI) that may be issued following completion of the EA. Copies of the EA and FONSI may be requested by telephone, facsimile, or e-mail from the address given above.

Issued in Washington, DC, on August 29, 2001.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Import/Export, Office of Fossil Energy.

[FR Doc. 01–22236 Filed 9–4–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Advisory Board; Meeting

AGENCY: Department of Energy

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Alternative Technologies to Incineration Committee (ATIC) of the Environmental Management Advisory Board (EMAB). The EMAB is a Federal Advisory Committee act (FACA) entity.

DATES: Tuesday, September 25, 2001 and Wednesday, September 26, 2001.

ADDRESSES: U.S. Department of Energy, Forrestal Building, 1000 Independence Avenues, SW., (Room 6A–092), Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: James T. Melillo, Executive Director of the Environmental Management Advisory Board, (EM–10), 1000 Independence Avenue SW., (Room 5B–171), Washington, DC 20585. The telephone number is 202–586–4400. The Internet address is *james.melillo@em.doe.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the Board is to provide the Assistant Secretary for Environmental Management (EM) with advice and recommendations on issues confronting the Environmental Management Advisory Program from the perspective of affected groups, as well as state, local, and tribal governments. The Board will contribute to the effective operation of the Environmental Management Advisory Program by providing individual citizens and representatives of interested groups an opportunity to present their views on issues facing EM and by helping to secure consensus recommendations on those issues. The ATIC will examine emerging candidate technologies identified by the Department for treatment for disposal of mixed transuranic (TRU) and low-level wastes previously scheduled for incineration at the Idaho National Engineering and Environmental Laboratory (INEEL). The Department is identifying these technologies through implementation of its technology Research Development Deployment & Demonstration (RDD&D) plan. The ATIC will facilitate stakeholder comment and communications on issues related to emerging alternative technologies to incineration for the treatment of mixed TRU and low-level wastes.

Preliminary Agenda

Tuesday, September 25, 2001
8:30 a.m.—Welcome and Introductions
—Introductory Comments
—Approval of Minutes from 6/13/01 Meeting
—Remarks-Office of Science and Techonology
—The EM–50 Science and Technology Work Plan Initiatives
—Status of Development Efforts for Technologies Identified by the Blue Ribbon Panel
—Regulatory Initiatives for WIPP
—Public Comment Period
5:00 p.m.—Summary and Closing Comments
Wednesday, September 26, 2001
8:30 a.m.—Introductory Comments
The Stakeholder Forum
—Q&A Session and Summary Comments
—Committee Work Session
—Public Comment Period
4:00 p.m.—Adjournment

Public Participation

This meeting is open to the public. If you would like to file a written statement with the Committee you may do so either before or after the meeting. If you would like to make an oral statement regarding any of the items on the agenda, please contact Mr. Melillo at the address and telephone number listed above, or call the Environmental Management Advisory Board office at 202–586–4400, and we will reserve time for you on the agenda. You may also register to speak at the meeting on September 25–26, 2001, or ask to speak during the public comment period. Those who call in and or register in advance will be given the opportunity to speak first.

Others will be accommodated as time permits. The Board Chair will conduct the meeting in an orderly manner.

Minutes

We will make the minutes of the meeting available for public review and copying by November 25, 2001. The minutes and transcript of the meeting will be available for viewing at the Freedom of Information Public Reading Room (1E–190) in the Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. The room is open Monday through Friday from 9:00 a.m.–4:00 p.m. except on Federal holidays.

Issued in Washington, DC on August 29, 2001.

Belinda Hood,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 01–22233 Filed 9–4–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket No. 01–28–NG]

Office of Fossil Energy; H.Q. Energy Services (U.S.) Inc.; Order Granting Long-Term Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that on June 25, 2001, it issued DOE/FE Order No. 1694 granting H.Q. Energy Services (U.S.) Inc. (HQUS) long-term authorization to import from Canada up to 48,500 thousand cubic feet per day of natural gas beginning on the date of first import delivery and extending through December 14, 2005, pursuant to the terms of a natural gas sales agreement dated July 15, 1999, between HQUS and Marketing d'Energie HQ Inc. This natural gas may be imported from Canada at the interconnection point between St. Stephen in New Brunswick, Canada and Calais, Maine.

This order may be found on the FE web site at *http://www.fe.doe.gov,* or on our electronic bulletin board at (202)

586–7853. It is also available for inspection and copying in the Office of Natural Gas & Petroleum Import & Export Activities docket room, 3E–033, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0334, (202) 586–9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., July 25, 2001.

Clifford P. Tomaszewski,

Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum, Import and Export Activities, Office of Fossil Energy.

[FR Doc. 01–22232 Filed 9–4–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–515–000]

Canyon Creek Compression Company; Notice of Proposed Changes in FERC Gas Tariff

August 29, 2001.

Take notice that on August 24, 2001, Canyon Creek Compression Company (Canyon) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to be effective September 24, 2001.

Canyon states that the purpose of this filing is to make several minor revisions to Canyon's Tariff, primarily to the General Terms and Conditions. These changes correct or clarify various provisions of Canyon's Tariff and remove or modify outdated provisions.

Canyon states that copies of the filing are being mailed to its customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. 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.

David P. Boergers,

Secretary.

[FR Doc. 01–22219 Filed 9–4–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–510–000]

Columbia Gas Transmission Corporation; Notice of Tariff Filing

August 29, 2001.

Take notice that on August 16, 2001, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheet, with a proposed effective date of October 1, 2001:

Third Revised Sheet No. 500B

Columbia states that it is filing NTS Service Agreement No. 71024, OPT Service Agreement No. 71022, and OPT Service Agreement No. 71021, which are agreements for firm transportation service to be provided by Columbia to Virginia Power Services Energy Corp., Inc. (VPSE). While Columbia believes that the VPSE Agreements are largely consistent with Columbia's pro forma Rate Schedule NTS and OPT service agreements, Columbia is filing the VPSE Agreements as non-conforming service agreements within the meaning of Section 154.1(d) of the Commission's Regulations. Columbia requests that the Commission issue an order approving the VPSE Agreements to be effective as of October 1, 2001.

Columbia states that copies of its filing have been mailed to all parties on the official service list in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. 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.

David P. Boergers,

Secretary.

[FR Doc. 01–22224 Filed 9–4–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–511–000]

Florida Gas Transmission Company; Notice of Filing of Restated Annual Reports

August 29, 2001.

Take notice that on August 17, 2001, Florida Gas Transmission Company (FGT) tendered for filing restated Annual Reports of system balancing activities.

FGT states that the restated reports are being filed to correct an error resulting from a change in the method of resolving fuel imbalance and to reflect the current reporting methodology. FGT states that the restatements result in a net improvement in the balancing tools position of $759,572. FGT is requesting waiver of the provisions of Section 19.1. B of the General Terms and Conditions of its FERC Gas Tariff in order to offset additional excess revenues identified in the restatement to the cumulative unrecovered cost balance at the end of the latest reporting period.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before September 5, 2001. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceedings. 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.

David P. Boergers,

Secretary.

[FR Doc. 01–22223 Filed 9–4–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–509–000]

Florida Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

August 29, 2001.

Take notice that on August 17, 2001, Florida Gas Transmission Company (FGT) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, effective October 1, 2001:

Forty-Eighth Revised Sheet No. 8A
Fortieth Revised Sheet No. 8A.01
Fortieth Revised Sheet No. 8A.02
Forty-Fourth Revised Sheet No. 8B
Thirty-Seventh Revised Sheet No. 8B.01

FGT states that the above referenced tariff sheets are being filed pursuant to Section 22 of the General Terms and Conditions (GTC) of FGT's Tariff to reflect a decrease of the ACA charge to $0.21 cents per MMBtu based on the Commission's Annual Charge Billing for Fiscal Year 2001.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. 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.

David P. Boergers,

Secretary.

[FR Doc. 01–22225 Filed 9–4–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–513–000]

Kern River Gas Transmission Company;Notice of Proposed Changes in FERC Gas Tariff

August 29, 2001.

Take notice that on August 22, 2001, Kern River Gas Transmission Company (Kern River) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Fourth Revised Sheet No. 5, First Revised Sheet No. 5–A, and Second Revised Sheet No. 6, to be effective October 1, 2001.

Kern River states that the purpose of this filing is to update Kern River's tariff to reflect the Annual Charge Adjustment (ACA) factor to be effective for the twelve-month period beginning October 1, 2001 pursuant to Section 154.402 of the Commission's regulations. The ACA factor of $0.0021 per Dth specified by the Commission is a decrease of $0.0001 per Dth from Kern River's current ACA factor.

Kern River states that it has served a copy of this filing upon its customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. 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.

David P. Boergers,

Secretary.

[FR Doc. 01–22221 Filed 9–4–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–512–000]

Mid-Louisiana Gas Company; Notice of Tariff Filing

August 29, 2001.

Take notice that on August 22, 2001, Mid-Louisiana Gas Company (Midla) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, with an effective date of September 1, 2001:

Third Revised Sheet No. 17
Original Sheet No. 17A
Fourth Revised Sheet No. 23
Fourth Revised Sheet No. 28
Third Revised Sheet No. 34
Third Revised Sheet No. 39
Fifth Revised Sheet No. 81

Midla states that the revised tariff sheets are being filed in order to clarify that the fuel retention provisions of Section 4.2 of its NNS, FTS, ITS, FTS–OCS and ITS–OCS Rate Schedules apply to the transportation services that Midla provides on its off-system facilities only to the extent that Midla incurs fuel or lost and unaccounted for volumes on those facilities.

Midla states that, whereas on its main system Midla incurs compressor fuel and lost and unaccounted for volumes in connection with all of its firm and interruptible transportation services, Midla does not incur any compressor fuel volumes on any of its off-system facilities because its does not provide any compression on such facilities, and, in many cases, does not incur any lost or unaccounted for volumes on such facilities either. Thus, according to

Midla, its tariff filing clarifies that Midla will retain volumes under Section 4.2 for the firm and interruptible transportation services that it provides on its off-system facilities only to the extent that it incurs compressor fuel or lost and unaccounted for volumes on those facilities. Midla further states that its off-system facilities consist of: (i) its T–32 lateral, (ii) its pipeline facilities connected directly to Gulf South Pipeline Company, LP and (iii) its offshore laterals that are connected to the transmission systems of Tennessee Gas Pipeline Company, Southern Natural Gas Company and ANR Pipeline Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. 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.

David P. Boergers,

Secretary.

[FR Doc. 01–22222 Filed 9–4–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–382–003]

Northern Natural Gas Company; Notice of Tariff Filing

August 29, 2001.

Take notice that Northern Natural Gas Company (Northern) on August 15, 2001 tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No.1, the following tariff sheets to be effective November 1, 2001:

Fifth Revised Sheet No. 263H
Fourth Revised Sheet No. 263H.1

Tariff Sheet Nos. 263H and 263H.1 reflect the Sourcers' flow obligation after the Appendix B customers' election to source or buyout based on Northern's April 19, 2001 filing to replace both its fixed Carlton Premium and its fixed Carlton Surcharge with a mechanism to calculate the Premium and surcharge annually.

Northern states that copies of the filing were served upon Northern's customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. 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.

David P. Boergers,

Secretary.

[FR Doc. 01–22227 Filed 9–4–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–514–000]

Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff

August 29, 2001.

Take notice that on August 23, 2001, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, the following tariff sheets, to be effective October 1, 2001:

Third Revised Volume No. 1
Twenty-First Revised Sheet No. 5

Original Volume No. 2
Twenty-Seventh Revised Sheet No. 2.2

Northwest states that the purpose of this filing is to update Northwest's tariff to reflect the Annual Charge Adjustment (ACA) factor to be effective for the twelve-month period beginning October 1, 2001 pursuant to Section 154.402 of the Commission's regulations. The ACA factor of $0.0021 per Dth specified by the Commission is a decrease of $0.0001 per Dth from Northwest's current ACA factor.

Northwest states that it has served a copy of this filing upon its customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. 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.

David P. Boergers,

Secretary.

[FR Doc. 01–22220 Filed 9–4–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11964–000]

Symbiotics, LLC.; Notice of Extension of Time

August 29, 2001.

On July 16, 2001, Elese Teton, a representative for Shoshone-Bannock Tribes, requested an extension of time of the existing deadline to file its comments regarding the ''Notice of

Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Protests'' (66 FR 28460, Published on May 23, 2001), for the Blackfoot Dam Hydroelectric Project, FERC No. 11964.

Upon consideration, notice is hereby given that a further extension of time for the filing of comments in the above proceeding is granted, extending the comment date to September 20, 2001.

David P. Boergers,

Secretary.

[FR Doc. 01–22228 Filed 9–4–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–477–001]

TransColorado Gas Transmission Company; Notice of Tariff Filing

August 29, 2001.

Take notice that on August 22, 2001, TransColorado Gas Transmission Company (TransColorado) tendered for filing and acceptance, to be effective August 1, 2001, Second Revised First Revised Sheet No. 247B and Alternate Second Revised First Revised Sheet No. 247B to Original Volume No. 1 of its FERC Gas Tariff.

TransColorado states that it is preparing and intends to file, within the prescribed 30-day period, a request for clarification and rehearing of the August 2nd order. TransColorado states that it will ask the Commission to clarify that the 60-day period for crediting penalty revenues will begin with the close of TransColorado's books at year end as opposed to 60 days from December 31st. TransColorado states that in the alternative it will request rehearing of the August 2nd order and request that the Commission revise the 60-day requirement to 90 days consistent with TransColorado's time requirements and the crediting provisions of other interstate pipelines.

Second Revised First Revised Sheet No. 247B reflects revised procedures for crediting net cashout revenues to shippers to: (1) include the accrual of interest and (2) credit those revenues within 60 days after the accounting close of each calendar year consistent with TransColorado's forthcoming request for clarification. Alternate Second Revised First Revised Sheet No. 247B reflects the identical procedures for the accrual of interest, but increases the time frame to complete the crediting to 90 days in the event that rehearing is granted rather than clarification.

TransColorado states that a copy of this filing has been served upon TransColorado's customers, the Colorado Public Utilities Commission and New Mexico Public Utilities Commission.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. 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.

David P. Boergers,

Secretary.

[FR Doc. 01–22226 Filed 9–4–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–2130–001, et al.]

Central Maine Power Company, et al.; Electric Rate and Corporate Regulation Filings

August 29, 2001.

Take notice that the following filings have been made with the Commission:

1. Central Maine Power Company

[Docket No. ER01–2130–001]

Take notice that on August 22, 2001, Central Maine Power Company (CMP), tendered for filing in compliance with the Federal Energy Regulatory Commission's (FERC or Commission) order issued July 23, 2001, in Docket No. ER01–2130–000 a ''First Amendment to Filing,'' which provides the information that the Commission requested in the July 23 Order.

Copies of this filing have been served on Calpine Construction Finance Company, L.P. and the State of Maine Public Utilities Commission.

Comment date: September 12, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Old Dominion Electric Cooperative

[Docket No. ER01–2331–000]

Take notice that on August 24, 2001, Old Dominion Electric Cooperative, tendered for filing with the Federal Energy Regulatory Commission (Commission) directive issued August 14, 2001, in the above referenced Docket No., original tariff sheets to comply with Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000).

Comment date: September 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Liberty Electric Power, LLC

[Docket No. ER01–2398–001]

Take notice that on August 20, 2001, Liberty Electric Power, LLC , which will own and operate a natural gas-fired electric generating facility in the Borough of Eddystone, Pennsylvania submitted for filing with the Federal Energy Regulatory Commission (Commission) its initial FERC Electric Tariff Volume No. 1, in compliance with the Commission's August 15, 2001 letter order, which will enable Liberty Electric to engage in the sale of electric energy and capacity and ancillary services at market-based rates.

Comment date: September 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Ameren Services Company

[Docket No. ER01–2920–000]

Take notice that on August 24, 2001, Ameren Services Company (Ameren Services), as agent for Central Illinois Public Service Company (d/b/a AmerenCIPS) and Union Electric Company (d/b/a AmerenUE), submitted an unexecuted service agreement for Network Integrated Transmission Service and an unexecuted Network Operating Agreement with the Rolla Municipal Utilities (Rolla), the customer under the proposed agreements. Ameren Services requests an effective date of January 1, 2001 for these agreements.

A copy of the filing was served upon Rolla and the affected state regulatory commissions.

Comment date: September 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Atlantic City Electric Company

[Docket No. ER01–2921–000]

Take notice that Atlantic City Electric Company (Atlantic), on August 22, 2001, tendered for filing the Service

Agreement with Aquila Energy Marketing Corporation (Aquila) under the Wholesale Market-Based Rate FERC Tariff, Original Volume No. 5, Effective March 28, 2001 of Atlantic City Electric Company providing for Sales of Capacity, Energy and/or Ancillary Services and resale of Transmission Rights.

Copies of the filing were served upon Aquila.

Comment date: September 12, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. WPS Resources Operating Companies

[Docket No. ER01–2924–000]

Take notice that on August 24, 2001, WPS Resources Operating Companies (WPSR), tendered for filing an unexecuted interconnection agreement and an unexecuted service agreement for ancillary and distribution services between its operating company, Wisconsin Public Service Corporation (WPSC) and Ag Environmental Solutions, LLC (AES). The interconnection agreement will establish the terms and conditions for interconnection service that WPSC will provide for a 750 kW generator owned by AES. The service agreement will permit AES to transmit the energy produced by its generator over WPSC's distribution system. WPSR requests waiver of the Commission's notice requirements to permit an effective date of the earlier of the date on which AES commits to be bound by the agreements as modified by the Commission or the date of the Commission's order.

Copies of the filing were served upon AES, Wisconsin Electric Power Company and the Public Service Commission of Wisconsin.

Comment date: September 14, 2001 in accordance with Standard Paragraph E at the end of this notice.

7. MidAmerican Energy Company

[Docket No. ER01–2925–000]

Take notice that on August 24, 2001, MidAmerican Energy Company (MidAmerican), filed with the Federal Energy Regulatory Commission (Commission) a Contract for Interconnection and Load Control Boundary Points with Western Area Power Administration, dated March 23, 2001, pertaining to the Sioux City 345 kV Point of Interconnection.

MidAmerican requests an effective date of January 1, 2001 for the Contract.

MidAmerican has served a copy of the filing on the Iowa Utilities Board, the Illinois Commerce Commission, the South Dakota Public Utilities Commission and the Western Area Power Administration.

Comment date: September 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Progress Energy, Inc. On behalf of Florida Power Corporation

[Docket No. ER01–2926–000]

Take notice that on August 24, 2001, Florida Power Corporation (FPC) filed a Service Agreement with Aquila Energy Marketing Corporation under FPC's Short-Form Market-Based Wholesale Power Sales Tariff (SM–1), FERC Electric Tariff No. 10.

FPC is requesting an effective date of August 6, 2001 for this Agreement.

A copy of this filing was served upon the Florida Public Service Commission.

Comment date: September 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Cinergy Services, Inc.

[Docket No. ER01–2927–000]

Take notice that on August 24, 2001, Cinergy Services, Inc. (Cinergy) tendered for filing a Market-Based Service Agreement under Cinergy's Market-Based Rate Tariff No. 9 (the Tariff) entered into between Cinergy and Reliant Energy Services, Inc. (RESI).

Cinergy and RESI are requesting an effective date of July 24, 2001.

Comment date: September 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Progress Energy Ventures, Inc.

[Docket No. ER01–2928–000]

Take notice that on August 24, 2001, Progress Energy Ventures, Inc. tendered for filing an application for authorization to sell power at market-based rates pursuant to section 205 of the Federal Power Act, 16 USC 824d (1994) and Part 35 of the Federal Energy Regulatory Commission's (Commission), Rules of Practice and Procedure, 18 CFR Part 35 (2000).

Comment date: September 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Progress Genco Ventures, LLC

[Docket No. ER01–2929–000]

Take notice that on August 24, 2001, Progress Genco Ventures tendered for filing an application for authorization to sell power at market-based rates pursuant to section 205 of the Federal Power Act, 16 USC § 824D (1994), and Part 35 of the Federal Energy Regulatory Commission's (Commission) Rules of Parctice and Procedure, 18 CFR Part 35 (2000).

Comment date: September 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2930–000]

Take notice that on August 24, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) filed Service Agreement Nos. 144 and 145 to add two new Customers to the Market Rate Tariff under which Allegheny Energy Supply offers generation services. Allegheny Energy Supply proposes to make service available as of January 1, 2002 to the Boroughs of South River and Milltown. Confidential treatment of information in the Service Agreement has been requested.

Copies of the filing have been provided to the New Jersey Board of Public Utilities and all parties of record.

Comment date: September 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2931–000]

Take notice that on August 24, 2001, Allegheny Service corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) tendered for filing Service Agreement Nos. 139 through 143 to add five new Customers to the Market Rate Tariff under which Allegheny Energy Supply offers generation services. Allegheny Energy Supply proposes to make service available as of June 1, 2002 to the Boroughs of Lavallette, Madison, Butler, Park Ridge and Pemberton. Confidential treatment of information in the Service Agreements has been requested.

Copies of the filing have been provided to the New Jersey Board of Public utilities and all parties of record.

Comment date: September 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Minnesota Power, Inc. and Superior Water, Light & Power Company

[Docket No. ER01–1013–000]

Take notice that on May 7, 2001, Minnesota Power, Inc. and Superior Water, Light & Power Company tendered for filing with the Federal Energy Regulatory Commission (Commission) signed Service Agreements for Non-Firm and Short-Term Point-to-Point Transmission Service with OTP Wholesale Marketing

under its Transmission Service Agreement to satisfy its filing requirements under this tariff.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. South Point Energy Center, LLC

[Docket No. ES01–41–000]

Take notice that on August 20, 2001, South Point Energy Center, LLC (South Point) submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue securities and assume liabilities in connection with the sale and leveraged lease financing of the South Point Energy Center.

South Point also requests a waiver of the Commission's competitive bidding requirements and negotiated placement requirements at 18 CFR 34.2.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Alliance Companies, Ameren Corporation on behalf of: Union Electric Company, Central Illinois Public Service Company

American Electric Power Service Corporation on behalf of: Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company, Wheeling Power Company; Consumers Energy and Michigan Electric Transmission Company

Exelon Corporation on behalf of: Commonwealth Edison Company, Commonwealth Edison Company of Indiana, Inc.

FirstEnergy Corp. on behalf of: American Transmission Systems, Inc., The Cleveland Electric Illuminating Company, Ohio Edison Company, Pennsylvania Power Company, The Toledo Edison Company; The Detroit Edison Company and International Transmission Company; Virginia Electric and Power Company

[Docket Nos. RT01–88–005, ER99–3144–013, and EC99–80–013]

Take notice that on August 27, 2001, Alliance Companies, *et al.* tendered for filing with the Federal Energy Regulatory Commission (Commission) a compliance filing pursuant to the Commission's July 12, 2001 Order issued in the above-captioned proceedings.

Comment date: September 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of 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.

David P. Boergers,

Secretary.

[FR Doc. 01–22218 Filed 9–4–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

August 29, 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.*: 3574–016.

c. *Date Filed*: August 14, 2001.

d. *Applicants*: Continental Hydro Corporation (Transferor) and Tiber Montana, LLC (Transferee).

e. *Name of Project*: Tiber Dam.

f. *Location*: The proposed project is located at the U.S. Bureau of Reclamation's Tiber Dam, on the Marias River in Liberty County, Montana.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicants Contact*: Ted S. Sorenson, Manager, Tiber Montana, L.L.C., 5203 South 11th East, Idaho Falls, Idaho 83404, (208) 522–8069.

i. *FERC Contact*: Elizabeth Jones, (202) 218–0246.

j. *Deadline for filing comments or motions*: September 28, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N. E., Washington, DC 20426. 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.

Please include the Project Number (3574–016) on any comments or motions filed.

k. *Description of Transfer*: Continental Hydro Corporation requests approval to transfer its licensee to Tiber Montana, L.L.C. Under the transfer agreement between Continental Hydro and Tiber Montana, L.L.C., Tiber Montana, L.L.C. will acquire the project license, subject to Commission approval, and accept the terms and conditions of the license.

l. *Location of the Application*: Copies of this filing are on file with the Commission and are available for public inspection. 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). A copy is also available for inspection and reproduction at the address 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. Comments, Protests, or Motions to Intervene—-Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—-Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of

the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—-Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–22229 Filed 9–4–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions to Intervene, and Protests

August 29, 2001.

a. *Application Type:* Revised Exhibit G for Turners Falls Project.

b. *Project No:* 2622–010.

c. *Date Filed:* August 16, 2001.

d. *Applicant:* International Paper Company.

e. *Name of Project:* Turners Falls Project.

f. *Location:* The project is located on the Turners Falls Canal off the Connecticut River in Franklin County, Massachusetts.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Michael Chapman, International Place II, 6400 Poplar Avenue, 6400 Poplar Avenue, TN 38197. Tel: (901) 763–5888.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Vedula Sarma at (202) 219–3273 or by e-mail at vedula.sarma@ferc.fed.us.

j. *Deadline for filing comments and/or motions:* (September 30, 2001).

All documents (original and eight copies) should be filed with: David P. Boergers Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. 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.

Please include the project number (2622–010) on any comments or motions filed.

k. *Description of Filing:* The Commission in a July 2, 2001 order (International Paper Company and Turners Falls Hydro LLC, 96 FERC ¶ 61,007) ordered the licensee, International Paper Company, to file for approval a revised Exhibit G, showing the buildings or other facilities constituting licensed project structures, accompanied by an explanation of the basis for the licensee's determination.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. 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). A copy is also available for inspection and reproduction at the address 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.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–22230 Filed 9–4–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Applications Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

August 29, 2001.

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2031–046.

c. *Date Filed:* August 30, 2000.

d. *Applicant:* Springville City, Utah.

e. *Names of Project:* Bartholomew Hydroelectric Project.

f. *Location:* Northeast of Springville City, within Bartholomew Canyon and on Hobble Creek, in Utah County, Utah. The project is partially situated on federal lands within the Uinta National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 USC §§ 791(a)–825(r).

h. *Applicant Contact:* Matthew Cassel at Psomas Consultants, 2825 East Cottonwood Parkway, #120, Salt Lake City, Utah 84121 Telephone (801) 270–5777.

i. *FERC Contact:* Jim Haimes, *james.haimes@ferc.fed.us* (202) 219–2780.

j. *Deadline for Filing Comments, Recommendations, Terms and Conditions, and Prescriptions:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments, 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.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission

to serve a copy of that document on 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, the intervener also must serve a copy of the document on that resource agency.

k. Status of Environmental Analysis: These applications have been accepted for filing and are ready for environmental analysis at this time.

l. Description of the Project: The project, which does not include a dam or reservoir, operates using relatively small quantities of water removed from underground springs or small creeks located at high elevations and then transported via buried penstocks to three powerhouses and a powerhouse addition having a combined installed capacity of 2,000 kilowatts (kW). The project produces an average of approximately 4,653,000 kilowatt-hours of energy per year, primarily during the high runoff season each spring. Flows used to generate electricity either are diverted to the licensee's water distribution system for domestic and industrial consumption or are released into Hobble Creek.

The project's generating facility at the highest elevation is Upper Bartholomew powerhouse. Constructed in 1992, it is a 25-foot-long by 17-foot-wide, partially buried, concrete structure containing one turbine with an hydraulic capacity of 10 cubic feet per second (cfs) and a 900-foot gross head that drives one 200-kW generator.

Downhill, at the south end of Bartholomew Canyon, is the project's original generating facility, Lower Bartholomew Powerhouse. Constructed in 1948, this 80-foot-long by 28-foot-wide, brick and masonry structure contains one turbine with an hydraulic capacity of 16 cfs and a 980-foot gross head. The turbine powers one 500-kW generator.

Constructed in 1987, Lower Bartholomew Powerhouse Annex is a brick and masonry addition to the original powerhouse containing one turbine having an hydraulic capacity of 28 cfs and a 980-foot gross head. The turbine drives one 1,000-kW generator.

The project facility at the lowest elevation is Hobble Creek powerhouse, located in the lower portion of Hobble Creek Canyon. Constructed in 1950, this 35-foot-long by 30-foot-wide, masonry structure contains two turbines having a combined hydraulic capacity of 38 cfs and a 135-foot gross head. These turbines drive one 300-kW generator.

