



# Federal Register

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  2. The relationship between the **Federal Register** and Code of Federal Regulations.
  3. The important elements of typical **Federal Register** documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

- WHEN:** September 20, 2001—9:00 a.m. to noon
- WHERE:** Office of the Federal Register  
Conference Room  
800 North Capitol Street, NW.  
Washington, DC  
(3 blocks north of Union Station Metro)
- RESERVATIONS:** 202-523-4538; or  
[info@fedreg.nara.gov](mailto:info@fedreg.nara.gov)



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

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

## DEPARTMENT OF AGRICULTURE

### Farm Service Agency

#### 7 CFR Part 770

RIN 0560-AF43

#### Loans to Indian Tribes and Tribal Corporations; Correction

**AGENCY:** Farm Service Agency, USDA.

**ACTION:** Correction to final rule.

**SUMMARY:** This document contains corrections to the final rule which was published Tuesday, January 9, 2001 (66 FR 1563). The final rule revised and consolidated the Indian Tribal Land Acquisition Program (ITLAP) regulations.

**DATE:** Effective on September 14, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Craig Nehls, Branch Chief, Farm Loan Programs, Loan Servicing and Property Management Division, Farm Service Agency, USDA, 1400 Independence Avenue, SW., STOP 0523, Washington, DC 20250-0523, telephone (202) 720-1984, facsimile (202) 690-1196, electronic mail:

*Craig\_Nehls@wdc.usda.gov.*

#### Correction

Accordingly, in the final rule published January 9, 2001, (66 FR1563) make the following corrections in § 770.10:

#### § 770.10 [Corrected]

On page 1569, in the second column, in paragraph (e)(3)(iv), in the second line, "(d)(4)" should read "(e)(4);" and in the fourth line, "(d)(3)" should read "(e)(3)" and paragraph (e) should be redesignated as paragraph (f).

Signed at Washington, DC, on September 6, 2001.

**James R. Little,**

*Administrator, Farm Service Agency.*

[FR Doc. 01-23061 Filed 9-13-01; 8:45 am]

**BILLING CODE 3410-05-P**

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 120

RIN 3245-AE73

#### Microloan Program

**AGENCY:** Small Business Administration (SBA).

**ACTION:** Direct final rule.

**SUMMARY:** The Consolidated Appropriations Act, 2001 ("2000 legislation") was enacted on December 21, 2000. It made several changes to SBA's microloan program, increasing in several places the dollar amounts used to define aspects of the program. Because there is no need for SBA to interpret the statutory changes, SBA is implementing them with this direct final rule.

**DATES:** Unless adverse comment is received prior to October 15, 2001, the rule will become effective as a final rule on November 14, 2001. If adverse comment is received, SBA will publish a timely withdrawal of the rule in the **Federal Register**.

**ADDRESSES:** Send written comments to Jody Raskind, Chief, Office of Microenterprise Development, U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Jody Raskind, (202) 205-6497.

**SUPPLEMENTARY INFORMATION:** Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) ("Act") sets forth the statutory rules with respect to SBA's microloan program which authorizes SBA to assist small businesses that need small amounts of financial assistance. Under the program, SBA makes direct and guaranteed loans available to intermediaries who use the proceeds to make microloans to eligible borrowers. SBA is also authorized to make grants to intermediaries and other qualified nonprofit entities to be used for marketing, management, and technical assistance.

Section 210 of Pub. L. 106-554 ("2000 legislation") amended section 7(m) of

the Act, and this direct final rule implements the statutory changes by conforming SBA's regulations to the statutory changes. Thus, SBA is amending § 120.701 of its regulations to define a Microloan as a loan of not more than \$35,000 (formerly \$25,000) by an intermediary to a small business. The definition of Specialized Intermediary is changed to mean an intermediary that maintains a portfolio of microloans averaging \$10,000 (up from \$7,500) or less. SBA is amending § 120.702 of its regulations to reflect that an organization, to become an intermediary, must have made and serviced short-term fixed rate loans of not more than \$35,000 (up from \$25,000) to newly established or growing small businesses for at least one year.

SBA is amending § 120.704 of its regulations so that in selecting intermediaries for the microloan program, SBA will give priority to applicants that maintain a portfolio of loans averaging \$10,000 (up from \$7,500) or less. SBA is amending § 120.705 so that a specialized intermediary would have to maintain a portfolio of microloans averaging \$10,000 (up from \$7,500).

SBA is amending § 120.707(b) of its regulations to reflect that an intermediary may not make a microloan of more than \$20,000 (up from \$15,000) unless the borrower demonstrates that it is unable to obtain credit elsewhere. In addition, § 120.707(b) is amended to show that an intermediary may not make a loan of more than \$35,000 (up from \$25,000), and no borrower may owe an intermediary more than \$35,000 (up from \$25,000) at any one time. SBA is amending § 120.707(c) to reflect the statutory change which increased the dollar amount to \$10,000 (up from \$7,500).

SBA is amending § 120.714(a) of its regulations so that any eligible nonprofit entity that is not an intermediary may apply to SBA for a grant for the purpose of assisting eligible businesses to obtain private sector financing in amounts of \$35,000 (up from \$25,000) or less. SBA is amending § 120.714(b) to reflect the statutory changes which increased the (1) number of grants it can make to non-Intermediaries each year to 55 (up from 25), and (2) amount of the grant to \$200,000 (up from \$125,000).

SBA is publishing this regulation as a direct final rule because SBA believes the rule is noncontroversial since it is merely implementing changes required by P.L. 106-554 without any need for interpretations by SBA. As such, SBA believes that this rule will not elicit any significant adverse comment.

**Compliance With Executive Orders 13132, 12988, and 12866, the Regulatory Flexibility Act (5 U.S.C. 601-612), and the Paperwork Reduction Act (44 U.S.C., Ch. 35)**

For the purposes of Executive Order 13132, SBA has determined that this direct final rule has no federalism implications warranting preparation of a federalism assessment.

This direct final rule does not constitute a "significant" regulatory action under Executive Order 12866 and therefore, was not reviewed by the Office of Management and Budget.

SBA certifies that this direct final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601-612. This rule is merely implementing changes required by Pub. L. 106-554 without any need for interpretations by SBA. Any impact on small entities results from the 2000 legislation and not from this rulemaking.

SBA certifies that this final rule does not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C., chapter 35.

For purposes of Executive Order 12988, SBA certifies that this final rule is drafted, to the extent practicable, to accord with the standards set forth in paragraph 3 of that Order.

**List of Subjects in 13 CFR Part 120**

Loan programs-business, Small Businesses.

For the reasons set forth above, SBA amends 13 CFR part 120 as follows:

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

**Authority:** 15 U.S.C. 634(b)(6), 636(a) and (h), 696(3), and 697(a)(2).

2. Amend § 120.701 by revising paragraphs (f) and (i) to read as follows:

**§ 120.701 Definitions.**

\* \* \* \* \*

(f) *Microloan* is a short-term, fixed interest rate loan of not more than \$35,000 made by an Intermediary to an eligible small business.

\* \* \*

(i) *Specialized Intermediary* is an Intermediary which maintains a portfolio of Microloans averaging \$10,000 or less.

3. Revise § 120.702(a)(1) to read as follows:

**§ 120.702 Are there limitations on who can be an Intermediary or on where an Intermediary may operate?**

(a) \* \* \*

(1) Have made and serviced short-term fixed rate loans of not more than \$35,000 to newly established or growing small businesses for at least one year: and

\* \* \* \* \*

4. Revise § 120.704(b) to read as follows:

**§ 120.704 How are applications evaluated?**

(a) \* \* \*

(b) *Preference for organizations which make very small loans.* In selecting Intermediaries, SBA will give priority to applicants which maintain a portfolio of loans averaging \$10,000 or less.

\* \* \* \* \*

5. Amend § 120.705 by revising the second sentence to read as follows:

**§ 120.705 What is a Specialized Intermediary?**

\* \* \* An Intermediary qualifies as a Specialized Intermediary if it maintains a portfolio of Microloans averaging \$10,000 or less. \* \* \*

6. Amend § 120.707 as follows:

- a. By revising the second and third sentences of paragraph (b); and
- b. Revising paragraphs (c)(1) and (c)(2).

**§ 120.707 What conditions apply to loans by Intermediaries to Microloan borrowers?**

\* \* \* \* \*

(b) \* \* \* An Intermediary may not make a Microloan of more than \$20,000 unless the borrower demonstrates that it is unable to obtain credit elsewhere at comparable interest rates and that it has good prospects for success. An Intermediary may not make a Microloan of more than \$35,000, and no borrower may owe an Intermediary more than \$35,000 at any one time. \* \* \*

(c) \* \* \*

(1) On loans of more than \$10,000, the interest rate charged on the SBA loan to the Intermediary, plus 7.75 percentage points; and

(2) On loans of \$10,000 or less, the interest rate charged on the SBA loan to the Intermediary, plus 8.5 percentage points.

7. Amend § 120.714 as follows:

- a. By revising the first sentence of paragraph (a); and
- b. By revising paragraph (b).

**§ 120.714 How does a non-Intermediary get a grant?**

(a) *Grant procedure for non-Intermediaries.* Any nonprofit entity

that is not an Intermediary may apply to SBA for a grant to provide marketing, management and technical assistance to low-income individuals for the purpose of assisting them in obtaining private sector financing in amounts of \$35,000 or less. \* \* \*

(b) *Number and amount of grants.* In each year of the Microloan Program, SBA may make no more than 55 grants to non-Intermediaries for terms of up to five years. A grant may not exceed \$200,000.

\* \* \* \* \*

Dated: June 26, 2001.

**John Whitmore,**

*Acting Administrator.*

[FR Doc. 01-22959 Filed 9-13-01; 8:45 am]

**BILLING CODE 8025-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. 2001-SW-19-AD; Amendment 39-12439; AD 2001-18-13]**

**RIN 2120-AA64**

**Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 P1 and EC135 T1 Helicopters**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) for Eurocopter Deutschland GmbH (Eurocopter) Model EC135 P1 and EC135 T1 helicopters. This action requires, before further flight, adding a copy of this AD or a statement to the Emergency Procedures section of the Rotorcraft Flight Manual (RFM) to inform the pilot to reduce power and land as soon as practicable if a thump-like sound followed by unusual vibration occurs during flight. This action also requires visually inspecting for a crack or a break in certain main rotor drive torque strut (strut) assemblies at specified time intervals and recording details of the inspections in the historical or equivalent record. This AD also requires re-marking and relocating the strut as appropriate and replacing any unairworthy strut assembly with an airworthy strut assembly before further flight. Also, this AD establishes a life limit of 1000 hours time-in-service (TIS) for certain struts with an additional 1000 hours TIS for struts re-marked right-hand (RH) or left-

hand (LH) before installing in the new location. This amendment is prompted by a report of a thump-like sound heard during flight followed by unusual vibrations due to failure of the RH strut between the main transmission and the fuselage. The actions specified in this AD are intended to prevent failure of a strut, failure of a worn or ineffective back-up emergency stop, and subsequent loss of control of the helicopter.

**DATES:** Effective October 1, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 1, 2001.

Comments for inclusion in the Rules Docket must be received on or before November 13, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2001-SW-19-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: [9-asw-adcomments@faa.gov](mailto:9-asw-adcomments@faa.gov).

The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

**SUPPLEMENTARY INFORMATION:** The Luftfahrt-Bundesamt (LBA), the airworthiness authority for the Federal Republic of Germany, notified the FAA that an unsafe condition may exist on Eurocopter Model EC 135 helicopters. The LBA advises of an isolated thump-like sound heard during flight followed by unusual vibrations. The inspection following this incident revealed that the attachment between the tensile stress-loaded strut on the RH side of the main transmission and the fuselage structure had ruptured. For such cases, the emergency stop, fitted to the fuselage structure to provide redundancy backup, takes over or will have already taken over the function of the strut. Under such conditions, however, there

is a danger that the emergency stop could become worn and ineffective if it is kept in operation for a long period of time with an unairworthy strut.

Eurocopter has issued Alert Service Bulletin EC135-63A-002, Revision 1, dated March 12, 2001 (ASB), which specifies notifying the pilots of Model EC 135 helicopters about the contents of the ASB. The ASB also specifies inspecting the strut for a crack, marking the strut location and serial number (S/N) in the vicinity of the part number (P/N), and transferring location side of the struts at certain intervals. The LBA classified this ASB as mandatory and issued AD 2001-107, dated March 13, 2001 to ensure the continued airworthiness of these helicopters in the Federal Republic of Germany.

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

We have identified an unsafe condition that is likely to exist or develop on other Eurocopter Model EC135 P1 and EC135 T1 helicopters of the same type designs registered in the United States. Therefore, this AD is being issued to prevent failure of a strut and subsequent loss of control of the helicopter.

This AD requires the following for each strut, P/N L633M1001 103 and L633M1001 105:

- Before further flight, insert a copy of this AD or a statement into the Emergency Procedures section of the RFM to inform the pilot to reduce power and land as soon as practicable if a thump-like sound followed by unusual vibration occurs during flight.
- Within 10 hours TIS, visually inspect each strut with 950 or more hours TIS for a crack or a break.
- Before accumulating 1000 hours TIS for each strut with less than 950 TIS and within 50 hours TIS for each strut with 950 or more hours TIS, inspect for a crack or a break using a 6-power or higher magnifying glass.
- Replace any cracked or broken strut with an airworthy strut before further flight.
- Enter the details of each inspection in the helicopter's historical or equivalent record.

This AD revises the Airworthiness Limitations section of the maintenance manual by establishing a life limit of 1000 hours TIS for each strut in its original location, with an additional 1000 hours TIS if properly re-marked and relocated (2000 hours total TIS) to the opposite side of the transmission. The additional 1000 hours TIS life is possible because the loading mode is changed by relocating the tension loaded RH strut to the LH position, which is loaded in compression. The actions are required to be accomplished in accordance with the service bulletin described previously.

The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability and structural integrity of the helicopter. Therefore, before further flight, insert a copy of this AD or a statement into the Emergency Procedures section of the RFM to inform the pilot to reduce power and land as soon as practicable if a thump-like sound followed by unusual vibration occurs during flight. Also, because visually inspecting each strut with 950 or more hours TIS for a crack or break is required within 10 hours TIS, and, if a cracked or broken part is found, replacing any unairworthy part with an airworthy part is required before further flight, this AD must be issued immediately.

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

The FAA estimates that 38 helicopters will be affected by this AD. The FAA also estimates approximately ½ work hour to do a flashlight and mirror inspection and 2.5 work hours to re-mark, relocate, inspect with a 6-power or higher magnifying glass, and replace each strut as necessary. The average labor rate is \$60 per work hour. Required parts will cost approximately \$2400 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$98,040.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the

Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2001-SW-19-AD." The postcard will be date stamped and returned to the commenter.

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

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

### List of Subjects in 14 CFR Part 39

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

### Adoption of the Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**2001-18-13 Eurocopter Deutschland GmbH**  
Amendment 39-12439. Docket No. 2001-SW-19-AD.

**Applicability:** Model EC135 P1 and EC135 T1 helicopters, with main rotor drive torque strut assembly (strut), part number (P/N) L633M1001 103 or L633M1001 105, installed, certificated in any category.

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

**Compliance:** Required as indicated, unless accomplished previously.

To prevent failure of the strut and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight, insert a copy of this AD or a statement into the Emergency Procedures Section of the Rotorcraft Flight Manual (RFM) to inform the pilot to reduce power and land as soon as practicable if a thump-like sound followed by unusual vibration occurs during flight.

(b) Within 10 hours time-in-service (TIS), visually inspect each strut with 950 or more hours TIS for a crack or a break using a flashlight and a mirror in accordance with the Accomplishment Instructions, paragraph 3.B.(1) and 3.B.(2), of Eurocopter Deutschland GmbH Alert Service Bulletin EC135-63A-002, Revision 1, dated March 12, 2001 (ASB). Replace any cracked or broken strut with an airworthy strut before further flight.

(c) Inspect the following struts for a crack or a break, using a 6-power or higher magnifying glass, and re-mark and relocate each strut in accordance with the Accomplishment Instructions, paragraph 3.C., of the ASB. This AD does not require you to return any part to the manufacturer.

(1) For a strut with less than 950 hours TIS, inspect before accumulating 1000 hours TIS.

(2) For a strut with 950 or more hours TIS, inspect within 50 hours TIS.

(3) Replace any cracked or broken strut with an airworthy strut before further flight.

(d) This AD revises the Airworthiness Limitations section of the maintenance manual by establishing a life limit of 1000 hours TIS for each strut, P/N L633M1001 103 and L633M1001 105, in its original location, with an additional 1000 hours TIS if properly re-marked and relocated (2000 hours total TIS) in accordance with the Accomplishment Instructions, paragraph 3.C.(3) of the ASB.

(e) Record details of the inspections in the historical or equivalent records in accordance with the Accomplishment Instructions, paragraph 3.C.(4) of the ASB.

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

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

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

(h) The inspections, re-marking, relocation, and entry in the historical or equivalent record of each strut, P/N L633M1001 103 and L633M1001 105, shall be done in accordance with the Accomplishment Instructions, paragraphs 3.B.(1), 3.B.(2), and 3.C., of Eurocopter Deutschland GmbH Alert Service Bulletin EC135-63A-002, Revision 1, dated March 12, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on October 1, 2001.

**Note 3:** The subject of this AD is addressed in Luftfahrt-Bundesamt (Federal Republic of Germany) AD 2001-107, dated March 13, 2001.

Issued in Fort Worth, Texas, on September 4, 2001.

**David A. Downey,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 01-22946 Filed 9-13-01; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001-NM-230-AD; Amendment 39-12437; AD 2001-18-11]

RIN 2120-AA64

#### **Airworthiness Directives; McDonnell Douglas Model 717 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model 717 series airplanes. This action requires a one-time inspection of the support seal tubes of the rudder trim and load-feel actuator assembly of the rudder trim control system, located in the aft accessory compartment, for proper clearance between the actuator support seal tube and spring capsule assembly, and applicable follow-on/corrective actions. This action is necessary to detect and correct the accumulation of moisture in the rudder trim and load-feel actuator of the rudder trim control system. Such moisture could freeze and cause stiff operation, binding, or jamming of the rudder trim control system and consequent jamming of the rudder; and adversely affect directional control of an airplane.

**DATES:** Effective October 1, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 1, 2001.

Comments for inclusion in the Rules Docket must be received on or before November 13, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-230-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except

Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: *9-anm-iarccomment@faa.gov*. Comments sent via fax or the Internet must contain "Docket No. 2001-NM-230-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Albert Lam, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627-5346; fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:** The FAA has received several reports of in-flight binding and/or stiff operation of the rudder trim control system on McDonnell Douglas Model 717 series airplanes. Subsequent investigation indicates that approximately 60 rudder trim and load-feel actuators were manufactured with insufficient clearance between the actuator support seal tube and spring capsule assembly, and these actuators were installed on Model 717 series airplanes. Moisture condensing in the area of those components could freeze and cause stiff operation, binding, or jamming of the rudder trim control system. Such conditions could result in consequent jamming of the rudder and adversely affect directional control of an airplane.

#### **Explanation of Relevant Service Information**

The FAA has reviewed and approved Boeing Alert Service Bulletin 717-27A0016, including Appendix, dated April 9, 2001, which describes procedures for a one-time inspection of the support seal tubes of the rudder trim and load-feel actuator assembly of the rudder trim control system, located in

the aft accessory compartment, for proper clearance between the actuator support seal tube and spring capsule assembly, and applicable follow-on/corrective actions. The Boeing service bulletin refers to BFGoodrich Aerospace Service Bulletin DL4528M1-27-20, dated April 3, 2001, as an additional source of service information. The inspection and follow-on/corrective actions include the following procedures:

- Condition 1: For a 5-inch support seal tube, as specified in the Boeing service bulletin, reidentify the rudder trim and load-feel actuator assembly, and apply a nylon or polyurethane clear coating.
- Condition 2: For a 6-inch support seal tube, as specified in the Boeing service bulletin, modify and reidentify the actuator assembly, and install the modified and reidentified actuator assembly. Modification action includes removing sealant from around the screw heads and flange of the support seal tube; removing safety wire from screws; removing the support seal tube; cleaning any excess sealant compound from the support seal tube, cover, and front cap; applying sealing compound to the support tube at certain locations; installing and securing a new support seal tube, using six screws having a specified torque value and securing them with safety wire; reidentifying the actuator identification plate; and applying a clear coating to the flange of the support seal tube.

#### **Explanation of the Requirements of the Rule**

Since an unsafe condition has been identified that is likely to exist or develop on other McDonnell Douglas Model 717 series airplanes of the same type design, this AD is being issued to detect and correct the accumulation of moisture in the rudder trim and load-feel actuator of the rudder trim control system. Such moisture could freeze and result in stiff operation, binding, or jamming of the rudder trim control system and consequent jamming of the rudder; and adversely affect directional control of an airplane.

This AD requires accomplishment of the actions specified by the previously referenced Boeing service bulletin, except as discussed below.

#### **Differences Between the Service Information and This AD**

Operators should note that the BFGoodrich Aerospace service bulletin, which is referenced by the Boeing service bulletin as an additional source of information, specifies the application of a nylon or polyurethane clear coating

“or equivalent.” However, the FAA has determined that it is necessary to specify the use of a nylon or polyurethane clear coating in paragraph (a)(1) of this AD.

Operators also should note that the reporting requirement in paragraph (b) of this AD also includes an additional requirement to identify whether a 5-inch or a 6-inch support seal tube is found installed on the airplane during the inspection required by paragraph (a) of this AD.

#### Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

#### Determination of Rule's Effective Date

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

#### Comments Invited

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

Submit comments using the following format:

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to

modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket Number 2001–NM–230–AD.” The postcard will be date stamped and returned to the commenter.

#### Regulatory Impact

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

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

#### List of Subjects in 14 CFR Part 39

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

#### Adoption of the Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

##### 2001–18–11 McDonnell Douglas:

Amendment 39–12437. Docket 2001–NM–230–AD.

*Applicability:* Model 717 series airplanes, as listed in Boeing Alert Service Bulletin 717–27A0016, including Appendix, dated April 9, 2001; certificated in any category.

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

*Compliance:* Required as indicated, unless accomplished previously.

To detect and correct the accumulation of moisture in the rudder trim and load-feel actuator of the rudder trim control system, which could freeze and cause stiff operation, binding, or jamming of the rudder trim control system and consequent jamming of the rudder; and adversely affect directional control of an airplane; accomplish the following:

#### Detailed Visual Inspection

(a) Within 60 days after the effective date of this AD, do a one-time detailed visual inspection of the support seal tube of the rudder trim and load-feel actuator assembly, located in the aft accessory compartment, for proper clearance between the actuator support seal tube and spring capsule assembly, per paragraph 3.B. of the Accomplishment Instructions of Boeing Alert Service Bulletin 717–27A0016, including Appendix, dated April 9, 2001; and, before further flight, accomplish the actions specified in paragraph (a)(1) or (a)(2) of this AD, as applicable.

**Note 2:** For the purposes of this AD, a detailed visual inspection is defined as: “An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.”

**Note 3:** The Boeing service bulletin refers to BFGoodrich Aerospace Service Bulletin DL4528M1–27–20, dated April 3, 2001, as an additional source of service information for accomplishment of the one-time detailed visual inspection and follow-on/corrective actions.

**Follow-on/Corrective Actions****Condition 1: For a 5-inch Support Seal Tube**

(1) Reidentify the rudder trim and load-feel actuator assembly, and apply a nylon or polyurethane clear coating, per Condition 1, paragraphs 1 through 3, paragraph 3.B. of the Accomplishment Instructions of the service bulletin. Where there are differences between the AD and the service information, the AD prevails.

**Condition 2: For a 6-inch Support Seal Tube**

(2) Modify (including removing sealant from around the screw heads and flange of the support seal tube; removing safety wire from screws; removing the support seal tube; cleaning any excess sealant compound from the support seal tube, cover, and front cap; applying sealing compound to the support tube at certain locations; installing and securing a new support seal tube, using six screws having a specified torque value and securing them with safety wire; reidentifying the actuator identification plate; and applying a clear coating to the flange of the support seal tube) and reidentify the rudder trim and load-feel actuator assembly; and install the modified and reidentified actuator assembly; per Condition 2, paragraphs 1 through 14, paragraph 3.B. of the Accomplishment Instructions of the service bulletin.

**Note 4:** Although the BFGoodrich service bulletin specifies that the action for Condition 1 is for a 5.25-inch support seal tube and Condition 2 is for a 6.25-inch support seal tube, this AD specifies 5 inches and 6 inches respectively, as cited in the Boeing service bulletin.

**Reporting Requirement**

(b) Within 10 days after accomplishing the one-time inspection required by paragraph (a) of this AD, submit a report of the inspection results (both positive and negative findings) to the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, or to Boeing, per the Appendix of Boeing Alert Service Bulletin 717-27A0016, dated April 9, 2001. The report must include the part number and serial number of the rudder trim load feel actuator, date of inspection, fuselage number, and number of flight hours or flight cycles on the airplane. The report also must include whether the support seal tube found installed on the airplane during the detailed visual inspection required by paragraph (a) of this AD is 5 inches or 6 inches. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

**Spares**

(c) As of the effective date of this AD, no person shall install on any airplane, a support seal tube, part number (P/N) A9543, Revision A, on a rudder trim and load-feel actuator, P/N DL4528M1MOD5 or P/N DL4528M1MOD6.

**Alternative Methods of Compliance**

(d) An alternative method of compliance or adjustment of the compliance time that

provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

**Note 5:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

**Special Flight Permits**

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

**Incorporation by Reference**

(f) The actions shall be done in accordance with Boeing Alert Service Bulletin 717-27A0016, including Appendix, dated April 9, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Effective Date**

(g) This amendment becomes effective on October 1, 2001.

Issued in Renton, Washington, on September 4, 2001.

**Kalene C. Yanamura,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01-22996 Filed 9-13-01; 8:45 am]

**BILLING CODE 4910-13-U**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

**[Docket No. 2001-NM-39-AD; Amendment 39-12440; AD 2001-19-01]**

**RIN 2120-AA64**

**Airworthiness Directives; Bombardier Model DHC-8-301 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Bombardier Model DHC-8-301 series airplanes. This action requires removal of the access panels of the upper wings to determine the manufacturing date of the panels to verify compliance with Model 301 wing specifications, and corrective action, if necessary. This action is necessary to find and fix panels that do not meet such specifications, which could result in elongation of the attachment holes in the panels due to critical design loads, and consequent reduced structural integrity of the wings. This action is intended to address the identified unsafe condition.

**DATES:** Effective October 1, 2001.

Comments for inclusion in the Rules Docket must be received on or before October 15, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-39-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: [9-anm-iarcomment@faa.gov](mailto:9-anm-iarcomment@faa.gov). Comments sent via fax or the Internet must contain "Docket No. 2001-NM-39-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Serge Napoleon, Aerospace Engineer, ANE-171, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256-7512; fax (516) 568-2716.

**SUPPLEMENTARY INFORMATION:** Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada,

notified the FAA that an unsafe condition may exist on certain Bombardier Model DHC-8-301 series airplanes. TCCA advises that a report was received that during a routine inspection an operator questioned the conformity of the wing access panels located between stations Y42 and Y139 of the upper wing. Investigation revealed that the panels were not built per the design drawing specifications. The panels were manufactured per the design specifications of the DHC-8-100; therefore, the doublers on the panels were manufactured with less than the required thickness. Structural analysis done by the manufacturer indicates that, if the affected panels are exposed to critical design loads during flight, the attachment holes in the panels may elongate, which could result in reduced structural integrity of the wings.

#### Explanation of Relevant Service Information

De Havilland Dash 8 Maintenance Manual, Product Support Manual 1-83-2, Chapter 57-30-10, dated March 31, 1995, describes procedures for removal and replacement of the access panels of the left and right wings with new panels. TCCA issued Canadian airworthiness directive CF-99-27, dated September 28, 1999, in order to assure the continued airworthiness of these airplanes in Canada.

#### FAA's Conclusions

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.19) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCCA has kept the FAA informed of the situation described above. The FAA has examined the findings of TCCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

#### Explanation of Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design that may be registered in the United States at some time in the future, this AD is being issued to find and fix panels that do not meet Model 301 wing specifications, which could result in discrepancies and reduced structural integrity of the wings. This AD requires removal of the two upper wing access panels to determine the manufacturing

date of the panels to verify compliance with Model 301 specifications, and corrective action, if necessary. The actions are required to be accomplished in accordance with the service information described previously.

#### Cost Impact

None of the Model DHC-8-301 series airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 1 work hour to accomplish the required actions, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this AD would be \$60 per airplane.

#### Determination of Rule's Effective Date

Since this AD action does not affect any airplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, prior notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

#### Comments Invited

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

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a

request to change the service bulletin reference as two separate issues.

- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NM-39-AD." The postcard will be date stamped and returned to the commenter.

#### Regulatory Impact

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

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

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**2001-19-01 Bombardier, Inc.** (Formerly de Havilland, Inc.): Amendment 39-12440. Docket 2001-NM-39-AD.

**Applicability:** Model DHC-8-301 series airplanes having the serial numbers listed below, certificated in any category: 100, 108, 116, 124, 131, 137, 143, 149, 154, 159, 164, 169, 174, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200.

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

**Compliance:** Required as indicated, unless accomplished previously.

To find and fix the access panels of the upper wings that do not meet Model 301 wing specifications, which could result in elongation of the attachment holes in the panels due to critical design loads, and consequent reduced structural integrity of the wings; accomplish the following:

#### Determine Manufacturing Date/Corrective Action

(a) Within 12 months after the effective date of this AD: Remove the two access panels of the upper wings, part number (P/N) 85711539-003, to determine the manufacturing date, which is stamped on the underside of each panel; per de Havilland Dash 8 Maintenance Manual, Product Support Manual 1-83-2, Chapter 57-30-10, dated March 31, 1995.

(1) If the manufacturing date on any panel is September 30, 1997, or earlier, before further flight, replace with a new panel, P/N 85711539-003, having a manufacturing date of October 1, 1997, or later; per the maintenance manual.

(2) If the manufacturing date on any panel is October 1, 1997, or later, reinstall that panel per the maintenance manual. No further action is required for that panel.

#### Spares

(b) As of the effective date of this AD: No person may install an access panel, P/N 85711539-003, having a manufacturing date of September 30, 1997, or earlier, on any airplane.

#### Alternative Methods of Compliance

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

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

#### Special Flight Permits

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

**Note 3:** The subject of this AD is addressed in Canadian airworthiness directive CF-99-27, dated September 28, 1999.

#### Effective Date

(e) This amendment becomes effective on October 1, 2001.

Issued in Renton, Washington, on September 7, 2001.

**Vi L. Lipski,**

*Manager, Transport Airplane Directorate,  
Aircraft Certification Service.*

[FR Doc. 01-23068 Filed 9-13-01; 8:45 am]

**BILLING CODE 4910-13-P**

## PENSION BENEFIT GUARANTY CORPORATION

### 29 CFR Parts 4022 and 4044

#### Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in October 2001. Interest assumptions are also published on the PBGC's Web site (<http://www.pbgc.gov>).

**EFFECTIVE DATE:** October 1, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Harold J. Ashner, Assistant General Counsel, Office of the General Counsel,

Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024. (TTY/TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

**SUPPLEMENTARY INFORMATION:** The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in Appendix B to part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in Appendix C to part 4022).

Accordingly, this amendment (1) adds to Appendix B to Part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during October 2001, (2) adds to Appendix B to Part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during October 2001, and (3) adds to Appendix C to Part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during October 2001.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 6.10 percent for the first 20 years following the valuation date and 6.25 percent thereafter. These interest assumptions represent a decrease (from those in effect for September 2001) of 0.20 percent for the first 20 years following the valuation date and are otherwise unchanged.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 4.50 percent for the period during which a benefit is in pay status, and 4.00 percent during any years preceding the benefit's placement in pay status. These interest

assumptions are unchanged from those in effect for September 2001.

For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during October 2001, the PBGC finds that good cause exists

for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

**List of Subjects**

*29 CFR Part 4022*

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

*29 CFR Part 4044*

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

**PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS**

1. The authority citation for part 4022 continues to read as follows:

**Authority:** 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

2. In appendix B to part 4022, Rate Set 96, as set forth below, is added to the table. (The introductory text of the table is omitted.)

**Appendix B to Part 4022—Lump Sum Interest Rates For PBGC Payments**

\* \* \* \* \*

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$
*	*	*	*	*	*	*	*	*
96 .....	10-1-01	11-1-01	4.50	4.00	4.00	4.00	7	8

3. In appendix C to part 4022, Rate Set 96, as set forth below, is added to the table. (The introductory text of the table is omitted.)

**Appendix C to Part 4022—Lump Sum Interest Rates For Private-Sector Payments**

\* \* \* \* \*

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$
*	*	*	*	*	*	*	*	*
96 .....	10-1-01	11-1-01	4.50	4.00	4.00	4.00	7	8

**PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS**

4. The authority citation for part 4044 continues to read as follows:

**Authority:** 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

5. In appendix B to part 4044, a new entry, as set forth below, is added to the table. (The introductory text of the table is omitted.)

**Appendix B to Part 4044—Interest Rates Used to Value Benefits**

\* \* \* \* \*

For valuation dates occurring in the month—	The values of it are:					
	$i_t$	for $t =$	$i_t$	for $t =$	$i_t$	for $t =$
*	*	*	*	*	*	*
October 2001 .....	.0610	1-20	.0625	>20	N/A	N/A

Issued in Washington, DC, on this 11th day of September 2001.

**John Seal,**

*Acting Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 01-23158 Filed 9-13-01; 8:45 am]

BILLING CODE 7708-01-P

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 51, 52, 96, and 97

[FRL-7056-9]

#### Availability of Documents for the Response to the Remands in the Ozone Transport Cases Concerning the Method for Computing Growth for Electric Generating Units; Extension of Comment Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice to extend comment period.

**SUMMARY:** In response to requests from the public, the EPA is extending the comment period for the notice of data availability for the Nitrogen Oxides State Implementation Plan Call (NO<sub>x</sub> SIP Call) and the Section 126 Rule that was published on August 3, 2001 (66 FR 40609) for an additional 15 days. The comment period will now end on September 19, 2001.

**DATES:** The EPA is establishing a comment period ending on September 19, 2001. Comments must be postmarked by the last day of the comment period and sent directly to the Docket Office listed in **ADDRESSES** (in duplicate form if possible).

**ADDRESSES:** Comments may be submitted to the Office of Air and Radiation Docket and Information Center (6102), Attention: Docket No. A-96-56 for the NO<sub>x</sub> SIP Call and Docket No. A-97-43 for the Section 126 Rule, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, telephone (202) 260-7548. The EPA encourages electronic submission of comments following the instructions under **SUPPLEMENTARY INFORMATION** of this document. The e-mail address is *A-and-R-Docket@epa.gov*. No confidential business information should be submitted through e-mail.

Copies of all of the documents containing the new data being made available have been placed in the docket for the NO<sub>x</sub> SIP Call rule, Docket No. A-96-56, and have been incorporated by reference in the docket for the Section 126 Rule, Docket No. A-97-43. These

new documents, and other documents relevant to these rulemakings, are available for inspection at the Docket Office, located at 401 M Street SW, Room M-1500, Washington, DC 20460, between 8 a.m. and 5:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. Some of the documents have also been made available in electronic form at the following EPA website: <http://www.epa.gov/airmarkets/fednox/126noda/>.

#### FOR FURTHER INFORMATION CONTACT:

Questions concerning the notice of data availability should be directed to Kevin Culligan, Office of Atmospheric Programs, Clean Air Markets Division, 6204M, 1200 Pennsylvania Ave. NW, Washington, DC 20460, telephone (202) 564-9172, e-mail [culligan.kevin@epa.gov](mailto:culligan.kevin@epa.gov); or Howard J. Hoffman, Office of General Counsel, 2344A, 1200 Pennsylvania Ave. NW, Washington, DC 20460, telephone (202) 564-5582, e-mail [hoffman.howard@epa.gov](mailto:hoffman.howard@epa.gov).

General questions about the Section 126 Rule or the NO<sub>x</sub> SIP Call may be directed to Carla Oldham, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, MD-15, Research Triangle Park, NC, 27711, telephone (919) 541-3347, e-mail [oldham.carla@epa.gov](mailto:oldham.carla@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Submitting Electronic Comments

Electronic comments are encouraged and can be sent directly to EPA at *A-and-R-Docket@epa.gov*. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments will also be accepted on disks in WordPerfect 8.0 or ASCII file format. All comments in electronic form must be identified by Docket No. A-96-56 for the NO<sub>x</sub> SIP Call and Docket No. A-97-43 for the Section 126 Rule. Electronic comments may be filed online at many Federal Depository Libraries.

##### Extension of Comment Period

In the August 3, 2001 notice of data availability, EPA provided notice that it had placed in the dockets for the two main rulemakings concerning ozone-smog transport in the eastern part of the United States—the Nitrogen Oxides State Implementation Plan Call (NO<sub>x</sub> SIP Call) and the Section 126 Rule—data relevant to the remands by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) concerning growth rates for seasonal

heat input by electric generating units (EGUs). In both the NO<sub>x</sub> SIP Call and Section 126 rulemakings, EPA determined control obligations with respect to EGUs through the same computation, which included, as one component, estimates of growth in heat input by the EGUs from 1996 to 2007. In two cases decided earlier this year challenging the Section 126 rulemaking and a pair of rulemakings that made technical corrections to the NO<sub>x</sub> SIP Call, the D.C. Circuit considered challenges to EPA's calculation of the growth estimate and its use of growth factors. In virtually identical decisions, the Court remanded the growth component to EPA for a better response to certain data presented by the affected States and industry concerning actual heat input, and for a better explanation of EPA's methodology. The EPA is in the process of responding to those remands. The EPA's preliminary view is that its growth calculations were reasonable and can be supported with a more robust explanation, based on the existing record, that takes into account the Court's concerns. In addition, EPA is considering new data that have recently been placed in the dockets for the NO<sub>x</sub> SIP Call and Section 126 Rule. These new data appear to confirm the reasonableness of the growth calculations. The EPA intends to complete its response to the Court's remands in November 2001.

The EPA originally provided a 30-day period for the public to comment on these new data. In response to requests from the Utility Air Regulatory Group and the State of Illinois, EPA is extending the comment period for an additional 15 days. Please refer to the August 3, 2001 notice for a description of the data on which EPA is soliciting comment.

Dated: August 31, 2001.

**John Seitz,**

*Director, Office of Air Quality Planning and Standards.*

[FR Doc. 01-23081 Filed 9-13-01; 8:45 am]

BILLING CODE 6560-50-P

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[IN135-2; FRL-7052-6]

#### Approval and Promulgation of Implementation Plans; Indiana

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

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**SUMMARY:** On June 7, 2001, the EPA proposed to approve a November 15, 2000, State Implementation Plan (SIP) revision request which tightens Volatile Organic Compound (VOC) regulations for cold cleaning degreasing operations in Clark, Floyd, Lake and Porter Counties in Indiana, which are nonattainment for ozone. VOC combines with oxides of nitrogen in the atmosphere to form ground-level ozone, commonly known as smog. Exposure to ozone is associated with a wide variety of human health effects, agricultural crop loss, and damage to forests and ecosystems. The State of Indiana has included the tightened cold cleaning degreasing regulations in its 2002, 2005 and 2007 Rate-Of-Progress (ROP) Plans and its 2007 attainment demonstration for Lake and Porter Counties. Indiana expects that the control measures specified in this SIP revision will reduce VOC emissions in Clark, Floyd, Lake and Porter Counties. EPA did not receive any public comments in response to its proposed approval. We are approving Indiana's cold cleaning degreasing rule.

**DATES:** This final rule is effective October 15, 2001.

**ADDRESSES:** Copies of this SIP revision request are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Steven Rosenthal at (312) 886-6052 before visiting the Region 5 Office.)

**FOR FURTHER INFORMATION CONTACT:** Steven Rosenthal, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone: (312)886-6052, E-Mail: [rosenthal.steven@epa.gov](mailto:rosenthal.steven@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, the terms "you" and "me" refer to the reader of this final rule and to sources subject to the State rule, and the terms "we," "us," or "our" refer to the EPA.

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## I. Background

### A. What Is a State Implementation Plan (SIP)?

Section 110 of the Clean Air Act (Act or CAA) requires states to develop air pollution control regulations and strategies to ensure that state air quality meets the national ambient air quality standards established by the EPA. Each state must submit the regulations and emission control strategies to the EPA for approval and promulgation into the federally enforceable SIP.

Each federally approved SIP protects air quality primarily by addressing air pollution at its points of origin. The SIPs can be and generally are extensive, containing many state regulations or other enforceable documents and supporting information, such as emission inventories, monitoring documentation, and modeling (attainment) demonstrations.

### B. What Is the Federal Approval Process for a SIP?

In order for state regulations to be incorporated into the federally enforceable SIP, states must formally adopt the regulations and emission control strategies consistent with state and federal requirements. This process generally includes public notice, public hearings, public comment periods, and formal adoption by state-authorized rulemaking bodies.

Once a state has adopted a rule, regulation, or emissions control strategy it submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed federal action on the state submission. If we receive adverse comments we address them prior to any final federal action (we generally address them in a final rulemaking action).

The EPA incorporates into the federally approved SIP all state regulations and supporting information it has approved under section 110 of the Act. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, Part 52, titled "Approval and Promulgation of Implementation Plans." The actual state regulations the EPA has approved are

not reproduced in their entirety in the CFR, but are "incorporated by reference," which means that EPA has approved a given state regulation (or rule) with a specific effective date.

### C. What Does Federal Approval of a State Regulation Mean to Me?

Enforcement of a state regulation before and after it is incorporated into a federally approved SIP is primarily a state responsibility. After the regulation is federally approved, however, the CAA authorizes the EPA to take enforcement actions against violators. The CAA also offers citizens legal recourse to address violations, as provided in section 304 of the Act.

### D. What Is the Purpose of This Cold Cleaning Degreasing Rule?

Section 182(c)(2)(B) of the Act requires any serious and above ozone nonattainment area to achieve post-1996 ROP reductions of 3 percent of VOC 1990 baseline emissions per year, averaged over each consecutive 3-year period, until the area has achieved attainment of the 1-hour ozone National Ambient Air Quality Standard. In Indiana, Lake and Porter Counties (Northwest Indiana nonattainment area) are classified as "severe" nonattainment for the 1-hour ozone standard. As such, this area is subject to the ROP requirement.

The Act specifies under section 182(b)(1)(C) that emission reductions claimed under ROP plans must be achieved through the implementation of control measures through revisions to the SIP, the promulgation of federal rules, or the issuance of permits under Title V of the Act. The state may not include as part of its ROP reduction control measures implemented before November 15, 1990.

Indiana has submitted tightened cold cleaning degreasing rules for the control of VOC as a revision to the SIP for the purpose of meeting ROP requirements for the Northwest Indiana ozone nonattainment area and of reducing VOC emissions in Clark and Floyd counties. Cold cleaning degreasing is used to remove grease and oil from metal parts.

### E. What Are the Key Milestone Dates for This Rule?

Indiana held a public hearing on the tightened rules on February 4, 1998, in Indianapolis, Indiana. The Indiana Air Pollution Control Board finally adopted the rules on November 4, 1998. The rule revisions became effective May 27, 1999, and were formally submitted to EPA on November 15, 2000, as a revision to the Indiana SIP for ozone.

The November 15, 2000, submittal includes amendments to 326 IAC 8-3-1 (Applicability) and 326 IAC 8-3-8 (Material Requirements for Cold Cleaning Degreasers).

## II. Evaluation of the Rule

### A. What Are the Basic Components of the State's Rule?

Indiana originally implemented cold cleaning degreasing rules, which are contained in 326 IAC 8-3, as part of its Reasonably Available Control Technology (RACT) requirements for VOC control. The November 15, 2000, SIP revision submittal amends section 326 IAC 8-3-1 to specify the applicability of this rule to degreasing operations in Clark, Floyd, Lake and Porter Counties. It also adds section 326 IAC 8-3-8, material requirements for cold cleaning degreasers, which tightens requirements for operators of cold cleaning degreasers and adds new requirements for sellers of solvent for use in cold cleaning degreasing operations. The rules are more stringent because a requirement has been added limiting the vapor pressure of the cleaning solvents to 1.0 millimeters of mercury (mm Hg), which is lower than the vapor pressure of cleaning solvents that are typically used. Lowering the vapor pressure reduces the amount of VOC emissions generated from this degreasing operation.

As previously discussed, this SIP revision submittal is required by the Act to the extent that Indiana submitted the rule to meet its ROP requirements. The EPA addressed what emission reductions this SIP revision is expected to achieve for purposes of ROP in its August 3, 2001, proposed approval of Indiana's post-1999 ROP plan for Northwest Indiana.

To determine whether the Indiana submittal meets the requirements for an approvable SIP revision, the EPA reviewed the rules for their consistency with section 110 and part D of the Act. A discussion of the rules and EPA's evaluation follows.

### Material Requirements

Section 326 IAC 8-3-8 has been added to limit the vapor pressure of solvent used or sold for use in cold cleaning degreasing operations in Clark, Floyd, Lake and Porter Counties. Beginning November 1, 1999, the vapor pressure limit is 2.0 mm Hg, or 0.038 pounds per square inch (psi) measured at 20 degrees Celsius (C) (68 degrees Fahrenheit (F)). On May 1, 2001, the vapor pressure limit is tightened to 1.0 mm Hg (0.019 psi) measured at 20 degrees C (68 degrees F).

### Exemptions

The supplier sale requirements in Section 326 IAC 8-3-8(c) do not apply to the sale of 5 gallons or less of solvents to an individual or business during any 7 consecutive days. This cutoff level is only expected to exempt a very small amount of the total solvent sold.

Section 326 IAC 8-3-8(a) exempts the cleaning of electronic components from the vapor pressure limits under section 326 IAC 8-3-8(c). Indiana has defined "electronic components" under section 326 IAC 8-3-8(b) as all components of an electronic assembly, including, but not limited to, circuit board assemblies, printed wire assemblies, printed circuit boards, soldered joints, ground wires, bus bars, and any other associated electronic component manufacturing equipment. Indiana added this exemption because solvents limited to 1.0 mmHg vapor pressure do not adequately clean certain types of electronic equipment.

### Recordkeeping

Section 326 IAC 8-3-8(d) requires subject solvent suppliers and users to maintain documents which indicate the solvent's vapor pressure at the prescribed temperature. The sellers of cold cleaning solvents to users must keep records indicating the name and address of the solvent purchaser, the date of purchase, the type of solvent purchased, the unit volume of the solvent, the total volume purchased, and the vapor pressure of the solvent purchased measured in mmHg at 20 degrees C (68 degrees F). Solvent users must maintain records for each solvent purchase indicating the name and address of the solvent supplier, the date of the solvent purchase, the type of solvent purchased, and the vapor pressure of solvent measured in mmHg at 20 degrees C (68 degrees F). These records must be kept on-site for 3 years and be reasonably accessible for an additional 2 years.

As discussed above, these recordkeeping provisions require that both the sellers and users of the cleaning solvents keep records of the vapor pressure. Material Safety Data Sheets, which are required by Occupational Health and Safety regulations (20 CFR 1918), must specify the vapor pressure of the solvent (this Occupational Health and Safety requirement affects but is not directly referenced by Indiana's rule). In its response to a comment from the DeRolf Environmental Consulting Agency, Inc. on recordkeeping, Indiana stated (in the September 1, 1997, Indiana Register): "To fulfill the recordkeeping

requirements of this rule the user of a cold cleaning degreaser would need to maintain a Material Safety Data Sheet and a sales receipt." These record requirements provide a sufficient basis to enforce the applicable rules.

### B. Is This Rule Approvable?

This rule change requires the use of cleaning solvents with a lower vapor pressure than what is typically used. This makes the rule more stringent, because the lower the vapor pressure the less VOC emissions are generated. These rule revisions are, therefore, approvable.

## III. Proposed Action

### A. What Action Did EPA Propose on June 7, 2001?

The EPA proposed to approve Indiana's tightened cold cleaning degreasing rules for Clark, Floyd, Lake and Porter Counties.

## IV. Public Comments

### A. Did EPA Receive Public Comments on the Proposed Rule?

The EPA did not receive any public comments in response to the proposed rule.

## V. Final Action

### A. What Action Is EPA Taking?

We did not receive any public comments in response to our proposed approval. We are approving the incorporation of Indiana's tightened cold cleaning degreasing rule into the Indiana SIP. The specific provisions we are approving consist of amendments to 326 IAC 8-3-1 and the addition of 326 IAC 8-3-8. These rules were finally adopted by the State on November 4, 1998, took effect on May 27, 1999, and were published in the Indiana Register on June 1, 1999 (22 IR 2854).

## VI. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (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 (Public Law 104-4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not

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

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. section 804(2). This rule will be effective October 15, 2001.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 13, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

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

Dated: August 28, 2001.

**Norman Niedergang,**  
*Acting Regional Administrator, Region 5.*

For the reasons stated in the preamble part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—[AMENDED]**

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

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

**Subpart P—Indiana**

2. Section 52.770 is amended by adding paragraph (c)(143) to read as follows:

**§ 52.770 Identification of plan.**

\* \* \* \* \*

(c)\* \* \*  
(143) On November 15, 2000, the State submitted rules to reduce volatile organic compound emissions from cold cleaning degreasing.

(i) *Incorporation by reference.* 326 Indiana Administrative Code 8-3: Organic Solvent Degreasing Operations, Section 1, Applicability, and Section 8, Material Requirements for Cold Cleaning Degreasers. Final adoption by the Indiana Air Pollution Control Board on November 4, 1998. Filed with the Secretary of State on April 27, 1999. Effective May 27, 1999. Published at Indiana Register, Volume 22, Number 9, June 1, 1999.

[FR Doc. 01-22995 Filed 9-13-01; 8:45 am]

**BILLING CODE 6560-50-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 1, 21, 61, 73, 74 and 76**

[OMD Docket No. 00-205; FCC 01-246]

**Adoption of a Mandatory FCC Registration Number**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rules.

**SUMMARY:** The Commission amends its rules to require persons and entities doing business with the agency to obtain a unique identifying number, called the FCC Registration Number (FRN), through the Commission Registration System (CORES), and to provide the number when doing business with the agency. The FRN requirement is being adopted to better manage the Commission's financial systems and comply with various statutes governing the financial management of agency accounts.

**DATES:** Effective December 3, 2001.

**FOR FURTHER INFORMATION CONTACT:** Mark A. Reger, Chief Financial Officer (202) 418-1924 (policy and technical issues); Laurence H. Schecker, Office of General Counsel (202) 418-1720 (legal issues).

**SUPPLEMENTARY INFORMATION:** By this document, the Commission amends its rules to require persons and entities doing business with the Commission to obtain a unique identifying number called the FCC Registration Number (FRN) and supply it when doing business with the Commission.

This proceeding was instituted as a step in our efforts to better manage our financial systems, to improve

compliance with various statutes that govern the financial operations of the Federal government, and to improve the efficiency of agency processes for the benefit of the public. We have considered the eight comments and two reply comments received in response to the Notice of Proposed Rulemaking (NPRM), 65 FR 78455 (Dec. 15, 2000). In this order, we adopt a new subpart W to part 1 of our rules, 47 CFR part 1, and cross-reference this new subpart where appropriate in our other rules, to require persons and entities doing business with the Commission to acquire an FRN and to provide it with all applications or feeable filings as well as other transactions involving the payment of money. The rules are set forth in the rule changes, and are substantially as we proposed in the NPRM. We have made various editorial changes and changes in response to the comments received as discussed in this decision.

### **The Need for the Identifying Number**

In the NPRM we explained at length the need to adopt a 10-digit unique identifier, the FRN, and our choice of the Commission Registration System (CORES) as the mechanism for assigning the FRN to entities doing business with the Commission. No commenting parties questioned our view that we needed to take steps to improve the management of our financial systems. A mandatory FRN is part of a long-range solution to better manage our financial systems. Adoption of a new requirement such as the FRN will engender implementation issues. We intend to address any problems that arise from the implementation of the CORES expeditiously. We appreciate the comments that pointed out existing and potential problems, and welcome the opportunity to address those concerns.