The project also includes the following two transmission facilities: (1) a 5.9-mile-long line, which includes one 1-mile-long, underground segment and a 4.9-mile-long overhead segment, from Upper Bartholomew powerhouse to Hobble Creek powerhouse; and (2) a 6.9-mile-long, 12.47-kilovolt, underground cable from Lower Bartholomew powerhouse to Springville City's electric distribution system.

The City proposes to continue diverting water from underground springs in Bartholomew Canyon to generate hydropower and to obtain culinary quality water for the City's municipal water supply system. In addition, the City proposes to continue diverting flows from the left and right forks of Hobble Creek to generate electricity at its existing 300-kilowatt (kW) Hobble Creek powerhouse.

m. *Locations of the Application:* Copies of each of the application are available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20246, or by calling (202) 208–1371. 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).

n. Filing and Service of Responsive Documents—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 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 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 ''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 submitting the filing; 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. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

David P. Boergers,

Secretary.

[FR Doc. 01–22231 Filed 9–4–01; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7047–9]

FY02 Wetland Program Development Grants Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Wetland Program Development Grants (WPDGs), initiated in FY90, provide eligible applicants an opportunity to conduct projects that promote the coordination and acceleration of research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of water pollution. While WPDGs can continue to be used by recipients to build and refine any element of a comprehensive wetland program, priority will be given to funding projects that address the three priority areas identified by EPA for FY02: Developing a comprehensive monitoring and assessment program; improving the effectiveness of compensatory mitigation; and refining the protection of vulnerable wetlands and aquatic resources.

This year, in addition to States, Tribes, local governments (S/T/LGs) , interstate associations, and intertribal consortia, eligibility is broadened to include national non-profit, non-governmental organizations. This document governs the grant selection and award process for eligible applicants interested in applying for FY02 WPDGs.

FOR FURTHER INFORMATION CONTACT: Connie Cahanap, Office of Wetlands, Oceans, and Watersheds, Wetlands Division (MC 4502F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW. Washington,

DC 20460, Telephone: (202) 260–6531, Fax: (202) 260–8000.

Dated: August 28, 2001.

John W. Meagher,

Acting Director, Office of Wetlands, Oceans, and Watersheds.

Wetland Program Development Grants Guidelines FY2002

Table of Contents

I. Introduction

The goals of the Environmental Protection Agency's (EPA) wetland program are to increase the quantity and quality of wetlands in the U.S. by conserving and increasing wetland acreage and improving wetland health. In pursuing these goals, EPA seeks to build the capacity of all levels of government to develop and implement effective, comprehensive programs for wetland protection and management. The six program areas central to achieving these goals are: regulation, monitoring and assessment, restoration, wetland water quality standards, public-private partnerships, and coordination among agencies with wetland or wetland-related programs.

In addition to S/T/LGs, interstate agencies, intertribal consortia, and local government agencies, EPA is broadening applicant eligibility this year to include national non-profit, non-governmental organizations in an effort to provide greater support for S/T/LGs (see section III).

The Wetland Program Development Grants, initiated in FY90, provide States, Tribes, local governments (S/T/LGs), interstate associations, intertribal consortia, and national non-profit non-governmental organizations (hereafter referred to as award applicants or award recipients) an opportunity to carry out projects to develop and refine comprehensive wetland programs. Interest in the grant program has continued to grow over the years, and since 1995, Congress has appropriated $15 million annually to support the grant program. The type of projects that award recipients can undertake to develop and refine their comprehensive wetland programs are very diverse. In the past, award recipients have pursued a wide range of activities, such as developing management tools for wetland resources, advancing scientific and technical tools for protecting wetland health, improving availability of data and information about wetlands, and training wetland managers and the public about wetland and watershed values. Appendix B lists other examples of project topics.

The statutory authority for WPDGs is section 104(b)(3) of the Clean Water Act (CWA). Section 104(b)(3) of the CWA restricts the use of these grants to developing and refining wetland management programs by conducting or promoting the coordination and acceleration of research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of water pollution. These grants may not be used for the operational support of wetland programs. All projects funded through this program must contribute to the overall development and improvement of S/T/LG wetland programs. Award applicants must demonstrate that their proposed project integrates with S/T/LG wetland programs.

The award and administration of WPDGs are governed by the regulations at 40 CFR part 31 (''Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments'') and 40 CFR part 35, subpart A (66 FR 1725, Jan. 9, 2001, effective date postponed until April 9, 2001, 66 FR 9202 (Feb. 7, 2001)) and subpart B (see 66 FR 3782, Jan. 16, 2001, effective date postponed until April 17, 2001, 66 FR 9661 (Feb. 9, 2001)). This grant guideline document outlines the administrative and programmatic procedures for award applicants interested in the Wetland Program Development Grants.

II. Program Priorities

EPA has initiated an assessment of the wetland program elements that will move S/T/LGs toward developing comprehensive wetland programs. For FY02, the wetland program has identified three areas as program priorities for improving S/T/LG's ability to protect and restore their wetlands: (1) Developing a comprehensive wetland monitoring and assessment program; (2) improving the effectiveness of compensatory mitigation; and (3) refining the protection of vulnerable wetlands and aquatic resources. Applicants are encouraged to develop WPDG applications that address these priorities.

A. Developing a comprehensive monitoring and assessment program

Project objectives, results and products should substantively advance the scientific, technical, and management tools for evaluating, protecting and restoring wetland extent and health. Projects should be for the development of a comprehensive S/T/LG wetland monitoring and assessment program that improves decision making, with the aim of ultimately implementing these programs. WPDGs can be used for projects that build S/T/LG wetland monitoring and assessment capacity to determine the causes, effects, and extent of pollution to wetlands resources and develop pollution prevention, reduction, and elimination strategies. Capacity to analyze impacts and develop wetland management strategies can be improved by, for example, piloting methods for tracking wetland acreage gains and losses, demonstrating the use of wetland functional and biological assessment to improve the evaluation and ranking of potential wetland restoration sites or acquisition properties, analyzing and reporting monitoring data for reports required under section 305(b) of the Clean Water Act, and coordinating wetland management activities and information exchange among various levels of government. Furthermore, applicants can host technical training workshops, establish regional or state interagency wetland monitoring and assessment workgroups, develop biological and other functional assessment methods and protocols, develop volunteer monitoring programs, and improve wetland inventory. While wetland inventory is an important component, inventory alone does not constitute development of a comprehensive wetland monitoring and assessment program. Data collected from pilot wetland monitoring projects must be incorporated into 305(b) reports. Additionally, EPA strongly encourages recipients to download data collected through monitoring projects into STORET (short for STOrage and RETrieval).

B. Improving the effectiveness of compensatory mitigation

Projects should be directed toward improving S/T/LG capacity to ensure ecologically effective compensatory mitigation for unavoidable impacts. For example, WPDGs can be used to build technical expertise in wetland restoration and creation, develop

tracking systems for compliance and enforcement of mitigation activities, or develop methods for monitoring the effectiveness of mitigation. Grant funds can only be used for improvement or development of mitigation programs. They cannot be used for specific mitigation activities (e.g., implementation of individual mitigation projects, mitigation banks, or in lieu fee mitigation programs).

C. Refining the protection of vulnerable wetlands and aquatic resources

While all wetlands are important in ecological functioning on a watershed scale, some are better protected than others; isolated wetlands and waters are particularly at risk as are wetlands subject to damage from discharge of incidental fallback of dredged material. S/T/LG wishing to build comprehensive wetland protection programs that protect isolated wetlands and other aquatic resources are encouraged to do so. National non-profit, non-governmental organizations that can support S/T/LGs in this area are encouraged to apply. Efforts can include, but are not limited to, information dissemination, data exchange, studying S/T/LG regulatory improvement opportunities, and surveying opportunities for land acquisition, conservation easements, and tax incentive provisions. This grant program, however, cannot fund the purchase of land or conservation easements (see Appendix A for Grant Restrictions).

D. Other program areas

While WPDGs can still be used by award recipients to develop and refine all elements of a comprehensive wetland program (see examples in Appendix B), in this and upcoming years, funding priority will be given to projects that address the three priority areas.

III. Funding Eligibility

In order to provide greater assistance to S/T/LGs, EPA is broadening funding eligibility to include non-profit, non-governmental organizations which undertake activities that advance wetland programs on a national basis. Activities must help S/T/LGs refine and develop wetland programs. For example, projects and tasks can involve collecting and making available through publications and other appropriate means, such as training, information about how various wetland programs across the nation protect, manage and restore their wetland resources and about initiatives to improve S/T/LG wetland programs.

States, Tribes, local government agencies, interstate agencies, and intertribal consortia continue to be eligible. Typical wetland or wetland related agencies include, but are not limited to wetland regulatory agencies, water quality agencies (Section 401 water quality certification), planning offices, wild and scenic rivers agencies, departments of transportation, fish and wildlife or natural resources agencies, agriculture departments, forestry agencies, coastal zone management agencies, park and recreation agencies, non-point source or storm water agencies, city or county and other S/T/LG wetland-related governmental agencies.

In order to be eligible for WPDG funds, Tribes must be federally recognized, although ''Treatment as a State'' status is not a requirement. Intertribal consortia that meet the requirements of 40 CFR 35.504 are eligible for direct funding.

Interstate agency and intertribal consortia projects must be broad in scope and encompass more than one State, Tribe, or local government.

Grant funds are awarded through a competitive process. The majority of WPDG funds are allocated to EPA Regional offices, based on the number of States and Territories within the Region, to fund S/T/LG, interstate agencies, and intertribal consortia. Headquarters reserves a portion of the funds for non-profit, non-governmental organizations (see section V for Application Procedures). Funding decisions are made by EPA Regional and Headquarters offices and are based on the quality of the proposals received and adherence to the selection criteria (see section IV). EPA typically receives requests for funding far in excess of available funds, therefore EPA cannot provide grant funds to all applicants.

IV. Selection Criteria

For FY02, priority in the selection process will be given to projects which support the development of a S/T/LG's monitoring and assessment program, improvement of the effectiveness of compensatory mitigation, or protection of vulnerable wetlands and aquatic resources. All proposals, regardless of topic area, will be evaluated using the following general categories of criteria:

- Clarity of Work Plan—clearly written and detailed proposals;
- Potential Environmental Results—a high probability for positive environmental results in the short and long term;
- Transferability of Results and/or Methods to S/T/LG;
- Success of Previous Projects—for applicants who have received prior EPA funding;
- Involvement/Commitment of the applicant—significant financial and personnel contribution and involvement of partners
- Incorporation of project into broad agency goals (Core Elements of a Comprehensive Wetland Program is available on EPA's web page at*http://www.epa.gov/owow/wetlands/initiative/#financial* or by mail upon request to the Wetlands Helpline at (800) 832–7828).

V. Application Procedures

WPDG applications from States, Tribes, and local governments are handled through EPA Regional offices, while applications from non-profit, non-governmental organizations are handled through EPA Headquarters (Appendix C). Applications from interstate agencies and intertribal consortia can be submitted to either a Regional office or Headquarters, however, the same proposals cannot be submitted to more than one office. Both Headquarters and Regional offices review all their applications and select the most competitive projects for funding. Both the quality and quantity of the applications will play a significant role in the selection of grants for funding.

A. Application Package

Interested applicants must submit an application, which includes completed EPA grant forms and a work plan. At a minimum, work plans must include: (1) Summary of key objectives and final products, preferably in 50 words or less; (2) detailed description of project tasks and an explanation of how the project will contribute to developing or improving the wetland program; (3) time-line; (4) budget and estimated funding amounts for each work plan component; (5) deliverables; (6) performance evaluation process and reporting schedule; (7) roles and responsibilities of the recipient and EPA in carrying out the work plan commitments; and (8) contact information for the Program Manager and Grant Project Lead Manager. Some Regional offices may ask S/T/LGs to submit pre-application proposals of grant projects for competitive review (see section V Part B for deadlines). Contact your Regional EPA Grant Coordinator (Appendix C) for specific regional guidance. Grant application forms are available at *http://www.epa.gov/ogd/hqgrant/* and by mail upon request to the Grants Administration Division at (202) 564–5305.

B. Deadlines

Full application proposals must be submitted to the appropriate EPA office and postmarked by the appropriate Regional and Headquarters deadlines:

Region 1: States: December 31, 2001; Tribes: June 28, 2002.

Region 2: January 31, 2002.

Region 3: Pre-proposal: October 10, 2001; Final proposal: January 16, 2002.

Region 4: October 31, 2001.

Region 5: December 14, 2001.

Region 6: November 30, 2001.

Region 7: December 1, 2001.

Region 8: December 3, 2001.

Region 9: Pre-proposal: October 26, 2001; Final proposal: January 11, 2002.

Region 10: Pre-proposal: November 5, 2001; Final proposal: February 22, 2002.

Headquarters: Pre-proposal: December 7, 2001; Final proposal: February 15, 2002.

Please contact the appropriate Grants Coordinator (Appendix C) for further information and/or to confirm deadlines.

Applicants may request assistance in revising work plans, proposed funding levels to better reflect the funding available, and preliminary proposals to develop a project that better reflects program priorities.

C. Match Requirements

S/T/LG, interstate agencies, and intertribal consortia must provide a minimum of 25% of each award's total project costs in accordance with 40 CFR 31.24, 35.385, and 35.615. We encourage States, Tribes and local governments to provide additional matching funds whenever possible (i.e., funds in excess of the required 25% of total project costs). Non-profit, non-governmental organizations must also provide a minimum of 25% of each award's total project costs.

Matching funds can be provided by entities other than the award recipient. Other Federal money cannot be used as the match for this grant program unless authorized by the statute governing the award of the other Federal funds. However, Indian tribes can use funds provided under the Indian Self-Determination and Education Act (25 U.S.C. 450 *et seq.*) to provide the required matching funds to the extent authorized by that Act and implementing regulations.

Matching funds are considered grant funds. They may be used for the reasonable and necessary expenses of carrying out the work plan. Any restrictions on the use of grant funds (i.e., prohibition of land acquisition with grant funds) also apply to the use of matching funds.

D. Quality Assurance/Quality Control (QA/QC)

QA/QC and peer review are sometimes applicable to these grants (see 40 CFR 30.54 and 40 CFR 31.45). Each application should be evaluated to determine if QA/QC is needed in order to comply with the quality system requirements under EPA Order 5360.1A2 (EPA's Policy and Program Requirements for the Mandatory Agency-wide Quality System, May 5, 2000). This document is available at *http://www.epa.gov/quality/qa_docs.html#noneparqt* and by mail upon request to the Quality Staff in the Office of Environmental Information by calling (202) 564–6830. These requirements apply to the collection of environmental data. Environmental data are any measurements or information that describe environmental processes, location, or conditions; ecological or health effects and consequences; or the performance of environmental technology. Environmental data include information collected directly from measurements, produced from models, and compiled from other sources such as data bases or literature. Applicants should allow sufficient time and resources for this process. EPA can help explain specific guidance on QA/QC requirements.

VI. Additional Program Information

A. Performance Partnership Grants

A Performance Partnership Grant (PPG) is a multi-program grant made to a State, Interstate agency, Tribe, or intertribal consortium from funds allocated and otherwise available for environmental program grants. Local governments are not eligible for PPGs. PPGs are voluntary and provide recipients the option to combine funds from two or more categorical grants into one or more PPGs. PPGs can provide administrative and/or programmatic flexibility.

However, the WPDGs remain a competitive grant program. Therefore, state or tribal proposals must first be selected under the competitive grant process and must identify specific wetland-related output or outcome measures in the grant proposal as a condition for adding funds to the PPG. Once the 104(b)(3) funds are awarded through the competitive process, the State or Tribe can choose to add wetland grant funds to a new or existing PPG in accordance with the regulations governing PPGs at 40 CFR part 35, subparts A and B. Because WPDGs are awarded competitively, the PPG work plan must include the work plan commitments that would have been included in the work plan for the WPDG (see 40 CFR 35.138).

For further information, see the final rules on Environmental Program Grants for State, Interstate, and Local Government Agencies at 66 FR 1725 (January 9, 2001) and Tribes at 66 FR 3782 (January 16, 2001). The effective dates for these rules were delayed to April 9, 2001 and April 17, 2001, respectively. The rules are also available on EPA's website at *http://www.epa.gov/fedrgstr/EPA–TOX/2001/Day-09/t218.htm* (State) and at *http://www.epa.gov/fedrgstr/EPA–GENERAL/2001January/Day-16/g219.htm* (Tribal).

B. Local and Tribal Funding Targets

Each Regional office will support the local government initiative and tribal efforts by targeting at least 15% of their Regional allocation to local government and tribal applications.

C. Reporting

WPDGs are currently covered under the following EPA grant regulations: 40 CFR part 30 (non-profit organizations); 40 CFR part 31 (states, tribes, interstate agencies, intertribal consortia and local governments) and 40 CFR part 35, subpart A (states, interstate agencies and local governments) (66 FR 1725, Jan. 9, 2001, effective date postponed until April 9, 2001, 66 FR 9202 (Feb. 7, 2001)) and subpart B (tribes and intertribal consortia) (66 FR 3782, Jan. 16, 2001, effective date postponed until April 17, 2001, 66 FR 9661, (Feb. 9, 2001)). These regulations specify basic grant reporting requirements, including performance and financial reports (see 40 CFR 30.51, 30.52, 31.40, 31.41, 35.115, and 35.515). In negotiating these grants, EPA will work closely with recipients to incorporate appropriate performance reporting requirements into each grant agreement consistent with 40 CFR 30.51, 31.40, 35.115, and 35.515. These regulations provide some flexibility in determining the appropriate content and frequency of performance reports. At a minimum, however, the reporting schedule must require the recipient to report at least annually.

The granting EPA offices will set the time frames and determine the required content of all periodic performance reports. However, at a minimum, the reports should include:

- Project description-short narrative of the original project
- Information on status of funding—total federal funds awarded under the WPDG, federal funds expended, federal funds remaining,
- Accomplishments in the last reporting period/progress to date—short narrative assessment of

accomplishments and program highlights for that reporting period,

• Deficiencies and/or corrective actions—short narrative of any program deficiencies or corrective actions during that reporting period and proposed corrective actions or project modifications, and

• Planned activities for the next reporting period—short narrative describing upcoming activities.

D. Public Participation

EPA regulations require public participation in various Clean Water Act programs including grants (40 CFR part 25). Each applicant for EPA financial assistance shall include tasks for public participation in their project's work plan submitted in the grant application (40 CFR 25.11). The project work plan should reflect how public participation will be provided for, assisted, and accomplished.

E. Annual Wetlands Meeting/Training

EPA encourages S/T/LGs to include travel plans for wetland personnel to attend at least one national wetland meeting in support of the project or for training each year (e.g., National EPA, State, Tribal, Local Wetland Meeting, wetland monitoring workshops). Applicants should account for travel plans and costs in the work plans and the project budget. EPA's Wetlands Division does not anticipate providing travel for State, Tribal or local government staff to attend meetings other than through this grant program.

Appendix A—Grant Restrictions

Based on experience gained from previous years and policy and regulation, we offer the following comments/restrictions on funding eligibility.

• Universities (except those chartered as a part of state government) and schools, are not eligible for direct funding under this grant program. However, award recipients may award such entities contracts in accordance with 40 CFR 31.36, and subgrants in accordance with 40 CFR 31.37. The State, Tribe, local agency, or national non-profit organization should not simply pass through funding to an organization that is not eligible to receive funding directly.

• Universities that are agencies of state government are eligible to receive grant funds. Universities must provide documentation acceptable to EPA to demonstrate that they function as a state agency. Land grant schools do not automatically qualify for direct funding because of their status as a land grant school.

• This grant program cannot fund land acquisition or purchase of easements. However, this program may support research, investigations, experiments, training, demonstrations, surveys, and study efforts directed at identifying areas for acquisition, which would help address water pollution problems.

• This grant program cannot fund payment of taxes for landowners who have wetlands on their property.

• While contractual efforts can be a part of these grants, each recipient must be significantly involved in the administration of the grant. EPA recommends that recipients use no more than 50% of the grant funds to contract with non-governmental entities. However, if the applicant wants to exceed this limit, it may submit a written justification for greater involvement by non-governmental contractors. EPA will evaluate the need for greater contractual participation and may approve the request if they agree that there is adequate justification to exceed the 50% limit. For the purposes of this requirement, work done by other S/T/LG agencies, interstate associations, and intertribal consortia is not considered contractual efforts. The grant application should clearly indicate if the contractual work is being done by another S/T/LG agency, interstate agencies, or intertribal consortia.

• Inventory or mapping for the sole purpose of locating wetlands in a S/T/LG is not eligible for funding under this grant program. A description of how mapping or inventory projects will directly develop or improve the eligible applicant's wetland protection programs must be included in the grant application for these types of projects to be considered for funding under this grant program.

• Each grant must be completed with the initial award of funds. Recipients should not anticipate additional funding beyond the initial award of funds for a specific project. Eligible applicants should request the entire amount of money needed to complete the project in the original application. Each grant should produce a final, discrete product. Funding and project periods can be for more than one year.

• Grant funds cannot be used to fund an honorarium under this program.

• Any field work or research-type activities are limited to activities that have a direct, demonstrated link to program development or refinement included in the application.

• Purchase/lease of vehicles (including boats, motor homes) and office furniture is not eligible for funding under this program.

• Grant funds cannot be used to pay for travel by Federal agency staff unless travel costs are related to the grant project.

Appendix B—Example WPDG Project Topics

EPA has developed a database of all projects supported through the Wetland Program Development Grants funding. This searchable database will be available in September, 2001 on EPA's web page at:http://www.epa.gov/owow/wetlands/initiative/#financial

The following is a list of examples of projects that may be funded through Wetland Program Development Grants. Projects must be in support of conducting or promoting the coordination and acceleration of research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of water pollution.

• comprehensive planning of wetland resources, or integration of wetland management into broad watershed protection approaches

• development of S/T/LG Wetland Conservation Plans (WCP)

• development of a framework for assuming the CWA Section 404 program or Programmatic General Permits program

• development of widely applicable model wetland training programs for S/T/LGs

• development of wetland water quality standards, or refining criteria to appropriately reflect water quality conditions in wetlands

• creation, piloting and refining of wetland and riparian restoration programs

• development, piloting and refining of wetland bioassessment methods and programs to evaluate wetland health and performance of protection and restoration activities

• development of and/or participation in training that builds watershed and wetland partnership and technical skills (e.g., the Watershed Academy)

• development of outreach programs that improve public understanding of S/T/LG wetland protection and regulatory efforts and facilitate public-private partnerships and wetland restoration efforts.

This is not an exhaustive list, and eligible applicants may submit any eligible proposal for wetland program development which addresses EPA's goals and criteria outlined in this document.

Appendix C—Regional Grant Coordinators

Region 1: Bob Goetzl (goetzl.robert@epa.gov) 617/918–1671.
Region 2: John Cantilli (cantillli.john@epa.gov) 212/637–3810.
Region 3: Alva Brunner (brunner.alva@epa.gov) 215/814–2715.
Region 4: Sharon Ward (ward.sharon@epa.gov) 404/562–9269.
Region 5: Cathy Garra (garra.catherine@epa.gov) 312/886–0241.
Region 6: Sondra McDonald (mcdonald.sondra@epa.gov) 214/665–7187.
Region 7: Raju Kakarlapudi (kakarlapudi.raju@epa.gov) 913/551–7320.
Region 8: Brent Truskowski (truskowski.brent@epa.gov) 303/312–6235.
Region 9: Cheryl McGovern (mcgovern.cheryl@epa.gov) 415/744–2013.
Region 10: David Kulman (kulman.david@epa.gov) 206/553–6219.
*Headquarters:*Connie Cahanap (cahanap.concepcion@epa.gov) 202/260–6531.Donna An (an.donna@epa.gov) 202/260–0335.

[FR Doc. 01–22266 Filed 9–4–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7047–8]

EPA Region 8 ''Best Professional Judgment'' (BPJ) Determination of Effluent Limitations That Represent Best Available Technology Economically Achievable (BAT) for Coalbed Methane (CBM) Activities; Announcement of a Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice, announcement of a meeting.

SUMMARY: EPA Region VIII will conduct an informational meeting on its efforts in developing a ''Best Professional Judgment'' (BPJ) determination of effluent limitations that represent Best Available Technology Economically Achievable (BAT) for Coalbed Methane (CBM) activities in Region 8. The Agency will provide an overview of the project. In December 2001, EPA intends to finalize the BPJ determination for Coalbed Methane produced waters, for use in Region 8's Clean Water Act National Pollutant Discharge Elimination System (NPDES) permitting activities. The meeting is open to the public, and limited seating is available on a first-come, first-served basis.

DATES: The meeting will be held on September 25, 2001, 1:00 pm to 4:00 pm.

ADDRESSES: Sheraton Billings Hotel (Granite Room), 27 North 27th Street, Billings, MT 59101. For information on accommodations and/or directions, contact the hotel at 406–252–7400.

FOR FURTHER INFORMATION CONTACT: Michael Reed, NPDES Permits Team, Water Program, Office of Partnerships and Regulatory Assistance, EPA Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466; telephone (303) 312–6132; e-mail: reed.mike@epa.gov

SUPPLEMENTARY INFORMATION: The Clean Water Act, in section 301(b), requires the NPDES permitting authority to consider effluent limits based both on the technology available to treat the pollutants and on protection of the designated uses of the receiving water. These are known as technology-based and water quality-based effluent limitations, respectively. Section 301(b)(2)(A) of the Clean Water Act requires effluent limitations that ''shall require the application of the best available technology economically achievable for such category or class, which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants.'' There are two approaches for developing technology-based limits for industrial facilities: (1) National effluent limitations guidelines (ELGs) and (2) in the absence of ELGs, limitations developed on a case-by-case basis using best professional judgment. Because CBM activities were not significant and widespread when EPA developed the ELGs for the Oil and Gas Point Source Category (40 CFR part 435), EPA did not consider CBM in developing these guidelines and has not applied them to CBM. Therefore, according to 40 CFR 125.3(c)(2), technology-based limits for the CBM permits need to be developed using a BPJ case-by-case analysis.

EPA Region 8, with the assistance of the EPA Office of Science and Technology in Washington, DC, will do an economic analysis to assess disposal options for water that is produced as part of the coalbed methane (CBM) extraction process. The analysis will support a BPJ determination of effluent limitations that represent Best Available Technology Economically Achievable (BAT) for CBM produced waters in Region 8. Several technologies are being considered for both technical and economic feasibility, including several water treatment technologies: zero discharge via reinjection, infiltration and/or evaporation; and beneficial use of the effluent for agriculture and wildlife. The main objectives of this action are to support EPA NPDES permitting in Indian Country, fulfilling our trust responsibility with Tribes to implement environmental laws and regulations, and to inform the states and EPA in the implementation of their NPDES permit programs.

The meeting will provide an update on the development of the BPJ determination for BAT. EPA will discuss CBM operations in EPA Region 8, feasibility and cost of produced water disposal options, and economic and environmental impacts. EPA will also be soliciting additional information prior to development of the draft analysis. The meeting is not a mechanism for submitting formal comments and will not be recorded nor transcribed. A more detailed agenda and other documents related to the BPJ project will be available at the meeting. For those unable to attend the meeting, EPA will make documents available at the EPA website http://www.epa.gov/region08/water/wastewater/npdeshome/cbm.html, and they can be obtained by an e-mail or telephone request to Michael Reed at the above address.

Dated: August 15, 2001.

Kerrigan G. Clough,

Assistant Regional Administrator,Office of Partnerships and Regulatory Assistance, Region VIII.

[FR Doc. 01–22279 Filed 9–4–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7049–2]

National Tribal Conference on Environmental Management

AGENCY: Environmental Protection Agency.

ACTION: Notice to Solicit Proposals from Federally-recognized Indian Tribes and Intertribal Consortia.