While many commenting parties generally support the FRN, the FCBA urged the Commission "not to impose any new FRN requirements without taking a simultaneous, comprehensive look at its proposal in the context of the other 'numbers,' 'passwords,' and 'identifiers' already in use at the Commission." As we have noted, we believe we must implement the FRN requirement as soon as possible. Both the General Accounting Office and the Commission's own Inspector General have concluded that the Commission must improve its collection systems. Adopting a mandatory FRN is among the first steps necessary to correct deficiencies in our financial management systems that have come to our attention.

The FRN will have multiple benefits to the Commission and the public. The

FRN will enable us to ensure that fees are recorded and credited to the proper party. This will result in fewer letters requesting confirmation of payments and make it easier for us to respond to inquiries. The FRN will enable us to keep better records of entities that are exempt from paying fees. It will help us to maintain the integrity and efficiency of our collection systems and correct deficiencies identified in our accounting systems. The FRN will eliminate repetitive collection of data while providing us with a database to provide electronic mailings, such as annual fee materials and other informational mailings, to the public doing business with the Commission.

One of the main reasons we are adopting the FRN requirement is to facilitate compliance with the Debt Collection Improvement Act of 1996 (DCIA), sections 8 and 9 of the Communications Act, and the regulations implementing these statutes. These statutes and regulations permit us to withhold the processing or ultimate grant of a license, application, or other authorization where the applicant has not paid the application fees or is delinquent in its debts to the Commission. The FRN, in conjunction with the Revenue Accounting and Management Information System (RAMIS), will enable us to perform fee and debt sufficiency checks to better manage our collection and revenue systems.

We realize that the manner in which our electronic systems have developed has resulted in a multiplicity of numbers, passwords and identifiers. For the reasons noted, we cannot afford to delay this necessary step toward improved financial management of the agency's receivables. Indeed, the creation of a single unique customer identification number is the best approach to solving a long-standing problem. Using the FRN as a unique customer identifier will improve communication between the Commission's various electronic systems by automating fee sufficiency checks and by facilitating other systems' party validation processes. Implementing the FRN is the first step toward streamlining this aspect of electronic filing services for our customers. The Commission has placed a very high priority on the development of a common data structure for all systems to use for new development as well as enhancements to existing systems. One of our long-range goals is to replace unnecessary numbers of other identifiers with the FRN. As the electronic filing systems incorporate the CORES and the FRN into their

application process, the need to maintain registration information in multiple systems will be eliminated. In FY 2002, we plan to initiate a review to determine how to simplify the passwords and identifiers used by the agency's electronic systems, as suggested by the FCBA.

Disney commented on problems concerning the revised FCC Form 159 and the Commission's existing payment and electronic filing systems. While there have been problems with the revised Form 159, those deficiencies are being corrected. In particular, we will have Form 159 available in Adobe Acrobat format to allow users to prepare the form on line. This will resolve many if not all problems encountered thus far with Form 159. We encourage the public to utilize the electronic version of Form 159.

The NAB correctly observed that the CORES does not allow a licensee to check on the status of an application. The CORES was never intended to serve as an application tracking system. That function is performed by individual licensing systems. The CORES is a registration system and database used to ensure that entities are meeting applicable fee requirements and are current in all financial obligations. The various Bureau and Office filing systems are being reprogrammed to incorporate the FRN, but those systems remain the vehicle for checking application status.

NECA commented that the administrator of the Commission's schools and libraries support mechanism, the Universal Service Administrative Company (USAC), also uses the acronym "FRN." Specifically, USAC assigns a "Funding Request Number" to each individual request for discounted services submitted by a school or library. USAC, schools and libraries, and the service providers who provide the discounted services all use the FRN to track the individual funding requests. Service providers are also required to reference specific USAC Funding Request Numbers when submitting invoices to USAC for reimbursement of the discounted portion of the services they provide to schools and libraries. In addition, service providers are required to list their Service Provider Identification Number, which is a provider-specific identification number assigned by USAC for tracking purposes.

We recognize that there could be some confusion to the extent that service providers were required to include both the USAC Funding Request Numbers and the Commission FRN on the same request for reimbursement. To minimize this

potential confusion, we are working with USAC to develop a relational database system that will allow the correlation of a service provider's Service Provider Identification Number assigned by USAC with the FRN assigned by the Commission. This database system will obviate the need for service providers to supply a Commission FRN when seeking reimbursement from USAC. In conjunction with USAC, we will also take steps to educate carriers and the public about this matter to eliminate any confusion.

### Multiple FRNs

We sought comment on whether we should limit the number of FRNs that an entity may obtain and whether we should penalize entities that abuse the CORES by obtaining multiple FRNs. We agree with the commenters that indicated we should not limit the number of FRNs that may be obtained. This will permit members of a corporate family to obtain individual FRNs, whether or not those entities have different taxpayer identifying numbers (TINs). We wish to allow entities to organize their dealings with the Commission along logical business lines. We will not adopt the proposal for a sub-group identification number as a means for linking related entities because the Commission can link entities through the TIN information.

Our decision to allow multiple FRNs means that entities will be responsible for ensuring that the proper FRN is used for the payment being submitted to the Commission. While all transactions for a license should use the FRN obtained by the entity for that license so that a link between and among transactions is maintained, the licensing bureaus and offices will not reject subsequent applications or filings that provide different FRNs over the life cycle of the license, unless improper use of multiple FRNs by the entity is found. If an entity applies for a license using one FRN and remits regulatory fees or other payments using another FRN, it will appear in the database that the entity did not pay the proper fees. We caution, however, that in individual circumstances, if we find that entities are obtaining multiple FRNs for purposes of not paying fees or evading regulatory responsibilities, we will take appropriate action, such as revoking duplicative FRNs or other appropriate action.

### Security Concerns

Disney expressed security concerns over the use of a single FRN as an identifier. Although Disney agrees with NAB that the Commission should

“assess its electronic filing and database systems on a holistic level,” Disney felt that using a single common identifier or reference number for all filings raises significant (but unidentified) security concerns. Our licensing and other electronic systems have appropriate password protections. As in any other electronic system, password security in the CORES is vital. We do not, however, believe that any unique security issues are raised in this context.

Cingular commented that FRNs cannot be deleted, a prospect it believes is troubling if duplicate FRNs are assigned. The CORES does not permit the same FRN to be assigned more than once. Nor does the CORES allow the public to delete FRNs. However, the CORES has been revised to allow entries to be placed on inactive status by the CORES Administrator on our own or at the request of the public. Thus, when an entity informs the CORES help desk that they want to have an FRN de-activated, that FRN will no longer appear when a search of the database is conducted.

### Assignment of FRNs

Cingular urged that the Commission only assign FRNs upon request through the CORES or after submission of an FCC Form 160. When the CORES became operational in 2000, licenses in the Universal Licensing System (ULS), our largest database, were automatically assigned FRNs. That process, which was a one-time occurrence, is now complete. The Commission does not expect to perform any future data conversions and, as Cingular recommends, will rely on entities to request FRNs through the CORES. When the FRN becomes mandatory, an entity's FRN and other relevant data from the CORES will automatically fill in Form 159. As Disney pointed out, this process will substantially reduce data entry errors.

As we proposed in the NPRM, if we cannot reasonably expect a party to obtain an FRN, we will assign one. In the enforcement context, we note that the FRN is a primary element in the forfeiture tracking system. Many recipients of enforcement actions are current customers of the Commission and will already have an FRN issued for prior transactions. Commission staff will research the CORES to determine if a FRN exist for the alleged violator, and if none exists the staff will assign an FRN and include that FRN on the outgoing correspondence. Those who do not have a FRN will be assigned one by the enforcing bureau and will be requested to submit it with the payment of a fine or forfeiture or other payment. Entities making voluntary contributions,

such as those made pursuant to a consent decree, must acquire an FRN.

The ARRL commented that foreign nationals and non-United States citizens who are not employed in the United States hold amateur licenses but have no social security number (SSN). The CORES has made provision for the registration of foreign nationals by providing the ability to register without a TIN. For foreign entities that do not yet have a TIN, the CORES will assign a nine-digit personal identification number (PIN) to the entity. The PIN will appear on the final registration confirmation page. Indeed, many of these persons were already registered in the ULS and were assigned a PIN as a substitute for a TIN. They were transferred automatically into the CORES. ARRL also stated that unincorporated amateur radio clubs have no TIN. Unincorporated amateur radio clubs owned by United States citizens that were not converted from ULS into the CORES will be required to supply a club trustee's TIN in order to obtain an FRN. Finally, ARRL asked that we amend our proposed rules to alert entities with assigned TINs to use that number, but we conclude that such instructions are best included in appropriate CORES fact sheets.

Entities being billed for fulfillment of a FOIA request will be provided with a Form 160 to be returned with their remittance. Similarly, due diligence requestors who send in requests and must pay research and copying fees will be provided with a Form 160. However, those who personally appear at the Reference Center and pay fees to make copies of Commission records will not have to obtain or provide an FRN.

### TINs

We agree with Cingular that collecting TINs as well as the FRN on Form 159 is redundant. Once the FRN is mandatory and we have built a database of TIN information in the revenue system as required by the DCIA, we anticipate that the Form 159 will be revised to eliminate the TIN and other redundant information. Further, the entity database in the revenue system will be loaded from the CORES system and we will be able to associate all FRNs that apply to one TIN. In the future, the Commission would like to see the reporting of TIN information limited to the registration in the CORES and only require the TIN during the licensing process in unusual circumstances. The Commission will rely on the industry to maintain accurate information about contacts, mailing addresses and TIN information in the CORES database. Verizon

Wireless asks for 90 days to update information in the CORES database. We will not set a time limit for this requirement, but advise that the information should be kept current in order to ensure proper crediting of payments. We hope that with future revisions to our systems, when information is updated in one system all systems will receive the update, as Verizon Wireless requests.

Verizon Wireless and Sprint questioned why the Commission chose not to use TINs as the identifier of choice. The TIN for individuals is the SSN, and, because of privacy requirements, could not be used as an identifier. While the TINs for business entities are not generally confidential, as Cingular points out, in some circumstances such TINs are also sensitive.

#### **When Must FRNs be Obtained?**

As we noted in the NPRM, FRNs must be obtained by anyone who is doing business with the Commission as that term is defined in the DCIA. This requirement is reflected in rule § 1.8002(a) adopted in this Order. We stated, "all businesses and individuals that file applications with the Commission—whether feeable or non-feeable—or make any payments of any type to the Commission will be required to obtain an FRN and provide it to the Commission in its filings." We also noted that anyone who does not pay a fee because of an exception in our rules or the statute had to acquire and provide an FRN to enable us to keep track of entities that claim an exemption from paying fees.

#### **When Must FRNs be Provided?**

Cingular commented that the Commission should clearly identify when FRNs must be provided. The Commission will issue public notices as Bureaus modify their systems to require an FRN and will specify the forms or other filings that will require providing either the FRN or a Form 162. The Commission will include this information in the Frequently Asked Questions for the CORES. A list of specific instances in which the FRN must be provided will be compiled and the CORES website will link to the list. We have changed the language of proposed rule § 1.8003 to reflect our plans to issue more specific guidance as to when the FRN must be provided. We wish to repeat, as we noted in the Notice of Proposed Rulemaking, 65 FR 78455 (Dec. 15, 2000), that certain submissions to the Commission *do not* require the FRN, including comments filed in rulemaking proceedings,

petitions to deny, petitions objecting to the issuance of a Commission authorization, letters and electronic mail communications, and reports that do not require a fee. Additionally, database searches will not require an FRN.

NECA questioned the proposal to require an FRN on non-feeable tariff submissions. The Commission may not issue a license or provide a benefit without a TIN for the applicant. As we explained in the NPRM, non-feeable applications require the FRN to facilitate compliance with the DCIA, which does not distinguish between licensees and applicants who pay fees and those who do not. Therefore requiring an FRN for non-feeable transactions is logical and necessary.

Cingular commented that the applicant and not the payer is responsible for submitting payment to the Commission, and thus it is unnecessary for counsel or representatives paying fees on behalf of applicants to submit their FRNs. The FRN of both counsel or other payer and all entities on whose behalf payment is made must be provided. The FRN of the applicant or licensee must be submitted, of course, to enable us to determine that the applicant has paid the proper fees. The FRN must be submitted by counsel or others paying on behalf of applicants to allow us to refund excess remittances where appropriate to the payer who made the payment rather than to the applicant or licensee.

NECA questions why it must provide the FRNs for the sometimes hundreds of subscribers to its group tariffs. As we have just explained, we need both the FRN of the entity making the filing with the Commission and the parties on whose behalf the filing is made. Thus, NECA must provide its FRN on the group tariff filings. It must also obtain the FRNs of the subscribing carriers and provide them to us with each tariff filing so we can know which carriers are parties to the tariff. NECA is responsible for any fees associated with the tariff filing. This obligation of a filing entity to provide FRNs for each carrier covered by a "group" tariff also applies to other "group" tariffs such as those filed by GVNW Consulting, Inc. and John Staurulakis, Inc.

The NAB further comments that the Commission can already identify the licensee who is submitting its regulatory fees by the call sign and that the Commission can fill in or correct the FRN without returning the filing. We disagree because call signs are unreliable for identifying entities in this context. Call signs are often changed and may be assigned to other entities

when a station changes hands. Providing a valid FRN will ensure that payments are credited to the proper entity and appropriately remain the responsibility of the payer or the licensee.

The Disney Company sought assurance that payments may be made on behalf of an entity and that those entities receive credit for its payments. No changes are being made to the accepted practice of permitting payments to be made by third parties. However, we will require such submission to contain the FRNs for the payer and for the applicant(s) or licensee(s) on whose behalf the payment is being made. The Commission will credit the payment to the applicant or licensee and link it to the payer.

#### **Effect of Not Providing FRNs**

We wish to encourage compliance with the requirement to submit the FRN because it is necessary to the process of providing accurate links to the applicant, payer and service being requested and will facilitate compliance with the DCIA and other financial reporting requirements. There are some special circumstances, discussed below, that require a departure from our general rule that correct FRNs must be contemporaneously provided with the filings.

Cingular, Verizon, NAB, FCBA and Qwest suggested allowing filers a brief window to correct applications filed without the requisite FRN. Cingular asserts that "there simply is no public interest benefit associated with dismissing an otherwise timely filed auction payment, renewal applicant, or other filing for failure to provide an FRN without providing the applicant an opportunity to cure the oversight." Verizon and FCBA did not recommend any specific number of days for re-submission of a defective FRN filing. Qwest on the other hand recommended five calendar days for the re-submission.

After careful consideration, we do not adopt the suggestion that all filers be given a grace period to supply an omitted FRN or correct an incorrect FRN. Electronic filing systems have been or will be modified so those filings cannot be accomplished without supplying a correct FRN. Attempts to file electronically without a FRN will result in a reminder to the filer that the FRN is required, and, if the filer does not yet have a FRN, the filer will be directed to the CORES website. This scenario includes those wishing to participate in auctions. Thus, in electronic filing circumstances, no grace period is necessary. For paper filings in instances where no time-critical

deadline is involved ("Time critical deadline" means requests that must be filed by a specific deadline or be dismissed as untimely (i.e., applications filed in response to a "window" or "cut-off" list established by the Commission), the rejection of a feeable application for lack of an FRN has no impact on the filer except for the minor inconvenience of having to refile the application. No grace period is necessary in those circumstances, either. This is consistent with the approach currently in our rules that provide for the return of applications not accompanied by properly completed Form 159s and are considered filed when refiled. In those limited circumstances where there is a time-critical deadline and applications may be filed on paper, we will grant paper filers a grace period of 10 business days following notification to the filer by Commission staff to correct omitted or FRNs. Also, we will afford the 10-day grace period for appearances in hearing proceedings. The filer will be notified of the omission or FRN, and informed of the deadline for submitting the correct FRN. If FRN is provided during the grace period, the filing date will be the original date of submission. Except for filing of tariff publications, if the FRN is not provided, the filing will be returned. The proposed rules have been changed to reflect our final disposition of this issue.

#### **Return of Filings With Defective FRNs**

FCBA also comments that defective FRN filings should be returned to the affected licensee's identified authorized representative. The Commission will continue its practice of returning defective applications and payments to the payer listed on the remittance form.

#### **Exceptions to the FRN Rule**

There will be exceptions to this general rule that FRNs must be provided at the time of the filing; appearances in feeable hearing proceedings, emergency authorizations, civil monetary payments and consent decrees, and tariff filings. We have changed appropriate rules to reflect these exceptions.

Emergency authorization applications (including special temporary authorizations in emergency situations) should contain the applicant's FRN, but will not be rejected without it due to the emergency nature of such filings. An FRN will have to be supplied by the applicant or the Commission will assign one before action is taken on the request.

As explained in the NPRM, tariff publications present unique issues in part because they are filed in different formats and the related fees are paid

separately from the filings. Accordingly, we sought comment on how we should treat tariff publications that omit a valid FRN should the provision of FRNs with such filings become mandatory. We also examined what action should be taken if an FRN is omitted from the fee payment related to the filing of a tariff publication.

As of the effective date of this order, carriers or their representatives will not be able to make electronic filings of tariff publications unless they use a valid FRN and the related password to obtain access to the Electronic Tariff Filing System (ETFS). In those instances where an FRN is found to be invalid or the filing entity does not have an FRN, access to the ETFS will be denied and the system will provide an automatic message explaining the procedures to obtain an FRN and including a link to the CORES system. In addition, as of the effective date, the carrier FRN must be included in the transmittal or other cover letter accompanying each tariff publication. If the carrier FRN is not included in that letter, the Commission may take such action as it deems appropriate including but not limited to rejection of the related tariff publication if it has not yet become effective, declaring the tariff publication unlawful if it has already become effective, or giving the carrier or carrier representative with up to ten (10) business days from the filing date to amend the transmittal or other cover letter to include a valid FRN.

The filing of many tariff publications with the Commission requires the payment of fees by carriers or their representatives. At this time, such fees must be paid to the lockbox bank. As of the effective date of this order, carriers or their representatives will be required to include the carrier FRN on the Remittance Advice Form with the payment of these fees. If fees for more than one carrier are paid at the same time, the FRN for each carrier must be provided clearly. However, in some instances the FCC Form 159 is not included with that payment. For example, when an electronic funds transfer is used to pay a tariff filing fee, an FCC Form 159 ordinarily is not included with that payment although the information ordinarily included on the Form 159, including the FRN, must be transmitted to the lockbox bank as part of the transaction. In such instances, as of the effective date of this order, the correct carrier(s) FRN(s) must be included with each fee payment on behalf of each carrier. If the lockbox bank receives a fee payment without an FRN, that fee payment shall be credited to the account of the Commission and

the related payment information forwarded to the Commission staff for additional processing. If one or more of the carrier FRNs required to be included with the payment are missing or invalid, the Commission may take such action as it deems appropriate including but not limited to rejection of the related tariff publication if it has not yet become effective, declaring the tariff publication unlawful if it has already become effective, or giving the carrier or carrier representative up to ten (10) business days from the filing date to provide a valid FRN.

#### **FRN Assistance**

As we noted in the NPRM, additional information concerning the CORES is found in the Frequently Asked Question portion of the CORES homepage on our Internet site, located at <[www.fcc.gov](http://www.fcc.gov)> by clicking on the CORES link. For further information concerning registering for an FRN, contact the CORES Administrator toll-free at 1-877-480-3201, or by e-mail at <[CORES@fcc.gov](mailto:CORES@fcc.gov)>.

#### **Final Regulatory Flexibility Certification**

The Regulatory Flexibility Act of 1980, as amended (RFA), requires that a regulatory flexibility analysis be prepared for notice and comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." In the NPRM we made this certification. No comments were received concerning this proposed certification. We conclude that this certification is appropriate for the rules adopted here. The rules require certain entities or individuals to obtain an FRN. A substantial number of entities doing business with the Commission automatically received their FRN by virtue of their prior registration in the ULS. We have proposed to make it extremely simple, and virtually cost-free, for anyone else to obtain an FRN. Nor will the adopted rule amendments establishing penalties for failure to provide the FRN have a significant economic impact on a substantial number of small entities. Our rules already generally provide for penalties when applications are not substantially complete. The proposed rule amendments simply conform our rules to the new FRN requirement. Therefore, the rules will not have a significant economic impact. Accordingly, we certify, pursuant to section 605(b) of the RFA, 5 U.S.C. 605(b), that the rules adopted herein will not have a significant economic

impact on a substantial number of small entities. The Commission will send a copy of this Order, including a copy of this Final Regulatory Flexibility Certification in a report to Congress pursuant to the Congress Review Act. In addition, this Order and final certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration and will be published in the **Federal Register**.

#### Paperwork Reduction Act

We previously obtained all requisite approvals under the Paperwork Reduction Act for the information collections proposed in the NPRM.

Pursuant to sections 4(i), 8(f), 9(f)(1), 254(d), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 158(f), 159(f)(1), 254(d), 303(r), and 309(j), and 33 U.S.C. 7701(c)(1), Parts 1, 21, 61, 73, 74, and 76 of the Commission's Rules are amended as set forth in the rule changes.

#### List of Subjects

##### 47 CFR Part 1

Administrative practice and procedure, Reporting and recordkeeping requirements.

##### 47 CFR Parts 21, 61, 73, 74 and 76

Reporting and recordkeeping requirements.

Federal Communications Commission.

**William F. Caton,**  
*Deputy Secretary.*

#### Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Parts 1, 21, 61, 73, 74, and 76 as follows:

#### PART 1—PRACTICE AND PROCEDURE

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

**Authority:** 47 U.S.C. 151, 154(l), 154(j), 155, 225, 303(r), 309, and 325(e).

2. Section 1.42 is amended by adding a new paragraph (c) to read as follows:

##### § 1.42 Applications, reports complaints; cross-reference.

\* \* \* \* \*

(c) Rules governing the FCC Registration Number (FRN) are contained in subpart W of this part.

3. Section 1.77 is amended by adding a new sentence following the first sentence in the introductory text as follows:

##### § 1.77 Detailed application procedures; cross-reference.

\* \* \* Applicants should also refer to the Commission rules regarding the payment of statutory charges (subpart G of this part) and the use of the FCC Registration Number (FRN) (see subpart W of this part).

\* \* \* \* \*

4. Section 1.221 is amended by redesignating paragraph (f) as paragraph (f)(1), and adding a new paragraph (f)(2) to read as follows:

##### § 1.221 Notice of hearing; appearances.

\* \* \* \* \*

(f) \* \* \*

(2) When a fee is required to accompany a written appearance as described in paragraph (f)(1) of this section, the written appearance must also contain FCC Registration Number (FRN) in conformance with subpart W of this part. The presiding judge will notify the party filing the appearance of the omitted FRN and dismiss the applicant with prejudice for failure to prosecute if the written appearance is not resubmitted with the FRN within ten (10) business days of the date of notification.

\* \* \* \* \*

5. Section 1.721 is amended by removing the word "and" at the end of paragraph (a)(13), by removing the period and by adding "; and" at the end of paragraph (a)(14), and by adding a new paragraph (15) to read as follows:

##### § 1.721 Format and content of complaints.

\* \* \* \* \*

(a) \* \* \*

(15) A FCC Registration Number is required under Part 1, Subpart W. Submission of a complaint without the FCC Registration Number as required by Part 1, subpart W will result in dismissal of the complaint.

\* \* \* \* \*

6. Section 1.934 is amended by removing the word "or" at the end of paragraph (d)(2), and by removing the period and by adding "; or" at the end of paragraph (d)(3), and by adding a new paragraph (d)(4) to read as follows:

##### § 1.934 Defective applications and dismissal.

\* \* \* \* \*

(d) \* \* \*

(4) The FCC Registration Number (FRN) has not been provided.

\* \* \* \* \*

7. Add a new subpart W to read as follows:

#### Subpart W—FCC Registration Number

§ 1.8001 FCC Registration Number (FRN).

§ 1.8002 Obtaining an FRN.

§ 1.8003 Providing the FRN in Commission filings.

§ 1.8004 Penalty for failure to provide the FRN.

##### § 1.8001 FCC Registration Number (FRN).

(a) The FCC Registration Number (FRN) is a 10-digit unique identifying number that is assigned to entities doing business with the Commission.

(b) The FRN is obtained through the Commission Registration System (CORES) over the Internet at the CORES link at <www.fcc.gov> or by filing FCC Form 160.

##### § 1.8002 Obtaining an FRN.

(a) The FRN must be obtained by anyone doing business with the Commission, see 31 U.S.C. 7701(c)(2), including but not limited to:

(1) Anyone required to pay statutory charges under subpart G of this part;

(2) Anyone applying for a license, including someone who is exempt from paying statutory charges under subpart G of this part, see §§ 1.1114 and 1.1162;

(3) Anyone participating in a spectrum auction;

(4) Anyone holding or obtaining a spectrum auction license or loan; and

(5) Anyone paying statutory charges on behalf of another entity or person.

(b)(1) When registering for an FRN through THE CORES, an entity's name, entity type, contact name and title, address, and taxpayer identifying number (TIN) must be provided. For individuals, the TIN is the social security number (SSN).

(2) Information provided when registering for an FRN must be kept current by registrants either by updating the information on-line at the CORES link at <www.fcc.gov> or by filing FCC Form 161 (CORES Update/Change Form).

(c) A business may obtain as many FRNs as it deems appropriate for its business operations. Each subsidiary with a different TIN must obtain a separate FRN. Multiple FRNs shall not be obtained to evade payment of fees or other regulatory responsibilities.

(d) An FRN may be assigned by the Commission, which will promptly notify the entity of the assigned FRN.

##### § 1.8003 Providing the FRN in Commission Filings.

The FRN must be provided with any filings requiring the payment of statutory charges under subpart G of this part, anyone applying for a license, including someone who is exempt from

paying statutory charges under subpart G of this part, anyone participating in a spectrum auction, making up-front payments or deposits in a spectrum auction, anyone making a payment on an auction loan, anyone making a contribution to the Universal Service Fund, and anyone paying a or other payment. A list of applications and other instances where the FRN is required will be posted on our Internet site and linked to the CORES page.

**§ 1.8004 Penalty for Failure to Provide the FRN.**

(a) Electronic filing systems for filings that require the FRN will not accept a filing without the appropriate FRN. If a party seeks to make an electronic filing and does not have an FRN, the system will direct the party to the CORES website to obtain an FRN.

(b) Except as provided in paragraph (d) of this section or in other Commission rules, filings subject to the FRN requirement and submitted without an FRN will be returned or dismissed.

(c) Where the Commission has not established a filing deadline for an application, a missing or invalid FRN on such an application may be corrected and the application resubmitted. Except as provided in paragraph (d) of this section or in other Commission rules, the date that the resubmitted application is received by the Commission with a valid will be considered the official filing date.

(d) Except for the filing of tariff publications (see 47 CFR 61.1(b)) or as provided in other Commission rules, where the Commission has established a filing deadline for an application and that application may be filed on paper, a missing or invalid CORESID on such an application may be corrected within ten (10) business days of notification to the filer by the Commission staff and, in the event of such timely correction, the original date of filing will be retained as the official filing date.

**PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES**

8. The authority citation for Part 21 continues to read as follows:

**Authority:** Secs. 1, 2, 4, 201–205, 208, 215, 218, 303, 307, 313, 403, 404, 410, 602, 48 Stat. as amended, 1064, 1066, 1070–1073, 1076, 1077, 1080, 1082, 1083, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 154, 201–205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 602; 47 U.S.C. 552, 554.

9. Section 21.20 is amended by removing the word “or” at the end of paragraph (b)(9), and by removing the period and by adding “; or” at the end

of paragraph (b)(10), and by adding a new paragraph (b)(11) to read as follows:

**§ 21.20 Defective applications.**

\* \* \* \* \*

(b) \* \* \*  
 (1) The application does not contain the FCC Registration Number (FRN) as required under subpart W of part 1 of this part.

**PART 61—TARIFFS**

10. The authority citations for part 61 continue to read as follows:

**Authority:** Secs. 1, 4(i), 4(j), 201–205, and 403 of the Communications Act of 1934, as amended; 47 U.S.C. 151, 154(i), 154(j), 201–205, and 403, unless otherwise noted.

11. Section 61.1 is amended by revising paragraph (b) to read as follows:

**§ 61.1 Purpose and application.**

\* \* \* \* \*

(b) Tariff publications filed with the Commission must conform to the rules in this part and with Commission rules regarding the payment of statutory charges (see subpart G of part 1 of this title) and the use of FCC Registration Numbers (FRNs) (see subpart W of part 1 of this title). Failure to comply with any provisions of these rules may be grounds for rejection of the non-complying publication, a determination that it is unlawful or other action. Where an FRN has been omitted from a cover letter or transmittal accompanying a tariff publication filed under this part or the FRN included in that letter is invalid, the submitting carrier or carrier representative shall have ten (10) business days from the date of filing to amend the cover letter or transmittal to include a valid FRN. If within that ten (10) business day period, the carrier or carrier representative amends the cover letter or transmittal to include a valid FRN, that FRN shall be deemed to have been included in the letter as of its original filing date. If, after the expiration of the ten (10) business day period, the cover letter or transmittal has not been amended to include a valid FRN, the related tariff publication may be rejected if it has not yet become effective, declared unlawful if it has become effective, or subject to other action.

\* \* \* \* \*

12. Section 61.15 is amended by removing the period and adding a semicolon at the end of paragraph (a)(3) and by adding a new paragraph (a)(4) to read as follows:

**§ 61.15 Letters of transmittal and cover letters.**

\* \* \* \* \*

(a) \* \* \*

(4) Include the FCC Registration Number (FRN) of the carrier(s) on whose behalf the cover letter is submitted. See subpart W of part 1 of this title.

\* \* \* \* \*

13. Section 61.21 is amended by adding a new paragraph (a)(3) to read as follows:

**§ 61.21 Cover letters.**

\* \* \* \* \*

(a) \* \* \*

(3) All cover letters and letters of transmittal shall include the FCC Registration Number (FRN) of the issuing carrier(s) on whose behalf the letter is submitted. See part 1, subpart W of this chapter.

\* \* \* \* \*

14. Section 61.33 is amended by removing the word “and” at the end of paragraph (a)(3), and by adding a semicolon at the end of paragraph (a)(3) and adding “; and” at the end of paragraph (a)(4); and by adding a new paragraph (a)(5) to read as follows:

**§ 61.33 Letters of transmittal.**

(a) \* \* \*

(5) Include the FCC Registration Number (FRN) of the carrier(s) on whose behalf the letter is submitted. See part 1, subpart W of this chapter.

\* \* \* \* \*

**PART 73—RADIO BROADCAST SERVICES**

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

**Authority:** 47 U.S.C. 154, 303, 334 and 336. Section 73.1010 is amended by adding a new paragraph (a)(9) to read as follows:

**§ 73.1010 Cross reference to rules in other parts.**

(a) \* \* \*

(9) Part 1, Subpart W of this chapter, “FCC Registration Number”. (§§ 1.8001–1.8005.)

\* \* \* \* \*

**PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES**

16. The authority citation for part 74 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 307, 336(F), and 559.

17. Section 74.5 is amended by adding a new paragraph (a)(7) to read as follows:

**§ 74.5 Cross-reference to rules in other parts.**

(a) \* \* \*

(7) Part 1, Subpart W of this chapter, "FCC Registration Number". (§§ 1.8001-1.8005.)

\* \* \* \* \*

#### **PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE**

18. The authority citation for part 76 continues to read as follows:

**Authority:** 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 317, 325, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 572, 573.

19. Section 76.1610 is amended by adding paragraph (f) to read as follows:

#### **§ 76.1610 Change of operational information.**

\* \* \* \* \*

(f) The operator's FCC Registration Number (FRN) as required under part 1, subpart W of this chapter.

\* \* \* \* \*

[FR Doc. 01-22969 Filed 9-13-01; 8:45 am]

**BILLING CODE 6712-01-P**

#### **FEDERAL COMMUNICATIONS COMMISSION**

##### **47 CFR Part 73**

[DA 01-2081, MM Docket No.01-127, RM-10132]

##### **Digital Television Broadcast Service; Pittsburg, KS**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Saga Quad States Communications, Inc., licensee of station KOAM-TV, substitutes DTV channel 13 for DTV channel 30 at Pittsburg, Kansas. See 66 FR 34400, June 28, 2001. DTV channel 13 can be allotted to Pittsburg in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates 37-13-15 N. and 94-42-23 W. with a power of 4.2, HAAT of 336 meters and with a DTV service population of 357 thousand.

With is action, this proceeding is terminated.

**DATES:** Effective October 22, 2001.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 01-127, adopted September 5, 2001, and released September 7, 2001. The full text of this document is available for

public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

#### **List of Subjects in 47 CFR Part 73**

Television, Digital television broadcasting.

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

#### **PART 73—[AMENDED]**

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

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

#### **§ 73.622 [Amended]**

2. Section 73.622(b), the Table of Digital Television Allotments under Kansas, is amended by removing DTV channel 30 and adding DTV channel 13 at Pittsburg.

Federal Communications Commission.

**Barbara A. Kreisman,**  
*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-23058 Filed 9-13-01; 8:45 am]

**BILLING CODE 6712-01-P**

#### **FEDERAL COMMUNICATIONS COMMISSION**

##### **47 CFR Part 73**

[DA 01-2046, MM Docket No. 00-137, RM-9917, RM-10161]

##### **Digital Television Broadcast Service; Reno, NV**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Sierra Broadcasting Company and Smith Television License Holdings, Inc., substitutes DTV channel 7 for DTV channel 34 for station KRNVTV and substitutes DTV channel 9c for DTV channel 23 for station KOLO-TV at Reno, Nevada. See 65 FR 51278, August 23, 2000. DTV channels 7 and 9 can be allotted to Reno, respectively, in compliance with the principle community coverage requirements of Section 73.625(a). DTV channel 7 can be allotted at coordinates 39-18-57 N. and

119-53-00 W. with a power of 16.8, HAAT of 857 meters and with a DTV service population of 449 thousand. DTV channel 9c can be allotted at coordinates 39-18-49 N. and 119-53-00 W. with a power of 15.6, HAAT of 893 meters and with a DTV service population of 511 thousand.

With is action, this proceeding is terminated.

**DATES:** Effective October 22, 2001.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 00-137, adopted August 30, 2001, and released September 5, 2001. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

#### **List of Subjects in 47 CFR Part 73**

Television, Digital television broadcasting.

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

#### **PART 73—[AMENDED]**

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

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

#### **§ 73.622 [Amended]**

2. Section 73.622(b), the Table of Digital Television Allotments under Nevada, is amended by removing DTV channel 34 and adding DTV channel 7 at Reno.

3. Section 73.622(b), the Table of Digital Television Allotments under Nevada, is amended by removing DTV channel 23 and adding DTV channel 9c at Reno.

Federal Communications Commission.

**Barbara A. Kreisman,**  
*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-23057 Filed 9-13-01; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 01-2047, MM Docket No. 99-262, RM-9659]

**Digital Television Broadcast Service; Spokane, WA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Spokane School District #81, licensee of noncommercial station KSPS(TV), substitutes DTV channel \*8 for DTV channel \*39 at Spokane, Washington. See 64 FR 40331, July 26, 1999. DTV channel \*8 can be allotted to Spokane in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (47-34-34 N. and 117-17-58 W.) with a power of 21.6, HAAT of 558 meters and with a DTV service population of 545 thousand. Since Spokane is located within 400

kilometers of the U.S.-Canadian border, concurrence by the Canadian government has been obtained for this allotment.

With is action, this proceeding is terminated.

**DATES:** Effective October 22, 2001.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 99-262, adopted August 30, 2001, and released September 5, 2001. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, and 445 12th Street, SW., Room CY-A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

**List of Subjects in 47 CFR Part 73**

Television, Digital television broadcasting.

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

**PART 73—[AMENDED]**

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

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

**§ 73.622 [Amended]**

2. Section 73.622(b), the Table of Digital Television Allotments under Washington, is amended by removing DTV channel \*39 and adding DTV channel \*8 at Spokane.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-23056 Filed 9-13-01; 8:45 am]

**BILLING CODE 6712-01-P**

# Proposed Rules

Federal Register

Vol. 66, No. 179

Friday, September 14, 2001

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001-NM-05-AD]

RIN 2120-AA64

#### Airworthiness Directives; BAE Systems (Operations) Limited Model BAE 146 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain BAE Systems (Operations) Limited Model BAE 146 series airplanes. This proposal would require repetitive inspections to detect cracking of the horizontal butt joint of the rear pressure bulkhead and repair, as necessary. This proposal also would require installation of new joint plates on the aft face of the rear pressure bulkhead, which would terminate the repetitive inspections. This action is necessary to prevent cracking of the horizontal butt joint of the rear pressure bulkhead, which could result in reduced structural integrity of the airplane. This action is intended to address the identified unsafe condition.

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

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket Number 2001-NM-05-AD, 1601 Lind Avenue, SW., Renton, Washington 985-46. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: [9-anm-nprmcomment@faa.gov](mailto:9-anm-nprmcomment@faa.gov). Comments sent via fax or the Internet

must contain "Docket Number 2001-NM-05-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2125; fax (425) 227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

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

Submit comments using the following format:

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

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

proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NM-05-AD." The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket Number 2001-NM-05-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain BAE Systems (Operations) Limited Model BAE 146 Series Airplanes series airplanes. The CAA advises that cracking of the horizontal butt joint on the forward and rear faces of the rear pressure bulkhead has been observed. This condition, if not corrected, could result in reduced structural integrity of the airplane.

#### Explanation of Relevant Service Information

BAE Systems (Operations) Limited has issued BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53-42, Revision 1, dated November 3, 2000, which describes procedures for initial and repetitive detailed visual inspections for cracking of the horizontal butt joint on the forward and rear faces of the rear pressure bulkhead. BAE Systems (Operations) Limited has also issued BAE Systems (Operations) Limited Modification Service Bulletin SB.53-42-00713A, Revision 2, dated November 3, 2000, which describes procedures for installation of new joint plates at the circumferential crack stopper butt joints on the rear pressure bulkhead. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition. The CAA classified these service bulletins as mandatory and issued British airworthiness directive 002-11-2000, in order to assure the continued

airworthiness of these airplanes in the United Kingdom.

#### FAA's Conclusions

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

#### Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

#### Cost Impact

The FAA estimates that 8 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hours per airplane to accomplish the proposed detailed visual inspection of the horizontal butt joints on the forward and rear faces of the rear pressure bulkhead, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the proposed inspection on U.S. operators is estimated to be \$480, or \$60 per airplane, per inspection cycle.

It would take approximately 9 work hours per airplane to accomplish the proposed installation of new butt joints on the rear pressure bulkhead, at an average labor rate of \$60 per work hour. The estimated cost of the required parts is \$495. Based on these figures, the cost impact of the proposed installation on U.S. operators is estimated to be \$8,280, or \$1,035 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD.

These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

#### Regulatory Impact

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

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

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

##### § 39.13 [Amended]

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

**BAE Systems (Operations) Limited** (Formerly British Aerospace Regional Aircraft); Docket 2001-NM-05-AD.

**Applicability:** Model BAE Systems (Operations) Limited Model BAE 146 series airplanes on which Modification HCM00713A has not been accomplished, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been

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

**Compliance:** Required as indicated, unless accomplished previously.

To prevent cracking of the horizontal butt joint of the rear pressure bulkhead, which could result in reduced structural integrity of the airplane, accomplish the following:

#### Initial Inspection

(a) Conduct a detailed visual inspection for cracking of the horizontal butt joint of the rear pressure bulkhead, in accordance with BAE Systems (Operations) Limited Inspection Service Bulletin ISB.53-42, Revision 1, dated November 3, 2000, at the later of the times specified in paragraph (a)(1) or (a)(2) of this AD.

(1) Prior to the accumulation of 12,000 flight cycles; or

(2) Within 4,000 flight cycles or 2 years after the effective date of this AD, whichever occurs first.

**Note 2:** For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

#### Repetitive Inspections

(b) Repeat the detailed visual inspection specified in paragraph (a) of this AD at intervals not to exceed 12,000 flight cycles.

#### Repair

(c) If cracks are detected during a detailed visual inspection required by either paragraph (a) or (b) of this AD, prior to further flight, repair the cracks in a manner approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate; or the Civil Aviation Authority (CAA).

#### Modification

(d) Install new joint plates on the rear pressure bulkhead, in accordance with BAE Systems (Operations) Limited Modification Service Bulletin SB.53-42-00713A, Revision 2, dated November 3, 2000, at the later of the times specified in paragraph (d)(1) or (d)(2) of this AD.

(1) Prior to the accumulation of 40,000 flight cycles; or

(2) Within 6,000 flight cycles or 2 years after the effective date of this AD, whichever occurs first.

**Terminating Action**

(e) Accomplishment of paragraph (d) of this AD terminates the need for repetitive inspections as specified in paragraph (b) of this AD.

**Alternative Methods of Compliance**

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

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

**Special Flight Permits**

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

**Note 4:** The subject of this AD is addressed in British airworthiness directive 002-11-2000.

Issued in Renton, Washington, on September 7, 2001.

**Vi L. Lipski,**

*Manager, Transport Airplane Directorate,  
Aircraft Certification Service.*

[FR Doc. 01-23069 Filed 9-13-01; 8:45 am]

**BILLING CODE 4910-13-U**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2001-NM-174-AD]

RIN 2120-AA64

**Airworthiness Directives; Dornier Model 328-300 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Dornier Model 328-300 series airplanes. This proposal would require, for certain airplanes, a one-time torque test (inspection) of the attachment bolts of the forward engine mount vibration isolators to determine if the bolts are adequately torqued, and corrective action, if necessary. For all airplanes, this proposal would prohibit

installation of an attachment bolt on the forward engine mount vibration isolators, unless the attachment bolt is torqued within certain limits. These actions are necessary to prevent failure of the engine mount, which could result in separation of the engine from the airplane. This action is intended to address the identified unsafe condition.

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

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-174-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: [9-anm-nprmcomment@faa.gov](mailto:9-anm-nprmcomment@faa.gov). Comments sent via fax or the Internet must contain "Docket No. 2001-NM-174-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D-82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Tom Groves, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1503; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

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

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.

- For each issue, state what specific change to the proposed AD is being requested.

- Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NM-174-AD." The postcard will be date-stamped and returned to the commenter.

**Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-174-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified the FAA that an unsafe condition may exist on certain Dornier Model 328-300 series airplanes. The LBA advises that, during an engine replacement, it was discovered that a certain section of the Aircraft Maintenance Manual (AMM) provides incorrect torque values for the attachment bolts of the forward engine mount vibration isolators. Because this discrepancy exists in the AMM, it is probable that any airplane on which a forward engine mount has been removed or replaced since the airplane was manufactured has attachment bolts that have been inadequately torqued. This condition, if not corrected, could result in failure of the engine mount, which could result in separation of the engine from the airplane.

**Explanation of Relevant Service Information**

Dornier has issued Service Bulletin SB-328J-71-109, dated March 26, 2001, including Aircraft Maintenance Manual

(AMM) Temporary Revision (TR) 71-130, dated March 8, 2001. The service bulletin describes procedures for a one-time torque test (which the service bulletin refers to as an inspection) of the attachment bolts of the forward engine mount vibration isolators on the left and right-hand sides of the airplane, to determine if the bolts are adequately torqued, and corrective action, if necessary. If any bolt on a vibration isolator is inadequately torqued, the corrective action involves replacing all bolts on the affected isolator. Procedures for such replacement include performing a visual inspection to determine the condition of components of the vibration isolator, removing the existing bolts and washers that attach the forward engine mount vibration isolators to the engine, installing new bolts to reattach the forward engine mount vibration isolators to the engine, and torquing the new bolts to adequate torque values. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

The LBA classified this service bulletin as mandatory and issued German airworthiness directive 2001-163, dated June 14, 2001, in order to assure the continued airworthiness of these airplanes in Germany.

For the convenience of operators, the service bulletin includes TR 71-130, dated March 8, 2001, which includes revised torque values for the attachment bolts of the forward engine mount vibration isolators.

#### FAA's Conclusions

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

#### Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require, for certain airplanes, accomplishment of the actions specified in the service bulletin described previously, except as

discussed below. For all airplanes, the proposed AD would prohibit installation of an attachment bolt on the forward engine mount vibration isolators, unless the attachment bolt is torqued within certain limits.

#### Difference Between This Proposed AD and the Foreign AD

The foreign AD specifies a compliance time of 2,500 flight cycles after the first removal or reinstallation of the forward engine mount vibration isolator for the inspection of the attachment bolts of the forward engine mount vibration isolators to determine if the bolts are adequately torqued, and corrective action, if necessary. The FAA finds that, since some airplanes may have already passed this threshold, it is necessary to allow a grace period for compliance with this proposed AD, so that no airplane will be grounded upon the effective date of the AD. Therefore, this proposed AD would require accomplishment of the proposed actions within 2,500 flight cycles after the first removal or reinstallation of the forward engine mount vibration isolator, or within 30 days after the effective date of this AD, whichever comes later.

#### Difference Between This Proposed AD and the Service Bulletin

As part of the corrective actions for any inadequately torqued bolt on a vibration isolator, the service bulletin specifies a visual inspection to determine the condition of components of the vibration isolator. However, the service bulletin does not specifically state what type of visual inspection must be done or what corrective actions must be done if any components of the vibration isolator are damaged. Review of Aircraft Maintenance Manual Job Instruction Card 71-20-00, which the service bulletin refers to as an additional source of service information for accomplishment of this inspection, show that a detailed visual inspection and replacement of any damaged vibration isolator component with a new component is necessary. Therefore, paragraph (b) of this proposed AD clarifies that the procedures for replacement of the attachment bolts for the vibration isolator include a detailed visual inspection to determine the condition of vibration isolator components and replacement of any damaged components with new ones. Also, Note 2 of the proposed AD defines a detailed visual inspection.

#### Cost Impact

The FAA estimates that 36 airplanes of U.S. registry would be affected by this proposed AD, that it would take

approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$4,320, or \$120 per airplane.

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

#### Regulatory Impact

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

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

#### ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**Dornier Luftfahrt GMBH:** Docket 2001-NM-174-AD.

**Applicability:** Model 328-300 series airplanes, on which a forward engine mount vibration isolator has been removed or reinstalled since the date of manufacture of the airplane, certificated in any category.

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

**Compliance:** Required as indicated, unless accomplished previously.

To prevent failure of the engine mount, which could result in separation of the engine from the airplane, accomplish the following:

#### One-Time Inspection

(a) For airplanes on which a forward engine mount vibration isolator has been removed or reinstalled prior to the effective date of this AD: Within 2,500 flight cycles after the first removal or reinstallation of a forward engine mount vibration isolator, or within 30 days after the effective date of this AD, whichever comes later, do a one-time torque test (inspection) of the attachment bolts of the forward engine mount vibration isolators on the left- and right-hand sides of the airplane to determine if the bolts are adequately torqued, according to Dornier Service Bulletin SB-328J-71-109, dated March 26, 2001, including Aircraft Maintenance Manual (AMM) Temporary Revision (TR) 71-130, dated March 8, 2001.

#### Replacement of Bolts

(b) During the inspection required by paragraph (a) of this AD, if the torque value of any attachment bolt is found to be outside the limits specified in Dornier Service Bulletin SB-328J-71-109, dated March 26, 2001, including AMM TR 71-130, dated March 8, 2001: Before further flight, do all actions associated with replacing all bolts on the vibration isolator on which the improperly torqued bolt was found (including performing a detailed visual inspection to determine the condition of

components of the vibration isolator and replacement of any damaged components with new components, removing the existing bolts and washers that attach the forward engine mount vibration isolators to the engine, installing new bolts to reattach the forward engine mount vibration isolators to the engine, and torquing the new bolts to adequate torque values), according to the service bulletin.

**Note 2:** For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

#### Torque Requirements

(c) For all airplanes: As of the effective date of this AD, no one may install an attachment bolt on the forward engine mount vibration isolators on any airplane, unless the attachment bolt is torqued within the limits specified in Dornier 328-300 AMM TR 71-130, dated March 8, 2001.

#### Alternative Methods of Compliance

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

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

#### Special Flight Permits

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

**Note 4:** The subject of this AD is addressed in German airworthiness directive 2001-163, dated June 14, 2001.

Issued in Renton, Washington, on September 7, 2001.

**Vi L. Lipski,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01-23070 Filed 9-13-01; 8:45 am]

**BILLING CODE 4910-13-U**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01-2088, MM Docket No. 01-222, RM-10240]

### Digital Television Broadcast Service; Charleston, SC

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by WCIV, LLC, licensee of station WCIV(TV), NTSC channel 4, Charleston, South Carolina, proposing the substitution of DTV channel 34 for DTV channel 53. DTV Channel 34 can be allotted to Charleston, South Carolina, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (32-55-28 N. and 79-41-58 W.). As requested, we propose to allot DTV Channel 34 with a power of 340 and a height above average terrain (HAAT) of 597 meters.

**DATES:** Comments must be filed on or before October 29, 2001, and reply comments on or before November 13, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Thomas P. Van Wazer, Sidley & Austin, 1722 Eye Street, NW., Washington, DC 20006 (Counsel for WCIV, LLC).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-222, adopted September 5, 2001, and released September 7, 2001. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

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

Television, Digital television broadcasting.

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

#### PART 73—TELEVISION BROADCAST SERVICES

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

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

#### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under South Carolina is amended by removing DTV Channel 53 and adding DTV Channel 34 at Charleston.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-23059 Filed 9-13-01; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 01-2048, MM Docket No. 01-208, RM-10205]

#### Digital Television Broadcast Service; Harrisburg, PA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Harrisburg Television, Inc., licensee of station WHTM-TV, NTSC channel 27, Harrisburg, Pennsylvania, proposing the substitution of DTV channel 10 for station WHTM-TV's assigned DTV channel 57. DTV Channel 57 can be allotted to Harrisburg, Pennsylvania, in compliance with the principle community coverage requirements of

Section 73.625(a) at reference coordinates (40-18-57 N. and 76-57-02 W.). As requested, we propose to allot DTV Channel 10 to Harrisburg with a power of 14.0 and a height above average terrain (HAAT) of 346 meters. However, since the community of Harrisburg is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government must be obtained for this allotment.

**DATES:** Comments must be filed on or before October 29, 2001, and reply comments on or before November 13, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Thomas P. Van Wazer, Sidney, Austin, Brown & Wood, 1722 Eye Street, NW., Washington, DC 20006 (Counsel for Harrisburg Television, Inc.).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-208, adopted August 30, 2001, and released September 5, 2001. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

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

Television, Digital television broadcasting.

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

#### PART 73—TELEVISION BROADCAST SERVICES

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

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

#### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Pennsylvania is amended by removing DTV Channel 57 and adding DTV Channel 10 at Harrisburg.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-23054 Filed 9-13-01; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 01-2049, MM Docket No. 01-207, RM-10206]

#### Digital Television Broadcast Service; Alexandria, MN

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by KSAX-TV, Inc., licensee of station KSAX(TV), NTSC channel 42, Alexandria, Minnesota, proposing the substitution of DTV channel 36 for station KSAX(TV)'s assigned DTV channel 14. DTV Channel 36 can be allotted to Alexandria, Minnesota, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (45-41-59 N. and 95-10-35 W.). As requested, we propose to allot DTV Channel 36 to Alexandria with a power of 1000 and a height above average terrain (HAAT) of 340 meters. However, since the community Alexandria is located 400 kilometers from the U.S.-Canadian border, concurrence from the Canadian government must be obtained for this allotment.

**DATES:** Comments must be filed on or before October 29, 2001, and reply comments on or before November 13, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW.,

Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David A. O'Connor, Holland & Knight, LLP, 2099 Pennsylvania Avenue, NW., Suite 100, Washington, DC 20006 (Counsel for KSAX-TV, Inc.).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-207, adopted August 30, 2001, and released September 5, 2001. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

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

Television, Digital television broadcasting.

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

#### PART 73—TELEVISION BROADCAST SERVICES

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

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

##### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Minnesota is amended by removing DTV Channel 14 and adding DTV Channel 36 at Alexandria.

Federal Communications Commission.