SUMMARY: The Environmental Protection Agency (EPA) is requesting proposals from federally-recognized Indian Tribes or Intertribal consortia to host the 6th National Tribal Conference on Environmental Management. EPA will be the official sponsor. The Tribal Conference will provide an opportunity for tribal leaders, tribal environmental managers, tribal organizations, Federal agencies, and other interested entities/persons to share information about tribal environmental programs and discuss issues of vital interest to Indian country. EPA is seeking to broaden the scope of the conference to be even more inclusive of the multi-media environmental issues being addressed by Tribes to establish stronger tribal networks and relationships across environmental efforts in Indian country, identify shared lessons learned, and familiarize Tribes with the full extent of tribal and EPA program environmental activities. EPA will award a cooperative agreement to the selected host Tribe to co-sponsor the conference, including personnel, planning, facilities and management expenses.

DATES: Submit proposals on or before October 12, 2001.

ADDRESSES: Mail proposals via U.S. Postal Service (including express and priority mail) to: U.S. Environmental Protection Agency, Attn: Clara Mickles, American Indian Environmental Office, Mailcode: 4101, 1200 Pennsylvania Avenue, NW. Washington, DC 20460. Mail proposals via commercial overnight delivery service (*e.g.*, FedEx, DHL, UPS, etc.) to: U.S. Environmental Protection Agency, Attn: Clara Mickles, American Indian Environmental Office, 9th Floor, Room 913 East Tower, 401 M. Street, S.W., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Felicia Wright at (202) 260–4410, Caren

Rothstein-Robinson at (202) 260–0065, Claudia Walters at (202) 564–6762 or Clara Mickles at (202) 260–7519, for pre-application assistance or questions about the conference.

SUPPLEMENTARY INFORMATION:

I. Background

Starting in 1992, the U.S. EPA has co-sponsored five bi-annual NTCEM conferences to provide an opportunity for tribal leaders, tribal environmental program managers, tribal organizations, Federal agencies, and other interested entities to share information about tribal environmental programs and discuss issues of vital interest to Indian Country. Topics at past conferences have helped to build tribal capacity in the following areas:

- Managing environmental programs (including integrated waste programs);
- Grant assistance to Tribes;
- Addressing concerns about human health risks and subsistence;
- Contracting, research, and business development opportunities;
- Technology (GIS) and natural resource management; and
- Air, water, and waste management issues.

The conference has traditionally been held in late Spring. Here is a listof previous conference locations and dates:

(1) Cherokee Nation, NC (May 19–20, 1992)
(2) Cherokee Nation, NC (May 23–26, 1994)
(3) Confederated Salish and Kootenai Tribes of the Flathead Nation, MT (May 1996)
(4) Prairie Island Indian Community, MN (May 19–21, 1998)
(5) Confederated Tribes of Siletz Indians, OR (June, 2000)

The most recent conference, hosted by the Confederated Tribes of Siletz Indians in Lincoln City, Oregon, was very successful in content as well as in attendance. Over 600 people attended this conference. Past conferences have drawn 500–700 participants representing more than 200 Tribes, Native Alaskans, Inter-tribal Consortia, and organizations. The conference agenda included all aspects of tribal environmental issues. For copies of past conference agendas, please see **FOR FURTHER INFORMATION CONTACT** section of this notice, or send email to *wright.felicia@epa.gov.* Any significant clarifications to this request for proposals will be posted on EPA's American Indian Environmental Office's web page at *http://www.epa.gov/indian/.*

II. 2002 Host Responsibilities

The tribal host will be the primary lead for this conference, including developing the conference agenda, handling conference logistics (such as registration, transportation and administering/making decisions regarding travel scholarships for tribal participants travel), developing conference materials, and in making sure that priority environmental issues of interest to tribes are represented. The host tribe will also take the lead role in developing a conference theme based on uniting tribal environmental efforts to protect human health and the environment in Indian country and tribal homelands.

III. Coordination With Other Federal Agencies and Tribal Organizations

EPA is coordinating with other federal agencies (including the Department of Interior, the Department of Health and Human Services, and the Department of Defense) and our key tribal partners (including the Tribal Operations Committee, Tribal Pesticide Program Council, Tribal Science Council, Tribal Association on Solid Waste and Emergency Response, and many other broader-based intertribal organizations and consortia) to strengthen the multi-media character of this conference. These groups will be invited to hold their own independently-sponsored meetings according to their own procedures around the other on-going conference events. For example, the National Tribal Environmental Council (NTEC) has advised EPA that they are planning to coordinate around and co-locate their annual meeting the same week as this conference. Once the conference host is selected, we encourage other organizations to contact the host to coordinate similar joint efforts.

IV. Evaluation Criteria

EPA is requesting proposals from Federally-recognized Indian Tribes or intertribal consortia to host the National Tribal Conference On Environmental Management through a cooperative agreement with EPA (the applicable Catalog of Federal Domestic Assistance number is 66.604). To be eligible to receive a cooperative agreement under the authorities listed in today's Notice, an intertribal consortium must meet the definition of eligibility in the Environmental Program Grants for Tribes Final Rule, at 40 CFR 35.504 (66 FR 3782, January 16, 2001), and are a non-profit organization within the meaning of OMB Circular A–122. The funding amount for the cooperative agreement is subject to the availability of funds in EPA. Prior cooperative agreement awards for co-hosting the tribal conference have been in the amount of $350,000. EPA will negotiate the final amount of the reward with the selected tribal host.

Tribes or intertribal consortia that wish to submit proposals must first meet two mandatory factors described below under the Evaluation Criteria. If your Tribe or intertribal consortium meets these mandatory factors, EPA will score your proposal based on how well you meet the evaluation criteria. Please make sure you address the mandatory factors first and then provide detailed information on all the listed criteria in your proposal. Submissions which do not address a particular criterion will receive a zero score for that criterion. EPA will evaluate all submissions according to the listed criteria.

All proposals must come from a tribal government or intertribal consortium. We strongly encourage direct involvement by staff from your environmental program/department, facility managers, and members of the local business community/chamber of commerce. EPA will award a grant to the selected tribal host to cover personnel, planning, and management expenses. EPA reserves the right to reject all proposals and make alternative arrangements for the conference. Clearly mark any information you consider confidential. Please submit a description of your facilities and a summary of your capabilities for each of the criteria below.

A. Mandatory Factors

- Have a conference center or other suitable meeting facilities capable of holding at least four concurrent sessions and a plenary session that will accommodate 700 people.
- Demonstrate the ability to effectively manage EPA financial assistance (i.e., an adequate financial management system with effective accounting procedures that maintain fiscal control).

B. Evaluation Criteria

- *Conference Facilities:* Proposed conference center (or other suitable meeting facility) is capable of holding at least four concurrent sessions and a plenary session for 700 people; facilities should have adequate amenities to comfortably accommodate large groups of people. Lodging for 700 people should be available within a reasonable travel time, preferably within 15 minutes of conference facilities. Tribes that do not have facilities located on their lands can outline a plan to utilize nearby facilities that meet the logistical needs described in the criteria. (Maximum of 25 points)

• Bonus of up to 10 additional points for conference facilities/amenities that are tribally-owned or located on tribal land.

• *Conference management:* Demonstrate capability to manage all aspects of a major conference, including conference planning, logistics, booking, registration, travel, on-site events, contractual support, closeout activities, and an ability to effectively manage EPA financial assistance (*i.e.*, an adequate financial management system with effective accounting procedures that maintain fiscal control). EPA will award a grant to the selected host Tribe to cover personnel, planning, and management expenses. (Maximum of 25 points)

• *Conference Transportation:* Demonstrate that: (1) Airline transportation is economically feasible for most conference participants; (2) the conference facilities are located within 90 minutes of a major airport; and (3) ground transportation can be provided for attendees to and from the airport and around the meeting sites (e.g., between meeting facility and offsite locations such as hotels, special event locations, etc.). (Maximum of 18 points)

• *Conference Materials:* Capability to produce and distribute conference materials, such as a conference logo, registration materials, signs/banners, an agenda booklet, and handouts. (Maximum of 15 points)

• *Vendor Area:* Use of an area in close proximity to the meeting area(s) capable of accommodating 25 or more vendors, providing exhibit booth space of 8′ X 8′ or 10′ X 10′ per vendor and access to electrical and telephone service. (Maximum of 12 points)

• *Recycling:* Commitment to use, to the maximum extent possible, products with recycled content and to collect recyclables at the conference. (Maximum of 5 points)

Total: 100 points with potential for up to 110 total points, including bonus.

In addition to soliciting proposals for the 2002 conference, we encourage you to submit suggestions or ideas for potential agenda topics that your Tribe would like to see addressed at the conference. We will forward suggestions to the selected tribal host. We also encourage you to attend the conference regardless of whether you are interested in hosting the event.

Authority: 7 U.S.C. 136, 15 U.S.C. 2601, 33 U.S.C. 1254, 42 U.S.C. 300f, 33 U.S.C. 1254, 42 U.S.C. 300f, 42 U.S.C. 6981, 42 U.S.C. 7403, 42 U.S.C. 13101 and 13102.

Dated: August 27, 2001.

Stephen D. Luftig,

Acting Principal Deputy Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 01–22280 Filed 9–4–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00678C; FRL–6801–7]

Opportunity to Comment on Implications of Revised Bt Crops Reassessment for Regulatory Decisions Affecting These Products, and on Potential Elements of Regulatory Options; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is currently engaged in a comprehensive reassessment of the time-limited registrations for all existing *Bacillus thuringiensis* (*Bt*) corn and cotton plant-incorporated protectants. This notice announces the Agency's intent to provide additional time to comment on the implications of the revised risk and benefit sections of the reassessment, the draft Potential Risk Mitigation and Regulatory Options paper, and the regulatory decisions affecting *Bacillus thuringiensis* Cry1F protein and the genetic material necessary for its production (plasmid insert PHI8999) in corn plants.

DATES: Comments, identified by docket control number OPP–00678B, must be received on or before September 10, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00678B in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8715; fax number: (703) 308–7026; e-mail address: mendelsohn.mike@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may be of particular interest to manufacturers, producers, distributors, users, and other persons interested in the registrations listed below. This action may also be of interest to other persons who have an interest in the registration and/or the use of *Bt* corn, *Bt* cotton, and*Bt* potato plant-pesticides regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and under the Federal Food, Drug, and Cosmetic Act (FFDCA). 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 and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents (including copies of EPA's fact sheets on each registered *Bt* plant-pesticide, workshop proceedings on resistance management, EPA technical papers on regulation of agricultural biotechnology including resistance management for*Bt* plant-pesticides, ecological effects data requirements for protein plant-pesticides, allergenicity and health effects for protein plant-pesticides, and Scientific Advisory Panel reports from EPA's Biopesticide Internet Home Page at http://www.epa.gov/pesticides/biopesticides and from EPA's SAP Home Page at http://www.epa.gov/scipoly/sap). To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–00678B. Additionally, the *Bt* Corn Cry1F registrations have official records under docket control numbers OPP–30494 and OPP–30120. 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 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.

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 OPP–00678B in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), 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 PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–00678B. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background and Explanation of Actions Being Taken

In the July 17, 2001 **Federal Register** (66 FR 37227) (FRL–6793–6), the Agency announced the July 24, 2001 Technical Briefing and an opportunity to comment on the *Bt* Crops reassessment. EPA asked that comments be submitted by August 30, 2001. In the August 10, 2001 **Federal Register** (66 FR 42220) (FRL–6791–4), the Agency announced the registration of the Cry1F corn plant-incorporated protectant and the opening of a public docket containing the record on which EPA based this registration.

Several members of the public have asked for additional time to submit comments in response to the July 17 Notice. In addition, some members of the public have asked for additional time to comment on the Cry1F product and have asked that it be considered separately from the other products covered by the *Bt* Crops Reassessment. Although the notice of registration and materials in the public docket for Cry1F state that the Cry1F product would be reevaluated on the same schedule as other *Bt* corn products and that relevant decisions in the *Bt* Crops Reassessment would be applied to that registration, this information was not noted in the FR Notice. Thus, this notice clarifies that the Cry1F product is included within the scope of the *Bt* Crops Reassessment. Further, in light of all of the circumstances, this Notice also announces the Agency's decision to provide additional time to comment for all *Bt* corn and cotton products with expiring registrations.

Several members of the public have also asked in a letter dated July 23, 2001, for an extension because a portion of the data base for the*Bt* Crops Reassessment relating to the toxicity of*Bt* corn pollen to Monarch butterflies is not publicly available. While these data are still subject to a confidentiality claim that prevents public release at this time, EPA has arranged to allow the public to inspect these data in EPA reading rooms, provided that any person inspecting the data first signs a Confidentiality Agreement. See www.epa.gov/pesticides/biopesticides for more information.

In summary, the Agency is extending until September 10, 2001, the period for comment on the implications of the revised risk and benefit sections of the reassessment, the draft Potential Risk Mitigation and Regulatory Options paper, and the regulatory decisions on the*Bacillus thuringiensis* Cry1F protein and the genetic material necessary for its production (plasmid insert PHI8999) in corn plants.

List of Subjects

Environmental protection, Plant-pesticides.

Dated: August 30, 2001.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 01–22363 Filed 8–31–01 12:21 pm]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–211046; FRL–6800–5]

TSCA Section 21 Petition; Notice of Receipt

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of a petition submitted by the Cystic Fibrosis Foundation under section 21 of the Toxic Substances Control Act (TSCA), and requests comments on the petition. The Foundation has petitioned EPA to initiate a rulemaking proceeding under section 6(a)(1)(A) of TSCA to prohibit the manufacture, processing, distribution in commerce, use, and improper disposal of *Burkholderia cepacia* complex (Bcc), a group of naturally occurring microorganisms. The Petitioner believes that this action is necessary to ''address the significant threat that these microorganisms pose to individuals with cystic fibrosis and other diseases that compromise the immune system.'' Under section 21 of TSCA, the Agency must respond to the petition by October 30, 2001. The Agency does not plan at this time to schedule a public hearing for this petition. However, if it is determined that a hearing is needed, the Agency will hold a public hearing in the future.

DATES: Comments, identified by docket control number OPPTS–211046, should be received on or before September 19, 2001. The Agency will accept comments received after that date, but cannot guarantee that they will be considered prior to preparing its response to the petition.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–211046 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: James Alwood, Chemical Control Division, (7405), Office of Pollution Prevention and Toxics, 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?

This action is directed to the public in general. This action may, however, be of interest to manufacturers (including importers), processors, and users of products that contain living microorganisms subject to jurisdiction under TSCA, especially if that entity knows that its products contain or may contain Bcc. 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 technical person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS–211046. 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, isavailable 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–211046 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 and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPPTS–211046. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information That I Want To Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version

of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

We invite you to provide your views on the actions sought by the petitioner, the facts, technical information, supporting rationale which the petitioner believes establishes the need for the requested action, the potential impacts of the requested action (including possible unintended consequences), and any data or information that you would like the Agency to consider during the development of its response to the petition. You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

A. What is a TSCA section 21 petition?

Section 21 of TSCA allows citizens to petition EPA to initiate a proceeding for the issuance, amendment, or repeal of a rule under sections 4, 5(a)(2), 6, or an order under section 5(e) or 6(b)(2) of TSCA. A TSCA section 21 petition must set forth facts which the petitioner believes establish the need for the action requested. EPA is required to grant or deny the petition within 90 days of its receipt. If EPA grants the petition, the Agency must promptly commence an appropriate proceeding. If EPA denies the petition, the Agency must publish its reasons for the denial in the **Federal Register**. Within 60 days of denial or no action, petitioners may commence a civil action in a U.S. district court to compel initiation of the requested rulemaking. When reviewing a petition for a new rule, as in this case, the court must provide an opportunity for *de novo* review of the petition. After hearing the evidence, the court can order EPA to initiate the requested action.

B. What Action is the Agency Taking/ Announcing?

This notice announces receipt by EPA on August 2, 2001, of a petition submitted by the Cystic Fibrosis Foundation under section 21 of TSCA, and requests comments on the petition. The Foundation has petitioned EPA to initiate rulemaking proceeding under section 6(a)(1)(A) of TSCA to prohibit the manufacture, processing, distribution in commerce, use, and improper disposal of Bcc. Under section 21 of TSCA, the Agency must respond to the petition by October 30, 2001.

The petitioner's request for a prohibition under section 6(a)(1)(A) of TSCA is based on their assertion that Bcc consists of a number of naturally occurring microorganisms which are subject to regulation under TSCA as chemical substances and exposure to Bcc resulting from its use in a ''wide variety of commercial activities'' poses a deadly risk to cystic fibrosis patients and individuals with certain other diseases that compromise the immune system. These commercial uses are asserted to include ''products and services that involve drain cleaning, bioremediation, biomonitoring of hazardous wastes, biomass conversion, production of specialty chemicals, oil recovery, wastewater treatment, biomining, and desulfurization of oil and coal.'' The petitioner's request for action under section 6(a)(1)(A) of TSCA is based on several points including assertions that Bcc is not necessary for such applications, that the manufacturing, and use of Bcc poses an unreasonable risk to cystic fibrosis patients, and, despite limitations and uncertainties in the understanding of the extent to which Bcc is used in various products, that the ''only regulatory action that will adequately reduce the risk presented by Bcc is a flat prohibition against manufacturing and use.'' EPA has commenced a review of this petition. Comments on the petition may be submitted by any of the methods identified in Unit I.

List of Subjects

Environmental protection.

Dated: August 27, 2001.

William H. Sanders III,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 01–22284 Filed 9–4–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7047–7]

Notice of Tentative Approval, Request for Comments and Solicitation of Requests for a Public Hearing for Public Water System Supervision Program Revisions for the State of Maryland

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Tentative Approval and Solicitation of Requests for a Public Hearing.

SUMMARY: Notice is hereby given in accordance with the provision of section 1413 of the Safe Drinking Water Act as amended, and the rules governing National Primary Drinking Water Regulations that the State of Maryland has revised its approved Public Water System Supervision Primacy Program. Specifically, Maryland has adopted the Consumer Confidence Report Rule, Variance and Exemption Rule, and the public water system definition; and made other minor revisions to its regulations. EPA has determined that these program revisions are no less stringent than the Federal provisions and satisfy the requirements of the Federal regulations. Therefore, EPA has decided to tentatively approve the program revisions. All interested parties are invited to submit written comments on this determination and may request a public hearing.

DATES: Comments or a request for a public hearing must be submitted by October 5, 2001. This determination shall become effective on October 5, 2001, if no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, and if no comments are received which cause EPA to modify its tentative approval.

ADDRESSES: Comments or a request for a public hearing must be submitted to Barbara Smith, Drinking Water Branch (3WP22), U.S. Environmental Protection Agency Region III, 1650 Arch Street, Philadelphia, PA 19103–2029.

All documents relating to this determination are available for inspection between the hours of 8:00

a.m. and 4:30 p.m., Monday through Friday, at the following offices:

• Drinking Water Branch, Water Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029; and

• Maryland Department of the Environment, Water Supply Program, 2500 Broening Highway, Baltimore, Maryland 21224.

FOR FURTHER INFORMATION CONTACT: Barbara Smith at the Philadelphia address given above; telephone (215) 814–5786 or fax (215) 814–2318.

SUPPLEMENTARY INFORMATION: All interested parties are invited to submit written comments on this determination and may request a public hearing. All comments will be considered, and, if necessary, EPA will issue a response. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by October 5, 2001, a public hearing will be held. A request for public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such a hearing; and (3) the signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Dated: August 23, 2001.

Donald S. Welsh,

Regional Administrator, EPA, Region III.

[FR Doc. 01–22127 Filed 9–4–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Approved by Office of Management and Budget

August 28, 2001.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 96–511. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Not withstanding any other provisions of law, 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. Questions concerning the OMB control numbers and expiration dates should be directed to Judy Boley, Federal Communications Commission, (202) 418–0214.

Federal Communications Commission

OMB Control No.: 3060–0987.
Expiration Date: 08/31/04.
Title: 911 Callback Capability.
Form No.: N/A.
Estimated Annual Burden: 404 burden hours annually, ½ hour per response; 807 responses per year.
Description: The proposed labeling requirements would serve to educate consumers as to the capabilities and limitations of their handsets thus avoiding confusion resulting in delay in responding to E911 calls.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–22181 Filed 9–4–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 96–45; FCC 01–J–1]

The Federal-State Joint Board on Universal Service

AGENCY: Federal Communications Commission.

ACTION: Notice; comments requested.

SUMMARY: In this document, the Federal-State Joint Board invites comment regarding its review of the definition of universal service. Based on consideration of the Joint Board's recommendations in 1997, the Commission designated nine ''core'' services that are eligible for universal service support. The Commission recently asked the Joint Board to review this list and, if warranted, recommend modifications.

DATES: Comments are due on or before November 5, 2001. Reply comments are due on or before January 4, 2002.

ADDRESSES: See Supplementary Information section for where and how to file comments.

FOR FURTHER INFORMATION CONTACT: Greg Guice, Attorney, Common Carrier Bureau, Accounting Policy Division, (202) 418–7400, TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: In 1997, based on consideration of the Joint Board's recommendations, the Commission designated nine ''core'' services that are eligible for universal service support: single-party service; voice grade access to the public switched telephone network; Dual Tone Multifrequency signaling or its functional equivalent; access to emergency services; access to operator services; access to interexchange service; access to directory assistance; and toll limitation services for qualifying low-income consumers. The Commission recently asked the Joint Board to review this list and, if warranted, recommend modifications.

The Telecommunications Act of 1996 provides that ''[u]niversal service is an evolving level of telecommunications services that the Commission shall establish periodically * * *, taking into account advances in telecommunications and information technologies and services.'' It also provides that the Joint Board and the Commission shall base policies for the preservation and advancement of universal service on several principles, including: (1) Quality services should be available at just, reasonable, and affordable rates; (2) access to advanced telecommunications and information services should be provided in all regions of the Nation; and (3) consumers in all regions of the nation should have access to telecommunications and information services that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.

The Joint Board invites comment on what services, if any, should be added to or removed from the list of core services eligible for federal universal service support and how those core services should be defined. Commenters should address the four definitional criteria that the Joint Board and the Commission are required to consider under the 1996 Act. Pursuant to section 254(c)(1) of the 1996 Act, the Joint Board and the Commission must consider the extent to which the services in question (1) ''are essential to education, public health, or public safety;'' (2) ''have, through the operation of market choices by customers, been subscribed to by a substantial majority of residential customers;'' (3) ''are being deployed in public telecommunications networks by telecommunications carriers;'' and (4) ''are consistent with the public interest, convenience, and necessity.''

In addition, commenters should address the implications of any proposed modifications in terms of section 214(e) of the 1996 Act, which requires carriers to offer each of the core

services to be eligible for universal service support. Commenters also should estimate the annual cost of any proposed modifications in the list of core services, and explain the derivation of their estimates. If the cost is expected to change significantly over time, commenters should provide an estimate for each of the first five years. Commenters may also wish to address the availability of functional substitutes for a service, the extent to which consumers may have access to the service in locales other than their own residences (*e.g.,* public payphone, worksite, public facilities), and whether providing support for the service would affect competition in its delivery. Finally, commenters may also wish to address the implications for any modifications in the list of core services of ongoing network modernization trends.

The Commission asked the Joint Board to consider as part of its review the record on requests to redefine voice grade access for universal service purposes. The Commission previously rejected arguments for a higher level of bandwidth capacity, in the *First Report and Order,* 62 FR 32862, June 17, 1997, concluding that ''a network transmission component of Internet access beyond voice grade access should not be supported'' pursuant to section 254(c)(1). The Joint Board invites commenters to update the record on the definition of voice grade access, including whether support for a network transmission component of Internet access beyond the existing definition of voice grade access is warranted at this time. The Joint Board also seeks additional comment on technical issues involved in modifying the current standard, including factors other than bandwidth that affect modem performance, and whether modification would encourage investment in enhanced analog modem performance to the detriment of investment in high-speed and advanced services.

The Joint Board also invites comment on whether any advanced or high-speed services should be included within the list of core services. Commenters should address the questions set forth, and should specify the standard or level of service to which the comments apply.

In addition, the Joint Board invites comment on whether ''soft dial tone'' or ''warm line'' services should be included within the list of core services. These services enable an otherwise disconnected line to be used to contact emergency services (911) and the local exchange carrier's central business office. In particular, the Joint Board invites comment on the extent to which these services are essential to public health or safety, and how such connections to eligible telecommunications carriers may be provided consistent with the principles of competitive neutrality.

Finally, the Joint Board invites comment on whether intrastate or interstate toll services, expanded area service, or prepaid calling plans should be included in the list of supported services.

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments as follows: comments are due November 5, 2001, and reply comments are due January 3, 2002. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic filing of Documents in Rulemaking Proceedings,* 63 FR 24121, May 1, 1998. Comments filed through the ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html.* Generally, only one copy of the electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit electronic comments by Internet e-mail. To receive filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov,* and should include the following words in the body of message, ''get form <your e-mail address>.'' A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12 Street, SW., Washington, DC 20554.

Parties also must send three paper copies of their filing to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street SW., Room 5–A422, Washington, DC 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554.

Pursuant to § 1.1206 of the Commission's Rules, this proceeding will continue to be conducted as a permit-but-disclose proceeding in which *ex-parte* communications are permitted subject to disclosure.

Federal Communications Commission.

Katherine L. Schroder,

Division Chief, Accounting Policy Division.

[FR Doc. 01–22182 Filed 9–4–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 19, 2001.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Helen M. Paul, Muscatine, Iowa; to acquire additional voting shares of APM Bancorp, Inc., Buffalo, Iowa, and thereby indirectly acquire additional voting shares of Buffalo Savings Bank, Buffalo, Iowa.

Board of Governors of the Federal Reserve System, August 29, 2001.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 01–22169 Filed 9–4–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies

owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 28, 2001.

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. Frandsen Financial Corporation, Arden Hills, Minnesota; to acquire 100 percent of the voting shares of F&M Bank Minnesota, Dundas, Minnesota.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Spector Holdings Management, LLC, San Antonio, Texas; to become a bank holding company by acquiring 1 percent of the voting shares of, and become the general partner of, Spector Holdings Limited Partnership, San Antonio, Texas, and thereby indirectly acquire voting shares of Luling Bancshares, Inc., Luling, Texas, Luling Delaware Financial Corporation, Dover, Delaware, and Citizens State Bank, Luling, Texas.

In connection with this application, Spector Holdings Limited Partnership, San Antonio, Texas, has applied to become a bank holding by acquiring 57.9 percent of the voting shares of Luling Bancshares, Inc., Luling, Texas, and thereby indirectly acquire voting shares of Luling Delaware Financial Corporation, Dover, Delaware, and Citizens State Bank, Luling, Texas.

Also, Luling Bancshares, Inc., Luling, Texas, has applied to become a bank holding company by acquiring 100 percent of the voting shares of Luling Delaware Financial Corporation, Dover, Delaware, and Citizens State Bank, Luling, Texas. Luling Delaware Financial Corporation also has applied to become a bank holding company.

Board of Governors of the Federal Reserve System, August 29, 2001.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 01–22168 Filed 9–4–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of June 26 and 27, 2001

In accordance with § 271.25 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on June 26 and 27, 2001.[1]

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability and promote sustainable growth in output. To further its long-run objectives, the Committee in the immediate future seeks conditions in reserve markets consistent with reducing the federal funds rate to an average of around 3-¾ percent.

By order of the Federal Open Market Committee, August 29, 2001.

Donald L. Kohn,

Secretary, Federal Open Market Committee.

[FR Doc. 01–22245 Field 9–4–01; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–R–296]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare and Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden. *Type of Information Collection Request:* Revision of currently approved collection; *Title of Information Collection:* Home Health Advance Beneficiary Notice of Liability and Supporting Regulations in 42 CFR 484.10(a); *Form No.:* HCFA–R–296 (OMB# 0938–0781); *Use:* Home health agencies must provide proper written notice to Medicare beneficiaries in advance of furnishing home health care they believe that Medicare will not pay for before reducing, terminating, or denying services to a Medicare beneficiary; *Frequency:* On occasion; *Affected Public:* Not-for-profit institutions, business or other for-profit; *Number of Respondents:* 8,326; *Total Annual Responses:* 180,000; *Total Annual Hours:* 15,000. To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address:

CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Attention: Julie Brown, Attn. CMS–R–296, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

[1] Copies of the Minutes of the Federal Open Market Committee meeting of June 26 and 27, 2001, which include the domestic policy directive issued at that meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's annual report.