**Barbara A. Kreisman,**  
Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01-23055 Filed 9-13-01; 8:45 am]

**BILLING CODE 6712-01-P**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 216

[Docket No. 010823214-1214-01; I.D. 080801A]

RIN 0648-AP47

##### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Rocket Launches at Vandenberg Air Force Base, CA

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

**ACTION:** Proposed rule; request for comment; proposed modification to current regulation.

**SUMMARY:** NMFS has received a request from the 30th Space Wing, U.S. Air Force for a modification to the regulations that govern, and the annual Letter of Authorization (LOA) that authorizes the take of small numbers of marine mammals incidental to missile and rocket launches, aircraft flight test operations, and helicopter operations at Vandenberg Air Force Base, CA (VAFB). The 30th Space Wing requests that the current monitoring requirements be reduced so that biological monitoring is required only during the Pacific harbor seal pupping season (March 1 to June 30). By this document, NMFS is proposing to amend the regulations governing the take of marine mammals incidental to rocket launches at VAFB. NMFS, in issuing the regulation to which a modification is sought previously determined that rocket launches at VAFB would have a negligible impact on the affected species and stocks of marine mammals. In order to make the requested amendment to the regulation, NMFS must determine that the monitoring program at VAFB and the resultant data from pre- and post-launch marine mammal observations have effectively shown that the effects of rocket launch activities are negligible. NMFS invites comments on this proposed modification to the regulations.

**DATES:** Comments and information must be received no later than October 15, 2001.

**ADDRESSES:** Comments on the proposed amendment should be addressed to Donna Wieting, Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3225. Comments will not be accepted if submitted via e-mail or Internet. A copy of the modification request and SRS Technology's technical reports referenced in this document may be obtained by writing to this address or by telephoning one of the contacts listed here.

**FOR FURTHER INFORMATION CONTACT:** Simona P. Roberts, (301) 713-2322, ext 106 or Christina Fahy, (562) 980-4023.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 101 (a)(5)(A) of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations governing the taking are issued. Effective January 26, 1996, by Department Delegation Order 10-15, the Secretary of Commerce (Secretary) delegated authority to perform the functions vested in the Secretary as prescribed by the MMPA to the Administrator of the National Oceanic and Atmospheric Administration. On December 17, 1990, under NOAA Administrative Order 205-11, 7.01, the Under Secretary for Oceans and Atmosphere delegated authority to sign material for publication in the **Federal Register** to the Assistant Administrator for Fisheries, NOAA.

Permission for a take may be granted if NMFS finds that the taking will have no more than a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and that the permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking are set forth. As new information is developed, through monitoring, reporting, or research, NMFS may modify the regulations governing the take, in whole or in part, after notice and opportunity for public review.

Regulations governing the taking of seals and sea lions incidental to missile and rocket launches, aircraft flight test

operations, and helicopter operations at VAFB were published on March 1, 1999 (64 FR 9925), and remain in effect until December 31, 2003.

### Summary of Request

On May 17, 2001, NMFS received a request from the 30th Space Wing for modification to the monitoring requirements of the 5-year programmatic regulations governing the incidental take of marine mammals during rocket launch operations at VAFB (50 CFR 216.120-128). The requested modification would reduce the current requirement to perform biological monitoring during all space vehicle launches at VAFB to only those space vehicle launches at VAFB during the Pacific harbor seal (*Phoca vitulina richardsi*) pupping season (March 1 to June 30). This request is based on a scientific research program and the bioacoustic monitoring of space vehicle launches conducted from 1997 through 2001 at VAFB (SRS Technologies, 2001). During the pupping season, biological monitoring remains important in verifying that female harbor seals spend the necessary time on the haul-out establishing the female-neonate bond, including nursing of their pups. Although harbor seal numbers are highest during molting (May through July), NMFS is not proposing biological monitoring during the molting season because research and monitoring over the last 4 years has shown that molting Pacific harbor seals entering the water because of a disturbance are not adversely affected in their ability to molt and do not become subject to thermoregulatory stress.

### Current Monitoring Requirements and Requested Change

According to 50 CFR 216.125, LOAs that authorize the take of marine mammals incidental to space vehicle and test flight activities must designate qualified on-site individuals to conduct the following monitoring activities: (1) Observation of harbor seal, elephant seal, and sea lion activity in the vicinity of the rookery nearest the launch platform or, in the absence of pinnipeds at that location, at another nearby haul-out, for at least 72 hours prior to any planned launch and continue for a period of time not less than 48 hours subsequent to launching; (2) monitoring haul-out sites on the Northern Channel Islands if it is determined during consultation with NMFS that a sonic boom could impact those areas; (3) investigation of the potential for spontaneous abortion, disruption of effective female-neonate bonding, and other reproductive dysfunction; (4)

supplemental observation on VAFB and on the Northern Channel Islands, if indicated, with video-recording of mother-pup seal responses for daylight launches during the pupping season; and (5) conducting acoustic measurements of those launch vehicles not having sound pressure level measurements made previously.

The 30th Space Wing's request is to modify the first monitoring activity, observation of harbor seal, elephant seal, and sea lion activity in the vicinity of the rookery nearest the launch platform on VAFB, to only require observations during the March 1 through June 30 harbor seal pupping season at VAFB.

### Potential Effect of Modification to Monitoring Requirements on Pacific Harbor Seals at VAFB

Since modification of regulations, in whole or in part, must account for new information that has been collected through monitoring, reporting, or research (see 50 CFR 216.105 (c)), this preamble outlines the 30th Space Wing's research and monitoring results to date. Based on the scientific research program and bioacoustic monitoring of space vehicle launches conducted from 1997 through 2001 at VAFB, the 30th Space Wing asserts that the proposed modification to the monitoring requirements would not alter the negligible impact determination made by NMFS during the rule making (64 FR 9925, March 1, 1999). Rather, results of the 30th Space Wing's monitoring and research programs verify that the impacts of rocket launches have had a negligible impact on the harbor seals at VAFB. To verify the negligible impact determination made by NMFS as a prerequisite issuance of the final rule, the monitoring and research programs for VAFB were designed to detect changes in population parameters that indicate the overall condition of the potentially affected populations.

Results from the monitoring and research program include an analysis of indicators of population health at the regional and site-specific level. These indicators include: trends in abundance, pup production and mortality, daily and seasonal haul-out behaviors, measured sound exposure levels from space launch vehicles, behavioral response of Pacific harbor seals to launch noise, and Pacific harbor seal auditory brainstem response (ABR) measurements. For a more detailed account of the 30th Space Wing's research and monitoring programs and analysis of results, see SRS Technologies (2001).

### Pacific Harbor Seal Scientific Research Program at VAFB

Data from the scientific research program conducted from 1997 through 2001 shows that the harbor seal population (including pups) at VAFB is increasing and doing as well or better than other harbor seal populations in California. The Pacific harbor seal is the main pinniped species found along the coastline of VAFB; there are 3 main harbor seal haul-out sites on the Base.

#### Trends in Abundance

The most recent estimate of the Pacific harbor seal population in California is 30,293 seals (Forney *et al.*, 2000). From 1979 to 1995, the California population increased at an estimated annual rate of 5.6 percent. The total population of harbor seals at VAFB is estimated to be 1,040 (775 on south VAFB and 265 on north VAFB), where the telemetry data for seals was used to correct for seals that were at sea during the census (SRS Technologies 2001). The harbor seal population has been increasing since 1997 at an annual rate of 12.6 percent. During this period, 5 to 7 space vehicle launches were conducted per year. Recent information by several researchers suggests that harbor seals are only decreasing in areas (e.g., San Miguel Island, California) where they are in competition for haul-out space with California sea lions (*Zalophus californianus*) and northern elephant seals (*Mirounga angustirostris*). California sea lions and northern elephant seals rarely haul-out at VAFB; therefore, competition for haul-out space should not be a factor in growth of the harbor seal population at VAFB.

#### Pup Production and Mortality

Annual harbor seal pup production at VAFB has increased by 5.3 percent annually. The only decrease in pup production occurred during the 1998 El Niño season when there was a 13.6 percent decrease from the previous year. In contrast to VAFB haul-out sites, pup production at Point Conception, CA (control site for the VAFB research program located 25 km south of the south VAFB haul-out site) showed an annual increase of 2.9 percent. This smaller percentage in annual pup production may be due to the fact that Point Conception has a limited area where females and pups can haul-out without being harassed by other seals or exposed to high tides and swells. There are more haul-out areas for females with pups at VAFB; therefore, only El Niño type disturbance should affect pup production at VAFB.

There are no documented occurrences of premature pupping at VAFB. In addition, the rate of pup mortality is low (0.6 pups per year), with none of the mortalities associated with any of the launch activities. Because the rough terrain along the VAFB coastline makes seal captures difficult, only 15 seal pups have been tagged; it has been difficult to estimate the long-term survival and recruitment rate of these pups. Based on telemetry data from the 15 tagged individuals and the behavior of pups at other sites, the 30th Space Wing estimates that approximately 54 percent of pups continue to haul-out at VAFB after weaning. There have been no tag returns of dead pups from VAFB, but some pups have been sighted up to 25 km away from the natal haul-out site. This suggests that mortality is low for weaned pups and that up to 35 percent of pups born at VAFB may migrate to other haul-out sites.

*Daily and Seasonal Haul-out Behavior*

At south VAFB, the daily haul-out behavior of harbor seals is dependent on time of day rather than tide height. The highest number of seals haul-out at south VAFB between 1100 through 1700 hours. At north VAFB haul-out sites, tide has a greater influence on the daily haul-out behavior of seals. Part of the reason for the tidal influence at north VAFB is the coastline's topography, which consists of low lying rocky areas that are substantially covered during high tides. In addition, haul-out behavior at all sites may be influenced by environmental factors such as high swell, tide height, and wind. The combination of all three may prevent seals from hauling out at most sites. The number of seals hauled out at any site can vary greatly from day to day based on environmental conditions.

Several factors affect the seasonal haul-out behavior of harbor seals including environmental conditions, reproduction, and molting. Harbor seal numbers at VAFB begin to increase in March during the pupping season (March to June) as females spend more

time on shore nursing pups. The population is at its highest during the molt which occurs from May through July. During the molting season, tagged harbor seals at VAFB increased their time spent on shore by 22.4 percent; however, all seals continued to make daily trips to sea to forage. Molting harbor seals entering the water because of a disturbance by a space vehicle launch or another source would not be adversely affected in their ability to molt and would not endure thermoregulatory stress. During pupping and molting season, harbor seals at the south VAFB sites expand into haul-out areas that are not used the rest of the year. The number of seals hauled out begins to decrease in August after the molt is complete and reaches the lowest number in late fall and early winter.

**Pacific Harbor Seal Bioacoustic Monitoring at VAFB**

Data from the bioacoustic monitoring of space vehicle launches conducted from 1997 through 2001 shows that haul-out behavior appears to be unaffected by launch operations, and there has been no temporary or permanent threshold shifts evidenced as a result of launch noise.

The types of sounds discussed in this document are airborne and impulsive. For this reason, the document references both pressure and energy measurements for sound levels. For pressure, the sound pressure level (SPL) is described in terms of decibels (dB) re micro-Pascal (micro-Pa), and for energy, the sound exposure level (SEL) is described in terms of dB re micro-Pa<sup>2</sup> -second. In other words, SEL is the squared instantaneous sound pressure over a specified time interval, where the sound pressure is averaged over 5 percent to 95 percent of the duration of the sound (in this case, one second). Airborne noise measurements are usually expressed relative to a reference pressure of 20 micro-Pa, which is 26 dB above the underwater sound pressure reference of 1 micro-Pa. However, the conversion from air to water intensities is more

involved (Buck, 1995) and is beyond the scope of this document.

In order to obtain details on the launch noise reaching harbor seals on VAFB, acoustic measurements were collected via two independent systems. The first system was designed to measure the low frequency sound associated with rocket launches. The second system was designed to measure background noise levels, ambient noise levels, and sound events that exceed a pre-set minimum sound level.

*Measured Sound Exposure Levels from Space Launch Vehicles*

To study the effect of noise on wildlife, the sound under study is typically measured using an A-weighted filter. A-weighting is a standard filter used in acoustics that approximates human hearing. However, because most animals do not have hearing similar to humans, A-weighting does not accurately represent sounds as heard by non-human mammals (SRS Technologies, 2001). Several researchers (Mohl, 1968; Terhune, 1991; Terhune and Turnbull, 1995; Kastak and Schusterman, 1998) have measured the in-air hearing in harbor seals. At 2000 hertz (Hz), harbor seals were found to have hearing sensitivities averaging around 30 dB. In contrast, the quietest sound a human can hear at 2000 Hz registers at -1 dB (Sivian and White, 1933). At 2000 Hz, A-weighting adds 1.2 dB to the sound being analyzed; therefore, A-weighting does not accurately represent sounds as heard by harbor seals. To gain a better understanding of how launch noise is perceived by harbor seals, SRS Technologies created a frequency-weighting filter, similar to what A-weighting is for humans, based on the in-air hearing ability of harbor seals (SRS Technologies, 2001).

Acoustical measurements have been collected and analyzed for 21 space vehicle launches of 7 different types of vehicles using both A-weighted and harbor-seal weighted filters. The average measurements are shown in Table 1:

Table 1

Type	Distance from Haul-out (km/mi)	Average A-weighted Sound Exposure Level (dB)	Harbor seal-weighted Sound Exposure Level (dB)
Athena .....	2.8/1.7	107.5	68.3
Minotaur .....	2.3/1.4	106.2	67.3
Titan IV .....	8.5/5.3	100.2	58.9
Taurus .....	0.55/0.34	125.2	89.8
Delta II .....	2.0/1.2	114.9	78.6
Minuteman III .....	15.6/9.7	88.7	42.3
Atlas .....	11.0/6.8	86.1	47.3

### *Behavioral Response of Pacific Harbor Seals to Launch Noise*

During the biological monitoring at VAFB, the response of harbor seals to rocket launch noise varied depending on the intensity of noise and the age of the seal. When launch noise was below an A-weighted sound exposure level of 100 decibels (dBA)(re 20 micro-Pa<sup>2</sup>-second), observations showed that not all seals fled the haul-out site and those that remained were exclusively adults. Given the high degree of site fidelity among adult harbor seals, it is likely that those seals that remained on the haul-out site during rocket launches had previously been exposed to launches. It is possible that adult seals have become acclimated to the launch noise and react differently than younger inexperienced seals. Of the 20 seals (adult and younger) tagged at VAFB, 8 (40 percent) were exposed to at least one launch disturbance and continued to return to the same haul-out site. Three of these tagged seals were exposed to 2 or more launch disturbances. Six (75 percent) of the tagged seals exposed to launch noise appeared to remain in the water adjacent to the haul-out site and then returned to shore within 2 to 22 minutes after the launch. The 2 tagged seals that left the haul-out site area after the launch had been on shore for at least 6 hours subsequent to the launch and returned to the haul-out site in 24 hours.

### *ABR Measurements*

In order to further determine if harbor seals experience any change in their hearing sensitivity as a result of launch noise, the acoustic contractor conducted ABR testing on 10 harbor seals prior to and after the launches of 3 Titan IV rockets, a vehicle type with one of the loudest harbor seal-weighted SELs (see table above). Detailed analysis of the ABR measurements showed that there were no detectable changes in the seals' hearing sensitivity as a result of the launch noise. However, the 2 to 3.5 hour delay in ABR testing post-launch could mean that the seals had recovered from a temporary threshold shift (TTS) before the testing could begin. However, as there were no detectable changes in the hearing sensitivity of these animals when they were tested after the delay, the 30th Space Wing concludes, with confidence, that the animals did not have permanent hearing changes due to exposure to the launch noise from the Titan IV rockets.

### **Preliminary Conclusions**

As outlined in this preamble, results of on-going, long-term monitoring efforts designed to track trends in haul-

out patterns and seal distribution at VAFB show that the harbor seal population at VAFB is increasing and doing as well or better than other harbor seal populations in California. Acoustic measurements in conjunction with biological monitoring of haul-out sites and tagged seals over these same 4 years, suggest that the haul-out behavior of harbor seals is unaffected by launch operations. This data also provides conclusive evidence that no permanent hearing damage has resulted from space vehicle launches at VAFB. This new information obtained through monitoring, reporting, and research verifies NMFS' previous negligible impact determination by showing that the level, manner, and effects of the marine mammal takes are so small in number that they are inconsequential to the abundance, distribution, and productivity of marine mammal populations in California (Swartz and Hofman, 1991). Therefore, NMFS has preliminarily concluded that the impact of amending the current regulations to require monitoring observations only during the harbor seal pupping season at VAFB is consistent with NMFS' March 1, 1999 negligible impact determination (64 FR 9925).

### **Information Solicited**

NMFS requests interested persons to submit comments, information, and suggestions concerning the request and the structure and content of the proposed amendment to regulations. Because this document contains only a summary of the information provided in the documents available to the public (see **ADDRESSES**), commenters are requested to review these documents before submitting comments.

### **Classification**

This action is not significant for purposes of Executive Order 12866. The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Small Business Administration, when the original rule was proposed in 1998 (63 FR 39055, July 21, 1998), that, if adopted, the rule would not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. The rule only affects the U.S. Air Force, large defense companies, and an undetermined number of contractors providing services related to the launches, including the monitoring of launch impacts on marine mammals. Some of the affected contractors may be small businesses. The economic impact on these small businesses depends on

the award of contracts for such services. The economic impact cannot be determined with certainty, but will either be beneficial or have no effect, directly or indirectly, on small businesses. Because of this classification, a regulatory flexibility analysis was neither required nor prepared. This action does not alter those conclusions.

### **National Environmental Policy Act (NEPA)**

The U.S. Air Force prepared an Environmental Assessment (EA) and issued a Finding of No Significant Impact, as part of its request for a small take authorization in 1997. This EA contains information incorporated by reference in the application that is necessary for determining whether the activities proposed for receiving small take authorizations are having a negligible impact on affected marine mammal stocks. NMFS adopted the U.S. Air Force EA as its own as provided by 40 CFR 1506.3. In the final rule for this activity (64 FR 9925, March 1, 1999), NMFS found that the issuance of regulations and LOAs to the Air Force would not result in a significant environmental impact on the human environment and that it would be unnecessary to either prepare its own NEPA documentation, or to recirculate the Air Force EA for additional comments. This action is within the scope of the EA and does not alter its conclusions.

### **List of Subjects in 50 CFR Part 216**

Exports, Fish, Imports, Indians, Labeling, Marine mammals, Penalties, Reporting and recordkeeping requirements, Seafood, Transportation.

For the reasons discussed in the preamble, 50 CFR part 216 is proposed to be amended as follows:

### **PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS**

1. The authority citation for part 216 continues to read as follows:

**Authority:** 16 U.S.C. 1361 *et seq.*, unless otherwise noted.

2. In § 216.125, paragraph (b) (1) is revised to read as follows:

#### **§ 216.125 Requirements for monitoring and reporting.**

\* \* \* \* \*

(b) \* \* \*

(1) Conduct observations on harbor seal, elephant seal, and sea lion activity in the vicinity of the rookery nearest the launch platform or, in the absence of pinnipeds at that location, at another

nearby haulout, for at least 72 hours  
prior to any planned launch occurring  
during the harbor seal pupping season  
(1 March through 30 June) and continue

for a period of time not less than 48  
hours subsequent to launching.

\* \* \* \* \*

Dated: September 7, 2001.

**John Oliver,**

*Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 01-23038 Filed 9-13-01; 8:45 am]

**BILLING CODE 3510-22-S**

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

## AGENCY FOR INTERNATIONAL DEVELOPMENT

### Office of Food for Peace; Bureau for Humanitarian Response, Announcement of Draft Guidelines for Title II Development Activity Programs and Cooperating Sponsor Results Reports and Resource Requests

#### Notice

Pursuant to the Agricultural Trade Development and Assistance Act of 1954 (Public Act 480, as amended), notice is hereby given that the Draft Guidelines for Title II Development Activity Programs and Cooperating Sponsor Results Reports and Resource Requests are being made available to interested parties for the required thirty (30) day comment period.

Individuals who wish to receive a copy of these draft guidelines should contact: Office of Food for Peace, Agency for International Development, RRB 7.06-120, 1300 Pennsylvania Avenue, Washington, DC 20523-0809. Individuals who have questions or comments on the draft guidelines should contact Richard Newberg at the above address or at (202) 712-1828.

The thirty-day comment period will begin on the date that this announcement is published in the **Federal Register**.

Dated: September 7, 2001.

**William T. Oliver,**

*Director, Office of Food for Peace, Bureau for Humanitarian Response.*

[FR Doc. 01-23063 Filed 9-13-01; 8:45 am]

**BILLING CODE 6116-01-M**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Notice of Solicitation of Requests for Modification of Tariff Rate Quotas on the Import of Certain Worsted Wool Fabrics

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

**ACTION:** The Department of Commerce is soliciting requests for the modification of the limitations on the quantity of imports of certain worsted wool fabric under the 2002 tariff rate quotas established by the Trade and Development Act of 2000.

**SUMMARY:** The Department of Commerce (Department) hereby solicits requests for the modification of the limitations on the quantity of imports of certain worsted wool fabric under the 2002 tariff rate quotas established by the Trade and Development Act of 2000. To be considered, a request must be received or postmarked by 5:00 p.m. on October 1, 2001 and must comply with the requirement of 15 CFR part 340 (66 FR 6459, published January 22, 2001). If a request is received, the Department will solicit comments on the request in the **Federal Register** and provide a twenty day comment period. Thirty days after the end of the comment period, the Department will determine whether the limitations should be modified.

**ADDRESS:** Requests must be submitted to: Industry Assessment Division, Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Six copies of any such requests must be provided.

**FOR FURTHER INFORMATION CONTACT:** Sergio Botero, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4058.

#### SUPPLEMENTARY INFORMATION:

##### Background

Title V of the Trade and Development Act of 2000 (the Act) creates two tariff rate quotas, providing for temporary reductions for three years in the import duties on two categories of worsted wool fabrics suitable for use in making suits, suit-type jackets, or trousers. For worsted wool fabric with average fiber diameters greater than 18.5 microns (Harmonized Tariff Schedule of the

United States (HTS) heading 9902.51.11), the reduction in duty is limited to 2,500,000 square meter equivalents per year. For worsted wool fabric with average fiber diameters of 18.5 microns or less (HTS heading 9902.51.12), the reduction is limited to 1,500,000 square meter equivalents per year. Both these limitations may be modified by the President, not to exceed 1,000,000 square meter equivalents per year for each tariff rate quota.

The Act requires that the annual consideration of requests by U.S. manufacturers of men's or boys' worsted wool suits, suit-type jackets and trousers for modification of the limitation on the quantity of fabric that may be imported under the tariff rate quotas, and grants the President the authority to proclaim modifications to the limitations. In determining whether to modify the limitations, specified U.S. market conditions with respect to worsted wool fabric and worsted wool apparel must be considered. On January 22, 2001, the Department published regulations establishing procedures for considering requests for modification of the limitations, 66 FR 6459, 15 CFR part 340.

To be considered, requests must be submitted by a manufacturer of men's or boys' worsted wool suits, suit-type jackets, and trousers in the United States and must comply with the requirements of 15 CFR part 340.

A request must include: (1) The name, address, telephone number, fax number, and Internal Revenue Service number of the requester; (2) the relevant worsted wool apparel product(s) manufactured by the person(s), that is, worsted wool suits, worsted wool suit-type jackets, or worsted wool trousers; (3) the modification requested, including the amount of the modification and the limitation that is the subject of the request (HTS heading 9902.51.11 and/or 9902.51.12); and (4) a statement of the basis for the request, including all relevant facts and circumstances.

A request should include the following information for each limitation that is the subject of the request, to the extent available: (1) A list of suppliers from which the requester purchased domestically produced worsted wool fabric during the period July 1, 2000 to June 30, 2001, the dates of such purchases, the quantity purchased, the quantity of imported

worsted wool fabric purchased, the countries of origin of the imported worsted wool fabric purchased, the average price paid per square meter of the domestically produced worsted wool fabric purchased, and the average price paid per square meter of the imported worsted wool fabric purchased; (2) a list of domestic worsted wool fabric producers that declined, on request, to sell worsted wool fabric to the requester during the period July 1, 2000 to June 30, 2001, indicating the product requested, the date of the order, the price quoted, and the reason for the refusal; (3) the requester's domestic production and sales for the period January 1, 2001 to June 30, 2001 and the comparable six month period in the previous year, for each of the following products: worsted wool suits, worsted wool suit-type jackets, and worsted wool trousers; (4) evidence that the requester lost production or sales due to an inadequate supply of domestically-produced worsted wool fabric on a cost competitive basis; and (5) other evidence of the inability of domestic producers of worsted wool fabric to supply domestically produced worsted wool fabric to the requester.

Requests must be accompanied by a statement by the person submitting the request or comments (if a natural person), or an employee, officer or agent of the legal entity submitting the request, with personal knowledge of the matters set forth therein, certifying that the information contained therein is complete and accurate, signed and sworn before a Notary Public, and acknowledging that false representations to a federal agency may result in criminal penalties under federal law. Any business confidential information provided that is marked business confidential will be kept confidential and protected from disclosure to the full extent permitted by law. To the extent business confidential information is provided, a non-confidential submission should also be provided, in which business confidential information is summarized or, if necessary, deleted.

Dated: September 7, 2001.

**Linda M. Conlin,**

*Assistant Secretary for Trade Development,  
Department of Commerce.*

[FR Doc.01-23062 Filed 9-13-01; 8:45 am]

**BILLING CODE 3510-DR-S**

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

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

**DATES:** Interested persons are invited to submit comments on or before November 13, 2001.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 10, 2001.

**John Tressler,**

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

### Office of Student Financial Assistance Programs

*Type of Review:* Revision.

*Title:* Federal Direct Consolidation Loan Program Application Documents.

*Frequency:* On occasion.

*Affected Public:* Businesses or other for-profit; Individuals or household.

*Reporting and Recordkeeping Hour Burden:*

Responses: 1,028,500.

Burden Hours: 681,875.

*Abstract:* These forms are the means by which an applicant applies for/promises to repay a Federal Direct Consolidation Loan and a lender verifies an eligible loan to be consolidated.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, DC 20202-4651. Requests may also be electronically mailed to the Internet address [OCIO\\_RIMG@ed.gov](mailto:OCIO_RIMG@ed.gov) or faxed to 202-708-9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at (202) 708-9266 or via his Internet address [Joe.Schubart@ed.gov](mailto:Joe.Schubart@ed.gov).

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 01-23072 Filed 9-13-01; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

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

**DATES:** Interested persons are invited to submit comments on or before November 13, 2001.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and

Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 10, 2001.

**John Tressler,**

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

*Office of Educational Research and Improvement*

*Type of Review:* Extension.

*Title:* Standards for Conduct and Evaluation of Activities Carried Out by the Office of Educational Research and Improvement.

*Frequency:* Annually.

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

*Reporting and Recordkeeping Hour Burden:*

Responses: 1.

Burden Hours: 1.

*Abstract:* Public Law (P.L.) 103-227 reauthorized the Office of Educational Research and Improvement (OERI) and required the Assistant Secretary to establish standards for the evaluation of

applications for grants and cooperative agreements and proposals for contracts (20 U.S.D. 6011(I) (2) (B) (ii)).

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, DC 20202-4651. Requests may also be electronically mailed to the Internet address [OCIO\\_RIMG@ed.gov](mailto:OCIO_RIMG@ed.gov) or faxed to 202-708-9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at (540) 776-7742 or via her Internet address [Kathy.Axt@ed.gov](mailto:Kathy.Axt@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 01-23073 Filed 9-13-01; 8:45 am]

BILLING CODE 4000-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-00678D; FRL-6804-7]

### Opportunity to Comment on Implications of Revised Bt Corn 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 regarding corn, the corn portions of the draft Potential Risk Mitigation and Regulatory Options paper, and the regulatory decisions affecting all *Bt* corn products.

**DATES:** Comments, identified by docket control number OPP-00678B, must be received on or before September 21, 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](mailto: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](mailto: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. In the September 5, 2001 **Federal Register** (66 FR 46457) (FRL-6801-7), the Agency announced an extension of both comment periods until September 10, 2001.

The Agency is now extending until September 21, 2001, the period for comment on the implications of the revised risk and benefit sections of the reassessment regarding corn, the corn portions of the draft Potential Risk Mitigation and Regulatory Options paper, and the regulatory decisions affecting all *Bt* corn products.

### List of Subjects

Environmental protection, Plant-pesticides.

Dated: September 10, 2001.

#### Janet L. Andersen.

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 01-23082 Filed 9-12-01 11:21 am]

BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7056-3]

### Public Water System Supervision Program Revision for the State of Arkansas

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of tentative approval.

**SUMMARY:** Notice is hereby given that the State of Arkansas is revising its approved Public Water System Supervision Program. Arkansas has adopted the Consumer Confidence Report regulations requiring annual drinking water quality reports from all community water systems. In addition, Arkansas has adopted a revised definition for public water system and has administrative penalty authority in

accordance with the Safe Drinking Water Act as amended in 1996. EPA has determined that these revisions are no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve these program revisions.

All interested parties may request a public hearing. A request for a public hearing must be submitted by October 15, 2001, to the Regional Administrator at the EPA Region 6 address shown below. 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 15, 2001, a public hearing will be held. 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, this determination shall become final and effective on October 15, 2001. Any request for a public hearing shall include the following information: The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; and 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.

**ADDRESSES:** All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices: Arkansas Department of Health, Division of Engineering—Slot #37, 4815 West Markham, Little Rock, Arkansas 72205 and United States Environmental Protection Agency, Region 6, Drinking Water Section (6WQ-SD), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202.

**FOR FURTHER INFORMATION CONTACT:** José G. Rodriguez, EPA Region 6, Drinking Water Section at the Dallas address given above or at telephone (214) 665-8087.

**Authority:** (Section 1413 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142 of the National Primary Drinking Water Regulations).

Dated: September 6, 2001.

**Lawrence E. Starfield,**

*Acting Regional Administrator, Region 6.*

[FR Doc. 01-22992 Filed 9-13-01; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7055-7]

### Public Water System Supervision Program Revision for the State of Oklahoma

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed approval.

**SUMMARY:** Notice is hereby given that the State of Oklahoma is revising its approved Public Water System Supervision Program. Oklahoma has adopted an Interim Enhanced Surface Water Treatment Rule to improve control of microbial pathogens in drinking water, including specifically the protozoan Cryptosporidium, and a Stage 1 Disinfectants/Disinfection Byproducts Rule, setting new requirements to limit the formation of chemical disinfectant byproducts in drinking water. Oklahoma has also adopted drinking water regulations requiring consumer confidence reports from all community water systems, and has administrative penalty authority in accordance with the Safe Drinking Water Act as amended in 1996. EPA has determined that these revisions are no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve these program revisions.

All interested parties may request a public hearing. A request for a public hearing must be submitted by October 15, 2001 to the Regional Administrator at the EPA Region 6 address shown below. 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 15, 2001, a public hearing will be held. 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, this determination shall become final and effective on October 15, 2001. Any request for a public hearing shall include the following information:

The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; and 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.

**ADDRESSES:** All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices: Oklahoma Department of Environmental Quality, Water Quality Division, Public Water Supply Section, 707 North Robinson, Oklahoma City, Oklahoma 73101; and United States Environmental Protection Agency, Region 6, Drinking Water Section (6WQ-SD), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202.

**FOR FURTHER INFORMATION CONTACT:** Greg Grover, EPA Region 6, Drinking Water Section at the Dallas address given above or at telephone (214) 665-2776.

**Authority:** (Section 1413 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142 of the National Primary Drinking Water Regulations).

Dated: September 6, 2001.

**Lawrence E. Starfield,**

*Acting Regional Administrator, Region 6.*

[FR Doc. 01-22993 Filed 9-13-01; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested.

September 7, 2001.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents,

including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before November 13, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, SW., Room 1-A804, Washington, DC 20554 or via the Internet to [lesmith@fcc.gov](mailto:lesmith@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at (202) 418-0217 or via the Internet at [lesmith@fcc.gov](mailto:lesmith@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

*OMB Approval Number:* 3060-0221.

*Title:* 90.155 Time in which station must be placed in operation.

*Form No.:* N/A.

*Type of Review:* Revision of a previously approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents:* 2,055.

*Estimated Time Per Response:* 1 hour.

*Total Annual Burden:* 2,055 hours.

*Frequency of Response:* On occasion.

*Total Annual Cost:* 0.

*Needs and Uses:* The information collection requirement contained in Section 90.155 is needed to provide flexibility to state and local governments that would normally be unable to meet the requirement of placing their radio station in operation within 8 months. The information is used to evaluate if the exception to the 8 month requirement is warranted. If the information was not collected the Commission's information regarding actual loading of frequencies would be inaccurate.

*OMB Approval Number:* 3060-0262.

*Title:* Section 90.179 Shared Use of Radio Stations.

*Form No.:* N/A.

*Type of Review:* Extension of existing collection.

*Respondents:* Business or other for-profit, non-profit institutions, state and local governments.

*Number of Respondents:* 41,000.

*Estimated Time Per Response:* .75 hour.

*Total Annual Burden:* 30,750 hours.

*Total Annual Cost:* 0.

*Needs and Uses:* The requirement contained in this rule section is necessary to identify users of a shared land mobile radio station. The

information is used by Commission personnel to investigate interference complaints.

*OMB Approval Number:* 3060-0805.

*Title:* 90.527 Regional plan requirements & 90.523 Eligibility.

*Form No.:* N/A.

*Type of Review:* Revision of a previously approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents:* 26,656.

*Estimated Time Per Response:* 23.8 hours.

*Total Annual Burden:* 647,675.

*Frequency of Response:* On occasion.

*Total Annual Cost:* 0.

*Needs and Uses:* The First Report and Order, FCC 98-191, in WT Docket No. 96-86 amended service rules to make the spectrum available for licensing to public safety entities. In order to satisfy local and regional needs and preferences, the Commission requires submission of regional plans drafted by planning committees made up of representatives from the public safety community. Creation of these plans necessarily impose some burden, both on the eligible entities that make their needs known, and on the planners who seek to accommodate them.

*OMB Approval Number:* 3060-0858.

*Title:* State Public Safety Plans.

*Form No.:* N/A.

*Type of Review:* New collection.

*Respondents:* State and local governments.

*Number of Respondents:* 50.

*Estimated Time Per Response:* 10,270 hours per respondent.

*Total Annual Burden:* 513,500 hours.

*Total Annual Cost:* 0.

*Needs and Uses:* The Third Notice of Proposed Rule Making in, FCC 98-191, in WT Docket No. 96-86 invites comments on how to license 8.8 megahertz of spectrum in the 700 MHz band that is allocated for public safety services. For example, comment is sought on whether to license 700 MHz band spectrum directly to each individual state and should the state adhere to the same planning process as the Regional Planning Committees. We assume that the individual states would spend 10,270 hours to complete its public safety communications plan.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 01-23052 Filed 9-13-01; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

September 7, 2001.

**SUMMARY:** The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before October 15, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to [lesmith@fcc.gov](mailto:lesmith@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at (202) 418-0217 or via the Internet at [lesmith@fcc.gov](mailto:lesmith@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-0849.

*Title:* Commercial Availability of Navigation Devices.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Businesses or other for-profit entities.

*Number of Respondents:* 200.

*Estimated Time per Response:* 10 mins. to 40 hrs.

*Frequency of Response:* Semi-annual reporting requirement; Third party disclosure.

*Total Annual Burden:* 3,266 hours.

*Total Annual Costs:* None.

*Needs and Uses:* The disclosure requirements set forth in this proceeding will ensure that consumers can make informed decisions about the purchase and proper installation of navigation devices. The petition process under 47 CFR Section 76.1207 will give providers of multichannel video programming and equipment providers a forum in which to request relief from regulations adopted under this part of FCC Rules for a limited time, provided that there is an appropriate showing that such a waiver is necessary to assist the development or introduction of a new or improved multichannel video programming or other service offered over multichannel video programming systems, technology, or products. In addition, under 47 CFR Section 76.1208, petition process allows interested parties to petition the FCC to provide for a sunset of regulations governing navigation devices. The Commission will use the semi-annual reports to monitor the progress of key industry entities in their efforts to assure the commercial availability of navigation devices.

Federal Communications Commission.

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

[FR Doc. 01-23053 Filed 9-13-01; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL ELECTION COMMISSION**

**Sunshine Act Meeting**

**AGENCY:** Federal Election Commission

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A public hearing on the proposed rulemaking on brokerage loans and lines of credit on Wednesday, September 19, 2001, has been cancelled.

\* \* \* \* \*

*Date & Time:* Wednesday, September 19, 2001 at 10 a.m.

*Place:* 999 E Street, NW., Washington, DC.

*Status:* This meeting will be closed to the public.

*Items To Be Discussed:*

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

\* \* \* \* \*

*Date & Time:* Thursday, September 20, 2001 10 a.m.

*Place:* 999 E Street, NW., Washington, DC (ninth floor).

*Status:* This meeting will be open to the public.

*Items To Be Discussed:*

Correction and Approval of Minutes. Advisory Opinion 2001-12: Democratic Party of Wisconsin by Linda Honold, Chairperson.

Administrative Matters.

*Person to Contact for Information:* Mr. Ron Harris, Press Officer, Telephone: (202) 694-1220.

**Mary W. Dove,**

*Secretary of the Commission.*

[FR Doc. 01-23147 Filed 9-12-01; 11:41 am]

**BILLING CODE 6715-01-M**

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**[FEMA-1378-DR]**

**West Virginia; Amendment No. 12 to Notice of a Major Disaster Declaration**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of West Virginia (FEMA-1378-DR), dated June 3, 2001, and related determinations.

**EFFECTIVE DATE:** September 4, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the incident period for this disaster is closed effective September 4, 2001.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

**Joe M. Allbaugh,**

*Director.*

[FR Doc. 01-23079 Filed 9-13-01; 8:45 am]

**BILLING CODE 6718-02-P**

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**Privacy Act Systems of Records; Amendment of Systems Notice**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice of amendment to Cerro Grande Fire Assistance Claim Files.

**SUMMARY:** We (FEMA) are amending our existing system of records entitled FEMA/CGC-1, Cerro Grande Fire Assistance Claim Files by adding to the categories of records maintained in the system. We are specifically enumerating those types of documents (i.e., arbitration decisions, settlement/mediation agreements, and other documents related to the arbitration or settlement process) generated under the alternative remedial schemes, in order to reflect the claimant's option following appeal to invoke binding arbitration or judicial review.

**EFFECTIVE DATE:** The modifications to this system are effective September 14, 2001.

**ADDRESSES:** We invite comments on these modifications to the systems notice. Please send any comments to the Rules Docket Clerk, Federal Emergency Management Agency, Office of the General Counsel, room 840, 500 C Street, SW., Washington, DC 20472, or (e-mail) [rules@fema.gov](mailto:rules@fema.gov).

**FOR FURTHER INFORMATION CONTACT:** Eileen Leshan, FOIA/Privacy Specialist, at (202) 646-4115, or (e-mail) [eileen.leshan@fema.gov](mailto:eileen.leshan@fema.gov).

**SUPPLEMENTARY INFORMATION:** We previously published notice of FEMA/CGC-1, Cerro Grande Fire Assistance Claim Files system of records on August 28, 2000 at 65 FR 52116-52118.

As required by 5 U.S.C. 552(r) and Appendix 1 to OMB Circular A-130, we are simultaneously submitting this notice of altered system of records to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and to the Office of Management and Budget.

Accordingly, we revise FEMA/CGC-1 of the FEMA Privacy Act system of records to read as follows:

**FEMA CGC-1**

**SYSTEM NAME:**

FEMA/CGC-1, Cerro Grande Fire Assistance Act Claim Files.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Cerro Grande Fire Assistance Claims Office, New Mexico.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Injured parties claiming compensation for injury to person, property, and economic losses resulting from the Cerro Grande fire of May 2000, and subrogees of such injured parties.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(a) Records of claims include names, addresses, telephone numbers, nature and amount of claim, insurance coverage information, and evidence to support claim for the purpose of receiving compensation.

(b) Inspection and appraisal reports containing identification information relating to the claim and results of survey of damaged property and goods.

(c) Supporting medical documentation.

(d) Notice of Loss forms, Proof of Loss forms, documents from other agencies relating to the claim, general administrative and fiscal information, payment schedules, and disposition of claims, general correspondence, including requests for disbursement of payments, contracts, leases, estimates for repair or replacement of fire damaged/ destroyed residence or business.

(e) Claim decisions and appeals.

(f) Arbitration decisions, settlement/ mediation agreements, and other documents related to the arbitration or settlement process.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Cerro Grande Fire Assistance Act, Pub. L. 106-246, 106th Congress, 2d Session (2000), 114 Stat. 511, 584.

**PURPOSE(S):**

To register claims, evaluate and verify information provided by claimants, inspect damaged property, make determinations for compensation, and make determinations on claims relating to reasonable mitigation efforts that reduce the risk of wildfire, flood, or other natural disasters in the affected counties.

**ROUTINE USES RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH ACT:**

The Privacy Act permits us to disclose information about individuals without their consent for a routine use, i.e., when the information will be used for a purpose that is compatible with the purpose for which we collected the information. The routine uses of this system are:

(a) Disclosure may be made to agency contractors who have been engaged to

assist the agency in the performance of a contract service related to this system of records and who need to have access to the records in order to perform the activity. Recipients must comply with the requirements of the Privacy Act of 1974, as amended, 5 USC 552a.

(b) Disclosure may be made to a member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.

(c) Disclosure may be made to other Federal agencies that FEMA has determined provided Cerro Grande fire-related assistance to claimant in order to ensure that benefits are not duplicated.

(d) Disclosure of information submitted by an individual Claimant may be made to an insurance company or other third party that has submitted a subrogation claim relating to such Claimant when it is necessary in FEMA's opinion to ensure that benefits are not duplicated and to efficiently coordinate the processing of claims brought by individuals and subrogees.

(e) Disclosure of property loss information may be made to local governments in Los Alamos, Rio Arriba, Sandoval and Santa Fe counties and the Pueblos of San Ildefonso and Santa Clara for the purpose of preparing community-wide mitigation plans.

(f) When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate agency, whether Federal, foreign, State, local, or tribal or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative or prosecutive responsibility of the receiving entity.

(g) Disclosure may be made to the National Archives and Records Administration for the purpose of conducting records management studies under the authority of 44 U.S.C. 2904 and 2906.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosures under 5 U.S.C. 552a (b)(12): Disclosures may be made from this system to "consumer reporting

agencies" as defined in the Fair Credit Reporting Act, 15 U.S.C. 1681a(f).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records in this system are stored in magnetic media (e.g., computer hard drives and computer disks) and on paper. Paper printouts of these data are made when required for study. The system may also contain photocopies of numerous documents and records, which are filed in appropriate file folders.

**RETRIEVABILITY:**

By name, address, and claim number.

**SAFEGUARDS:**

We will employ a number of security measures to minimize the risk of unauthorized access to or disclosure of personal data in the proposed system. These measures include the use of passwords and access codes to enter the computer system which will maintain the data, and storage of the computerized records and paper records in secured areas that are accessible only to employees who require the information in performing their official duties. Paper documents are stored either in lockable file cabinets within locked rooms or in otherwise secured areas. In addition, we will require contract employees to comply with the safeguards that must be followed to protect the data.

**RETENTION AND DISPOSAL:**

The files are maintained at the Cerro Grande Fire Assistance Claims Office until completion of a claim. After such time, the files will be transferred to FEMA, 500 C Street, SW., Washington, DC for three years, and then they will be transferred to the appropriate Federal Records Center for seven years until they are destroyed. Means of disposal are appropriate to the storage medium (e.g., erasure of disks, shredding of paper records, etc.)

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Cerro Grande Fire Administration Office, Federal Emergency Management Agency, 1549 6th Street, Suite H, Santa Fe, NM 87505; and Federal Emergency Management Agency, Office of the General Counsel, room 840, 500 C Street, SW., Washington, DC 20472.

**NOTIFICATION PROCEDURES:**

An individual can find out whether this system of records contains information about him/her by writing to the system manager at the address

shown above and providing his/her name and address. Inquiries should be addressed to the System Manager. Written requests should be clearly marked, "Privacy Act Request" on the envelope and letter. Include full name, some type of appropriate personal identification, and current address.

When requesting notification of records in person, the individual should be able to provide some acceptable identification, such as a driver's license, passport, employing office's identification card, military identification card, student identification card or other identification data.

#### RECORDS ACCESS PROCEDURES:

Same as notification procedures described above. Individuals requesting access to their records should also reasonably describe the record(s) they are seeking.

#### CONTESTING RECORDS PROCEDURE:

Same as notification procedures described above. Individuals contesting the contents of a record in the system should also reasonably describe the record(s), specify the information being contested, and state the corrective action sought with supporting justification showing how the record is untimely, incomplete, inaccurate, or irrelevant. FEMA Privacy Act regulations are located at 44 CFR part 6.

#### RECORD SOURCE CATEGORIES:

We obtain information in this system from claimants seeking compensation under the Cerro Grande Fire Assistance Act, Pub. L. 106-246, attorneys, claims adjusters, inspectors and appraisers, insurance companies, medical officials, and Federal, State, and local agencies.

#### SYSTEM EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

None.

Jordan Fried,

*Acting General Counsel.*

[FR Doc. 01-23080 Filed 9-13-01; 8:45 am]

BILLING CODE 6718-01-P

## 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/](http://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 October 9, 2001.

**A. Federal Reserve Bank of Minneapolis** (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Credit Riviere Bancorporation, Inc.*, Austin, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First State Bank of Sinai, Sinai, South Dakota.

Board of Governors of the Federal Reserve System, September 10, 2001.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 01-23064 Filed 9-13-01; 8:45 am]

BILLING CODE 6210-01-S

## FEDERAL RESERVE SYSTEM

### Notice of Proposals to Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or

other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 9, 2001.

**A. Federal Reserve Bank of Chicago** (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *FBOP Corporation*, Oak Park, Illinois; to acquire Bank Plus Corporation, Los Angeles, California, and indirectly acquire Fidelity Federal Bank, FSB, Glendale, California, and thereby engage in operating a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, September 10, 2001.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 01-23065 Filed 9-13-01; 8:45 am]

BILLING CODE 6210-01-S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[60Day-01-60]

### Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and

instruments, call the CDC Reports Clearance Officer on (404) 639-7090.

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. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

*Proposed Project:* School Associated Violent Death Surveillance System—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC). The Division of Violence Prevention (DVP), National Center for Injury Prevention and Control (NCIPC) proposes a system for the surveillance of school-associated homicides and suicides. The system, which represents a continuation of previous NCIPC studies, will rely on existing public records and interviews

with law enforcement officials and school officials. The system is designed to (1) estimate the rate of school-associated violent death in the United States and (2) identify common elements of school-associated violent deaths. The proposed system will contribute to the understanding of fatal violence associated with schools, guide further research in the area, and provide information for ongoing and future prevention programs.

Violence is the leading cause of death among young people, and it is increasingly recognized as an important public health and social issue. In 1998, over 3,500 school aged children (5 to 18 years old) in the United States died violent deaths due to suicide, homicide, and unintentional firearm injuries. The vast majority of these fatal injuries were not school associated. However, whenever a homicide or suicide occurs in or around school it becomes a matter of particularly intense public interest and concern. NCIPC conducted the first scientific study of school-associated violent deaths during the 1992-99 academic years to establish the true extent of this highly visible problem.

Despite the important role of schools as a setting for violence research and prevention interventions, relatively little scientific or systematic work has been done to describe the nature and level of fatal violence associated with schools. Prior to NCIPC first nationwide

investigation of violent deaths associated with schools, public health and education officials had to rely on limited local studies and estimated numbers to describe the extent of school-associated violent death.

The proposed system will draw cases from the entire United States in attempting to capture all cases of school-associated violent deaths that have occurred. Investigators will review public records and published press reports concerning each school-associated violent death. For each identified case, investigators will also interview an investigating law enforcement official (defined as a police officer, police chief, or district attorney), and a school official (defined as a school principal, school superintendent, school counselor, school teacher, or school support staff) who are knowledgeable about the case in question. Researchers will request information on both the victim and alleged offender(s)—including demographic data, their academic and criminal records, and their relationship to one another. They will also collect data on the time and location of the death; the circumstances, motive, and method of the fatal injury; and the security and violence prevention activities in the school and community where the death occurred, before and after the fatal injury event. There is no cost to the respondent.

Respondents	Number of respondents per year	Number of responses/respondent	Avg. burden per response (in hrs.)	Total annual burden (in hrs.)
School Officials .....	35	1	1	35
Police Officials .....	35	1	1	35
Total .....				70

Dated: September 7, 2001.

**Nancy E. Cheal,**

*Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.*

[FR Doc. 01-23066 Filed 9-13-01; 8:45 am]

**BILLING CODE 4163-18-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

**[60Day-01-61]**

**Proposed Data Collections Submitted for Public Comment and Recommendations**

In compliance with the requirement of section 3506(c)(2)(A) of the

Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639-7090.

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. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

*Proposed Project:* CDC and ATSDR Health Message Development and Testing System Status—New—Office of the Director, Office of Communication (OD/OC), Centers for Disease Control and Prevention (CDC). The Centers for Disease Control and Prevention (CDC) protects people's health and safety by preventing and controlling diseases and injuries; promotes healthy living

through strong partnerships with local, national and international organizations, and enhances health decisions by providing credible information on critical health issues.

Members of the public and health practitioners at all levels require up-to-date, credible information about health and safety in order to make rational decisions. To help support this crucial decision making, CDC has continued to increase and apply its preeminent expertise in the disciplines of public health surveillance, epidemiology, statistical analysis, laboratory investigation and analysis, behavioral risk reduction, technology transfer, prevention research, social marketing, and health communication. CDC applies the science that underpins those disciplines to develop and disseminate credible and practical health information to meet the diverse needs of its primary clients, the people of the United States. Such information affects the health and well-being of people across all stages of life by making our food supply safe, identifying harmful behaviors, and improving our environment.

CDC, and its sister agency, the Agency for Toxic Substances and Disease Registry (ATSDR), in order to fulfill their mission and mandates, must frequently communicate urgent and sensitive health messages with the general public, members of the public with certain diseases or disabling conditions, and those at a greater risk of exposure to disease or injury causing agents. CDC/ATSDR makes this crucial health information available through many channels including books, periodicals, and monographs; internet Web sites; health and safety guidelines; reports from investigations and emergency responses; public health monitoring and statistics; travel

advisories; answers to public inquiries; and health education campaigns.

In addition to serving the public, CDC/ATSDR delivers health information that enables health providers to make critical decisions. For instance, the practicing medical and dental communities and the nation's health care providers are target audiences for numerous official CDC recommendations concerning the diagnosis and treatment of disease, immunization schedules, infection control, and clinical prevention practices. CDC/ATSDR offers technical assistance and training to health professionals as well.

In order to ensure that the public and other key audiences, like health care providers, understand the information, are motivated to take action, and are not offended or react negatively to the messages, it is critical to test messages and materials prior to their production and release. Currently, each CDC program developing health messages is required to submit its message development and testing activities for individual OMB review. Many CDC programs have extremely short deadlines for developing and producing health messages. Some deadlines are imposed by Congress, and others are necessitated by the time-sensitive nature of the work. Many programs cannot accommodate the time required for OMB approval, and therefore skip the message testing step all together, or resort to testing specific portions of messages with 9 or fewer individuals. The science of health communication does not support these programmatic practices. In fact, these undesirable alternatives weaken CDC/ATSDR position as a research-based public health agency providing credible health information that people can count on and use.

CDC may achieve a greater level of efficacy if it can use three routine health

message development and testing methods: (1) Central Location Intercept Interviews (i.e. "Shopping mall" interviews); (2) Customer Satisfaction Phone Interviews; and (3) Web-enabled research. Virtually every Center, Institute and Office (CIO) at CDC could achieve a higher level of confidence that health messages were understandable and would provoke no unintended consequences if they were empowered to use these methods efficiently. The CDC Office of Communication therefore requests approval for implementation of a Health Message Development and Testing System that will conduct approximately 64 message testing activities per year for each of three years. A message testing activity is defined as a one time use of a method to provide direction for a specific health communication program. For example, if the diabetes program wanted to test messages with a Central Location Intercept Interview and Customer Satisfaction Phone Interviews these activities would be counted as 2 separate testing activities. If all 64 testing activities were implemented, total respondent burden per year is estimated at 3200 hours.