Dated: August 28, 2001.

John P. Burke, III,

Reports Clearance Officer, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 01–22177 Filed 9–4–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–10037]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Real Choice Systems Change Grants; Nursing Facility Transition/Access Housing Grants; Community Personal Assistance Service and Supports Grants, National Technical Assistance and Learning Collaborative Grants to Support Systems Change for Community Living; *Form No.:* CMS–10037 (OMB# 0938–0836); *Use:* Information sought by CMSO/DEHPG is needed to award competitive grants to States and other eligible entities for the purposes of designing and implementing effective and enduring improvements in consumer-directed long term service and support systems; *Frequency:* Annually; *Affected Public:* State, local or tribal gov.; *Number of Respondents:* 76; *Total Annual Responses:* 76; *Total Annual Hours:* 7600.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office at (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Attention: Julie Brown Attn.: CMS–10037, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: August 28, 2001.

John P. Burke, III,

Reports Clearance Officer, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 01–22178 Filed 9–4–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Antiviral Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Antiviral Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on October 3 and 4, 2001, from 8:30 a.m. to 5 p.m.

Location: The Town Center Hotel, Maryland Ballroom, 8727 Colesville Rd., Silver Spring, MD.

Contact: Tara P. Turner, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301–827–7001, e-mail: *TurnerT@cder.fda.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12531. Please call the Information Line for up-to-date information on this meeting.

Agenda: On October 3, 2001, the committee will discuss new drug application (NDA) 21–356, Viread™ (tenofovir disoproxil fumarate) Tablets, Gilead Sciences, Inc., proposed for the treatment of human immunodeficiency virus (HIV) infection. On October 4, 2001, the committee will discuss NDA 21–266, Vfend™ (voriconazole) Tablets and NDA 21–267, Vfend™ I.V. (voriconazole) for infusion, Pfizer Global Research and Development, proposed for the treatment of invasive aspergillosis, serious Candida infections, infections caused by *Scedosporium* spp. and *Fusarium* spp., rare and refractory infections, and empirical treatment of febrile neutropenia.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by September 26, 2001. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. on both days. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before September 26, 2001, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: August 28, 2001.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 01–22166 Filed 9–4–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01D–0368]

Draft Guidance for Industry on Submitting Marketing Applications According to the ICH/CTD Format; General Considerations; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Submitting Marketing Applications According to the ICH/CTD Format; General Considerations.'' This guidance provides general guidance on how to organize new drug applications (NDAs), abbreviated new drug applications (ANDAs) and biologics license applications (BLAs) based on the International Conference on Harmonisation (ICH) M4 guidance on organizing the Common Technical Document (CTD) for the registration of pharmaceuticals for human use.

DATES: Submit written or electronic comments on the draft guidance by November 5, 2001. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; or the Office of Communication, Training and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–3844, FAX 888–CBERFAX. Send two self-addressed adhesive labels to assist the office in processing your requests. Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to http://www.fda.gov/dockets/ecomments. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT:

Randy Levin, Center for Drug Evaluation and Research (HFD–001), Food and Drug Administration, 1451 Rockville Pike, Rockville, MD 20857, 301–594–5400; or

Robert Yetter, Center for Biologics Evaluation and Research (HFM–25), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0373.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Submitting Marketing Applications According to the ICH/CTD Format; General Considerations.'' This guidance is intended to supplement the ICH M4 guidances on quality, safety, and efficacy, which were signed off at step 4 of the ICH process in October 2000. Final versions of the M4 guidances on organizing the CTD will be available soon. This general considerations guidance applies to NDAs, ANDAs, and BLAs for both new molecular entities and nonnew molecular entities and all related presubmissions, supplements, and amendments.

This guidance provides some general information on the organization and format of the CTD as well as recommendations for completing module 1, which contains administrative and prescribing information specific to each regulatory authority. The content of documents in the CTD is provided in other FDA guidance documents. When finalized, this guidance will supersede the ''Guidelines on Formatting, Assembling, and Submitting of New Drug and Antibiotic Applications,'' issued in February 1987.

This level 1 draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance represents the agency's current thinking on general considerations for submitting marketing applications according to the ICH/CTD format. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments on the draft guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at either http://www.fda.gov/cder/guidance/index.htm or http://www.fda.gov/ohrms/dockets/default.htm.

Dated: August 28, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–22199 Filed 9–4–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–64]

Notice of Submission of Proposed Information Collection to OMB; Pet Ownership in Public Housing for Elderly or Persons With Disabilities

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* October 5, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2577–0078) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of

an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Pet Ownership in Public Housing for Elderly or Persons with Disabilities.

OMB Approval Number: 2577–0078.

Form Numbers: None.

Description of the Need for the Information and its Proposed Use:

• Public Housing Agencies (PHAs) give written notice to applicants that pets are permitted, working animals excluded from regulation requirements, and where leases prohibit pets, residents may request a lease amendment. A copy of pet rules and written notice are given to each applicant when offered a unit.

Respondents: Individual or households, State, Local or Tribal Government.

Frequency of Submission: On occasion.

Reporting Burden:

Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
32,000		1		0.08		256

Total Estimated Burden Hours: 256.

Status: Reinstatement, with change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: August 27, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–22171 Filed 9–4–01; 8:45 am]

BILLING CODE 4210–72–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[(OR–958–6320–ET; HAG01–0116; (OR–20221A))]

Public Land Order No. 7497; Partial Revocation of Executive Order Dated February 25, 1919; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an Executive Order insofar as it affects 240 acres of lands withdrawn for Bureau of Land Management Public Water Reserve No. 61. This revocation is in aid of the exchange legislated by the Steens Mountain Cooperative Management and Protection Act of 2000, Public Law 106–399. The lands have been open to metalliferous mining and mineral leasing under the terms of the withdrawal, but are temporarily closed to surface entry and all mining due to the pending legislated land exchange.

EFFECTIVE DATE: September 5, 2001.

FOR FURTHER INFORMATION CONTACT: Allison O'Brien, BLM Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–952–6171.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The Executive Order dated February 25, 1919, which established Public Water Reserve No. 61, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

T. 35 S., R. 32¾ E.,
Sec. 9, NW¼SW¼;
Sec. 17, SW¼SW¼;
Sec. 18, S½SE¼;
Sec. 20, NE¼NW¼;
Sec. 28, NE¼NW¼.

The areas described aggregate 240 acres in Harney County.

2. The above-described lands are hereby made available for exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716 (1994).

Dated: August 15, 2001.

J. Steven Griles,

Deputy Secretary.

[FR Doc. 01–22180 Filed 9–4–01; 8:45 am]

BILLING CODE 4310–33–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–894 (Final)]

Certain Ammonium Nitrate From Ukraine

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports of certain ammonium nitrate from Ukraine, provided for in subheading 3102.30.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV). The Commission further determines that critical circumstances do not exist with regard to those imports of the subject merchandise from Ukraine that were subject to the affirmative critical circumstances determination by the Department of Commerce.

Background

The Commission instituted this investigation on October 13, 2000, following receipt of a petition filed with the Commission and the Department of Commerce by counsel for the ad hoc Committee for Fair Ammonium Nitrate Trade (''COFANT''), including Air Products & Chemicals, Inc., Allentown, PA; El Dorado Chemical Co., Oklahoma City, OK; LaRoche Industries, Inc., Atlanta, GA; Mississippi Chemical Corp., Yazoo City, MS; and Nitram, Inc., Tampa, FL. The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by the Department of Commerce that imports of certain ammonium nitrate from Ukraine were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 14, 2001 (66 FR 14933). The hearing was held in Washington, DC on July 24, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in this investigation to the Secretary of Commerce on August 31, 2001. The views of the Commission are contained in USITC Publication 3448, August 2001, entitled Certain

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

Ammonium Nitrate from Ukraine (Investigation No. 731–TA–894 (Final)).

Issued: August 29, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–22196 Filed 9–4–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–409–412 (Final) and 731–TA–909–912 (Final)]

Low Enriched Uranium From France, Germany, the Netherlands, and the United Kingdom

AGENCY: United States International Trade Commission.

ACTION: Scheduling of the final phase of countervailing duty and antidumping investigations.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of countervailing duty investigations Nos. 701–TA–409–412 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the Act) and the final phase of antidumping investigations Nos. 731–TA–909–912 (Final) under section 735(b) of the Act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of subsidized and less-than-fair-value imports from France, Germany, the Netherlands, and the United Kingdom of low enriched uranium.[1]

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's rules of practice and procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: July 13, 2001.

FOR FURTHER INFORMATION CONTACT: Fred Fischer (phone: 202–205–3179; e-mail: ffischer@usitc.gov), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's 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.

SUPPLEMENTARY INFORMATION:

Background.—The final phase of these investigations is being scheduled as a result of affirmative preliminary determinations by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in France, Germany, the Netherlands, and the United Kingdom of LEU, and that such products are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in a petition filed on December 7, 2000, by USEC, Inc. and its wholly-owned subsidiary the United States Enrichment Corp., Bethesda, MD.[2]

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on November 14, 2001, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on November 28, 2001, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before November 19, 2001. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on November 21, 2001, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by §§ 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit

[1] For purposes of these investigations, the Department of Commerce has defined the subject merchandise as low enriched uranium (LEU). LEU is enriched uranium hexafluoride (UF_6) with a U^{235} product assay of less than 20 percent that has not been converted into another chemical form, such as UO_2, or fabricated into nuclear fuel assemblies, regardless of the means by which the LEU is produced (including LEU produced through the down-blending of highly enriched uranium).

Certain merchandise is outside the scope of these investigations. Specifically, these investigations do not cover enriched uranium hexafluoride with a U^{235} assay of 20 percent or greater, also known as highly enriched uranium. In addition, fabricated LEU is not covered by the scope of these investigations. For purposes of these investigations, fabricated uranium is defined as enriched uranium dioxide (UO_2), whether or not contained in nuclear fuel rods or assemblies. Natural uranium concentrates (U_3O_8) with a U^{235} concentration of no greater than 0.711 percent and natural uranium concentrates converted into uranium hexafluoride with a U^{235} concentration of no greater than 0.711 percent are not covered by the scope of these investigations.

The merchandise subject to these investigations is reported under Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting number 2844.20.0020. Subject merchandise may also be reported under statistical reporting numbers 2844.20.0030, 2844.20.0050, and 2844.40.00. Although the HTSUS statistical reporting numbers are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

[2] On December 26, 2000, the petition was amended to add as petitioners the Paper, Allied-Industrial, Chemical and Energy Workers International Union, AFL–CIO, CLC.

any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is November 21, 2001. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is December 5, 2001; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before December 5, 2001. On December 24, 2001, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before December 27, 2001, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

Issued: August 29, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–22186 Filed 9–4–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA–201–73]

Steel

AGENCY: United States International Trade Commission.

ACTION: Scheduling of public hearing in Merrillville, Indiana.

SUMMARY: The Commission hereby gives notice of the scheduling of a public hearing in Merrillville, Indiana, in connection with investigation No. TA–201–73, Steel, under section 202(b) of the Trade Act of 1974 (''Trade Act'') (19 U.S.C. 2252(b)). The hearing will be held at the Radisson Hotel at Star Plaza (800 East 81st Avenue, Merrillville, Indiana 46410) on Friday, October 5, 2001, beginning at 9:00 a.m.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's rules of practice and procedure, part 201, subparts A through E (19 CFR part 201), and part 206, subparts A and B (19 CFR part 206).

EFFECTIVE DATE: August 28, 2001.

FOR FURTHER INFORMATION CONTACT: Vera Libeau (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the hearing should contact the Office of the Secretary at 202–205–2000. Media should contact Peg O'Laughlin (202–205–1819), Office of External Relations. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

SUPPLEMENTARY INFORMATION:

Background.—Following receipt of a request from the United States Trade Representative on June 22, 2001, the Commission instituted investigation No. TA–201–73 to determine whether certain steel products [1] are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.[2]

Hearings.—As noted in its notice of institution (July 3, 2001, 66 FR 35,267), the Commission will hold hearings in connection with this investigation beginning the week of September 17, 2001, at the U.S. International Trade Commission Building. The Commission intends to publish a notice by September 5, 2001, announcing the schedule of the Washington, DC hearings. In addition, the Commission has determined that it will hold an additional hearing on October 5, 2001, at the Radisson Hotel at Star Plaza (800 East 81st Avenue, Merrillville, Indiana 46410), beginning at 9:00 a.m. Requests to appear at this additional hearing and the names of witnesses should be filed in writing with the Secretary to the Commission, 500 E Street, SW., Washington, DC 20436, no later than 5:15 p.m., September 21, 2001. Persons testifying at the October 5th hearing are encouraged to file written statements before the hearing; the deadline for filing such statements (original and 14 copies) is October 1, 2001. If statements are submitted at the hearing, please provide at least 50 copies.

The purpose of the October 5th hearing is to receive testimony directly from persons who did not participate in the Washington, DC hearings and who have first-hand knowledge of certain issues as set forth below. The Commission requests that witnesses direct their presentations to the following issues: (1) The state of the domestic steel industry or industries (*e.g.,* employment levels, including unemployment or underemployment; worker training; level of commercial activity at productive facilities); (2) the influence of imports or other factors on the state of the domestic steel industry or industries; (3) the conditions of competition (*e.g.,* the business cycle, domestic demand); and (4) the similarities and differences between and among specific steel products with regard to physical characteristics, uses, manufacturing process, channels of distribution, and substitutability. Requests to appear at the hearing should identify the above-listed categories and the products to be addressed and the amount of time requested. After

[1] The June 22, 2001, request letter from the United States Trade Representative and the accompanying annexes listing the covered products by HTS categories are on the Commission's website (http://www.usitc.gov).

[2] On July 26, 2001, the Commission received a resolution from the Committee on Finance of the United States Senate for an investigation of the same scope. Pursuant to section 603 of the Trade Act, the Commission consolidated the investigation requested by the Committee with the ongoing investigation.

receiving these requests, Commission staff will notify participants of their time allotments. The Commission does not intend this hearing to serve as an opportunity for rebuttal to testimony presented at the Washington, DC hearings.

Oral testimony and written materials to be submitted at this public hearing are governed by §§ 201.6(b)(2) and 201.13(f) of the Commission's rules. In light of the nature of this hearing, the Commission makes no provision for *in camera* testimony or for filing pre-hearing and post-hearing briefs.

Authority: This investigation is being conducted under the authority of section 202 of the Trade Act of 1974; this notice is published pursuant to section 206.3 of the Commission's rules.

Issued: August 29, 2001.
By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–22185 Filed 9–4–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA–201–73]

Steel

AGENCY: United States International Trade Commission.

ACTION: Scheduling of public hearings for the injury phase of the investigation.

SUMMARY: In accordance with the Commission's notice of institution of investigation No. TA–201–73, Steel (66 FR 35267, July 3, 2001), this notice sets forth the schedule for the public hearings to be conducted during the injury phase of the Commission's investigation.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 206, subparts A and B (19 CFR part 206).

EFFECTIVE DATE: August 29, 2001.

FOR FURTHER INFORMATION CONTACT: Vera Libeau (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's 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. Media should contact Peg O'Laughlin (202–205–1819), Office of External Relations. General information concerning the Commission may also be obtained by accessing its internet server(*http://www.usitc.gov*).The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at*http://dockets.usitc.gov/eol/public.*

SUPPLEMENTARY INFORMATION:

Background

Following receipt of a request from the United States Trade Representative on June 22, 2001, the Commission instituted investigation No. TA–201–73 under section 202 of the Trade Act of 1974 (19 U.S.C. 2252) to determine whether certain steel products [1] are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.[2]

Hearings on Injury

The Commission has announced the following schedule of public hearings in connection with the injury phase of this investigation. The tabulation below shows the dates of the hearings, the starting times, the product(s) or issues to be addressed, the time allotted to the parties for their presentations, and the filing deadlines for the list of witnesses to appear at the hearings. Commission rule 201.13(d) will be strictly enforced.

Date of hearing	Starting time	Product(s)/issues to be addressed and time allocations	Deadline to file list of witnesses
Monday, September 17, 2001.	8:45 a.m.	—Congressional and Embassy presentations as requested	September 10.
		—Opening arguments—20 minutes: Parties in support of relief; 20 minutes: Parties in opposition to relief.	
	To be completed by 5 p.m..	—General arguments and issues common to product categories—90 minutes: Parties in support of relief;90 minutes: Parties in opposition to relief.	

Date of hearing	Starting time	Product(s)/issues to be addressed and time allocations	Deadline to file list of witnesses
Wednesday September 19, 2001.	9:15 a.m	—Congressional and Embassy presentations as requested	September 12.
		—Carbon and alloy flat—slabs.	
		—Carbon and alloy long—Ingots, billets, & blooms	
		45 minutes: Parties in support of relief	
		45 minutes: Parties in opposition to relief	
		—Carbon and alloy flat—Plate.	
		—Carbon and alloy flat—Hot-rolled sheet, strip, and coils	
		45 minutes: Parties in support of relief	
Thursday September 20, 2001.	9:15 a.m.	—Congressional and Embassy presentations as requested	September 12.
		—Carbon and alloy flat—Plate, continued	
		—Carbon and alloy flat—Hot-rolled sheet, strip, and coils, continued	
		45 minutes: Parties in opposition to relief	
		—Carbon and alloy flat—Cold-rolled sheet, strip, other than GOES.	

[1] The June 22, 2001, request letter from the United States Trade Representative and the accompanying annexes listing the covered products by HTS categories are on the Commission's website(*http://www.usitc.gov*).

[2] On July 26, 2001, the Commission received a resolution from the Committee on Finance of the United States Senate for an investigation of steel products with the same scope. Pursuant to section 603 of the Trade Act, the Commission consolidated the investigation requested by the Committee with the ongoing investigation.

Date of hearing	Starting time	Product(s)/issues to be addressed and time allocations	Deadline to file list of witnesses
		—Carbon and alloy flat—GOES. —Carbon and alloy flat—Corrosion-resistant and other coated sheet and strip. —Carbon and alloy flat-Tin mill products 90 minutes: Parties in support of relief 90 minutes: Parties in opposition to relief	
Monday September 24, 2001.	9:15 a.m.	—Congressional and Embassy presentations as requested	September 17.
		—Carbon and alloy long—Hot-rolled bar and light shapes. —Carbon and alloy long—Cold-finished bar. —Carbon and alloy long—Rebar. —Carbon and alloy long—Rails and railway products. —Carbon and alloy long—Heavy structural shapes and sheet piling. —Carbon and alloy long—Fabricated structural units 90 minutes: Parties in support of relief 90 minutes: Parties in opposition to relief —Carbon and alloy long—Wire. —Carbon and alloy long—Strand, rope, cable, and cordage. —Carbon and alloy long—Nails, staples, and woven cloth. —Stainless and tool—Wire. —Stainless and tool—Cloth. —Stainless and tool—Rope 90 minutes: Parties in support of relief	
Tuesday September 25, 2001.	9:15 a.m.	—Congressional and Embassy presentations as requested	September 17.
		—Carbon and alloy long—Wire, continued. —Carbon and alloy long—Strand, rope, cable, and cordage, continued. —Carbon and alloy long—Nails, staples, and woven cloth, continued. —Stainless and tool—Wire, continued. —Stainless and tool—Cloth, continued. —Stainless and tool—Rope, continued 90 minutes: Parties in opposition to relief —Stainless and tool—Slabs/ingots. —Stainless and tool—Cut-to-length plate. —Stainless and tool—Bar and light shapes. —Stainless and tool—Rod. —Stainless and tool—Tool steel 90 minutes: Parties in support of relief 90 minutes: Parties in opposition to relief	
Friday September 28, 2001.	9:15a.m.	—Congressional and Embassy presentations as requested	September 21.
		—Stainless and tool—Seamless tubular products. —Stainless and tool—Welded tubular products. —Stainless and tool—Flanges and fittings 75 minutes: Parties in support of relief 75 minutes: Parties in opposition to relief	
Monday October 1, 2001	9:15 a.m.	—Congressional and Embassy presentations as requested	September 24.
		—Carbon and alloy tubular—Seamless. —Carbon and alloy tubular—Seamless OCTG. —Carbon and alloy tubular—Welded. —Carbon and alloy tubular—Welded OCTG. —Carbon and alloy tubular—Flanges, fittings, and tool joints 90 minutes: Parties in support of relief 90 minutes: Parties in opposition to relief	

Oral testimony and written materials to be submitted at the hearings are governed by sections 201.6(b)(2) and 201.13(f) of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the dates of the hearings.

Written Submissions

Each party is encouraged to submit a prehearing brief to the Commission. Regardless of the product, the deadline for filing all prehearing briefs on injury is September 10, 2001. Parties may also file posthearing briefs. The deadlines for filing posthearing briefs on injury are as follows: September 27, 2001, for briefs regarding carbon and alloy flat products; October 2, 2001, for briefs presenting a summary of general arguments and common issues presented; October 2, 2001, for briefs regarding carbon and alloy long products; October 5, 2001, for briefs regarding stainless and tool steel products; and October 9, 2001, for briefs regarding carbon and alloy tubular products. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the consideration of injury by October 9, 2001. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with section 201.16(c) of the Commission's rules, each

document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under the authority of section 202 of the Trade Act of 1974; this notice is published pursuant to section 206.3 of the Commission's rules.

Issued: August 29, 2001.
By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–22197 Filed 9–4–01; 8:45 am]

BILLING CODE 7020–02–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors

TIME AND DATE: The Board of Directors of the Legal Services Corporation will meet on September 8, 2001. The meeting will begin at 10 a.m. and continue until conclusion of the Board's agenda.

LOCATION: Hilton Alexandria Mark Center, 5000 Seminary Road, Alexandria, Virginia.

STATUS OF MEETING: Open, except that a portion of the meeting may be closed pursuant to a vote of the Board of Directors to hold an executive session. At the closed session, the Corporation's General Counsel will report to the Board on litigation to which the Corporation is or may become a party, and the Board may act on the matters reported. The closing is authorized by the relevant provisions of the Government in the Sunshine Act [5 U.S.C. 552b(c)(10)] and the corresponding provisions of the Legal Services Corporation's implementing regulation [45 CFR 1622.5(h)]. A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

Open Session

1. Approval of agenda.
2. Approval of the minutes of the Board's meeting of June 30, 20001.
3. Approval of the minutes of the Executive Session of the Board's meeting of June 30, 2001.
4. Chairman's Report.
5. Members' Report.
6. Inspector General's Report.
7. President's Report.
8. Consider and act on the report of the Board's Committee on Provision for the Delivery of Legal Services.
9. Consider and act on the report of the Board's Operations and Regulations Committee.
10. Consider and act on the report of the Board's Finance Committee.
11. Consider and act on an interim report of the Task Force on State Planning and Configuration.
12. Consider and act on an appointment to the Board of Directors of Friends of Legal Services Corporation.
13. Consider and act on the change in location of the April 2002 Board of Directors meeting.

Closed Session

14. Briefing [1] by the Inspector General on the activities of the Office of Inspector General.
15. Consider and act on the Office of Legal Affairs' report on potential and pending litigation involving LSC.
16. Consider and act on the request of a Corporate officer for permission to accept token compensation for teaching a college course on his own time.

Open Session

17. Consider and act on other business.
18. Public Comment.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, Vice President for Legal Affairs, General Counsel & Corporate Secretary, at (202) 336–8800.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Elizabeth S. Cushing, at (202) 336–8800.

Dated: August 31, 2001.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel and Corporate Secretary.

[FR Doc. 01–22435 Filed 8–31–01; 4:08 pm]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors Finance Committee

TIME AND DATE: The Finance Committee of the Legal Services Corporation Board of Directors will meet on September 8, 2001. The meeting will begin at 9 a.m. and continue until the Committee concludes its agenda.

LOCATION: Hilton Alexandria Mark Center, 5000 Seminary Road, Alexandria, Virginia.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Approval of the minutes of the Committee's meeting of June 30, 2001.
3. Report of LSC's Consolidated Operating Budget, Expenses and Other Funds Available through July 31, 2001.
4. Report on the projected operating expenses for fiscal year 2001 based on operating experiences through June 30, 2001.
5. Report on internal budgetary adjustments.
6. Consider and act on the President's recommendations for Consolidated Operating Budget reallocations.
7. Consider and act on proposed Temporary Operating Budget for Fiscal Year 2002.
8. Consider and act on budget mark for fiscal year 2003.
9. Consider and act on other business.
10. Public comment.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, Vice President for Legal Affairs, General Counsel, & Corporate Secretary, at (202) 336–8800.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Elizabeth S. Cushing, at (202) 336–8800.

Dated: August 30, 2001.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel, and Corporate Secretary.

[FR Doc. 01–22436 Filed 8–31–01; 8:45 am]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors Operations & Regulations Committee

TIME AND DATE: The Operations and Regulations Committee of the Legal Services Corporation Board of Directors will meet on September 7, 2001. The meeting will begin at 2 p.m. and continue until the Committee concludes its agenda.

LOCATION: Hilton Alexandria Mark Center, 5000 Seminary Road, Alexandria, Virginia.

[1] Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term ''meeting'' and, therefore, the requirements of the Sunshine Act do not apply to any such portion of the closed session. 5 U.S.C. 552(b)(a)(2) and (b). See also 45 CFR 1622.2 & 1622.3.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Approval of the minutes of the Committee's meeting of June 29, 2001.
3. Consider and act on the Draft Final Property Acquisition and Management Manual.
4. Consider and act upon the Final Report of the Regulations Review Task Force.
5. Staff report on the status of Current Rulemakings: 45 CFR part 1626 (Restrictions on Legal Assistance to Aliens); 45 CFR part 1611 (Eligibility); and 45 CFR 1639 (Welfare Reform).
6. Consider and act on other business.
7. Public comment.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, Vice President for Legal Affairs, General Counsel & Corporate Secretary, at (202) 336–8800.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Elizabeth S. Cushing, at (202) 336–8800.

Dated: August 30, 2001.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel and Corporate Secretary.

[FR Doc. 01–22437 Filed 8–31–01; 4:08 pm]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors Committee on Provision for the Delivery of Legal Services

TIME AND DATE: The Committee on Provision for the Delivery of Legal Services of the Legal Services Corporation Board of Directors will meet on September 7, 2001. The meeting will begin at 10 a.m. and continue until the Committee concludes its agenda.

LOCATION: Hilton Alexandria Mark Center, 5000 Seminary Road, Alexandria, Virginia.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of agenda.
2. Approval of the minutes of the *Committee's* meeting of June 29, 2001.
3. Update by Bob Gross on the Creation of State Justice Communities.
4. Update by Michael Genz and Reginald Haley on the 2002 Competition.
5. Update by Glenn Rawdon and Joyce Raby on the Technology Grants.
6. Update by Pat Hanrahan on LSC's Diversity Activities.
7. Update by John Eidleman on the 2001 Program ''Quality'' Visits.
8. Report by Anh Tu and Cyndy Schneider on LSC's Visit to Micronesia and Guam.
9. Consider and act on other business.
10. Public comment.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, Vice President for Legal Affairs, General Counsel & Secretary of the Corporation, at (202) 336–8800.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Elizabeth S. Cushing, at (202) 336–8800.

Dated: August 30, 2001.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel and Corporate Secretary.

[FR Doc. 01–22438 Filed 8–31–01; 4:08 pm]

BILLING CODE 7050–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01–106)]

Aerospace Safety Advisory Panel (ASAP); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Tuesday, September 25, 2001, 1 p.m. to 2 p.m. Eastern Daylight Time.

ADDRESSES: National Aeronautics and Space Administration Headquarters, 300 E Street, SW, Room 5W63, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Lengyel, Aerospace Safety Advisory Panel Executive Director, Code Q–1, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0391, if you plan to attend.