While the methods of message development and testing are standard, the instruments and outcomes are unique to the health topic and audience the health message is being developed on and for. This health message development and testing system will allow a timely mechanism for developing and testing health messages on a wide variety of public health topics to ensure that the appropriate message is delivered and received by the American public. This request presents methodology, background information, justification for the process, and sample questionnaires and questions. Other than their valuable time and input, there is no cost to respondents.

Form of research activity	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Central Location Intercept Interviews .....	2800	1	30/60	1400
Customer Satisfaction Phone Interviews .....	1200	1	30/60	600
Web-enabled research .....	2400	1	30/60	1200
Total .....	.....	.....	.....	3200

Dated: September 7, 2001.

Nancy E. Cheal,

*Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention.*

[FR Doc. 01-23067 Filed 9-13-01; 8:45 am]

BILLING CODE 4163-18-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4652-N-15]

### Announcement of OMB Approval Number for the Consolidated Public Housing Certificate of Completion

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Announcement of OMB approval number.

**SUMMARY:** The purpose of this notice is to announce the OMB approval number for the collection of information pertaining to the requirement for the consolidated public housing certificate of completion.

**FOR FURTHER INFORMATION CONTACT:** Satinder Munjal, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0614, extension 4196. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to the requirement for the consolidated public housing certificate of completion. The approval number for this information collection is 2577-0021, which expires 6/30/2004.

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.

Dated: September 4, 2001.

Paula O. Blunt,

*Acting General Deputy Assistant Secretary for Public and Indian Housing.*

[FR Doc. 01-23050 Filed 9-13-01; 8:45 am]

BILLING CODE 4210-33-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4644-N-37]

### Federal Property Suitable as Facilities To Assist the Homeless

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

**EFFECTIVE DATES:** September 14, 2001.

**FOR FURTHER INFORMATION CONTACT:** Clifford Taffet, Department of Housing and Urban Development, Room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-1234; TTY number for the hearing- and speech-impaired (202) 708-2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

**SUPPLEMENTARY INFORMATION:** In accordance with the December 12, 1988 court order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: September 6, 2001.

John D. Garrity,

*Director, Office of Special Needs Assistance Programs.*

[FR Doc. 01-22829 Filed 9-13-01; 8:45 am]

BILLING CODE 4210-29-M

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### Outer Continental Shelf (OCS) Civil Penalties

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice summarizing OCS Civil Penalties Paid, January 1, 2000, through December 31, 2000.

**SUMMARY:** This notice provides a listing of civil penalties paid January 1, 2000, through December 31, 2000, for violations of the OCS Lands Act. The

goal of the MMS OCS Civil Penalties Program is to assure safe and clean operations on the OCS. Through the pursuit, assessment, and collection of civil penalties and referrals for the consideration of criminal penalties, the program is designed to encourage compliance with OCS statutes and regulations. The purpose of publishing the penalties summary is to provide information to the public on violations of special concern in OCS operations and to provide an additional incentive for safe and environmentally sound operations.

**FOR FURTHER INFORMATION CONTACT:** Greg Gould (Program Coordinator), (703) 787-1591.

**SUPPLEMENTARY INFORMATION:** The Oil Pollution Act of 1990 (OPA 90) strengthened section 24 of the OCS Lands Act Amendments of 1978. Subtitle B of OPA 90, titled "Penalties," increased the amount of the civil penalty from a maximum of \$10,000 to a maximum of \$20,000 per violation for each day of noncompliance. More importantly, in cases where a failure to comply with applicable regulations constitutes or constituted a threat of serious, irreparable, or immediate harm or damage to life (including fish and other aquatic life); property; any mineral deposit; or the marine, coastal, or human environment; OPA 90 provided the Secretary of the Interior (Secretary) with the authority to assess a civil penalty without regard to the requirement of expiration of a period of time allowed for corrective action.

On August 8, 1997 (62 FR 42668), MMS published new regulations implementing the civil penalty provisions of the OCS Lands Act. Written in "plain English," the new question-and-answer format provides a better understanding of the OCS civil penalty process. In addition, the provisions of OPA 90 require the Secretary to adjust the maximum civil penalty to reflect any increases in the Consumer Price Index. The new rule increased the maximum civil penalty to \$25,000 per day, per violation. Please note, subsequent to publishing the new regulations, MMS made several corrections and amendments, including the appeals procedures. These were published at 63 FR 42711, 8/11/98; 64 FR 9066, 2/24/99; 64 FR 9065, 2/24/99 and 64 FR 26257, 5/13/99.

Between August 18, 1990, and July 31, 2001, MMS initiated 363 civil penalty reviews. The MMS assessed 263 civil penalties, collected \$7,497,405 in fines, 55 cases were dismissed, and 45 cases are pending.

On September 1, 1997, the Associate Director for Offshore Minerals Management issued a notice informing lessees and operators of Federal oil, gas, and sulphur leases on the OCS that MMS will annually publish a summary of OCS civil penalties paid. The annual summary will highlight the identity of the party, the regulation violated, and the amount paid. The following table provides a listing of the penalties paid between January 1, 2000, and December 31, 2000. Please note that MMS published a direct final rule (5/29/98, 63 FR 29477) that renumbers each section

in 30 CFR part 250. A quarterly update of this list, along with additional information related to the renumbering of the regulations, is posted on the MMS worldwide web homepage, <http://www.mms.gov>.

The following acronyms are used in the table:  
 API RP—American Petroleum Institute Recommended Practice  
 BOP—blow out preventer  
 BSL—burner safety low  
 ESD—emergency shut down  
 FSV—flow safety valve  
 INC's—Incidents of Noncompliance

LAH—level safety high alarm  
 LSH—level safety high  
 MAWP—maximum allowable working pressure  
 PSHL—pressure safety high/low  
 PSH—pressure safety high  
 PSL—pressure safety low  
 PSV—pressure safety valve  
 Psi—pounds per square inch  
 SCSSV—surface-controlled subsurface safety valve  
 SDV—shut down valve  
 SSSD—subsurface safety device  
 SSV—surface safety valve  
 TSE—temperature safety element

OCS CIVIL PENALTIES PAID CALENDAR YEAR 2000

Operator name and case No.	Violation and date(s)	Penalty paid and date paid	Regulation(s) violated (30 CFR Section)
Conn Energy, Inc., G-1996-24 .....	The SSSD's for several wells were not tested in the required timeframe. 12/13/95-1/12/96.	\$42,000, 10/24/2000 .....	250.124(a)(1)(iii)
Vastar Resources, Inc., G-1997-22 .....	A flowline FSV was determined to be leaking beyond the allowable rate and had not been repaired or replaced since the leak was discovered. 2/16/97-3/7/97.	\$19,000, 9/12/2000 .....	250.124(a)(5)
Conoco Inc., G-1997-37 .....	A fatality occurred when unsafe and unworkmanlike conditions existed. There were tripping hazards, and rig personnel were not wearing fall protection. 1/20/97.	\$20,000, 5/25/2000 .....	250.20(a)
Torch Oil & Gas Company, G-1997-55 ..	Failure to maintain an operable sump system resulted in a slick 1 mile by 40 yards. The parts building (classified area) was not equipped with a gas detection system. The sump pump was inoperable and the platform was not equipped with an automatic sump system. 11/7/95, 11/29/96.	\$29,500, 1/14/2000 .....	250.40(a), 250.40(b)(4), 250.123(b)(9)
Shell Frontier Oil & Gas Inc., G-1997-56	PSV on Fuel Gas Scrubber set above MAWP and not annually tested. 7/31/96.	\$15,000, 7/11/2000 .....	250.123(b)(1)(i), 250.124(a)(2)
Pogo Producing Company, G-1998-14 ..	During an unannounced inspection, two rig personnel were observed not wearing fall protection gear while working near a 7' x 7' hole. A follow-up inspection revealed a second 4' x 8' hole, which was not flagged, barricaded or monitored. 10/3/97, 10/23/97.	\$17,500, 4/17/2000 .....	250.20(a)
Statoil Exploration (US) Inc., G-1998-20	The SCSSV's for Wells E-2, E-8 and E-11 were bypassed. 7/27/97.	\$30,000, 2/7/2000 .....	250.123(c)(1)
Aviva America, Inc., G-1998-21 .....	The SCSSV was bypassed on Well JA-7, 1/14/97.	\$5,000, 2/4/2000 .....	250.123(c)(1)
Forcenergy Inc., G-1998-27 .....	PSL on test separator was backed all the way off such that it would not trip, therefore, bypassed. 3/3/98.	\$15,000, 3/24/2000 .....	250.123(c)(1)
Vastar Resources, Inc., G-1998-31 .....	The gas detector sensors in the shale shaker room were covered with plastic and tape, which rendered them inoperable. 10/1/97-10/2/97.	\$15,000, 5/5/2000 .....	250.60(e)(3)
Santa Fe Snyder Corporation, G-1998-36.	BSL was bypassed at line heater panel while line heater was in service. LSH microswitch was disconnected from the compressor panel, resulting in a bypass of the LSH on the suction scrubber. 3/12/98.	\$20,000, 1/7/2000 .....	250.123(c)(1)

## OCS CIVIL PENALTIES PAID CALENDAR YEAR 2000—Continued

Operator name and case No.	Violation and date(s)	Penalty paid and date paid	Regulation(s) violated (30 CFR Section)
The Houston Exploration Company, G-1998-37.	During an annual inspection, the inspector detected numerous violations that have been submitted for a compliance review. They are (1) P-103, for the bypassing of the SCSSV for the well; (2) two P-280's, the operator failed to conduct a test of the SCSSV's on well's A-2 and A-3 in a timely manner; and (3) P-231, the ESD station for the heliport had been disconnected. 9/1/97-3/26/98.	\$37,500, 2/10/2000 .....	250.124(a)(1)(i), 250.123(c)(1), 250.123(b)(4)
Aviva America, Inc., G-1998-41 .....	The automatic pump on the emergency sump had been disconnected. The LAH on the emergency sump was out of service. 1/10/98.	\$30,000, 11/28/2000 .....	250.123(c)(1), 250.40(b)(4)
Aviva America, Inc., G-1998-42 .....	The PSHL on Well JA-7 was bypassed, and the gas detection system for the laundry room was inoperative. 2/17/98.	\$24,000, 11/28/2000 .....	250.123(b)(9), 250.123(c)(1)
Basin Exploration, Inc. G-1998-46 .....	P-261 was issued for well A-1D not being equipped with a pump through plug after being shutin for more than 6 months, P-280 was issued due to well A-4 SCSSV being inoperable (leaking) and not being replaced. 1/5/9-4/16/98.	\$30,971, 5/12/2000 .....	250.124(a)(1)(i)
Kerr-McGee Corporation, G-1998-55 .....	The SSV relay for well A-6 was bypassed for 3 days. 2/4/98-2/6/98.	\$7,500, 3/2/2000 .....	250.123(c)(1)
Samedan Oil Corporation G-1998-58 .....	Not conducting operations in a safe and workmanlike manner. After completing his elevated work and disconnecting his safety line, a workman fell through an opening in the deck grating 18 feet to the deck below while descending the BOB stack and was injured. 6/8/98.	\$25,000, 1/18/2000 .....	250.20(a)
Ocean Energy, Inc., G-1998-65 .....	Lease came on production 4/22/98. The announced initial inspection of 5/13/98, revealed the following violations: A 4'2' hole in the production deck not properly barricaded; workers not wearing fall protection gear observed in vicinity of the hole. Inoperable gas detection system in living quarters and motor control console building; two men sleeping on platform since 4/22/98. 4/22/98-5/13/98.	\$49,500, 6/9/2000 .....	250.20(a), 250.123(b)(9), 250.124(a)(8)
Amoco Production Company, G-1999-1 .....	The SCSSV's for Wells Nos. D-1 and D-19 were bypassed for 3 days. 7/15/98-7/15/98.	\$18,000, 1/13/2000 .....	250.803(c)(1)
Vastar Resources, Inc., G-1999-2 .....	The operator failed to repair the leaking accumulator pump. The accumulator system has less than 1000 psi, with the pump running constantly. 10/13/98.	\$25,000, 2/2/2000 .....	250.120(a)
Vastar Resources, Inc., G-1999-4 .....	The General Quarters' flame, heat and smoke detection system was bypassed. 1/30/99-2/1/99.	\$21,000, 1/18/2000 .....	250.803(c)(1)
Ocean Energy, Inc., G-1999-5 .....	Two fatalities resulted when the crane on the platform was not operated and maintained in accordance with the provisions of the API RP 2D 5/10/98.	\$25,000, 3/3/2000 .....	250.20(c)
Chevron U.S.A. Inc., G-1999-6 .....	The SDV on the bi-directional pipeline was bypassed 12/30/98.	\$22,000, 5/17/2000 .....	250.1004(b)(8)
SOCO Offshore, Inc., G-1999-7 .....	The automatic SSV for Well A-3 was in bypass at the master control panel. 2/19/99.	\$10,000, 2/4/2000 .....	250.803(c)(1)
Energy Partners, Ltd., G-1999-8 .....	The air valves in the backup air pumps were in the closed position. 4/2/99.	\$10,000, 2/9/2000 .....	250.515(c)(2)
Phillips Petroleum Company, G-1999-9 .....	INC's were issued for not having ESD stations on the boat landings of the platform. 1/26/99.	\$10,000, 3/3/2000 .....	250.803(b)(4)

## OCS CIVIL PENALTIES PAID CALENDAR YEAR 2000—Continued

Operator name and case No.	Violation and date(s)	Penalty paid and date paid	Regulation(s) violated (30 CFR Section)
Chevron U.S.A. Inc., G-1999-10 .....	Sump pump block valve on discharge line bypassed on the compressor platform. Sump pump fuel supply valve bypassed on the Auxiliary 2 platform. 4/20/99.	\$5,000, 5/18/2000 .....	250.803(c)(1)
The Louisiana Land and Exploration Company, G-1999-11.	No Remote BOP Control Station for the Diverter System. 10/2/98-10/6/98.	\$30,000, 3/22/2000 .....	250.406(d)(3)
Stone Energy Corporation, G-1999-12 ..	LSH on Flare/Vent scrubber by-passed. 6/1/8.	\$15,000, 3/17/2000 .....	250.123(c)(1)
Conn Energy, Inc., G-1999-13 .....	The PSHL on Well A-1 was bypassed. The LSH on the fuel gas scrubber was bypassed on the ESD stations on the boat landing were inoperable. 6/24/98.	\$41,000, 10/2/2000 .....	250.123(c)(1), 250.123(b)(4)
Amoco Production Company, G-1999-15.	The PSH on the interstage suction scrubber was not tested for nearly 2 years. 6/17/97-2/24/99.	\$12,000, 4/29/2000 .....	250.124(a)(3)
Taylor Energy Company, G-1999-17 .....	The sump pile pump was inoperable, and the supply and discharge were manually closed off, placing the sump pile pump in a nonoperable bypassed mode. 2/5/99.	\$6,000, 5/2/2000 .....	250.300(b)(4), 250.803(c)(1)
Forcenergy Inc., G-1999-18 .....	LSH was bypassed and not tested on the Floatation Cell. 7/18/98-9/29/98.	\$9,000, 6/23/2000 .....	250.802(b)
Burlington Resources Offshore, G-1999-20.	Well E-10 (PSHL) found to be bypassed on the panel board and not flagged. 5/3/99.	\$13,000, 4/13/2000 .....	250.803(c)(1)
Forcenergy Inc., G-1999-21 .....	Multiple safety devices on each of 10 process components were found bypassed. Pollution from the floatation cell occurred when the ESD was activated. 3/15/99.	\$161,000, 7/11/2000 .....	250.803(c)(1), 250.300(a)
Kelley Oil Corporation, G-1999-22 .....	Pollution occurred when condensate spilled out of the skimmer's vent. There was no PSV on the skimmer pump, the supply gas to the skimmer pump was blocked, and the LSH failed to operate because it had not been set/tested properly. One hundred fifty gallons of condensate was released into the Gulf of Mexico. The PSHL on the skimmer pump was bypassed. Also, the SCSSV's on two wells had not been tested within the required timeframe. 5/17/99-5/18/99.	\$44,000, 7/13/2000 .....	250.803(c)(1), 250.300(a)
Bois d'Arc Offshore Ltd., G-1999-23 .....	Fuel Gas Master Relay and Sump Pump Master Relay were found to be pinned out of service and not flagged or monitored. 12/5/98.	\$20,000, 4/13/2000 .....	250.803(c)(1)
Chevron U.S.A. Inc., G-1999-24 .....	Gas Supply in By-pass on Sump Pump. 10/28/98.	\$20,000, 3/27/2000 .....	250.803(c)(1)
Kelley Oil Corporation, G-1999-26 .....	The designated person operating the subject platform was not T-2 certified, even though he was engaged in installing, inspecting, testing, and maintaining safety devices. 6/17/98.	\$20,000, 5/19/2000 .....	250.214
Stone Energy Corporation, G-1999-28 ..	The boat landing ESD stations were bypassed and blocked out of service by a closed manual isolation block valve located on the sub-cellar deck exit stairway to the boat landings. 7/4/99-7/8/99.	\$17,500, 9/28/2000 .....	250.803(c)(1)

## OCS CIVIL PENALTIES PAID CALENDAR YEAR 2000—Continued

Operator name and case No.	Violation and date(s)	Penalty paid and date paid	Regulation(s) violated (30 CFR Section)
Equitable Production Company, G-1999-30.	The PSV on the treater fuel gas scrubber on the A Platform was bypassed and blocked out of service by a closed manual block valve under the PSV. The PSV on the test separator on the C Platform was bypassed and blocked out of service by a closed manual block valve under the PSV. 7/26/99.	\$24,000, 9/11/2000 .....	250.803(c)(1)
Vastar Resources, Inc., G-1999-31 .....	The master relay for Well A-6 was found bypassed (pinned out) on the well panel, thus rendering the SSV inoperable. 6/2/99.	\$15,000, 3/20/2000 .....	250.803(c)(1)
Stone Energy Corporation, G-1999-32 ..	Relay for the burner fuel SDV on the glycol reboiler panel was bypassed. 8/24/99-8/25/99.	\$8,000, 4/11/2000 .....	250.803(c)(1)
Matrix Oil & Gas, Inc., G-1999-37 .....	Diesel was discovered leaking into the Gulf of Mexico. 9/9/99.	\$19,000, 8/11/2000 .....	250.300(a)
Murphy Exploration & Production Company, G-2000-1.	Manual block valve in the ESD line discovered in a closed position, thus rendering the ESD station at the boat landing inoperable. The TSE for the measurement separators were blocked out of service due to a closed manual block valve in the TSE line. 1/31/99-2/2/99, 2/2/99-2/9/99.	\$18,500, 8/2/2000 .....	250.803(c)(1), 250.803(b)(4)
Forcenergy Inc., G-2000-4 .....	The SCSSV for Wells A-24 and A-26 was bypassed. 10/18/99.	\$27,000, 6/26/2000 .....	250.803(c)(1)
Energy Resource Technology, G-2000-5	The boat landing ESD was disconnected from the facility's ESD system. 7/8/99-8/13/99.	\$92,500, 6/28/2000 .....	250.803(c)(1)
Anadarko Petroleum, G-2000-6 .....	The purge system in the mud-logging unit was shut off. 8/12/99.	\$8,500, 7/26/2000 .....	250.120(a)
Matrix Oil & Gas, Inc., G-2000-7 .....	INC was issued for leaking condensate into Gulf waters from the vent boom. 11/16/99.	\$18,000, 11/2/2000 .....	250.300(a)
Union Pacific Resources, G-2000-9 .....	The ESD station on the A Platform boat landing was bypassed and blocked out of service by a closed manual isolation valve in the stainless steel supply tubing located on the sump tank deck level exit stairway to the boat landing. 11/3/99.	\$12,500, 9/22/2000 .....	250.803(c)(1)
Newfield Exploration Company, G-2000-10.	The mud logging unit purge system was discovered to be shut off manually on the GLOMAR BALTIC I Drilling Rig Platform. 10/6/99.	\$10,000, 12/21/2000 .....	250.120(a)
Union Pacific Resources, G-2000-11 .....	The LSH on the sump tank was bypassed and blocked out of service. 1/2/2000-1/12/2000.	\$27,500, 10/18/2000 .....	250.803(c)(1)
Samedan Oil Corporation, G-2000-21 ...	The mud logging unit purge system was discovered to be shut off manually on the ENSCO 55 Drilling Rig. 1/5/2000.	\$10,000, 10/18/2000 .....	250.120(a)
Bois d'Arc Offshore Ltd., G-2000-22 .....	The case contained 59 violations that were submitted for review, of which 55 were failure to perform tests of safety devices. Four were the result of safety devices being bypassed. Nine of the violations were not assessed in that they were found not to be a threat. 8/31/98-2/1/00.	\$245,000, 10/30/2000 .....	250.804(a)(1)(i), 250.804(a)(3), 250.804(a)(4), 250.805(a)(5), 250.804(a)(10), 250.803(c)(1)
Fugro-LCT Inc., G-2000-23 .....	Company failed to obtain a geophysical permit prior to beginning operations to collect gravity data. 10/28/99-2/4/00.	\$13,250, 6/27/2000 .....	251.4(a)
Chevron, U.S.A. Inc., G-2000-24 .....	A well surface-controlled subsurface safety valve was blocked out of service on February 18, 2000. 2/18/2000.	\$15,000, 12/20/2000 .....	250.803(c)(1)

OCS CIVIL PENALTIES PAID CALENDAR YEAR 2000—Continued

Operator name and case No.	Violation and date(s)	Penalty paid and date paid	Regulation(s) violated (30 CFR Section)
Burlington Resources Offshore, G-2000-25.	The manual block valve in the fuel supply system piping was found in the open position, thus bypassing the SDV for the fuel gas scrubber. This SDV was not bypassed for startup, maintenance, or testing; it was not flagged, nor was it being monitored. 2/4/2000.	\$18,000, 10/19/2000 .....	250.803(c)(1)
Texaco Exploration and Production Inc., G-2000-26.	Wells A-1, A-6, and A-8 continued to produce after FSV's failed leakage test 2/29/2000-3/20/2000.	\$63,000, 9/20/2000 .....	250.804(a)(5)
Exxon Mobil Corporation, G-2000-27 .....	The PSHL protecting the departing oil pipeline was bypassed. 2/24/2000.	\$5,000, 10/2/2000 .....	250.1004(b)(3)
Samedan Oil Corporation, G-2000-28 ...	An employee was working at a height of 15 feet above steel decking without utilizing fall protection gear. 2/26/2000.	\$12,000, 10/18/2000 .....	250.107(a)
Chevron U.S.A. Inc., G-2000-30 .....	Crane operator attempted to lift a load exceeding the lifting capacity of the crane; boom fell onto a tool storage building (causing minor damage), and the basket, remaining attached to the cable, fell into the water. 4/9/2000.	\$22,000, 10/17/2000 .....	250.108
Chevron U.S.A. Inc., G-2000-33 .....	Accident occurred on the rig floor. The accident resulted in serious injury to a derrick-hand where he lost two fingers on the right hand and three fingers on the left hand while greasing the crown and air hoist sheaves on the derrick. 3/10/2000.	\$25,000, 12/1/2000 .....	250.120(a)
AEDC (USA) INC., G-2000-34 .....	The Condensate Coalescer Blowcase was in bypass on the panel board. 5/6/2000.	\$10,000, 11/29/2000 .....	250.803(c)(1)
Bois d'Arc Offshore Ltd., G-2000-38 .....	The SCSSV on the caisson well #4 was found closed on the tree. 12/16/99.	\$12,000, 11/21/2000 .....	250.803(c)(1)
Vastar Resources, Inc., G-2000-40 .....	PSV on Well No. A-5 flowline was bypassed. 2/7/2000.	\$15,000, 12/12/2000 .....	250.803(c)(1)
Aera Energy LLC, P-1999-001 .....	Pipeline leak detection system was not operated and maintained properly (Ten BBL spill was not covered by final assessment). 6/7/99.	\$48,000, 4/25/2000 .....	250.122(e)
Total Penalties Paid: 1/1/2000-12/31/2000 66 Cases: \$1,780,721			

Dated: August 17, 2001.  
**Carolita U. Kallaur,**  
*Associate Director for Offshore Minerals Management.*  
 [FR Doc. 01-23051 Filed 9-13-01; 8:45 am]  
**BILLING CODE 4310-MR-P**

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 731-TA-891 (Final)]

**Foundry Coke From China**

**Determination**

On the basis of the record <sup>1</sup> 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 from China of foundry coke, provided for in subheading 2704.00.00 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).

**Background**

The Commission instituted this investigation effective September 20, 2000, following receipt of a petition filed with the Commission and Commerce by ABC Coke, Birmingham, AL; Citizens Gas & Coke Utility, Indianapolis, IN; Erie Coke Corp., Erie, PA; Tonawanda Coke Corp.,

Tonawanda, NY; and the United Steelworkers of America, AFL-CIO.<sup>2</sup> The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of foundry coke from China 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 May 9,

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> On February 15, 2001, Sloss Industrial Corp. was added as a petitioner to the investigation.

2001 (66 FR 23727).<sup>3</sup> The hearing was held in Washington, DC, on July 26, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on September 5, 2001. The views of the Commission are contained in USITC Publication 3449 (September 2001), entitled Foundry Coke from China: Investigation No. 731-TA-891 (Final).

Issued: September 10, 2001.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 01-23076 Filed 9-13-01; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-464]

### In the Matter of Certain Video Cassette Devices and Television/Video Cassette Combination Devices and Methods of Using Same; Notice of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Institution of investigation pursuant to 19 U.S.C. 1337.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 10, 2001, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Funai Electric Co., Ltd. of Osaka, Japan. A supplement to the complaint was filed on August 31 and September 5, 2001. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain video cassette devices and television/video cassette combination devices by reason of infringement of claims 1-3, 5, 7, and 9 of U.S. Letters Patent 5,594,510, claims 1 and 5 of U.S. Letters Patent 5,815,218, claims 1-5 of U.S. Letters Patent 5,987,209, and claims 1-4 of U.S. Letters Patent 6,021,018. The complaint further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a

permanent exclusion order and permanent cease and desist orders.