SUPPLEMENTARY INFORMATION: This meeting will be conducted via telecon with Panel members and consultants. This meeting will be open to the public up to the seating capacity of the room (12). The agenda for the meeting is as follows: To discuss the Aerospace Safety Advisory Panel response to a National Aeronautics and Space Administration action to review the computer system redundancy approach for the International Space Station and compare it with the best practices used by other organizations that provide high availability computer systems to support human safety and protect high-value assets.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitors register.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–22194 Filed 9–4–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA is submitting the following new information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C.Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until November 5, 2001.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. C. Keith Morton (703) 518–6411, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–518–6433, E-mail: ckmorton@ncua.gov.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling theNCUA Clearance Officer, C. Keith Morton, (703) 518–6411.It is also

available on the following website: *www.NCUA.gov.*

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0063.

Form Number: CLF–8702.

Type of Review: Revision to a currently approved collection.

Title: Central Liquidity Facility (CLF) Regular Member Membership Application.

Description: This is a one-time form used to request membership in the CLF.

Respondents: Credit unions seeking membership in the CLF.

Estimated No. of Respondents/ Recordkeepers: 25.

Estimated Burden Hours Per Response: .50 hours.

Frequency of Response: Other. As credit unions request membership in the CLF.

Estimated Total Annual Burden Hours: 12.5 hours.

Estimated Total Annual Cost: N/A.

By the National Credit Union Administration Board on August 28, 2001.

Becky Baker,

Secretary of the Board.

[FR Doc. 01–22191 Filed 9–4–01; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA is submitting the following new information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C.Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until November 5, 2001.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. C. Keith Morton (703) 518–6411,National Credit Union Administration, 1775 Duke Street,Alexandria, Virginia 22314–3428,Fax No. 703–518–6433,E-mail: ckmorton@ncua.gov.

OMB Reviewer: Alexander T. Hunt (202) 395–7860,Office of Management and Budget,Room 10226, New Executive Office Building,Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling theNCUA Clearance Officer, C. Keith Morton, (703) 518–6411.It is also available on the following website: *www.NCUA.gov.*

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0064.

Form Number: CLF–7000, 7001, 7002, 7003, & 7004.

Type of Review: Extension of a currently approved collection.

Title: Forms and Instructions for Central Liquidity Facility (CLF) Loans.

Description: Forms used by each borrower from the CLF.

Respondents: Credit Unions that borrow from the CLF.

Estimated No. of Respondents/ Recordkeepers: 25.

Estimated Burden Hours Per Response: 1 hour.

Frequency of Response: Other. As the need for borrowing arises.

Estimated Total Annual Burden Hours: 25 hours.

Estimated Total Annual Cost: N/A.

By the National Credit Union Administration Board on August 28, 2001.

Becky Baker,

Secretary of the Board,

[FR Doc. 01–22192 Filed 9–4–01; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Application Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under the Antarctic Conservation Act.

SUMMARY: Notice is hereby given that the National Science Foundation (NSF) has received a waste management permit application for continued operation of a small research camp at Cape Shirreff, Livingston Island, Antarctica, by Dr. Rennie S. Holt, a citizen of the United States. The application is submitted to NSF pursuant to regulations issued under the Antarctic Conservation Act of 1978.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application on or before October 5, 2001. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Joyce A. Jatko or Nadene Kennedy at the above address or (703) 292–8030.

SUPPLEMENTARY INFORMATION: NSF's Antarctic Waste Regulation, 45 CFR part 671, requires all U.S. citizens and entities to obtain a permit for the use or release of a designated pollutant in Antarctica, and for the release of waste in Antarctica. NSF has received a permit application under this Regulation for the continued operation of a small remote research camp at Cape Shirreff, Livingston Island, Antarctica (62°28′07″S, (60°46′10″W) for another five years to continue predator-prey studies initiated in 1996 at the site. The permit period requested is from November 15, 2001 to April 30, 2006. Cape Shirreff is an ice-free peninsula towards the western end of the north coast of Livingston Island, and is designated as Antarctic Specially Protected Area No. 149 under the Antarctic Treaty. The camp consists of approximately four semi-permanent structures containing work, living, and storage spaces. During the field season from early September through the end of March of each year, four to six scientists will utilize the camp.

The permit applicant is: Dr. Rennie S. Holt, Director, U.S. AMLR Program, Southwest Fisheries Science Center, National Marine Fisheries Service, 8604 La Jolla Shores Drive, La Jolla, CA 92038.

Nadene G. Kennedy,

Permit Officer.

[FR Doc. 01–22176 Filed 9–4–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section

189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from August 13, 2001 through August 24, 2001. The last biweekly notice was published on August 22, 2001 (66 FR 44161).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed no Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By October 5, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Branch, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Assess and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document room (PDR) Reference staff at 1–800–397–4209, 304–415–4737 or by email to pdr@nrc.gov.

Calvert Cliffs Nuclear Power Plant, Inc., Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendments request: July 26, 2001.

Description of amendments request: The proposed amendment modifies Administrative Controls Technical Specifications (TSs) 5.5.14.b and 5.5.14.b.2 such that they are consistent with Title 10 of the Code of Federal Regulations (10 CFR), § 50.59.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change replaces the word ''involve'' with ''require'' and deletes reference to the term ''unreviewed safety question'' consistent with 10 CFR 50.59. Deletion of the term ''unreviewed safety question'' was approved by the Nuclear Regulatory Commission with the revision to 10 CFR 50.59. Consequently, the probability of an accident previously evaluated is not significantly increased. Changes to the TS Bases are still subject to 10 CFR 50.59. As a result, the consequences of any accident previously evaluated are not significantly affected.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not create the possibility of a new or different [kind] of accident from any accident previously evaluated.

The proposed changes do not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing plant operation. These changes are considered administrative changes and do not modify, add, delete, or relocate any technical requirements in the TS.

Therefore, this proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Would not involve a significant reduction in a margin of safety.

The proposed changes will not reduce the margin of safety because they have no effect on any safety analyses assumptions. Changes to the TS Bases are still subject to 10 CFR 50.59, including prior Nuclear Regulatory Commission approval if the criteria in 10 CFR 50.59(c)(2) are met. The proposed changes to TS 5.5.14 are considered administrative in nature based on the revision to 10 CFR 50.59.

Therefore, this proposed modification does not significantly reduce the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

Attorney for licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Peter Tam (Acting).

Calvert Cliffs Nuclear Power Plant, Inc., Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendments request: July 27, 2001.

Description of amendments request: The proposed amendment modifies the conditions and required actions for the control room emergency ventilation system (CREVS) of Technical Specification (TS) 3.7.8 for Calvert Cliffs Nuclear Power Plant, Units Nos. 1 & 2. Note 2 is being added to TS 3.7.8 to specify CREVS train operability requirements during the movement of irradiated fuel assemblies. Associated Limiting Conditions for Operation (LCO) Action Statements F and G are also being modified to be consistent with the addition of Note 2.

The proposed amendment also modifies the conditions and required actions for the control room emergency temperature system (CRETS) of TS 3.7.9. The existing note in TS 3.7.9 is being modified to specify CRETS train operability requirements during the movement of irradiated fuel assemblies. LCO Action Statements C and D are also being modified to be consistent with the addition of Note 2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes will modify the conditions and required actions for the Control Room Emergency Ventilation System (CREVS) and the Control Room Emergency Temperature System (CRETS) to reflect the licensing basis for movement of irradiated fuel assemblies. The CREVS and CRETS mitigate the consequences of an accident and do not initiate an accident. The CREVS provides protection to the control room operators in the event of a radioactive release. The CRETS provides protection to the Control Room by maintaining the temperature below the required limit. Therefore, changing the Conditions, Required Actions, and Completion Times for the CREVS and CRETS does not increase the probability of an accident.

As described in the Updated Final Safety Analysis Report (UFSAR), the CREVS and CRETS mitigate the consequences of six accidents. All but the fuel handling accident are postulated to occur during Modes 1, 2, 3, or 4. The fuel handling accident is only

postulated to occur during the movement of irradiated fuel assemblies. The changes proposed would only alter the response to the loss of one CREVS or CRETS train during the movement of irradiated fuel assemblies. Since a single failure is not required to be postulated during the response to a fuel handling accident, having one CREVS or CRETS train out-of-service during fuel movement would not result in a change to the ability of the CREVS or CRETS to mitigate the consequences of a design basis fuel handling accident. The loss of one CREVS or CRETS train during Modes 1, 2, 3, or 4 is covered by other Conditions, and those Conditions have not been changed by this request. Therefore, the ability of the CREVS or CRETS to respond to any design basis accident would not be diminished by this proposed change.

Therefore, the proposed Technical Specification changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not create the possibility of a new or different [kind] of accident from any accident previously evaluated.

The proposed changes do not involve a change in the operation of the plant and no new accident initiation mechanism is created by the proposed changes. The operations of the CREVS or CRETS are not altered by the proposed changes. The proposed changes do not change the licensing basis requirements for the CREVS or CRETS response to the accidents described in the UFSAR. No plant changes will be made as a result of this request. No conditions have been created by this request that might result in a new accident that has not been previously analyzed. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Would not involve a significant reduction in the margin of safety.

The margin of safety created by the response of the CREVS or CRETS to various accidents has not been reduced by the proposed changes in the Conditions, Required Actions, or Completion Times. These changes merely clarify the Technical Specification so that the licensing basis is more accurately reflected. The fuel handling accident does not assume a single failure occurs during the plant response to the event; therefore, the loss of a single CREVS or CRETS train does not place the plant outside of the licensing basis. This would be reflected in the proposed changes. The changes do not alter the operation or response requirements of the CREVS or CRETS. The CREVS and CRETS will continue to respond to accidents as designed. Operators will continue to be protected as described in the UFSAR. Therefore, the margin of safety is not significantly reduced by these proposed changes.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

Attorney for licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Peter Tam (Acting).

Calvert Cliffs Nuclear Power Plant, Inc., Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendments request: July 27, 2001.

Description of amendments request: The proposed amendment will add additional references to Technical Specification (TS) 5.6.5.b for the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 & 2. The references will allow the use of ZIRLO™ clad fuel rods in the Calvert Cliffs' reactor cores.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change allows the use of methods required for the implementation of ZIRLO™ clad fuel rods in Calvert Cliffs Unit Nos. 1 and 2 and the use of current versions of the ECCS [emergency core cooling system] performance evaluation models for large and small break LOCAs [loss-of-coolant accidents]. The use of updated analysis methodologies will not increase the probability of an accident because the plant systems will not be operated outside of design limits, no different equipment will be operated, and system interfaces will not change.

With ZIRLO™ material introduced in the reactor, cores will exist in which ZIRLO™ and Zircaloy-4 clad fuel rods are co-resident. Fuel rods clad with each material will be evaluated based on the approved topical report.

The use of the three additional methodologies will not increase the consequences of an accident because Limiting Conditions for Operation (LCOs) will continue to restrict operation to within the regions that provide acceptable results, and Reactor Protective System (RPS) trip setpoints will restrict plant transients so that the consequences of accidents will be acceptable. Also, the consequences of the accidents will be calculated using NRC accepted methodologies.

The cores that will exist with ZIRLO™ and/or Zircaloy-4 clad fuel in the reactor will not increase the consequences of an accident. Operation within the LCOs and RPS setpoints will continue to restrict plant transients so that the consequences of accidents will be acceptable.

Therefore, the proposed Technical Specification changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not create the possibility of a new or different [kind] of accident from any accident previously evaluated.

The proposed change does not add any new equipment, modify any interfaces with any existing equipment, alter the equipment's function or change the method of operating the equipment. The proposed change does not alter plant conditions in a manner that could affect other plant components. The proposed change does not cause any existing equipment to become an accident initiator. The ZIRLO™ clad fuel rod design does not introduce features that could initiate an accident. Therefore, the proposed change does not create the possibility of a new or different [kind] of accident from any accident previously evaluated.

3. Would not involve a significant reduction in the margin of safety.

Safety Limits ensure that Specified Acceptable Fuel Design Limits are not exceeded during steady state operation, normal operational transients, and anticipated operational occurrences. All fuel limits and design criteria shall be met based on the approved methodologies defined in the topical reports. The RPS in combination with the LCOs, will continue to prevent any anticipated combination of transient conditions for reactor coolant system temperature, pressure and thermal power level that would result in a violation of the Safety Limits. Therefore, the proposed changes will not involve a significant reduction in the margin of safety.

The safety analyses determine the LCO settings and RPS setpoints that establish the initial conditions and trip setpoints, which ensure that the Design Basis Events (Postulated Accidents and Anticipated Operational Occurrences) analyzed in the Updated Final Safety Analysis Report produce acceptable results. Also all fuel limits and design criteria shall be satisfied. The Design Basis Events that are impacted by the implementation of ZIRLO™ cladding will be analyzed using the NRC accepted methodology described in CENPD–404–P.

The change in the fuel rod cladding material and the use of the current ECCS performance evaluation models will not involve a reduction in the margin of safety because acceptable results for the impacted Design Basis Events will be maintained.

Therefore, the margin of safety is not significantly reduced by this proposed change.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

Attorney for licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Peter Tam, Acting.

Carolina Power & Light Company, et al., Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2 (BSEP), Brunswick County, North Carolina

Date of amendments request: August 1, 2001.

Description of amendments request: The proposed amendments would revise the Technical Specifications (TS) to support a full-scope application of an Alternative Source Term (AST). The AST analyses were performed following the guidance in Regulatory Guide 1.183, ''Alternative Radiological Source Terms For Evaluating Design Basis Accidents At Nuclear Power Reactors,'' dated July 2000, and Standard Review Plan Section 15.0.1, ''Radiological Consequences Analyses Using Alternative Source Terms.'' *Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed license amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The BSEP systems affected by implementation of the Alternative Source Term analyses and the relaxations associated with TSTF [Technical Specification Task Force]-51, Revision 2, are not initiators of any design basis accidents. Therefore, because design bases accident initiators are not being altered by adoption of the Alternative Source Term analyses and the relaxations associated with TSTF–51, Revision 2, the probability of an accident previously evaluated is not affected. The Alternative Source Term does not affect the design or normal operation of the facility. Rather, once the occurrence of the accident has been postulated, the Alternative Source Term is an input used to evaluate the consequences of an accident. Implementation of the Alternative Source Term has been evaluated for the limiting design basis accidents at BSEP, and it has been demonstrated that the dose consequences of those limiting design bases accidents are within the regulatory guidance provided by the NRC in Regulatory Guide 1.183 and Standard Review Plan Section 15.0.1. For a fuel handling accident, the AST analyses demonstrate acceptable doses, within regulatory limits, without credit for secondary containment or automatic isolation of the Control Room. As such, the consequences of an accident previously evaluated are not affected.

Based on the above, the proposed license amendments do not involve an increase in the probability or consequences of an accident previously evaluated.

2. The proposed license amendments will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The BSEP systems affected by implementing the Alternative Source Term changes and the changes associated with TSTF–51, Revision 2, do not alter any design bases accident initiators or create new types of accident precursors. In addition, these changes do not affect the design function or mode of operation of systems, structures, or components in the facility such that new equipment failure modes are created. Therefore, the proposed license amendments will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed license amendments do not involve a significant reduction in a margin of safety.

The changes proposed are associated with the implementation of a new licensing basis for BSEP. Approval of the change from the original source term, developed in accordance with TID–14844, to a new Alternative Source Term, as described in NUREG–1465, ''Accident Source Terms for Light-Water Nuclear Power Plants, Final Report,'' dated February 1, 1995, is being requested. The results of the accident analyses, revised in support of the proposed license amendments, are subject to revised acceptance criteria. These analyses have been performed using conservative methodologies, as specified in Regulatory Guide 1.183. Safety margins have been evaluated and margin has been retained to ensure that the analyses adequately bound the postulated limiting event scenarios. The dose consequences of these limiting events are within the acceptance criteria presented in 10 CFR 50.67, ''Alternative source term,'' and Regulatory Guide 1.183.

The proposed changes continue to ensure that the doses at the exclusion area and low population zone boundaries, as well as the Control Room and Emergency Operations Facility/Technical Support Center, are within corresponding regulatory limits. Specifically, the margin of safety for these accidents is considered to be that provided by meeting the applicable regulatory limits, which for three of five event scenarios (i.e., the control rod drop accident, the fuel handling accident, and one of the two limits for a main steam line break accident), is conservatively set below the 10 CFR 50.67 limit. With respect to the Control Room personnel doses, the margin of safety is the difference between the 10 CFR 50.67 limits and the regulatory limit defined by 10 CFR 50, Appendix A, General Design Criterion 19.

Since the proposed changes continue to ensure that the doses at the exclusion area and low population zone boundaries, as well as the Control Room are within corresponding regulatory limits, the proposed license amendments do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William D. Johnson, Vice President and Corporate Secretary, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Section Chief: Richard P. Correia.

Consolidated Edison Company of New York, Inc., Docket No. 50–003, Indian Point Nuclear Generating Station, Unit 1, Buchanan, New York

Date of amendment request: July 13, 2001.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 6.12, ''High Radiation Area,'' to delete the administrative requirements for the control of access to high radiation areas. The control of access to these areas is assured by plant radiation protection programs that comply with 10 CFR 20.1601 requirements by using the alternate method in Regulatory Guide 8.38, ''Control of Access to High and Very High Radiation Areas of Nuclear Power Plants,'' June 1993.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed license amendment involve a significant increase in the probability or in the consequences of an accident previously evaluated?

The proposed TS change is administrative in nature. It involves deleting specific requirements for complying with a subparagraph of 10 CFR [part] 20 for the purpose of controlling access to high radiation areas. Accident evaluations do not consider the effects of methods of controlling access to high radiation areas. The proposed changes do not result in a change to the design or operation of [* * *] any plant structure, system, or component. Therefore any assumptions of the operability or performance of any structure, system, or component in accident evaluations are unchanged.

Therefore, there is no increase in the probability or in the consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change is administrative in nature. The methods of controlling access to high radiation areas do not affect the design or operation of any plant structure, system, or component. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

The proposed TS change is administrative in nature. It involves deleting specific

requirements for complying with a subparagraph of 10 CFR [part] 20. However, effective compliance with 10 CFR [part] 20 is mandated by [* * *] another IP1 [Indian Point Nuclear Generating Station, Unit 1] TS provision. The effectiveness of Con Edison [Consolidated Edison Company of New York, Inc.] compliance with 10 CFR [part] 20 is not adversely affected by this change. In addition, this change does not affect any design function for or the operation of any plant structure, system, or component.

Therefore, the change does not affect any of the safety analyses or any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003.

NRC Section Chief: Robert A. Gramm.

Duke Energy Corporation, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: August 14, 2001.

Description of amendment request: The proposed amendments would revise Technical Specification Surveillance Requirement 3.3.5.2 by changing the Engineered Safeguards Protective System Analog Instrument channel functional test frequency from 31 days to 92 days.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Pursuant to 10 CFR 50.91, Duke Power Company (Duke) has made the determination that this amendment request involves a No Significant Hazards Consideration by applying the standards established by the NRC regulations in 10 CFR 50.92. This ensures that operation of the facility in accordance with the proposed amendment would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated:

No. This is a proposed change to the Technical Specification (TS) 3.3.5 Engineered Safeguards Protective System (ESPS) Analog Instrumentation, Surveillance Requirement (SR) 3.3.5.2 for the channel functional test. The proposed change to TS 3.3.5 ESPS Analog Instrumentation, SR 3.3.5.2 will extend the current 31 day surveillance frequency to a 92 day surveillance frequency. The proposed change does not alter the method of operating or configuration for any Structure, System, or Component.

(2) Create the possibility of a new or different kind of accident from any kind of accident previously evaluated:

No. The ESPS Analog Instrumentation provides the necessary actuation of the Engineered Safety Features based on the Reactor Coolant and/or Reactor Building pressure. The proposed revision to the frequency for SR 3.3.5.2 will not alter the actuation of the Engineered Safety Features. The channel functional testing of the ESPS Analog Instrumentation will continue to be performed in an acceptable timeframe following the implementation of the proposed change.

(3) Involve a significant reduction in a margin of safety.

No. The proposed revision to the frequency for SR 3.3.5.2 will not impact the operation of the ESPS Analog Instrumentation. In addition, the channel functional testing of the ESPS Analog Instrumentation will continue to be performed in an acceptable timeframe following the implementation of the proposed change.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

Attorney for licensee: Anne W. Cottington, Winston and Strawn, 1200 17th Street, NW., Washington, DC 20005.

NRC Section Chief: Richard L. Emch, Jr.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of amendment request: August 23, 2001.

Description of amendment request: The proposed amendment would revise the technical specifications to eliminate the requirement to move control element assembly #43 for the remainder of Cycle 15.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

One function of the CEAs [control element assemblies] is to provide a means of rapid negative reactivity addition into the core. This occurs upon receipt of a signal from the Reactor Protection System. This function will continue to be accomplished with the approval of the proposed change. Typically, once per 92 days each CEA is moved at least five inches to prove operability. Operability of a CEA requires the CEA be trippable and free from mechanical binding, *i.e.*, moveable. CEA #43 is operable. However, due to abnormal coil voltage on two of the five coils that move CEA #43, if CEA #43 were moved to perform the SR [surveillance requirement], it is possible that a drop rod incident could occur. The misoperation of a CEA, which includes a drop rod incident, is an abnormal occurrence and has been evaluated as part of the ANO–2 [Arkansas Nuclear One, Unit 2] accident analysis. The proposed change would eliminate the requirement to move CEA #43 every 92 days and therefore eliminate the potential of CEA misoperation, associated down power, and challenge to the plant.

If a reactor trip signal were generated, CEA #43 has been demonstrated to be operable and will drop into the core along with the remaining CEAs to ensure reactor shutdown. No modifications are proposed to the Reactor Protection System or associated Control Element Drive Mechanism Control System logic. The accident mitigation features of the plant are not affected by the proposed amendment.

Therefore, this change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

CEA #43 is operable, both moveable and trippable. The proposed change will not introduce any new design changes or systems. If a reactor trip were generated, CEA #43 will drop into the core along with the remaining CEAs to ensure reactor shutdown. The proposed change does not establish a potential for a new accident precursor.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

CEA #43 will continue to have the same capability to mitigate an accident as it had prior to approval of the proposed TS [technical specification] change. CEA #43 is moveable and trippable.

Therefore, this change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502

NRC Section Chief: Robert A. Gramm.

Entergy Operations Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: July 18, 2001.

Description of amendment request: The submittal requests a change to Technical Specifications (TS) Definitions 1.12 and 1.25, the effect of which will be to allow either an allocated or a measured response time to be utilized for the sensors in the Reactor Protective System and Engineered Safety Features Actuation System instrument loops.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed amendment to Technical Specifications (TS) Definitions 1.12 and 1.25 allows substitution of an allocated sensor response time in lieu of measuring sensor response time. Response time testing is not an initiator of any accident previously evaluated. Further, overall system response time will continue to meet Technical Specification requirements. The allocated sensor response times allowed in lieu of measurement have been determined to adequately represent the response time of the components such that the safety systems utilizing those components will continue to perform their accident mitigation function as assumed in the safety analysis.

Therefore, this change does not involve a significant increase in the probability of consequences of any accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed amendment to TS Definitions 1.12 and 1.25 allows the substitution of an allocated sensor response time in lieu of sensor response time testing for selected components. The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. The use of allocated response times in lieu of measured response times result in no physical change to the plant.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

The proposed amendment does not involve a significant reduction in a margin of safety. The proposed amendment to TS 1.1, Definitions, allows the substitution of an allocated sensor response time in lieu of measured sensor response time for certain pressure sensors. The allocated pressure sensor response times allowed in lieu of measurement have been determined to adequately represent the response time of the components such that the safety systems utilizing those components will continue to perform their accident mitigation function as assumed in the safety analysis.

Therefore, this change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: N. S. Reynolds, Esquire, Winston and Strawn 1400 L Street NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Exelon Generation Company, LLC, Docket Nos. 50–237, Dresden Nuclear Power Station, Unit 2, Grundy County, Illinois

Date of amendment request: June 6, 2001.

Description of amendment request: The proposed amendment would revise the values of the Safety Limit for the Minimum Critical Power Ratio in Technical Specification 2.1.1.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated.

The probability of an evaluated accident is derived from the probabilities of the individual precursors to that accident. The consequences of an evaluated accident are determined by the operability of plant systems designed to mitigate those consequences. Limits have been established consistent with NRC approved methods to ensure that fuel performance during normal, transient and accident conditions is acceptable. The proposed change conservatively establishes the safety limit for the minimum critical power ratio (SLMCPR) for Dresden Nuclear Power Station (DNPS), Unit 2, Cycle 18 such that the fuel is protected during normal operation and during any plant transients or anticipated operational occurrences.

Changing the SLMCPR does not increase the probability of an evaluated accident. The change does not require any physical plant modifications, physically affect any plant components, or entail changes in plant operations. Therefore, no individual precursors of an accident are affected.

The proposed change revises the SLMCPR to protect the fuel during normal operation as well as during any transients or anticipated operational occurrences. Operational limits will be established based on the proposed SLMCPR to ensure that the SLMCPR is not violated during all modes of operation. This will ensure that the fuel design safety criteria (i.e., that at least 99.9 percent of the fuel rods do not experience transition boiling during normal operation and anticipated operational occurrences) is met. Since the operability of plant systems designed to mitigate any consequences of accidents has not changed, the consequences of an accident previously evaluated are not expected to increase.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Creation of the possibility of a new or different kind of accident would require the creation of one or more new precursors of that accident. New accident precursors may be created by modifications of the plant configuration, including changes in allowable modes of operation. The proposed change does not involve any modifications of the plant configuration or allowable modes of operation. The proposed change to the SLMCPR assures that safety criteria are maintained for DNPS, Unit 2, Cycle 18.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

The value of the proposed SLMCPR provides a margin of safety by ensuring that no more than 0.1 percent of the rods are expected to be in boiling transition if the [minimum critical power ratio] MCPR limit is not violated. The proposed change will ensure the appropriate level of fuel protection. Additionally, operational limits will be established based on the proposed SLMCPR to ensure that the SLMCPR is not violated during all modes of operation. This will ensure that the fuel design safety criteria (i.e., that at least 99.9 percent of the fuel rods do not experience transition boiling during normal operation as well as anticipated operational occurrences) are met.

Therefore, the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are

satisfied. Therefore, the NRC staff proposes to determine that the requested amendment involve no significant hazards consideration.

Attorney for licensee: Mr. Edward J. Cullen, Vice President, General Counsel, Exelon Generation Company, LLC, 300 Exelon Way, Kennett Square, PA 19348.

NRC Section Chief: Anthony J. Mendiola.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: May 30, 2001.

Description of amendment request: The proposed amendment would change the Technical Specification (TS) 5.5.7.a, b, and c, to update the Ventilation Filter Testing Program at Cooper Nuclear Station.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The District has evaluated each of the proposed TS changes in accordance with the criteria set forth in 10 CFR 50.92 and has determined that the proposed changes do not involve a significant hazards consideration.

The determination that the proposed changes do not involve a significant hazards consideration is based on an evaluation of these changes against each of the criteria in 10 CFR 50.92. The criteria and the conclusions of the evaluation are presented below.

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The application of the 1989 version of ASME N510 will not change any of the surveillance requirements for operability of the SGT or the CREF. The changes with respect to RG 1.52 are editorial in nature and will not result in any changes in surveillance requirements. Since SGT and CREF are ESF systems and not accident initiators the probability of an accident evaluated in the Updated Safety Analysis Report will not be increased. As such, the probability of occurrence for a previously analyzed accident is not significantly increased.

The consequences of a previously analyzed event are dependent on the initial conditions assumed for the analysis, the availability and successful functioning of the equipment assumed to operate in response to the analyzed event, and the setpoints at which these actions are initiated. This change does not affect the performance of any credited equipment. These details of testing are not analysis assumptions. Based on this evaluation, there is no significant increase in the consequences of a previously analyzed event.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant. No new equipment is being introduced, and installed equipment is not being operated in a new or different manner. There is no change being made to the parameters within which the plant is operated. There are no setpoints, at which protective or mitigative actions are initiated, affected by this change. This change will not alter the manner in which equipment operation is initiated, nor will the function demands on credited equipment be changed. The change does not result in alteration of the procedures which ensure the plant remains within analyzed limits, and no change is being made to the procedures relied upon to respond to an off-normal event. As such, no new failure modes are being introduced. The change does not alter assumptions made in the safety analysis and licensing basis. Therefore, the change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does this change involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is established through equipment design, operating parameters, and the setpoints at which automatic actions are initiated. Sufficient equipment remains available to actuate upon demand for the purpose of mitigating an analyzed event. The proposed change, which replaces references to ASME N510–1980 with references to ASME N510–1989, is acceptable because the tests continue to require appropriated confirmation of the assumed function of the systems (and thereby assure continued operability), and more accurately presents acceptable testing conditions. The changes with respect to RG 1.52 are editorial in nature and do not change existing surveillances. There is no detrimental impact on any equipment design parameter, and the plant will still be required to operate within prescribed limits. Therefore, the change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. John R. McPhail, Nebraska Public Power District, Post Office Box 499, Columbus, NE 68602–0499

NRC Section Chief: Robert A. Gramm.

PPL Susquehanna, LLC, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of amendment request: May 31, 2001.

Description of amendment request: The proposed amendment would revise Technical Specification 2.1.1.2 to reflect the Unit 1 Cycle 13 (U1C13) minimum critical power ratio (MCPR) safety limits.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated?

No. The proposed change to the MCPR Safety Limit does not directly or indirectly affect any plant system, equipment, component, or change the way in which the plant is operated. Thus, this proposed amendment does not involve a significant increase in the probability of occurrence of an accident previously evaluated.

Prior to the startup of U1C13, licensing analyses are performed (using NRC approved methodology referenced in Technical Specification Section 5.6.5.b) to determine changes in the critical power ratio as a result of anticipated operational occurrences. These results are added to the MCPR Safety Limit values proposed herein to generate the MCPR operating limits in the U1C13 COLR [Core Operating Limits Report]. These limits could be different from those specified for the U1C12 COLR. The COLR operating limits thus assure that the MCPR Safety Limit will not be exceeded during normal operation or anticipated operational occurrences.

Therefore, this proposed amendment does not involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously analyzed?

No. The change to the MCPR Safety Limits and the U1C13 core loading which it supports does not directly or indirectly affect any plant system, equipment, or component (other than the core itself) and therefore does not affect the failure modes of any of these. Thus, the proposed changes do not create the possibility of a previously unevaluated operator error or a new single failure.

Therefore, this proposed amendment does not involve a possibility of a new or different kind of accident from any previously analyzed.

3. Does the proposed change involve a significant reduction in a margin of safety.

No. Since the proposed changes do not affect any plant system, equipment, or component, the proposed change will not jeopardize or degrade the function or operation of any plant system or component governed by Technical Specifications. The proposed MCPR Safety Limits do not involve a significant reduction in the margin of safety as currently defined in the Bases of the applicable Technical Specification sections, because the MCPR Safety Limits calculated for U1C13 preserve the required margin of safety.

Therefore these changes do not involve a significant reduction in [a] margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Bryan A. Snapp, Esquire, Assoc. General Counsel, PPL Services Corporation, 2 North Ninth St., GENTW3, Allentown, PA 18101–1179.

NRC Section Chief: Peter Tam, Acting.

PPL Susquehanna, LLC, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: June 1, 2001, as supplemented June 13, 2001.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) Section 3.7.1, Residual Heat Removal Service Water (RHRSW) System and Ultimate Heat Sink (UHS), to address previously unidentified single failure vulnerabilities when one or more RHRSW subsystems are inoperable.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated?

Implementation of the subject changes reduces the probability of occurrence and the probability of adverse consequences of accidents previously evaluated. Inclusion of the large array valves and the bypass valves to the Technical Specifications (TS) recognizes their importance to safe shutdown. The administrative controls that TS's invoke increases the probability that potential inoperability of these valves is controlled and managed in a manner commensurate with their risk significance.

Reducing the completion time for RHRSW subsystem inoperable conditions recognizes their importance to safe shutdown commensurate with their risk significance.

These changes do not affect the design or operation of the affected components/systems and serves to increase the level of administrative control for the UHS and RHRSW system that will help to ensure the ability to achieve safe shutdown.

Therefore, this proposed amendment does not involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously analyzed?

The subject changes apply Technical Specification administrative controls to the UHS bypass and large array valves and shortens the completion times applicable to RHRSW inoperable conditions. The design and operation of the affected components and systems is not affected.

Application of these administrative controls does not involve a possibility of a new or different kind of accident from any previously analyzed.

3. Does the proposed change involve a significant reduction in a margin of safety.

Implementation of the subject changes increases the margin of safety since these changes add Technical Specification controls to components not currently addressed in the Technical Specifications and reduces the completion times for subsystems currently addressed in the Technical Specifications. These changes better account for the affected components/systems impact on safe shutdown.

Therefore these changes do not involve a significant reduction in [a] margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Bryan A. Snapp, Esquire, Assoc. General Counsel, PPL Services Corporation, Inc., 2 North Ninth St., GENTW3, Allentown, PA 18101–1179.

NRC Section Chief: Peter Tam, Acting.

Rochester Gas and Electric Corporation, Docket No. 50–244, R. E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: May 3, 2001.

Description of amendment request: The licensee proposed to amend Ginna Station Improved Technical Specifications (ITS) to reflect the design changes to the actuation circuitry associated with the Control Room Emergency Air Treatment System (CREATS). The proposed design changes consist of replacing the current diverse radiation monitors with two Gieger-Mueller (GM) tubes powered from two separate safety-related power supplies which are configured into two redundant actuation logic trains, including manual initiation. The design changes is intended to increase system reliability by providing redundancy and reducing spurious actuations. As a result of the proposed design changes, the licensee requested that the following changes be made to the Limiting Condition for Operation (LCO) 3.3.6 for the CREATS Actuation Instrumentation:

a. Add a new Condition to require immediately placing the CREATS in the emergency mode of operation upon the loss of two instrument channels/trains.

b. Add a new surveillance requirement involving a CHANNEL CHECK of the Control Room Radiation Intake Monitors.

c. Revise Table 3.3.6–1 to increase the number of trains of Manual Initiation, and Automatic Actuation Logic and Actuation Relays, from one train to two trains.

d. Extend the Completion Time of the Required Action for a loss of one channel/train from 1 hour to 7 days as the result of installing redundant channels/trains.

e. Revise Table 3.3.6–1 to remove reference to the Iodine, Noble Gas, and Particulate Control Room Radiation Intake Monitors. These monitors will be replaced by the two new GM tubes.

f. Revise Table 3.3.6–1 to replace the column heading ''Trip Setpoint'' with ''Allowable Value.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff reviewed the licensee's analysis against the three standards of 10 CFR 50.92(c). The NRC staff's analysis is presented below:

The first standard requires that operation of the unit in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed ITS changes listed above will not increase the probability of an accident previously evaluated because the CREATS actuation system is not an accident initiator as this system performs only mitigative functions. In particular, the system is designed to provide a protective environment from which the operators can control the plant following an uncontrolled release of radioactivity during a design-basis accident. The proposed design changes (increase system redundancy and reliability) and the ITS changes associated with LCO 3.3.6 (*i.e.*, action statements for loss of instrument channels/trains, channel check requirements, *etc.*,) will only ensure that the CREATS will continue to perform its safety functions and that the consequences of an accident previously evaluated will not increase.

The second standard requires that operation of the unit in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed ITS changes listed above will not create the possibility of a new or different kind of

accident from any accident previously evaluated because the CREATS actuation system is not an accident initiator as this system performs only mitigative functions. The proposed change creates no new functional interactions with existing plant equipment nor does it introduce any new failure mode or mechanisms which could lead to reactor core damage or fission product release.

The third standard requires that operation of the unit in accordance with the proposed amendment will not involve a significant reduction in a margin of safety. The proposed ITS changes will not adversely affect the performance of the CREATS, nor will they affect the ability of the system to perform their intended functions. The reason being that the proposed amendment does not involve any new acceptance criteria, analytical limits, or evaluation models which could affect operator dose limits.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Winston & Strawn, 1400 L Street, NW., Washington, DC 20005

NRC Section Chief: P. Tam, Acting.

TXU Electric, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Units 1 and 2, Somervell County, Texas

Date of amendment request: April 25, 2001 as supplemented by letter dated July 31, 2001.

Brief description of amendments: The proposed license amendments would change the Technical Specifications (TS) to allow a one-time only change to TS 3.8.1, ''AC Sources—Operating,'' Action A.3, by extending the required Completion Time for restoration of an inoperable offsite circuit from 72 hours to 21 days.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed one time Technical Specification Completion Time (CT) extension does not significantly increase the probability of occurrence of a previously evaluated accident because the startup transformer [ST] XST2 is not an initiator of previously evaluated accidents involving a loss of offsite power. The proposed changes to the Technical Specification CT do not affect any of the assumptions used in the deterministic or the Probabilistic Safety Assessment (PSA) analysis relative to loss of offsite power initiating event frequency.

The proposed one time Technical Specification CT extension will continue to provide assurance that the sources of power to 6.9 kV AC [kilovolt alternating current] buses perform their function when called upon. Extending the Technical Specification CT to 21 days does not affect the design of XST2, the operational characteristics of XST2, the interfaces between XST2 and other plant systems, the function, or the reliability of XST2. Thus, 6.9 kV AC components will be capable of performing either accident mitigation function and there is no impact to the radiological consequences of any accident analysis.

To fully evaluate the effect of the proposed change, PSA methods and deterministic analysis were utilized. The results of this analysis show no significant increase in the Core Damage Frequency.

The Maintenance Rule (a)(4) risk management program assesses risk based on plant status. It requires the consideration of other measures to mitigate consequences of an accident occurring while a ST is unavailable.

The proposed changes do not alter the operation of any plant equipment assumed to function in response to an analyzed event or otherwise increase its failure probability. Therefore, these changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

These proposed changes do not change the design, configuration, or method of operation of the plant. The proposed activity involves a change to the allowed plant mode for the performance of preventive maintenance that will ensure the inherent reliability of the XST2 Startup Transformer is maintained. No physical or operational change to the ST or supporting systems are made by this activity. Since the proposed change does not involve a change to the plant design or operation, no new system interactions are created by this change. The proposed Technical Specification change does not produce any parameters or conditions that could contribute to the initiation of accidents different from those already evaluated in the Final Safety Analysis Report.

The proposed change only addresses the time allowed to restore the operability of XST2. Thus the proposed Technical Specification change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not affect the Limiting Conditions for Operation or their Bases that are used in the deterministic analysis to establish any margin of safety. PSA evaluations were used to evaluate the proposed change, and these evaluations determined that the net changes are either risk neutral or risk beneficial. The proposed activity involves a one time change to Allowed Outage Times.

The proposed change does not involve a change to the plant design or operation and thus does not affect the design of the ST, the operation characteristics of the ST, the interfaces between the ST and other plant systems, or the function or reliability of the ST. Because ST performance and reliability will continue to be ensured by the proposed one time Technical Specification change, the proposed changes do not result in a reduction in the margin of safety.

Therefore the proposed change does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: George L. Edgar, Esq., Morgan, Lewis and Bockius, 1800 M Street, NW., Washington, DC 20036.*NRC Section Chief:* Robert A. Gramm.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: August 7, 2001 (ET 01–0021).

Description of amendment request: The amendment would add the following to the Wolf Creek Generating Station (WCGS) Technical Specifications (TSs): (1) The phrase, ''or if open, capable of being closed'' to Limiting Condition for Operation (LCO) 3.9.4 for the equipment hatch, during core alterations or movement of irradiated fuel assemblies inside containment, and (2) the requirement to verify the capability to install the equipment hatch in a new Surveillance Requirement (SR) 3.9.4.2. Nothing is proposed to be deleted from the TSs. Existing SR 3.9.4.2 would be renumbered SR 3.9.4.3, but would not otherwise be changed. Item (1) will allow the equipment hatch to be open during the conditions stated above.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or

consequences of an accident previously evaluated.

The proposed changes will allow the equipment hatch to be open during CORE ALTERATIONS and movement of irradiated fuel assemblies inside containment. The status of the equipment hatch during refueling operations has no affect on the probability of the occurrence of any accident previously evaluated. The proposed revision does not alter any plant equipment or operating practices in such a manner that the probability of an accident is increased. Since the consequences of a fuel handling accident inside containment with an open equipment hatch are bounded by the current analysis described in the USAR [Updated Safety Analysis Report for WCGS] and the probability of an accident is not affected by the status of the equipment hatch, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not create any new failure modes for any system or component, nor do they adversely affect plant operation. No new equipment will be added and no new limiting single failures will be created. The plant will continue to be operated within the envelope of the existing safety analysis.

Therefore, the proposed changes do not create a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The previously determined radiological dose consequences for a fuel handling accident inside containment with the air lock doors open remain bounding for the proposed changes. These previously determined dose consequences were determined to be well within the limits of 10 CFR 100 and they meet the acceptance criteria of SRP [Standard Review Plan, NUREG–0800] section 15.7.4 and GDC [General Design Criteria of Appendix A to 10 CFR Part 50] 19.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Stephen Dembek.

Notice of Issuance of Amendments to Facility Operating Licensess

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC web site, *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to pdr@nrc.gov.

Entergy Gulf States, Inc., and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: January 24, 2001, as supplemented by letters dated July 18 and August 3, 2001.

Brief description of amendment: The request consists of a change to Technical Specification 3.6.1.3, ''Primary Containment Isolation Valves (PCIVs),'' to permit the operation of the Inclined Fuel Transfer System (IFTS) bottom valve after removal of the IFTS primary containment isolation blind flange while the containment is required to be operable.

Date of issuance: August 16, 2001.

Effective date: As of the date of issuance and shall be implemented 30 days from the date of issuance.

Amendment No.: 117.

Facility Operating License No. NPF–47: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 21, 2001 (66 FR 15921). The supplemental letters dated July 18 and August 3, 2001, provided additional information that did not expand the scope of the application as originally noticed, and did not change the Nuclear Regulatory Commission (the Commission) staff's proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 16, 2001.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket Nos. 50–313 and 50–368, Arkansas Nuclear One, Units 1 and 2, Pope County, Arkansas

Date of amendment request: January 27, 2000, as supplemented by letters dated March 1, June 12, and July 26, 2001.

Brief description of amendments: The amendments allow the qualified condensate storage tank to be used for both units and defines new minimum volume requirements for the tank depending on whether Arkansas Nuclear One, Unit 1, Arkansas Nuclear One, Unit 2, or both units are aligned to the tank. The total volume requirements, the allowable alternative alignment for ANO–2, and other aspects of the Technical Specifications (TSs) are unaffected by the change.

Date of issuance: August 16, 2001.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: 214, 232.

Facility Operating License Nos. DPR–51 and NPF–6: Amendments revised the TSs.

Date of initial notice in ***Federal Register:*** May 30, 2001 (66 FR 29352).

The supplemental letters dated June 12 and July 26, 2001, provided additional information and revised TSs that did not expand the scope of the

application or change the initial proposed no significant hazards consideration determination which addressed the original application and supplement dated March 1, 2001.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 16, 2001.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., System Energy Resources, Inc., South Mississippi Electric Power Association, and Entergy Mississippi, Inc., Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: August 10, 2001.

Brief description of amendment: The proposed amendment will provide an alternative method for complying with the Limiting Conditions for Operation (LCO) requirements of Technical Specification 3.3.4.1, ''End of Cycle Recirculation Pump Trip (EOC-RPT) Instrumentation,'' and require that an additional REQUIRED ACTION be added to CONDITION B as REQUIRED ACTION B.2.

Date of issuance: August 10, 2001.

Effective date: August 10, 2001.

Amendment No.: 148.

Facility Operating License No. NPF–29: Amendment revises the TS.

The Commission's related evaluation of the amendment, finding of emergency circumstances, and final determination of no significant hazards consideration, are contained in a Safety Evaluation dated August 10, 2001.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., 12th Floor, Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Exelon Generation Company, LLC, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Date of application for amendments: September 1, 2000.

Brief description of amendments: Add a Technical Specification (TS) section regarding mechanical vacuum pump trip instrumentation.

Date of issuance: August 16, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment Nos.: 186 and 181.

Facility Operating License Nos. DPR–19 and DPR–25: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** February 21, 2001.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 16, 2001.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of application for amendments: April 16, 2001.

Brief description of amendments: The amendments change the reference in Technical Specification 5.5.6, ''Inservice Inspection Program for Post Tensioning Tendons,'' from Regulatory Guide 1.35, ''Inservice Inspection of Ungrouted Tendons in Prestressed Concrete Containments,'' Revision 3, 1989, to a reference to Subsection IWL, ''Requirements of Class CC Concrete Components of Light-Water Cooled Power Plants,'' of Section XI, ''Inservice Inspection,'' of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, and delete the applicability of Surveillance Requirement (SR) 3.0.2 to TS Section 5.5.6. SR 3.0.2 allows the surveillance to be performed within 1.25 times the interval specified in the surveillance's frequency.

Date of issuance: August 16, 2001.

Effective date: Immediately, to be implemented within 60 days.

Amendment Nos.: 148 and 134.

Facility Operating License Nos. NPF–11 and NPF–18: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** June 12, 2001 (66 FR 31707).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 16, 2001.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: June 13, 2001.

Brief description of amendment: The amendment revises TS 5.3 to permit lead-test-assemblies to be used, regardless of clad material, as long as the Nuclear Regulatory Commission has generically approved the fuel assembly design for use in pressurized water reactors.

Date of issuance: August 13, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 156.

Facility Operating License No. DPR–43: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** July 11, 2001 (66 FR 36342).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 13, 2001.

No significant hazards consideration comments received: No.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: December 20, 2000, as supplemented by letters dated February 1 and 28, and June 12, 2001.

Brief description of amendments: The amendments revised the technical specification (TS) requirements and authorized revision of the Technical Requirements Manual provisions applicable when actions direct suspension of operations involving positive reactivity changes. The proposed changes remove the requirement not to make positive reactivity changes during certain plant conditions, and limit the reactivity changes that are allowed to those that will continue to assure appropriate reactivity limits are met. Related changes to the Bases were also made. In addition, an administrative TS change was made to remove a footnote regarding an alternate onsite emergency power source, which is no longer applicable.

Date of issuance: August 13, 2001.

Effective date: August 13, 2001.

Amendment Nos.: Unit 1–128; Unit 2–117.

Facility Operating License Nos. NPF–76 and NPF–80: The amendments revised the Technical Specifications and authorized revision of the Technical Requirements Manual.

Date of initial notice in ***Federal Register:*** February 7, 2001 (66 FR 9387).

The February 1 and 28, and June 12, 2001, supplemental letters provided clarifying information that was within the scope of the original **Federal Register** notice and did not change the staff's initial no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 13, 2001.

No significant hazards consideration comments received: No.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: December 20, 2000.

Brief description of amendments: The amendments delete License Condition 2.G, ''Reporting to the Commission,'' and Technical Specification 6.6.1.a, ''Reportable Event Action.''

Date of issuance: August 16, 2001.

Effective date: The amendments are effective as of the date of their issuance.

Amendment Nos.: Unit 1—129; Unit 2—118.

Facility Operating License Nos. NPF–76 and NPF–80: The amendments revised the Facility Operating Licenses and the Technical Specifications.

Date of initial notice in ***Federal Register:*** June 12, 2001 (66 FR 31715).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 16, 2001.

No significant hazards consideration comments received: No.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: February 28, 2001.

Brief description of amendments: The amendments revised the Technical Specifications (TS) to eliminate periodic response time testing requirements on selected sensors and selected protection channels, and modified TS Section 1.0 Definitions for ''ENGINEERED SAFETY FEATURE (ESF) RESPONSE TIME'' and ''REACTOR TRIP SYSTEM (RTS) RESPONSE TIME'' to provide for verification of response time for selected components. The associated Bases were also revised.

Date of issuance: August 21, 2001.

Effective date: The amendments are effective as of the date of their issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: Unit 1—130; Unit 2—119.

Facility Operating License Nos. NPF–76 and NPF–80: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** June 12, 2001 (66 FR 31716).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 21, 2001.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 28th of August 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–22137 Filed 9–4–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Rule 10b–18; SEC File No. 270–416; OMB Control No. 3235–0474.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (Commission) is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 10b–18 under the Securities Exchange Act of 1934 (Exchange Act) provides that the issuer or any affiliated purchaser of the issuer will not incur liability under Section 9(a)(2) of the Exchange Act or Rule 10b–5 under the Exchange Act if its purchases are effected in compliance with the manner, timing, price, and volume limitations of the safe harbor. The Rule further provides that purchases falling outside of the Rule's conditions shall not give rise to a presumption of manipulation. An issuer or an affiliated purchaser seeking to avail itself of the safe harbor, however, must collect information regarding the manner, time, price, and volume of its purchases of the issuer's common stock in order to verify compliance with the Rule's conditions and application of the safe harbor.

Each year there are approximately 1,179 share repurchase programs conducted in accordance with Rule 10b–18. For each such repurchase program, an average of approximately 8 hours are spent collecting the requisite information. If approximately 1,179 issuers engage in repurchases following a market-wide trading suspension and comply with the safe harbor then, collectively, these issuers would incur an additional 1,179 burden hours. Thus, the total compliance burden per year is approximately 10,611 burden hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Dated: August 23, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–22175 Filed 9–4–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Rule 17j–1—SEC File No. 270–239, OMB Control No. 3235–0224

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension and approval of the collection of information discussed below.

Rule 17j–1 [17 CFR 270.17j–1] under the Investment Company Act of 1940 (15 U.S.C. 80a) (the ''Investment Company Act''), which the Commission adopted in 1980 [1] and amended in 1999,[2] implements section 17(j) of the Act, which makes it unlawful for persons affiliated with a registered investment company or with the investment company's investment adviser or principal underwriter (each, a ''17j–1 organization''), in connection with the purchase or sale of securities

[1] Prevention of Certain Unlawful Activities With Respect To Registered Investment Companies, Investment Company Act Release No. 11421 (Oct. 31, 1980) [45 FR 73915 (Nov. 7, 1980)].

[2] Personal Investment Activities of Investment Company Personnel, Investment Company Act Release No. 23958 (Aug. 20, 1999) [64 FR 46821–01 (Aug. 27, 1999)].

held or to be acquired by the investment company, to engage in any fraudulent, deceptive, or manipulative act or practice in contravention of the Commission's rules and regulations. Section 17(j) also authorizes the Commission to promulgate rules requiring the rule 17j–1 organizations to adopt codes of ethics.

In order to implement section 17(j), rule 17j–1 imposes certain requirements on 17j–1 organizations and ''Access Persons'' [3] of those organizations. The rule prohibits fraudulent, deceptive or manipulative acts by persons affiliated with a rule 17j–1 organization in connection with their personal securities transactions in securities held or to be acquired by the fund. The rule requires each 17j–1 organization, unless it is a money market fund or a fund that does not invest in Covered Securities,[4] to: (i) Adopt a written code of ethics, (ii) submit the code and any material changes to the code, along with a certification that it has adopted procedures reasonably necessary to prevent access Persons from violating the code of ethics, to the fund board for approval, (iii) use reasonable diligence and institute procedures reasonably necessary to prevent violations of the code, (iv) submit a written report to the fund describing any issues arising under the code and procedures and certifying that the 17j–1 entity has adopted procedures reasonably necessary to prevent Access Persons from violating the code, (v) identify Access Persons and notify them of their reporting obligations, and (vi) maintain and make available to the Commission for review certain records related to the code of ethics and transaction reporting by Access Persons.

The rule requires each Access Person of a fund (other than a money market fund or a fund that does not invest in Covered Securities) and of an investment adviser or principal underwriter of the fund, who is not subject to an exception,[5] to file: (i) Within ten days of becoming an Access Person, a dated initial holdings report that sets forth certain information with respect to the access person's securities and accounts, (ii) within ten days of the end of each calendar quarter, a dated quarterly transaction report providing certain information with respect to any securities transactions during the quarter and any account established by the Access Person in which any securities were held during the quarter, and (iii) dated annual holding reports providing information with respect to each covered security the Access Person beneficially owns and accounts in which securities are held for his or her benefit. In addition, rule 17j–1 requires investment personnel of a fund or its investment adviser, before acquiring beneficial ownership in securities through an initial public offering (IPO) or in a private placement, to obtain approval from the fund or the fund's investment adviser.

The requirements that the management of a rule 17j–1 organization provide the fund's board with new and amended codes of ethics and an annual issues and certification report are intended to enhance board oversight of personal investment policies applicable to the fund and the personal investment activities of access persons. The requirements that Access Persons, who are not subject to an exception, provide initial holdings reports, quarterly transaction reports, and annual holdings reports and request approval for purchases of securities through IPOs and private placements are intended to help fund compliance personnel and the Commission's examinations staff monitor potential conflicts of interest and detect potentially abusive activities. The requirement that each rule 17j–1 organaization maintain certain records is intended to assist rule 17j–1 organizations and the Commission's examinations staff in determining whether there have been violations of rule 17j–1.

The Commission estimates that each year a total of 80,706 Access Persons and 17j–1 organizations are subject to the rule's reporting requirements.[6] Respondents provide approximately 113,896 responses each year. Each initial holdings report takes approximately forty-two minutes for each of the approximately 10,400 new Access Person each year to prepare. We estimate that each year Access Persons file approximately 30,000 quarterly transaction reports, each of which takes approximately twenty minutes to prepare. We estimate that each year approximately 75,000 Access Persons file annual holdings reports, each of which takes approximately forty-two minutes to prepare. We estimate that Access Persons file approximately 680 requests for preapproval of purchases of securities through initial public offerings and private placements, each of which takes approximately twenty-six minutes to prepare. In the aggregate, Access Persons spend approximately 70,000 hours per year complying with the reporting requirements under the rule.

We estimate that the industry spends approximately 37,000 hours notifying Access Persons of their reporting obligations and overseeing the reporting. We estimate that the industry spends approximately 3,600 hours per year preparing the annual reports regarding issues under the code of ethics and accompanying certifications to fund boards. We estimate that the industry spends approximately 2,500 hours a year preparing new codes of ethics for presentation to fund boards and approximately 1,200 hours per year preparing amendments for presentation to fund boards. We estimate that the industry spends approximately 370 hours per year documenting its approval of requests to purchase securities through initial public offerings or private placements. We estimate that the industry spends approximately 146,500 hours each year maintaining rule 17j–1 records and 13,500 hours maintaining and upgrading their electronic reporting and recordkeeping systems related to rule 17j–1. In the aggregate, 17j–1 organizations spend approximately 204,300 hours per year complying with their reporting and recordkeeping requirements under the rule and ensuring that Access Persons fulfill their reporting obligations.

The total annual burden of the rule's paperwork requirements is, therefore, estimated to be approximately 274,300 hours.[7]

[3] Rule 17j–1(a)(1) defines an ''access person'' as ''any director, officer, general partner, or advisory person of a fund or of a fund's investment adviser'' and as ''any director, officer, or general partner of a principal underwriter who, in the ordinary course of business, makes, participates in or obtains information regarding, the purchase or sale of Covered Securities by the Fund for which the principal underwriter acts, or whose functions or duties in the ordinary course of business relate to the making of any recommendation to the Fund regarding the purchase or sale of Covered Securities.''

[4] A ''Covered Security'' is any security that falls within the definition in section 2(a)(36) of the Act, except for direct obligations of the U.S. Government, bankers' acceptances, bank certificates of deposit, commercial paper and high quality short-term debt instruments, including repurchase agreements, and shares issued by open-end funds. Rule 17j–1(a)(4).

[5] Rule 17j–1(d)(2) exempts Access Persons from reporting in five instances in which reporting would be duplicative or would not serve the purposes of the rule.

[6] Funds that are money market funds or that invest only in securities excluded from the definition of ''security'' in rule 17j–1, and any investment advisers, principal underwriters, and Access Persons to these funds, do not have to comply with the rule's requirements concerning codes of ethics, quarterly transaction reports, and initial holdings reports. The estimated number of respondents reported in this section may therefore overstate the number of entities actually required to comply with the rule's requirements.

[7] This estimate represents an increase from the approximately 156,700 burden hours estimated in connection with the Commission's last request for a PRA extension for rule 17j—1. The increase in burden hours is attributable to updated information

These burden hour estimates are based upon the Commission staff's experience and discussions with the fund industry. The estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act. These estimates are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules.

Compliance with the collection of information requirements of the rule is mandatory and is necessary to comply with the requirements of the rule in general. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct general comments regarding the above information to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, Mail Stop 0–4, 450 5th Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: August 28, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–22238 Filed 9–4–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44749; File No. SR–CBOE–2001–47]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Incorporated To Extend for a Four-Month Period the Pilot Program for the Exchange's 100 Spoke RAES Wheel

August 28, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4[2] thereunder, notice is hereby given that on August 27, 2001, the Chicago Board Options Exchange, Incorporated, (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. CBOE filed the proposal as a ''non-controversial'' rule change, pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)[4] thereunder. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE hereby proposed to extend, for an additional four-month period, the pilot program that permits the appropriate Floor Procedure Committee (''FPC'') to allocate orders on the Exchange's Retail Automatic Execution System (''RAES'') under the allocation system known as the 100 Spoke RAES Wheel. CBOE has designated this proposal as non-controversial and requests that the Commission waive the 30-day pre-operative waiting period contained in Rule 19b–4(f)(6)(iii) under the Act[5] to allow the proposal to be both effective and operative immediately upon filing with the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On May 25, 2000, the Commission approved, on a nine-month pilot basis, the Exchange's proposal to amend CBOE Rule 6.8, which governs the operation of RAES,[6] to provide the appropriate FPC with another choice for apportioning RAES trades among participating market makers, the 100 Spoke RAES Wheel.[7] In those classes where the 100 Spoke RAES Wheel is employed, the percentage of RAES contracts assigned to a participating market maker is essentially identical to the percent of non-RAES in-person agency contracts traded by that market maker in that class. At the conclusion of the pilot program on February 28, 2001, the program was extended for a six-month period that ends on August 28, 2001.[8] CBOE now proposes to extend the pilot program for an additional four-month period ending December 28, 2001.[9] The pilot will continue to operate under its current terms and conditions.

CBOE states that it believes that the 100 Spoke RAES Wheel pilot program is used as anticipated. CBOE represents that use of the 100 Spoke RAES Wheel has expanded since its implementation, and it is currently used in approximately two-thirds to three-fourths of the equity options trading stations. CBOE further represents that it believes that an extension of the pilot program will continue to provide the appropriate FPC with flexibility in determining the appropriate allocation system for a given class of options on RAES. In addition, CBOE believes that the continuation of the pilot program will continue to reward those market makers who are most active in providing liquidity to agency business in the assigned option class.

2. Statutory Basis

CBOE believes that the proposed rule change will continue to be consistent with the requirements of Section 6(b)(5) of the Act.[10] Section 6(b)(5) requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices; to promote just and equitable principles of trade; to facilitate transactions in securities; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest.

about the number of affected respondents, and revised estimates of the component parts of the burden estimate in light of the industry's experience in implementing the recent amendments to the rule.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] 17 CFR 240.19b–4(f)(6)(iii).

[6] RAES is the Exchange's automatic execution system for public customer market or marketable limit orders of less than a certain size.

[7] *See* Securities Exchange Act Release No. 42824 (May 25, 2000), 65 FR 37442 (June 14, 2000).

[8] *See* Securities Exchange Act Release No. 44020 (February 28, 2001), 66 FR 13985 (March 8, 2001).

[9] The Exchange represents that it intends to submit a rule change in the near future proposing permanent approval of the 100 Spoke RAES Wheel allocation system.

[10] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose a burden on competition that is not necessary or appropriate in furtherance of purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

CBOE has asserted that, because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed (or such shorter time as the Commission may designate), it has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) [12] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[13]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of the filing. However, Rule 19b–4(f)(6) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. CBOE has requested that the Commission waive the 30-day pre-operative waiting period, which will allow the Exchange to continue the pilot program without interruption. CBOE contends that, with the continuation of the pilot program, market makers will continue to have greater incentive to compete effectively for orders in the crowd, which benefits investors and promotes the public interest. In addition, CBOE argues that, given the widespread use of the 100 Spoke RAES Wheel in equity options trading stations, requiring the Exchange to discontinue use of the 100 Spoke RAES Wheel as of August 29, 2001, would cause disruption to those trading stations and, thus, be disruptive to investors and the public interest. In light of these considerations, the Commission, consistent with the protection of investors and the public interest, has determined to designate the proposed rule change as operative immediately.[14]

In addition, Rule 19b–4(f)(6) requires the self-regulatory organization submitting the proposed rule change to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing, or such shorter time as designated by the Commission. CBOE has requested that the Commission waive the five-day pre-filing requirement. Consistent with CBOE's request, the Commission has determined to waive the pre-filing requirement.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CBOE–2001–47 and should be submitted by September 26, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–22239 Filed 9–4–01; 8:45 am]

BILLING CODE 8010–01–M

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

[13] *See* U.S.C. 78s(b)(3)(C).

[14] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44750; File No. SR–NYSE–2001–22]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by New York Stock Exchange, Inc.; Extending the Pilot Fee Structure Governing the Reimbursement of Member Organizations for Costs Incurred in the Transmission of Proxy and Other Shareholder Communication Materials

August 29, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 13, 2001, the New York Stock Exchange, Inc. (''Exchange'' or ''NYSE'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NYSE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE is proposing to extend the pilot fee structure (''Pilot Fee Structure'') regarding Exchange Rules 451 and 465 (the ''Rules'').[3] Among other things, the Rules establish guidelines for the reimbursement of expenses by NYSE issuers to NYSE member organizations for the processing of proxy materials and other issuer communications (collectively, ''Material'') with respect to security holders whose securities are held in street name. The current pilot period regarding the Rules is scheduled to expire on September 1, 2001.[4] NYSE proposes extending the pilot through April 1, 2002.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The text of NYSE Rule 451 also is included at Paragraph 402.10(A) of the Exchange's *Listed Company Manual.*

[4] *See* Securities Exchange Act Release No. 43603 (November 21, 2000), 65 FR 75751 (December 4, 2000).

proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

I. Purpose

Among other things, the Pilot Fee Structure lowers certain guidelines concerning the reimbursement of fees for the distribution of Material, creates incentive fees to eliminate duplicative mailings, and establishes a supplemental fee for intermediaries that coordinate multiple nominees. The proposed rule change would extend the Pilot Fee Structure's termination date from September 1, 2001, to April 1, 2002.

An extension of the Pilot Fee Structure will give the Commission additional time to consider the pilot program, without a lapse in the current Rules. Absent an extension of the Pilot Fee Structure, the fees in effect prior to the pilot program would return to effectivness after September 1, 2001, which could create confusion in the market.[5]

2. Basis

The Exchange believes that the basis under the Act for the proposed rule change is the requirement under Section 6(b)(4) of the Act[6] that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. In addition, the Exchange believes that the basis for the proposed rule change is the requirement under Section 6(b)(5) of the Act[7] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

NYSE has engaged in an on-going dialogue regarding the Pilot Fee Structure as well as other aspects of its proxy reimbursement guidelines with Commission staff as well as with the Proxy Voting Review Committee, which is a private initiative designed to review the proxy process that includes representatives of the securities industry, corporate issuers, institutional investors, NYSE and the largest provider of proxy intermediary services. The only written comment received by NYSE is a copy of a letter sent to the Commission from the Proxy Voting Review Committee, which unanimously supports NYSE's request for the extension.[8] NYSE has not otherwise solicited, and does not intend to solicit, comments on this proposed rule change. NYSE has not otherwise received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days after the date of filing, or such shorter time that the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6)[10] thereunder.[11]

A proposed rule change filed under Rule 19b–4(f)(6) may not become operative prior to 30 days after the date of filing or such shorter time as the Commission may designate if such action is consistent with the protection of investors and the public interest. NYSE seeks to have the proposed rule change become operative on or before September 1, 2001, in order to allow the Pilot Fee Structure to continue in effect on an uninterrupted basis.

The Commission, consistent with the protection of investors and the public interest, has determined to make the proposed rule change to extend the Pilot Fee Structure until April 1, 2002 operative immediately. The extension of the Pilot Fee Structure will provide the Commission with additional time to review and evaluate the pilot fees. Further, the Commission notes that it received a letter from the Proxy Review Committee, which supports the NYSE's extension request.[12]

The Commission notes that unless the current expiration date of the Pilot Fee Structure is extended, the reimbursement rates for Material distributed after September 1, 2001, will revert to those in effect prior to March 14, 1997. The Commission believes that such a result could be confusing and counterproductive.

Based on these reasons, the Commission believes that it is consistent with the protection of investors and the public interest that the proposed rule change become operative immediately through April 1, 2002. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such proposed rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

[5] The Commission notes that a Proxy Voting review Committee was established as a private initiative to review the proxy voting process, which includes fees. The Committee has been meeting and plans to ultimately submit a report to the Commission, self-regulatory organizations, and the public. Accordingly, the extension will provide additional time to consider the committee's comments on this issue. *See also* Item II.C.*infra.*

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78f(b)(5).

[8] *See* letter from Stephen P. Norman, Chairman, Proxy Review Committee, to Kelly Riley, Division of Market Regulation, SEC, dated August 10, 2001.

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change.

[12] *See* note 8 *supra.*

public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–2001–22 and should be submitted by September 26, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–22240 Filed 9–4–01; 8:45 am]

BILLING CODE 8010–01–M

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of proposed amendments to the Sentencing Commission's Rules of Practice and Procedure. Request for public comment.

SUMMARY: This notice sets forth proposed amendments to the Commission's Rules of Practice and Procedure. The Commission invites public comment on these proposed amendments.

DATE: Public comment should be received not later than October 5, 2001.

ADDRESSES: Send comments to: United States Sentencing Commission, One Columbus Circle, NE, Suite 2–500, South Lobby, Washington, DC 20002–8002, Attention: Public Affairs-Amendment of Rules Comment.

FOR FURTHER INFORMATION CONTACT: Michael Courlander, Public Affairs Officer, Telephone: (202) 502–4590.

SUPPLEMENTARY INFORMATION: Section 995(a)(1) of title 28, United States Code, authorizes the Commission to establish general policies and promulgate rules and regulations as necessary for the Commission to carry out the purposes of the Sentencing Reform Act of 1984. The Commission originally adopted the Rules of Practice and Procedure in July 1997 and now proposes to make amendments to these rules. Specifically, the proposed amendments clarify various rules pertaining to public access and generally provide updated information regarding how the public can contact the Commission. In accordance with Rule 1.2 of its Rules of Practice and Procedure, the Commission hereby invites the public to provide comment on the proposed amendments.

Authority: 28 U.S.C. 995(a)(1); USSC Rules of Practice and Procedure 1.2.

Diana E. Murphy,

Chair.

Proposed Amendments: Part I of the Rules of Practice and Procedure is amended by striking the introduction in its entirety.

Part I of the Rules of Practice and Procedure is amended in Rule 1.1 by striking the last sentence and inserting the following:

''These rules are not intended to create or enlarge legal rights for any person.''.

Part II of the Rules of Practice and Procedure is amended in Rule 2.2 in the first paragraph by striking ''public'' following ''and vote in''; and in the fourth paragraph by striking the last sentence and inserting the following:

''Such matters include the approval of budget requests, legal briefs, staff reports, analyses of legislation, administrative and personnel issues, notices regarding Commission amendment priorities, technical and clerical amendments to these rules, and decisions to hold a nonpublic meeting.''.

Part III of the Rules of Practice and Procedure is amended in Rule 3.1 by adding at the end the following paragraph:

''Members may participate in meetings from remote locations by electronic means, including telephone, satellite, and video conference devices.''.

Part III of the Rules of Practice and Procedure is amended in Rule 3.2 by adding at the end of the first paragraph the following:

''Except as provided in Rule 3.3, meetings of the Commission with outside parties shall be conducted in public.''.

Rule 3.3 is amended to read as follows:

''Rule 3.3—Nonpublic Meetings

The Commission may hold nonpublic meetings (*i.e.,* meetings closed to the public) for purposes of the following: (1) To transact business of the Commission that is not appropriate for a public meeting (*e.g.,* discussion and resolution of personnel and budget issues); (2) to receive information from, and participate in discussions with, Commission staff and any person designated by an ex-officio commissioner as support staff for that commissioner; and (3) upon a decision by a majority of the members then serving, to receive or share information, from or with any other person, that is inappropriate for public disclosure (one example of which would be information from a law enforcement agency, the public disclosure of which would reveal confidential investigatory techniques or jeopardize an ongoing investigation).''.

Part III of the Rules of Practice and Procedure is amended by striking Rule 3.4 in its entirety; and by redesignating Rules 3.5 and 3.6 as Rules 3.4 and 3.5, respectively.

Part V of the Rules of Practice and Procedure is amended in Rule 5.1 by striking ''Office of Legislative and Public Affairs'' and inserting ''Office of Publishing and Public Affairs''; and by striking the second paragraph in its entirety and inserting the following:

'' 'Public comment' means (1) any written comment submitted by an outside party, including an agency represented by an ex-officio commissioner, pursuant to a solicitation by the Commission; and (2) any other written submission, from an outside party, that the Chair or a majority of the members then serving has not precluded from being made available to the public. 'Public comment' does not include any internal communication between and among commissioners, Commission staff, and any person designated by an ex-officio commissioner as support staff for that commissioner.''.

Part V of the Rules of Practice and Procedure is amended in Rule 5.2 by adding at the end the following paragraph:

''Subsequent to the deadline for comment on the tentative priorities, the Commission shall publish in the **Federal Register**, and make available to the public for inspection, a notice of priorities for Commission inquiry and possible action.''.

Part V of the Rules of Practice and Procedure is amended in Rule 5.3 by striking ''Data and Reports'' in the title and inserting ''Information''; by striking ''relevant data and reports for consideration'' and inserting ''relevant data, reports, and other information for consideration''; and by striking the last sentence and inserting the following:

''Upon authorization by the Staff Director, the Office of Publishing and Public Affairs shall make the data, reports, and other information available to the public as soon as practicable.''.

Part VI of the Rules of Practice and Procedure is amended in Rule 6.1 by striking ''(202) 273–4500'' and inserting ''(202) 502–4500''; by striking ''(202) 273–4529'' and inserting ''(202) 502–4699''; and by adding at the end ''The e-mail address is *pubaffairs@ussc.gov*.''.

Rule 6.2 is amended to read as follows:

[13] 17 CFR 200.30–3(a)(12).

''Rule 6.2—Availability of Materials for Public Inspection; Office of Publishing and Public Affairs

The Office of Publishing and Public Affairs is the repository of all materials that are available to the public.

Generally, the Office of Publishing and Public Affairs will maintain for public inspection the following: (1) Agendas and schedules for Commission public meetings and public hearings; (2) approved minutes of Commission public meetings; (3) transcripts of public hearings; (4) public comment as defined in Rule 5.1; (5) data, reports, and other information made available pursuant to Rule 5.3; and (6) with respect to nonpublic meetings described in Rule 3.3(3), a list of outside parties attending the meeting, a list of issues upon which the Commission was briefed, and, unless otherwise directed by the Chair or a majority of the members then serving, copies of written materials submitted by outside parties.

The Office of Publishing and Public Affairs also will make available upon request (1) information available pursuant to the Commission's policy on public access to Commission data; and (2) *A Guide to Publications & Resources* that lists all publications and datasets available from the Commission.''.

Part VI of the Rules of Practice and Procedure is amended in Rule 6.4 by striking ''*http://www.access.gpo.gov/su__docs*; ''Information Available for Free Public Use in Federal Depository Libraries'' should be selected. The listing may be searched by state or by area code.'' and inserting ''*http://www.access.gpo.gov/su_docs/locators/findlibs/index.html*.''

Part VI of the Rules of Practice and Procedure is amended in Rule 6.5 by striking ''*http://www.ICPSR.umich.edu/NACJD/home.html*.'' and inserting ''http://www.ICPSR.umich.edu/NACJD/archive.html.''

[FR Doc. 01–22275 Filed 9–4–01; 8:45 am]

BILLING CODE 2211–01–P

DEPARTMENT OF STATE

Bureau of Political-Military Affairs

[Public Notice 3767]

U.N. Arms Embargo of Liberia

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that all licenses and other approvals to export or otherwise transfer defense articles or defense services to Liberia will continue to be denied pursuant to section 38 of the Arms Export ControlAct (AECA) and section 5 of the U.N. Participation Act(UNPA) in implementation of UN Security Council Resolution 1343.

EFFECTIVE DATE: September 5, 2001.

FOR FURTHER INFORMATION CONTACT: Mary Sweeney, MunitionsControl Analyst, Office of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202) 633–2700.

SUPPLEMENTARY INFORMATION: U.N. Security Council Resolution (UNSC) 788 (1992) instituted an embargo on all deliveries of weapons and military equipment to Liberia. Consequently, the Department of State imposed a suspension on all previously issued licenses and approvals authorizing the export or transfer of defense articles or defense services to Liberia, and instituted a policy of denial for all new applications for licenses and other approvals to export or otherwise transfer defense articles or defense services to Liberia (57 FR 60265, December 18, 1992). The prohibited country list at section 126.1 of the International Traffic in Arms Regulations (ITAR) was updated on July 22, 1993 (58 FR 39280) to include Liberia.

Since that time, the Government of Liberia has been supporting armed rebel groups in the region and the Revolutionary United Front (RUF) in Sierra Leone in preparing and committing attacks on neighboring countries. On March 7, 2001, the U.N. Security Council adopted UNSCR 1343 replacing the earlier arms embargo imposed by UNSCR 788 with a broader embargo. This notice hereby advises that U.S. implementation of the prohibitions set forth in UNSCR 1343 is given effect by continuing the existing policy of denial for Liberia.

UNSCR 1343 requires that all States prevent the sale or supply to Liberia by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned. Also, the resolution requires States to prevent any provision to Liberia by their nationals or from their territories of technical training or assistance related to the provision, manufacture, maintenance or use of the aforementioned items. UNSCR 1343 has limited exceptions for supplies of non-lethal military equipment intended solely for humanitarian or protective use if approved in advance by an established Committee of the Security Council, and also for certain protective clothing exported to Liberia by United Nations personnel, humanitarian workers and the media for their personal use.

In accordance with 22 CFR 126.1, the U.S. Government will continue to deny all applications for licenses and other approvals to export or otherwise transfer defense articles and services to Liberia. This action also continues to preclude the use in connection with Liberia of any exemptions from licensing or other approval requirements (*e.g.* brokering) available under the ITAR. Exceptions to this denial policy, particularly for non-lethal items intended solely for humanitarian or protective use, will be considered on a case-by-case basis.

This action has been taken pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778) and relevant provisions of the ITAR, as well as section 5 of the UN Participation Act (22 U.S.C. 287(c)).

Dated: August 27, 2001.

John R. Bolton,

Under Secretary, Arms Control and International Security, Department of State.

[FR Doc. 01–22262 Filed 9–4–01; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice 3741]

Notice of Meetings; United States International Telecommunication Advisory Committee, Telecommunication Standardization (ITAC–T) US Study Group B

The Department of State announces a meeting of a U.S. International Telecommunication Advisory Committee. The purpose of the Committee is to advise the Department on policy and technical issues with respect to the International Telecommunication Union (ITU).

US Study Group B will meet from 9:30 to 4 at the Department of Commerce, Room B841B, 1401 Constitution Ave, NW, Washington, DC 20230 on Tuesday September 25, 2001 to prepare for ITU–T Study Group 15 meeting of October 2001.

Members of the general public may attend this meeting. Directions to meeting location and actual room assignments may be determined by calling the Secretariat at 202 647–0965/2592. Entrance to the building is controlled; people intending to attend this meeting should send an e-mail to *mgeissinger@QWEST.NET* no later than 48 hours before the meeting for preclearance. This e-mail should display the name of the meeting and date of meeting, your name, social security number, date of birth, and

organizational affiliation. One of the following valid photo identifications will be required for admission: U.S. driver's license, passport, U.S. Government identification card. Enter the Department of State from the C Street Lobby; in view of escorting requirements, non-Government attendees should plan to arrive not less than 15 minutes before the meeting begins.

Attendees may join in the discussions, subject to the instructions of the Chair. Admission of members will be limited to seating available.

Dated: August 24, 2001.

Frank K. Williams,

Vice Chairman US WRC 2000 Del, Department of State.

[FR Doc. 01–22260 Filed 9–4–01; 8:45 am]

BILLING CODE 4710–45–P

DEPARTMENT OF STATE

[Public Notice 3742]

Shipping Coordinating Committee Subcommittee on Safety of Life at Sea Working Group on Fire Protection; Notice of Meeting

The Safety of Life at Sea (SOLAS) Working Group on Fire Protection, a working group of the Shipping Coordinating Committee, will conduct an open meeting at 10 a.m. on Friday, September 21, 2001, in room 2415, U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC.

The purpose of this meeting will be to prepare for discussions anticipated to take place at the forty-sixth session of the International Maritime Organization's Subcommittee on FireProtection, to be held February 4–8, 2002.

The meeting will focus on proposed amendments to the 1974 SOLAS Convention for the fire safety of commercial vessels. Specific discussion areas include:

—Recommendation on evacuation analysis for new and existing passenger vessels

—Smoke control and ventilation

—Unified interpretations to SOLAS chapter II–2 and related fire test procedures

—Analysis of fire casualty records

—Large passenger ship safety

—Performance testing and approval standards for fire safety systems

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Chief, Office of Design and Engineering Standards, Commandant (G–MSE–4), U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593–0001, by calling: LCDR Kevin Kiefer at (202) 267–1444, or by visiting the following World Wide Website: http://www.uscg.mil/hq/g-m/mse4/stdimofp.htm.

Dated: August 27, 2001.

Stephen Miller,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 01–22261 Filed 9–4–01; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Office of he Secretary, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice announces the Department of Transportation's (DOT) intention to request the extension of a previously approved collection.

DATES: Comments on this notice must be received by October 5, 2001. Attention DOT/OST Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Ladd Hakes, Grants Management Division (M–62), Office of the Senior Procurement Executive, Office of the Secretary, US Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–4284.

SUPPLEMENTARY INFORMATION:

Office of the Secretary

Title: Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

Forms: SF 269, SF 270, SF 271, SF 272 and SF424.

OMB Number: 2105–0520.

Affected Public: All US and foreign direct air carriers must have accident liability insurance coverage to obtain or exercise authority to operate aircraft in interstate or foreign service.

Annual Estimated Burden: 125,650 hours.

Abstract: Information is required to meet the data requirements imposed by OMB Circular A–102 and the grant common rule, which the Department of Transportation codified at 49 CFR part 18. The information collected, retained and provided by the State and local government grantees is required to ensure grantee eligibility and their conformance with Federally mandated reporting requirements. OMB provides management and oversight of the circular. OMB also provides for a standard figure of seventy (70) annual burden hours per grantee for completion of required forms.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington DC on August 29, 2001.

Vanester Williams,

Clearance Officer, Department of Transportation.

[FR Doc. 01–22259 Filed 9–4–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 186/EUROCAE Working Group 51: Automatic Dependent Surveillance—Broadcast (ADS–B)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 186/EUROCAE Working Group 51 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 186/EUROCAE Working Group 51: Automatic Dependent Surveillance—Broadcast (ADS–B).

DATES: The meeting will be held October 1–5, 2001 starting at 9 am.

ADDRESSES: The meeting will be held at EUROCONTROL, Brussels, Belgium.

FOR FURTHER INFORMATION CONTACT: (1) RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC, 20036; telephone (202) 833–9339; fax (202) 833–9434; web site *http://www.rtca.org;* (2) Mr. Bob Darby, *bob.darby@eurocontrol.int.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 186/EUROCAE Working Group 51 meeting. *Specific sessions will meet as follows: (1) October 1: Joint SC–186/EUROCAE WG–51 Plenary Session: (2) October 2: Joint SC–186/WG–1 & 4 and WG–51/SG–3; (3) October 3: SC–186/WG–1 meets separately, Joint SC–186/WG–4 & WG–51/SG–3; (4) October 4: Joint SC–186/WG–4, WG–51/SG–3 and ICAO SCRSP/ASA SG; (5) October 5: ICAO SCRSP/ASA SG meets separately.* The plenary agenda will include:

- October 1:
- Opening Plenary Session (Welcome and Introductory Remarks, Review/Approval of Meeting Agenda, Review/Approval of Meeting Minutes)
- SC–186 Activity Reports:
- WG–1, Operations and Implementation
- WG–2, Traffic Information Service—Broadcast (TIS–B)
- WG–3, 1090 MHz Minimum Operational Performance Standard (MOPS)
- WG–4, Application Technical Requirements
- WG–5, Universal Access Transceiver (UAT) MOPS
- WG–6, ADS–B Minimum Aviation System Performance Standard (MASPS)
- EUROCAE WG–51 Report (SG–1, SG–2 and SG–3)
- Closing Plenary Session (Review Action Items/Work Program, Date, Place and Time of Next Meeting, Adjourn)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 27, 2001.

Janice L. Peters,

FAA Special Assistant, RTCA Advisory Committee.

[FR Doc. 01–22248 Filed 9–4–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 181/EUROCAE Working Group 13: Standards of Navigation Performance

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 181/EUROCAE Working Group 13 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 181/EUROCAE Working Group 13: Standards of Navigation Performance.

DATES: The meeting will be held September 24–28, 2001 starting at 9 a.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1828 L Street, NW., Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; website *http://222.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 181/EUROCAE Working Group 13 meeting.

Note: Working Groups 1 and 4 will meet separately September 24–27.

The plenary agenda will include:

- September 25 (9 a.m.–10 a.m.):
- Opening Plenary Session (Chairman Remarks, Review/Approval of Previous Meeting Minutes)
- Working Group Reports
- September 28 (9 am–1 pm):
- Final Review/Approval of Required Navigation Performance (RNP) Minimum Operational Performance Standard (MOPS), RTCA Paper No. 225–01/SC181–128
- Closing Plenary Session (New Business, Future Meeting Schedule, Adjourn)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 27, 2001.

Janice L. Peters,

FAA Special Assistant, RTCA Advisory Committee.

[FR Doc. 01–22249 Filed 9–4–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 199: Airport Security Access Control Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 199 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 199: Airport Security Access Control Systems.

DATES: The meeting will be held on September 26, 2001 from 10:30 am—3 pm.

ADDRESSES: The meeting will be held at RTCA, Inc., 1828 L Street, NW, Suite 805, Washington, DC, 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW, Suite 805, Washington, DC, 20036; telephone (202) 833–9339; fax (202) 833–9434; web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 199 meeting. The agenda will include:

- September 26:
  - Opening Session (Welcome and Introductory Remarks, Agenda Overview)
  - Current Committee Scope, Terms of Reference Overview
  - Workgroups reports and discussions (Section 1–4)
  - Other Action Items (Report on NAS Activities; List of Vendors; Vendor Solicitation)
  - Closing Session (Establish Agenda for Next Meeting, Date and Place of Next Meeting)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 27, 2001.

Janice L. Peters,

FAA Special Assistant, RTCA Advisory Committee.

[FR Doc. 01–22250 Filed 9–4–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notices 437, 437–A, 437–A(1), 438 and 466

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notices 437, 437–A, 437–A(1), 438 and 466, Notice of Intention to Disclose.

DATES: Written comments should be received on or before November 5, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the notices should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION: *Title*: Notice of Intention to Disclose.

OMB Number: 1545–0633.

Notice Numbers: Notices 437, 437–A, 437–A(1), 438, and 466.

Abstract: Section 6110(f) of the Internal Revenue Code requires that a notice of intention to disclose be sent to all persons to which a written determination (either a technical advice memorandum or a private letter ruling) is issued. That section also requires that such persons receive a notice if related background file documents are requested. Notice 437 is issued to recipients of letter rulings; Notices 437–A and 437–A(1) to recipients of Chief Counsel Advice; Notice 438 to recipients of technical advice memorandums; and Notice 466 to recipients if a request for the related background file document is received. The notices also inform the recipients of their right to request further deletions to the public inspection version of written determinations or related background file documents.

Current Actions: There are no changes being made to the notices at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, and state, local, or tribal governments.

Estimated Number of Respondents: 5,250.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 2,625.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 29, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–22278 Filed 9–4–01; 8:45 am]

BILLING CODE 8320–01–P

UNITED STATES INSTITUTE OF PEACE

Sunshine Act Meeting

DATE/TIME: Thursday, September 20, 2001, 9:30 a.m.–5:30 p.m.

LOCATION: 1200 17th Street, NW, Suite 200, Washington, DC 20036–3011.

STATUS: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

AGENDA: September 2001 Board Meeting; Approval of Minutes of the One Hundredth Meeting (June 21–23, 2001) of the Board of Directors;—Chairman's Report; President's Report; Committee Reports; Fiscal Years 2002 and 2003 Budget Review; Review of Unsolicited Grant Applications; Other General Issues.

CONTACT: Dr. Sheryl Brown, Director, Office of Communications, Telephone: (202) 457–1700.

Dated: August 29, 2001.

Charles E. Nelson,

Vice President for Management and Finance, United States Institute of Peace.

[FR Doc. 01–22392 Filed 8–31–01; 2:15 pm]

BILLING CODE 6820–AR–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0011]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 5, 2001.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0011.''

SUPPLEMENTARY INFORMATION: *Title:* Application for Reinstatement, (Insurance Lapsed More Than 6 Months) (Government Life Insurance and/or Total Disability Income Provision), VA Form 29–352.

OMB Control Number: 2900–0011.

Type of Review: Extension of a currently approved.

Abstract: The form is used to apply for reinstatement of insurance and/or Total Disability Income Provision that has lapsed for more than six months. The information is used to establish eligibility of the applicant for the purpose of reinstatement.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 20, 2001, at pages 20352 and 20353.

Affected Public: Individuals or households.

Estimated Annual Burden: 500 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,500.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0011'' in any correspondence.

Dated: August 23, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–22161 Filed 9–4–01; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 66, No. 172

Wednesday, September 5, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF EDUCATION

[CFDA Nos. 84.007, 84.032, 84.033, 84.038, 84.063, 84.069, and 84.268]

Student Assistance General Provisions, Federal Supplemental Educational Opportunity Grant, Federal Family Education Loan, Federal Work-Study, Federal Perkins Loan, Federal Pell Grant, Leveraging Educational Assistance Partnership, and William D. Ford Federal Direct Loan; Notice of Deadline and Submission Dates for Receipt of Applications, Reports, and Other Documents for the 2001-2002 Award Year

Correction

In notice document 01–20855 beginning on page 43753, in the issue of Monday, August 20, 2001, on pages 43755 and 43756, typeset errors were made on Table A and Table B. Tables A and B are set forth below.

Table A. Deadline Dates for Application Processing and Receipt of Student Aid Reports (SARs) or Institutional Student Information Records (ISIRs)

Who Submits?	What is Submitted?	Where is it Submitted?	What is the Deadline Date for Receipt?
Student	Free Application for Federal Student Aid (FAFSA) on the Web, Renewal FAFSA on the Web, or FAFSA Express electronic application	Electronically to the Department's Central Processing System (CPS)	July 1, 2002*
	Signature Page (if required)	The address printed on the signature page	August 21, 2002
Student through an Institution	An electronic original or renewal application	Electronically to the Department's CPS	July 1, 2002*
Student	A paper original Free Application for Federal Student Aid (FAFSA) or paper Renewal FAFSA	The address printed on the FAFSA, Renewal FAFSA, or envelope provided with the form	July 1, 2002
Student	Correction on the Web	Electronically to the Department's CPS	August 16, 2002*
	Signature Page (if required)	The address printed on the signature page	August 21, 2002
Student through an Institution	Electronic corrections and duplicate requests	Electronically to the Department's CPS	August 27, 2002*
Student	Corrections submitted using Part 2 of an SAR	The address printed on Part 2 of the SAR	August 16, 2002
Student	Change of address, change of institutions, and duplicate requests	The address printed on Part 2 of the SAR	August 16, 2002
		The Federal Student Aid Information Center by calling 1-800-433-3243	August 27, 2002
Student	Valid SAR	Institution	The earlier of: - the student's last date of enrollment; or - September 3, 2002
Student through the Department's CPS	Valid ISIR****	Institution receives ISIR from the Department's CPS	
Student	Verification documents	Institution	The earlier of:** - 90 days after the student's last date of enrollment; or - September 3, 2002
Student	Valid SAR after verification	Institution	The earlier of:*** - 90 days after the student's last date of enrollment; or - September 3, 2002
Student through the Department's CPS	Valid ISIR after verification****	Institution receives ISIR from the Department's CPS	

* The deadline for electronic transactions is 12:00 midnight (Central Time) on the deadline date. Transmissions must be completed and accepted by 12:00 midnight to meet the deadline. If transmissions are started before 12:00 midnight but are not completed until after 12:00 midnight, those transmissions will not meet the deadline. In addition, any transmission picked up on or just prior to the deadline date that gets rejected may not be able to be reprocessed because the deadline will have passed by the time the user gets the information notifying him/her of the reject.

** Although the Secretary has set this deadline date for the submission of verification documents to the institution, if corrections are required, the earlier deadline dates for submission of paper or electronic corrections must still be met.

*** The institution must have already received an SAR or ISIR with an eligible EFC while the student was enrolled and eligible for payment. Students completing verification while no longer enrolled will be paid based on the higher of the two EFCs.

****For this purpose, the date the ISIR transaction was processed by CPS is considered to be the date the institution received the ISIR. The CPS process date is on the 2001-2002 ISIR record layout, field 163. It is also printed on the first page of the SAR and ISIR.

Table B. Earliest Submission and Deadline Dates for Submitting Federal Pell Grant Disbursement Records

Who Submits?	What is Submitted?	Where is it Submitted?	What is the Earliest Submission and Deadline Date for Receipt?
Institution	At least one acceptable disbursement record must be submitted for each Federal Pell Grant recipient at the institution by: Electronic Data Exchange (EDE)*	To RFMS using EDE or custom software: Student Aid Internet Gateway (SAIG) (formerly Title IV Wide Area Network)	An institution may submit disbursement records as early as June 21, 2001, but can not submit a disbursement record any earlier than: (a) 30 calendar days prior to the disbursement date under the Advance payment method; (b) 5 calendar days prior to the disbursement date under the Just in-time payment method; or (c) the date of disbursement under the Reimbursement or Cash Monitoring payment methods. An institution is required to submit a disbursement record not later than the earlier of: (a) 30 calendar days after the institution - makes a disbursement; or - becomes aware of the need to make an adjustment to previously reported disbursement data; or (b) September 30, 2002. After September 30, 2002, an institution may submit a disbursement record only: (a) for a downward adjustment of a previously reported award; or (b) based upon a program review or initial audit finding per 34 CFR 690.83.
	Requests for Year-To-Date Records	1. Pell Grant User Support Hotline: 1-800-474-7268 2. http://www.pellgrantsonline.ed.gov 3. SAIG	August 16, 2002**
	Request for administrative relief based on a natural disaster or other unusual circumstances, or an administrative error made by the Department or Departmental contractors	1. U.S. Department of Education Office of Student Financial Assistance Schools Channel/Pell Operations P.O. Box 23781 Washington, D.C. 20026-0781 2. http://www.pellgrantsonline.ed.gov 3. by email: sfa.administrative.relief@ed.gov	January 31, 2003

* An institution must ensure that its transmission of disbursement records is completed before midnight (local time at the institution's EDE destination point) on September 30, 2002.

** Year-To-Date records may be requested after this date, however, there may not be sufficient time for institutions to receive the file, create a disbursement record batch and submit to the Secretary by the September 30, 2002 deadline date for receipt of all 2001-2002 requests for payment.

NOTE: RFMS must accept a student origination record for a student from an institution before it accepts a disbursement record from the institution for that student. An institution may submit an origination and a disbursement record for a student in the same transmission.

[FR Doc. C1–20855 Filed 9–4–01; 8:45 am]
BILLING CODE 1501–01–D

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

Correction

In notice document 01–20278 beginning on page 42538 in the issue of Monday, August 13, 2001, make the following correction:

On page 42539, in the third column, in the fourth line, ''cost'' should read ''post''.

[FR Doc. C1–20278 Filed 9–4–01; 8:45 am]
BILLING CODE 1505–01–D

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

Correction

In notice document 01–20885 beginning on page 44161 in the issue of Wednesday, August 22, 2001, make the following correction:

On page 44167, in the second column, under *Description of amendment request*, in the fifth line, ''5.0.5'' should read ''4.0.5''.

[FR Doc. C1–20885 Filed 9–4–01; 8:45 am]
BILLING CODE 1505–01–D

RAILROAD RETIREMENT BOARD

Privacy Act of 1974; Proposed Changes to Systems of Records

Correction

In notice document 01–18907 beginning on page 39376 in the issue of Monday, July 30, 2001, make the following correction:

On page 39376, in the third column, under the heading **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**, the following text should be moved to the second column preceding the heading **RRB–5:**

On July 20, 2001, the Railroad Retirement Board filed a new system report for this system with the House Committee on Government Operations, the Senate Committee on Governmental Affairs, and the Office of Management and Budget. This was done to comply with Section 3 of the Privacy Act of 1974 and OMB Circular No. A-130, Appendix I.

By Authority of the Board.

Beatrice Ezerski,

Secretary of the Board.

[FR Doc. C1–18907 Filed 9–4–01; 8:45 am]
BILLING CODE 1505–01–D

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900-AK85

Copayments for Medications

Correction

In proposed rule document 01–17734 beginning on page 36960 in the issue of Monday, July 16, 2001, make the following correction:

On page 36961, in the first column, under **ADDRESSES**, in the eighth line, *''OGSRegulations@mail.va.gov''* should read *''OGCRegulations@mail.va.gov''*.

[FR Doc. C1–17734 Filed 9–4–01; 8:45 am]
BILLING CODE 1505–01–D

Federal Register

Wednesday,
September 5, 2001

Part II

Department of Housing and Urban Development

24 CFR Part 203
Prohibition of Property Flipping in HUD's Single Family Mortgage Insurance Programs; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 203

[Doc. No. FR–4615–P–01]

RIN 2502–AH57

Prohibition of Property Flipping in HUD's Single Family Mortgage Insurance Programs

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would address property ''flipping,'' the practice whereby a property recently acquired is resold for a considerable profit with an artificially inflated value, often abetted by a lender's collusion with the appraiser. Specifically, the proposed rule would establish certain new requirements regarding the eligibility of properties for FHA mortgage insurance. The proposed regulatory amendments would protect FHA borrowers from becoming unwitting victims of property flipping. Further, the proposed changes comply with Congressional mandates to maintain the FHA Insurance Fund in a sound actuarial manner.

DATES: *Comments Due Date:* November 5, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–0500. Communications should refer to the above docket number and title. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Vance T. Morris, Director, Office of Single Family Program Development, Office of Insured Single Family Housing, Room 9266, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–8000; telephone (202) 708–2121 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

Predatory lending—whether undertaken by creditors, brokers or even home improvement contractors—involves engaging in deception or fraud, manipulating the borrower through aggressive sales tactics, or taking unfair advantage of a borrower's lack of understanding about loan terms. These practices are combined with loan terms that, alone or in combination, are abusive or make the borrower more vulnerable to abusive practices. Predatory lending often occurs in the subprime mortgage market which, in general, serves an important role by providing loans to borrowers who do not meet the credit standards for the prime mortgage market.

While no one set of abusive lending practices or terms characterizes a predatory mortgage loan, a loan can be predatory when lenders or brokers undertake one or more of the following practices: Charge borrowers excessive, often hidden fees; successively refinance loans at no benefit to the borrower; make loans without regard to a borrower's ability to repay; and engage in high-pressure sales tactics or outright fraud and deception. Vulnerable populations, including elderly and low-income individuals, and low-income or minority neighborhoods may be targeted by these unscrupulous lenders.

A major example of predatory lending is property ''flipping,'' the practice whereby a recently acquired property is resold for a considerable profit with an artificially inflated value, often abetted by a lender's collusion with the appraiser. Most property flipping occurs within a matter of days after acquisition, and usually with only minor cosmetic improvements, if any.

II. This Proposed Rule

This proposed rule is one of several actions HUD is taking to address property flipping. This proposed rule would amend HUD's FHA single family mortgage insurance regulations at 24 CFR part 203 by establishing a new § 203.37a. This section would prescribe certain new requirements regarding the eligibility of properties for FHA mortgage insurance. The proposed regulatory amendments would protect FHA borrowers from becoming unwitting victims of property flipping. Further, the proposed changes comply with Congressional mandates to maintain the FHA Insurance Fund in a sound actuarial manner. Victims of predatory lending often default, causing losses to the Insurance Fund as a result of claims. Addressing predatory lending practices will assist in reducing such claims.

1. *Six-month restriction on sales.* Proposed § 203.37a would provide that any property being sold within six months after acquisition by the seller is not eligible for FHA financing. The 6 month restriction would not apply to the disposition of HUD-acquired properties under 24 CFR part 291 or to the disposition of single family assets in revitalization areas pursuant to section 204 of the National Housing Act (12 U.S.C. 1710).

As noted, property flipping involves the rapid resale, often within days, of a recently acquired property. A quick resale minimizes the ownership expenses incurred by the investor, and increases the profitability of the transaction. This is especially true when the ''flip'' is a pre-arranged transaction that would otherwise not have occurred without an interim owner aware of the final buyer's willingness to pay the excessive sales price. HUD believes that the proposed 6 month restriction on resales is of sufficient duration to preclude such short-term property flipping. HUD specifically invites public comment on the appropriateness of the 6 month period, and on whether a shorter or longer period would better accomplish HUD's goal of protecting FHA borrowers from becoming targets of this abusive sales practice.

2. *Owner of record.* Unscrupulous investors will also flip properties they have contracted to purchase (but have not yet acquired) by selling or assigning the rights to the sales contract, often for a significant profit. To prevent such property flipping scenarios, new § 203.37a would provide that only those properties purchased from the owner of record are eligible for FHA mortgage insurance.

3. *Exceptions to property flipping restrictions.* While HUD wishes to assist FHA borrowers in avoiding predatory sales practices, HUD is also aware that justifiable circumstances may sometimes exist for the quick and profitable resale of a recently acquired property. HUD does not wish to prevent the ability to use FHA-insured mortgage financing for the purchase of properties acquired through such legitimate transactions. Accordingly, new § 203.37a would authorize HUD to grant exceptions, on a case-by-case basis, to the proposed property flipping restrictions where the mortgagee demonstrates that the sales price of the property corresponds to its market value. Such documentation may include, but is not limited to, evidence that the sale price reflects a rapidly appreciating real estate market, that the

seller has made improvements that result in a corresponding increase to the value of the property, or that the property is being sold at below market value due to a distress sale or at a tax sale.

HUD invites comment as to whether these exceptions are sufficient to avoid preventing or delaying legitimate business transactions. Such transactions might include certain resales within 6 months at less than the previous purchase price or certain resales at more than the previous purchase price but less than market value.

III. Findings and Certifications

Public Reporting Burden

The information collection requirements contained in this proposed rule have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

The burden of the information collections in this proposed rule is estimated as follows:

REPORTING AND RECORDKEEPING BURDEN

Section reference	Number of parties	Number of responses per respondent	Estimated average time for requirement (in hours)	Estimated Annual Burden (in hours)
§ 203.37a(c)	500	1	0.5	250

In accordance with 5 CFR 1320.8(d)(1), HUD is soliciting comments from members of the public and affected agencies concerning this collection of information to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Interested persons are invited to submit comments regarding the information collection requirements in this proposal. Under the provisions of 5 CFR part 1320, OMB is required to make a decision concerning this collection of information between 30 and 60 days after today's publication date. Therefore, a comment on the information collection requirements is best assured of having its full effect if OMB receives the comment within 30 days of today's publication. This time frame does not affect the deadline for comments to the agency on the proposed rule, however. Comments must refer to the proposal by name and docket number (FR–4615) and must be sent to:

Joseph F. Lackey, Jr., HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503;
and
Ethelene Washington, Reports Liaison Officer, Office of the Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development, 451 7th Street, SW., Room 9114, Washington, DC 20410

Regulatory Planning and Review

The Office of Management and Budget (OMB) reviewed this rule under Executive Order 12866, *Regulatory Planning and Review.* OMB determined that this rule is a ''significant regulatory action'' as defined in section 3(f) of the Order (although not an economically significant regulatory action under the Order). Any changes made to this rule as a result of that review are identified in the docket file, which is available for public inspection in the office of the Department's Rules Docket Clerk, Room 10276, 451 Seventh Street, SW, Washington, DC 20410–0500.

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4223). The Finding of No Significant Impact is available for public inspection between the hours of 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC.

Regulatory Flexibility Act

The Secretary has reviewed this proposed rule before publication, and by approving it certifies, in accordance with the Regulatory Flexibility Act (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 reasons for HUD's determination are as follows. The proposed regulatory amendments are exclusively concerned with curbing the predatory lending practice of property flipping. The vast majority of lenders participating in the FHA single family mortgage insurance programs fully comply with all program requirements and conduct themselves in an ethical manner. The proposed rule would only impact the small minority of unscrupulous lenders who participate in the FHA programs and engage in this predatory practice.

Notwithstanding HUD's determination that this rule will not have a significant economic effect on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule would not have federalism implications and would not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments, and on the private sector. This proposed rule would not impose any Federal mandates on any State, local, or tribal governments, or on the private sector, within the meaning of the Unfunded Mandates Reform Act of 1995.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance Numbers for 24 CFR part 203 are 14.117 and 14.133.

List of Subjects in 24 CFR Part 203

Hawaiian Natives, Home improvement, Indians—lands, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

Accordingly, for the reasons described in the preamble, HUD proposes to amend 24 CFR part 203 to read as follows:

PART 203—SINGLE FAMILY MORTGAGE INSURANCE

1. The authority citation for 24 CFR part 203 continues to read as follows:

Authority: 12 U.S.C. 1709, 1710, 1715b, and 1715u; 42 U.S.C. 3535(d).

2. Add § 203.37a to read as follows:

§ 203.37a Sale of property.

(a) *Sale by owner of record.* To be eligible for mortgage insurance, the property must be purchased from the owner of record and may not be sold through the sale or assignment of the sales contract.

(b) *No re-sale within previous 6 months.* (1) Any property being sold within six months after acquisition by the seller is not eligible for mortgage insurance.

(2) This six month restriction does not apply to the disposition of:

(i) HUD-acquired properties under 24 CFR part 291; or

(ii) Single family assets in revitalization areas pursuant to section 204 of the National Housing Act (12 U.S.C. 1710).

(c) *Case-by-case exceptions.* HUD may grant exceptions to the provisions of this section, on a case-by-case basis, upon written demonstration by the mortgagee that the sales price of the property accurately corresponds to its market value. Such documentation may include, but is not limited to, evidence that:

(1) The sales price reflects a rapidly appreciating real estate market;

(2) The seller has made improvements that have resulted in a corresponding increase to the value to the property; or

(3) The property is being sold at below market value due to a distress sale or at a tax sale.

Dated: July 12, 2001.

John C. Weicher,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 01–22170 Filed 9–4–01; 8:45 am]

BILLING CODE 4210–27–P

Federal Register

Wednesday,
September 5, 2001

Part III

The President

Proclamation 7459—National Ovarian Cancer Awareness Month, 2001

Federal Register
Vol. 66, No. 172
Wednesday, September 5, 2001

Presidential Documents

Title 3—

The President

Proclamation 7459 of August 30, 2001

National Ovarian Cancer Awareness Month, 2001

By the President of the United States of America

A Proclamation

Ovarian cancer, the deadliest of the gynecologic cancers, is the fifth leading cause of cancer deaths among women in the United States. Experts predict that more than 23,000 cases will be diagnosed in 2001, with an estimated 13,900 women dying from the disease this year.

Ovarian cancer is very treatable when detected early, but only 25 percent of ovarian cancer cases in the United States are diagnosed in the early stages. The vast majority of cases are not diagnosed until the cancer has spread beyond the ovaries, often because symptoms are easily confused with other diseases and because no reliable, easily administered screening tool exists.

When the disease is diagnosed in advanced stages, the chance of 5-year survival is only about 25 percent. Currently, 50 percent of women diagnosed with ovarian cancer die from it within 5 years. Among African-American women, only 48 percent survive 5 years or more.

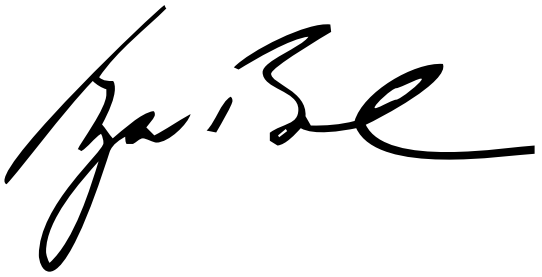
Early detection of this disease remains the best way to save women's lives. Symptoms may include abdominal pressure or bloating, persistent digestive problems, excessive fatigue, and sometimes abnormal bleeding. Women also should be aware that risk factors are higher for those who are over 50 years of age, who have a personal or family history of ovarian, breast, or colon cancer, and who have not borne a child.

National Ovarian Cancer Awareness Month serves as an important time to recognize Federally funded research efforts by the National Cancer Institute, the Centers for Disease Control and Prevention, and the Department of Defense Ovarian Cancer Research Program. Their work has achieved great strides, and my Administration is committed to continuing funding of research that will decrease the high mortality from ovarian cancer and ultimately prevent the disease. At the same time, the medical community and nonprofit groups are working together to create more awareness about the disease and spotlight the need for continued research into prevention, early detection tools, advanced therapies, and possible cures.

During this special observance, I commend the scientists, physicians, and other medical and health professionals who are working to advance knowledge and understanding of ovarian cancer. I also encourage all Americans to learn more about the disease and the importance of early detection. Doing so can save lives and protect the health and well-being of countless women.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September as National Ovarian Cancer Awareness Month. I call upon the people of the United States to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of August, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-sixth.



[FR Doc. 01–22474
Filed 9–4–01; 9:52 am]
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Federal Register

Vol. 66, No. 172

Wednesday, September 5, 2001

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FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT SEPTEMBER 5, 2001

AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

Meat and poultry inspection:

Natural or regenerated collagen sausage casings; labeling requirements; published 8-6-01

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

California; published 8-6-01

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Buprofezin; published 9-5-01

Pyriproxyfen; published 9-5-01

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Animal drugs, feeds, and related products:

Lasalocid and bacitracin methylene disalicylate; published 9-5-01

Moxidectin; published 9-5-01

New drug applications—

Marbofloxacin tablets; oral dosage; published 9-5-01

Oxytetracycline; published 9-5-01

Sponsor name and address changes—

Baxter Pharmaceutical Products, Inc.; published 9-5-01

Bertek Pharmaceuticals, Inc.; published 9-5-01

Biological products:

Blood, blood components, and source plasma requirements; revisions; published 8-6-01

NATIONAL CREDIT UNION ADMINISTRATION

Credit unions:

Insurance and group purchasing activities—

Incidental powers; published 8-6-01

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; published 8-1-01

Empresa Brasileira de Aeronautica S.A. (EMBRAER); published 8-21-01

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Cherries (tart) grown in—

Michigan et al.; comments due by 9-10-01; published 7-10-01

Cotton imports:

Supplemental assessment adjustment; comments due by 9-12-01; published 8-13-01

Egg, poultry, and rabbit grading:

Fees and charges; comments due by 9-12-01; published 8-13-01

Hass avacado promotion, research, and information order:

Referendum procedures; comments due by 9-12-01; published 8-28-01

Pork promotion, research, and consumer information order; comments due by 9-12-01; published 8-13-01

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Exportation and importation of animals and animal products:

Hass avacados from Mexico; risk of introducing plant pests; comments due by 9-11-01; published 7-13-01

Rinderpest and foot-and-mouth disease; disease status change—

Uruguay; comments due by 9-11-01; published 7-13-01

AGRICULTURE DEPARTMENT

Food and Nutrition Service

Food stamp program:

Electronic benefit transfer systems; approval and operation standards; comments due by 9-10-01; published 7-12-01

AGRICULTURE DEPARTMENT

Forest Service

National Forest System lands:

Protection of roadless areas; comments due by 9-10-01; published 7-10-01

AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

Meat and poultry inspection:

Processed meat and poultry products; performance standards; comments due by 9-10-01; published 7-3-01

COMMERCE DEPARTMENT

Export Administration Bureau

Export administration regulations:

Agricultural commodities, medicines, and medical devices; exports to designated terrorist countries; comments due by 9-10-01; published 7-12-01

Country Group E:1; license exception TMP; comments due by 9-10-01; published 8-10-01

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

West Coast States and Western Pacific fisheries—

American Samoa; Pacific pelagic management unit species; comments due by 9-14-01; published 7-31-01

COMMODITY FUTURES TRADING COMMISSION

Commodity Exchange Act:

Commodity interest transactions; intermediaries; amendments; comments due by 9-12-01; published 8-28-01

DEFENSE DEPARTMENT

Air Force Department

Administration:

Installation entry policy, and civil disturbance intervention and disaster assistance; comments due by 9-10-01; published 7-12-01

DEFENSE DEPARTMENT

Engineers Corps

Danger zones and restricted areas:

Fort Eustis, VA; enhanced security around vessels moored in Skiffes Creek vicinity; comments due by 9-12-01; published 8-13-01

Naval Station Everett, WA; naval restricted areas; comments due by 9-12-01; published 8-13-01

Whidbey Island, WA; naval restricted area in Crescent Harbor, Saratoga Passage; comments due by 9-12-01; published 8-13-01

Ports and waterways safety:

Glenn L. Martin State Airport, Frog Mortar Creek, Middle River, MD; danger zone; comments due by 9-12-01; published 8-13-01

ENERGY DEPARTMENT

Environmental statements; notice of intent:

Scrap metals disposition; public scoping meetings; comments due by 9-10-01; published 7-12-01

ENVIRONMENTAL PROTECTION AGENCY

Air pollution control:

State operating permits programs—

Connecticut; comments due by 9-12-01; published 8-13-01

Idaho; comments due by 9-12-01; published 8-13-01

Air programs; approval and promulgation; State plans for designated facilities and pollutants:

New York; comments due by 9-12-01; published 8-13-01

Air quality implementation plans; approval and promulgation; various States:

California; comments due by 9-10-01; published 8-10-01

Connecticut; comments due by 9-10-01; published 8-10-01

Missouri; comments due by 9-13-01; published 8-14-01

Montana; comments due by 9-12-01; published 8-13-01

Pennsylvania; comments due by 9-10-01; published 8-9-01

Air quality planning purposes; designation of areas:

California; comments due by 9-10-01; published 8-10-01

Hazardous waste program authorizations:

New Mexico; comments due by 9-10-01; published 8-10-01

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 93/P.L. 107–27

Federal Firefighters Retirement Age Fairness Act (Aug. 20, 2001; 115 Stat. 207)

H.R. 271/P.L. 107–28

To direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center. (Aug. 20, 2001; 115 Stat. 208)

H.R. 364/P.L. 107–29

To designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the ''Marjory Williams Scrivens Post Office''. (Aug. 20, 2001; 115 Stat. 209)

H.R. 427/P.L. 107–30

To provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes. (Aug. 20, 2001; 115 Stat. 210)

H.R. 558/P.L. 107–31

To designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the ''Edward N. Cahn Federal Building and United States Courthouse''. (Aug. 20, 2001; 115 Stat. 213)

H.R. 821/P.L. 107–32

To designate the facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the ''W. Joe Trogdon Post Office Building''. (Aug. 20, 2001; 115 Stat. 214)

H.R. 988/P.L. 107–33

To designate the United States courthouse located at 40 Centre Street in New York, New York, as the ''Thurgood Marshall United States Courthouse''. (Aug. 20, 2001; 115 Stat. 215)

H.R. 1183/P.L. 107–34

To designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the ''G. Elliot Hagan Post Office Building''. (Aug. 20, 2001; 115 Stat. 216)

H.R. 1753/P.L. 107–35

To designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the ''M. Caldwell Butler Post Office Building''. (Aug. 20, 2001; 115 Stat. 217)

H.R. 2043/P.L. 107–36

To designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the ''Elwood Haynes 'Bud' Hillis Post Office Building''. (Aug. 20, 2001; 115 Stat. 218)

Last List August 21, 2001

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