**ADDRESSES:** The complaint and supplements, except for any confidential information contained therein, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's ADD 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 at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDI-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

#### FOR FURTHER INFORMATION CONTACT:

James B. Coughlan, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2221.

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2001).

**Scope of Investigation:** Having considered the complaint, the U.S. International Trade Commission, on September 7, 2001, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain video cassette devices and television/video cassette combination devices by reason of infringement of claims 1-3, 5, 7, or 9 of U.S. Letters Patent 5,594,510, claims 1 or 5 of U.S. Letters Patent 5,815,218, claims 1-4 or 5 of U.S. Letters Patent 5,987,209, or claims 1-3 or 4 of U.S. Letters Patent 6,021,018, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which

this notice of investigation shall be served:

(a) The complainant is—Funai Electric Co., Ltd., 7-7-1 Nakagaito, Daito-city, Osaka 574-0013 Japan, 81-072-870-4303

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Orion Electric Co., Ltd., 41-1, Iehisacho, Takefu-shi, Fukui 915-8555 Japan

Orion America, Inc., 15 Essex Road, Paramus, New Jersey 07652

Orion Sales, Inc., Highway 41, Orion Place, Princeton, Indiana 47670

(c) James B. Coughlan, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and to authorize the administrative law judge and the Commission, without further notice to that respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against that respondent.

Issued: September 10, 2001.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 01-23077 Filed 9-13-01; 8:45 am]

**BILLING CODE 7020-02-P**

<sup>3</sup> The Commission's scheduling notice was subsequently corrected (66 FR 29173, May 29, 2001).

**DEPARTMENT OF JUSTICE****Office of Juvenile Justice and  
Delinquency Prevention**

[OJP(OJJDP)-1315F]

**Fiscal Year 2001 Missing and Exploited  
Children's Program Plan**

**AGENCY:** Office of Justice Programs,  
Office of Juvenile Justice and  
Delinquency Prevention, Justice.

**ACTION:** Announcement of Fiscal Year  
2001 Missing and Exploited Children's  
Program Plan.

**SUMMARY:** Notice is hereby given that  
the Office of Juvenile Justice and  
Delinquency Prevention (OJJDP) is  
issuing its Missing and Exploited  
Children's Program Final Program Plan  
for Fiscal Year 2001.

**FOR FURTHER INFORMATION CONTACT:**  
Ronald C. Laney, Director, Missing and  
Exploited Children's Program, 202-616-  
3637. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On May  
15, 2001, at 66 FR 26881, OJJDP  
published the Fiscal Year 2001 Missing  
and Exploited Children's Program  
Proposed Program Plan and requested  
public comments on the plan. The  
closing date for comments was July 16,  
2001. No comments were received.

OJJDP has determined that the  
Proposed Program Plan does not need to  
be modified in any way. Accordingly,  
the Proposed Plan as published in the  
May 15, 2001, **Federal Register** is now  
the Final Missing and Exploited  
Children's Program Plan for Fiscal Year  
2001.

**Terrence S. Donahue,**

*Acting Administrator, Office of Juvenile  
Justice and Delinquency Prevention.*

[FR Doc. 01-23075 Filed 9-13-01; 8:45 am]

**BILLING CODE 4410-18-P**

**DEPARTMENT OF JUSTICE****Office of Juvenile Justice and  
Delinquency Prevention**

[OJP(OJJDP)-1329J]

**Notice of Meeting of the Coalition of  
Juvenile Justice**

**AGENCY:** Office of Justice Programs,  
Office of Juvenile Justice and  
Delinquency Prevention, Justice.

**ACTION:** Notice of meeting.

**SUMMARY:** The Office of Juvenile Justice  
and Delinquency Prevention is  
announcing the Fall Training  
Conference and Board of Directors'  
Meeting of the Coalition for Juvenile  
Justice.

**DATES:** The meeting dates are:

1. Thursday, November 8, 2001 from  
10 a.m. until 6 p.m., central time,
2. Friday, November 9, 2001 from 8  
a.m. until 5 p.m., central time,
3. Saturday, November 10, 2001 from  
8 a.m. until 5 p.m., central time,
4. Sunday, November 11, 2001 from 8  
a.m. until 5 p.m., central time,

**ADDRESSES:** All meetings will be held at  
the Sheraton Gunter Hotel, 205 East  
Houston Street, San Antonio, Texas  
78205.

**FOR FURTHER INFORMATION CONTACT:** For  
information about attending this  
meeting, contact Freida Thomas, Grant  
Management Specialist, Office of  
Juvenile Justice and Delinquency  
Prevention, 810 7th Street, NW,  
Washington, DC 20531. Telephone:  
202-307-5924 (This is not a toll-free  
number). Questions may also be  
submitted by fax (202-307-2819) or e-  
mail (*Freida@ojp.usdoj.gov*).

**SUPPLEMENTARY INFORMATION:** The  
Coalition of Juvenile Justice, established  
pursuant to Section 9 of the Federal  
Advisory Committee Act, 5 U.S.C. App.  
2), is meeting to carry out its advisory  
functions under section 241(f)(2) (A, D,  
and E) of the Juvenile Justice and  
Delinquency Prevention Act of 1974, as  
amended, 42 U.S.C. 5601, *et seq.* The  
purpose of this meeting is to discuss  
and adopt recommendations from  
members regarding the committee's  
responsibility to advise the OJJDP  
Administrator, the President and the  
Congress about State perspectives on the  
operation of the OJJDP and Federal  
legislation pertaining to juvenile justice  
and delinquency prevention.

This meeting will be open to the  
public.

**Terrence S. Donahue,**

*Acting Administrator, Office of Juvenile  
Justice and Delinquency Prevention.*

[FR Doc. 01-23074 Filed 9-13-01; 8:45 am]

**BILLING CODE 4410-18-P**

**DEPARTMENT OF LABOR****Employment Standards  
Administration, Wage and Hour  
Division****Minimum Wages for Federal and  
Federally Assisted Construction;  
General Wage Determination Decisions**

General wage determination decisions  
of the Secretary of Labor are issued in  
accordance with applicable law and are  
based on the information obtained by  
the Department of Labor from its study  
of local wage conditions and data made  
available from other sources. They

specify the basic hourly wage rates and  
fringe benefits which are determined to  
be prevailing for the described classes of  
laborers and mechanics employed on  
construction projects of a similar  
character and in the localities specified  
therein.

The determinations in these decisions  
of prevailing rates and fringe benefits  
have been made in accordance with 29  
CFR part 1, by authority of the Secretary  
of Labor pursuant to the provisions of  
the Davis-Bacon Act of March 3, 1931,  
as amended (46 Stat. 1494, as amended,  
40 U.S.C. 276a) and of other Federal  
statutes referred to in 29 CFR part 1,  
appendix, as well as such additional  
statutes as may from time to time be  
enacted containing provisions for the  
payment of wages determined to be  
prevailing by the Secretary of Labor in  
accordance with the Davis-Bacon Act.  
The prevailing rates and fringe benefits  
determined in these decisions shall, in  
accordance with the provisions of the  
foregoing statutes, constitute the  
minimum wages payable on Federal and  
federally assisted construction projects  
to laborers and mechanics of the  
specified classes engaged on contract  
work of the character and in the  
localities described therein.

Good cause is hereby found for not  
utilizing notice and public comment  
procedure thereon prior to the issuance  
of these determinations as prescribed in  
5 U.S.C. 553 and not providing for delay  
in the effective date as prescribed in that  
section, because the necessity to issue  
current construction industry wage  
determinations frequently and in large  
volume causes procedures to be  
impractical and contrary to the public  
interest.

General wage determination  
decisions, and modifications and  
supersedes decisions thereto, contain  
no expiration dates and are effective  
from their date of notice in the **Federal  
Register**, or on the date written notice  
is received by the agency, whichever is  
earlier. These decisions are to be used  
in accordance with the provisions of 29  
CFR parts 1 and 5. Accordingly, the  
applicable decision, together with any  
modifications issued, must be made a  
part of every contract for performance of  
the described work within the  
geographic area indicated as required by  
an applicable Federal prevailing wage  
law and 29 CFR part 5. The wage rates  
and fringe benefits, notice of which is  
published herein, and which are  
contained in the Government Printing  
Office (GPO) document entitled  
"General Wage Determinations Issued  
Under the Davis-Bacon and Related  
Acts," shall be the minimum paid by

contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

### Modification to General Wage Determination Decisions

The number of decision listed to the Government Printing Office document entitled "General Wage determinations Issued Under the Davis-Bacon and related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

#### Volume I

##### New York

NY010002 (Mar. 2, 2001)  
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#### Volume II

None

#### Volume III

##### Georgia

GA010031 (Mar. 2, 2001)  
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#### Volume IV

##### Indiana

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#### Volume V

##### Nebraska

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 NE010019 (Mar. 2, 2001)

#### Volume VI

##### North Dakota

ND010004 (Mar. 2, 2001)

#### Volume VII

##### Arizona

AZ010002 (Mar. 2, 2001)

### General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at [www.access.gpo.gov/davisbacon](http://www.access.gpo.gov/davisbacon). They are also available electronically by subscription to the Davis-Bacon Online Service <http://davisbacon.fedworld.gov> of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1-800-363-2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington DC this 6 day of September 2001.

**Carl J. Poleskey,**

*Chief, Branch of Construction Wage Determinations.*

[FR Doc. 01-22905 Filed 9-13-01; 8:45 am]

**BILLING CODE 4510-27-M**

**NEIGHBORHOOD REINVESTMENT CORPORATION**

**Sunshine Act Meeting**

**TIME & DATE:** 2 p.m., Friday, September 21, 2001.

**PLACE:** Neighborhood Reinvestment Corporation, 1325 G Street, NW, Suite 800 Washington, DC 20005.

**STATUS:** Open.

**CONTACT PERSON FOR MORE INFORMATION:** Jeffrey T. Bryson, General Counsel/ Secretary 202-220-2372.

**AGENDA:**

- I. Call to Order
- II. Approval of Minutes: May 31, 2001 Annual Meeting
- III. Audit Committee Meetings
  - a. July 12, 2001
  - b. September 14, 2001
- IV. Budget Committee Meeting
  - a. August 7, 2001
- V. Committee Appointments
- VI. Treasurer's Report
- VII. Executive Director's Quarterly Management Report
- VIII. Strategic Planning Update
- IX. Executive Session
- X. Adjournment

**Jeffrey T. Bryson,**

*General Counsel/Secretary.*

[FR Doc. 01-23172 Filed 9-12-01; 1:54 pm]

**BILLING CODE 7570-01-M**

**PENSION BENEFIT GUARANTY CORPORATION**

**Required Interest Rate Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of interest rates and assumptions.

**SUMMARY:** This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's Web site (<http://www.pbgc.gov>).

**DATES:** The required interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in September 2001. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in October 2001.

**FOR FURTHER INFORMATION CONTACT:** Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024. (TTY/TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)

**SUPPLEMENTARY INFORMATION:**

**Variable-Rate Premiums**

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate (the "required interest rate") in determining a single-employer plan's variable-rate premium. The required interest rate is the "applicable percentage" (currently 85 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the "premium payment year"). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

The required interest rate to be used in determining variable-rate premiums for premium payment years beginning in September 2001 is 4.66 percent (*i.e.*, 85 percent of the 5.48 percent yield figure for August 2001).

The following table lists the required interest rates to be used in determining variable-rate premiums for premium payment years beginning between October 2000 and September 2001.

For premium payment years beginning in	The required interest rate is
October 2000 .....	4.96
November 2000 .....	4.93
December 2000 .....	4.91
January 2001 .....	4.67
February 2001 .....	4.71
March 2001 .....	4.63
April 2001 .....	4.54
May 2001 .....	4.80
June 2001 .....	4.91
July 2001 .....	4.82
August 2001 .....	4.77
September 2001 .....	4.66

**Multiemployer Plan Valuations Following Mass Withdrawal**

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in October 2001 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 11th day of September 2001.

**John Seal,**

*Acting Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 01-23159 Filed 9-13-01; 8:45 am]

**BILLING CODE 7708-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

**Sunshine Act Meeting**

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of September 17, 2001: a closed meeting will be held on Monday, September 17, 2001, at 10 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has

certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(5), (7), (9)(A), (9)(B), and (10) and (17) CFR 200.402(a)(5), (7), 9(i), 9(ii) and (10), permit consideration of the scheduled matters at the closed meeting.

The subject matters of the closed meeting scheduled for Monday, September 17, 2001, will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature; and

A formal order.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942-7070.

Dated: September 10, 2001.

**Jonathan G. Katz,**

Secretary.

[FR Doc. 01-23148 Filed 9-12-01; 11:41 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2001-10612]

#### Westward I, Viking, Chelsea K, Alaskan Command and Seafisher—Applicability of Preferred Mortgage, Ownership and Control Requirements for Fishing Industry Vessels of 100 Feet or Greater in Registered Length

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Invitation for public comments on two petitions requesting MARAD to issue determinations that the ownership and control requirements and the preferred mortgage requirements of the American Fisheries Act of 1998 and 46 CFR Part 356 are in conflict with an international investment agreement.

**SUMMARY:** The Maritime Administration (“MARAD”) is soliciting public comments on a petition from the owners and mortgagees of the vessels *Westward I* (Official Number—615165), *Viking* (Official Number—565017), *Chelsea K* (Official Number—976753), and *Alaskan Command* (Official Number—599383) and a petition from the owners of the vessel *Seafisher* (Official Number—575587) (hereinafter the “Vessels”). The petitions request that MARAD issue decisions that the American Fisheries Act of 1998

(“AFA”), Division C, Title II, Subtitle I, Pub. L. 105-277, and our regulations at 46 CFR part 356 (65 FR 44860 (July 19, 2000)) are in conflict with the U.S.-Japan Treaty and Protocol Regarding Friendship, Commerce and Navigation, 206 UNTS 143, TIAS 2863, 4 UST 2063 (1953) (“U.S.-Japan FCN” or “Treaty”). The petitions are submitted pursuant to 46 CFR 356.53 and section 213(g) of AFA, which provide that the requirements of the AFA and the implementing regulations will not apply to the owners or mortgagees of a U.S.-flag vessel documented with a fishery endorsement to the extent that the provisions of the AFA conflict with an existing international agreement relating to foreign investment to which the United States is a party.

If MARAD determines that the AFA and MARAD’s implementing regulations conflict with the U.S.-Japan FCN, the requirements of 46 CFR part 356 and the AFA will not apply to the extent of the inconsistency with respect to each specific vessel. Accordingly, interested parties are invited to submit their views on the petitions and whether there is a conflict between the U.S.-Japan FCN and the requirements of both the AFA and 46 CFR part 356. In addition to receiving the views of interested parties, MARAD will consult with other Departments and Agencies within the Federal Government that have responsibility or expertise related to the interpretation of or application of international investment agreements.

**DATES:** You should submit your comments in order to ensure that Docket Management receives them not later than September 24, 2001. Prior to the two petitions that are the subject of this notice, we published seven different notices relating to potential conflicts between the AFA and the Japan-FCN. No comments from the public were received in response to any of the petitions. Because we have not received any public comments in regard to previous notices and because the present petitions do not present novel issues, we are using a shortened comment period of ten days for this notice.

**ADDRESSES:** Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dms.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at

the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal Holidays. An electronic version of this document and all documents entered into this docket may be obtained over the internet from the Docket Management System at <http://dms.dot.gov> by typing in the last four digits of the docket number provided at the beginning of this notice.

**FOR FURTHER INFORMATION CONTACT:** John T. Marquez, Jr. of the Office of Chief Counsel at (202) 366-5320. You may send mail to John T. Marquez, Jr., Maritime Administration, Office of Chief Counsel, Room 7228, MAR-222, 400 Seventh St., SW., Washington, DC 20590-0001 or you may send e-mail to [John.Marquez@marad.dot.gov](mailto:John.Marquez@marad.dot.gov).

**SUPPLEMENTARY INFORMATION:** The AFA was enacted in 1998 to give U.S. interests a priority in the harvest of U.S.-fishery resources by increasing the requirements for U.S. Citizen ownership, control and financing of U.S.-flag vessels documented with a fishery endorsement. MARAD was charged with promulgating implementing regulations for fishing industry vessels of 100 feet or greater in registered length while the Coast Guard retains responsibility for vessels under 100 feet.

Section 202 of the AFA, raises, with some exceptions, the U.S.-Citizen ownership and control standards for U.S.-flag vessels that are documented with a fishery endorsement and operating in U.S.-waters. The ownership and control standard was increased from the controlling interest standard (greater than 50%) of section 2(b) of Shipping Act, 1916 (“1916 Act”), as amended, 46 App. U.S.C. 802(b), to the standard contained in section 2(c) of the 1916 Act, 46 App. U.S.C. 802(c), which requires that 75 percent of the ownership and control in a vessel owning entity be vested in U.S. Citizens. In addition, section 204 of the AFA repeals the ownership grandfather “savings provision” in the Anti-Reflagging Act of 1987, Pub. L. 100-239, section 7(b), 101 Stat 1778 (1988), which permits foreign control of companies owning certain fishing vessels.

Section 202 of the AFA also amended 46 App. U.S.C. 31322(a) and established new requirements to hold a preferred mortgage on a vessel of 100 feet or greater in registered length that is documented with a fishery endorsement. However, those requirements were subsequently amended on July 24, 2001, by section 2202 of the Supplemental Appropriations Act, 2001, Public Law

107-20. The amendments revise the requirements to hold a preferred mortgage on fishing industry vessels of 100 feet or greater, delay the effective date of 46 U.S.C. 31322(a)(4), as amended, to April 1, 2003, and require MARAD to suspend until April 1, 2003, any consideration of a lender's citizenship status in determining whether 75% of the interest in a vessel is owned and controlled by U.S. Citizens.

Section 213(g) of the AFA provides that if the new ownership and control provisions or the mortgage provisions are determined to be inconsistent with an existing international agreement relating to foreign investment to which the United States is a party, such provisions of the AFA shall not apply to the owner or mortgagee on October 1, 2001, with respect to the particular vessel and to the extent of the inconsistency. MARAD's regulations at 46 CFR 356.53 set forth a process wherein owners or mortgagees may petition MARAD, with respect to a specific vessel, for a determination that the implementing regulations are in conflict with an international investment agreement. Petitions must be noticed in the **Federal Register** with a request for comments. The Chief Counsel of MARAD, in consultation with other Departments and Agencies within the Federal Government that have responsibility or expertise related to the interpretation of or application of international investment agreements, will review the petitions and render a decision within 120 days of the receipt of a fully completed petition.

Interested parties are advised that, in light of the above mentioned amendments to the preferred mortgage requirements for fishing industry vessels of 100 feet or greater, we will be required to amend our regulations. Furthermore, Congress has explicitly stated that MARAD should not consider the citizenship of the lender in determining whether a vessel is eligible for documentation with a fishery endorsement until the new requirements related to mortgagees become effective on April 1, 2003. Consequently, we will not issue a determination at this time with respect to the mortgage issues addressed in the petitions. The preferred mortgages on the Vessels will remain valid and subject to the current requirements of 46 U.S.C. 31322, as in effect prior to the passage of the AFA, until the new statutory and regulatory requirements related to preferred mortgages become effective on April 1, 2003.

### The Petitioners

The petitioners with respect to the vessels *Westward I*, *Viking*, *Chelsea K*, and *Alaskan Command* are: (1) The owners of the vessels, Maruha Corporation, Maruha's three wholly owned subsidiaries, Western Alaska Fisheries, Inc., Westward Seafoods, Inc., and Maruha Capital Investment, Inc., as well as Horizon Trawlers, Inc., H&G, LLC, Pyramid Fishing Company, Westward Limited Partnership, Viking Limited Partnership, Ocean Dynasty Limited Partnership, and Alaskan Command Company; and (2) the mortgagees with respect to the vessels, Westward Limited Partnership and Overseas Fishery Cooperation Foundation.

The petitioners with respect to the *Seafisher* are the owners of the vessel, M/V Savage, Inc., Cascade Fishing, Inc., and Daito Suisan, Ltd.

### Requested Action

The owners and mortgagees of *Westward I*, *Viking*, *Chelsea K*, and *Alaskan Command* have requested a consolidated filing for the vessels. MARAD's regulations require at 46 CFR 356.53(c) that a separate petition be filed for each vessel for which the owner or mortgagee is requesting an exemption unless the Chief Counsel authorizes a consolidated filing. The Chief Counsel hereby authorizes the consolidated filing by Petitioners relating to the four vessels. The owners of the *Seafisher* have filed a separate petition.

The Petitioners seek a determination from MARAD under section 213(g) of the AFA and 46 CFR 356.53 that they are exempt from the requirements of sections 202, 203 and 204 of the AFA and 46 CFR part 356 on the ground that the requirements of the AFA and 46 CFR part 356, as applied to Petitioners with respect to the Vessels, conflict with U.S. obligations under U.S.-Japan FCN. The Petitioners request a determination that the restrictions placed on foreign ownership, foreign financing and foreign control of U.S.-flag vessels documented with a fishery endorsement contained in 46 CFR part 356 and sections 202, 203 and 204 of the AFA do not apply to Petitioners.

### Petitioner's Description of the Conflict Between the FCN Treaty and Both 46 CFR Part 356 and the AFA

MARAD's regulations at 46 CFR 356.53(b)(3) require Petitioners to submit a detailed description of how the provisions of the international investment agreement or treaty and the implementing regulations are in

conflict. The entire text of the FCN Treaty is available on MARAD's internet site at <http://www.marad.dot.gov>. The descriptions submitted by the Petitioners of the conflict between the FCN Treaty and both the AFA and MARAD's implementing regulations form the basis on which the Petitioners' requests that the Chief Counsel issue rulings that 46 CFR part 356 does not apply to the Petitioners with respect to the Vessels. The Petitioners' descriptions of how the provisions of the U.S.-Japan FCN are in conflict with both the AFA and 46 CFR part 356 may be obtained by contacting John T. Marquez, Jr. at the numbers and address provided above under **FOR FURTHER INFORMATION** or from the Docket Management System by following the instructions above under **ADDRESSES**.

Dated: September 10, 2001.

By Order of the Acting Deputy Maritime Administrator.

**Joel Richard**,

*Secretary, Maritime Administration.*

[FR Doc. 01-23071 Filed 9-13-01; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34082 (Sub-No. 1)]

### Union Pacific Railroad Company— Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of exemption.

**SUMMARY:** The Board, under 49 U.S.C. 10502, exempts the trackage rights described in STB Finance Docket No. 34082<sup>1</sup> to permit the trackage rights to expire, as they relate to the operations extending from Temple, TX, to Fort Worth, TX, on September 23, 2001.

**DATES:** This exemption is effective on September 23, 2001. Petitions to reopen must be filed by October 4, 2001.

<sup>1</sup> On August 9, 2001, UP concurrently filed a notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the trackage rights agreement (agreement) by The Burlington Northern and Santa Fe (BNSF) to grant temporary overhead trackage rights to UP over approximately 129.2 miles of BNSF trackage extending from BNSF milepost 218.1, near Temple, TX, to BNSF milepost 6.1, near Fort Worth, TX. See *Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company*, STB Finance Docket No. 34082 (STB served Aug. 29, 2001). The agreement is scheduled to expire on September 23, 2001. The trackage rights operations under the exemption were scheduled to be consummated on August 20, 2001.

**ADDRESSES:** An original and 10 copies of all pleadings referring to STB Finance Docket No. 34082 (Sub-No. 1) must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of all pleadings must be served on petitioner's representative Robert T. Opal, Esq., Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 565-1600. (TDD for the hearing impaired: 1 (800) 877-8339.)

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dã 2 Dã Legal, Suite 405, 1925 K Street, NW, Washington, DC 20006. Telephone: (202) 293-7776. (Assistance for the hearing impaired is available through TDD services 1 (800) 877-8339.)

Board decisions and notices are available on our website at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: September 5, 2001.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 01-23021 Filed 9-13-01; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34074]

#### RailAmerica, Inc., RailAmerica Transportation Corporation, and Otter Tail Valley Railroad Company—Corporate Family Transaction Exemption

RailAmerica, Inc. (RailAmerica),<sup>1</sup> RailAmerica Transportation Corporation (RailAmerica Transportation), and Otter Tail Valley Railroad Company (OTVR), have jointly filed a verified notice of exemption. As part of a proposed corporate restructuring, the direct control of OTVR, a Class III rail carrier, will be transferred from Dakota Rail Inc. (Dakota) to RailAmerica Transportation, through the transfer of the stock of OTVR from Dakota to RailAmerica Transportation. See *RailAmerica, Inc.—Acquisition of Control Exemption—*

*Otter Tail Valley Company, Inc.*, STB Finance Docket No. 33138 (STB served Oct. 25, 1996) and *Dakota Rail, Inc.—Acquisition of Control Exemption—Otter Tail Valley Railroad Company, Inc.*, STB Finance Docket No. 33133 (STB served Oct. 25, 1996).<sup>2</sup>

The transaction was scheduled to be consummated on or shortly after August 24, 2001, the effective date of the exemption.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). The parties stated that the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. The proposed transaction is a reorganization within the RailAmerica corporate family geared toward increasing equity and reducing long-term debt through asset rationalizations, sale/leasebacks and equity infusions.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34074 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Louis E. Gitomer, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our website at [www.stb.dot.gov](http://www.stb.dot.gov).

Decided: September 6, 2001.

<sup>2</sup> Dakota directly controls and owns 100 percent of the stock of OTVR. OTVR is one of RailAmerica's subsidiaries, which operates 72 miles of railroad in Minnesota. RailAmerica Transportation is a wholly owned noncarrier subsidiary of RailAmerica and an affiliate of the 28 railroads based in the United States that are controlled by RailAmerica.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 01-23022 Filed 9-13-01; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

[Docket No. 929; ATF O 1130.13]

#### Delegation Order—Delegation of the Director's Authorities

To: All Bureau Supervisors.

1. *Purpose.* This order delegates certain authorities of the Director to subordinate ATF officers and prescribes the subordinate ATF officers with whom persons file documents which are not ATF forms.

2. *Cancellation.* ATF O 1100.96A, Delegation Order—Delegation to the Associate Director (Compliance Operations) of Authorities of the Director in 27 CFR part 18, Volatile Fruit-Flavor Concentrates, dated August 14, 1984, is canceled.

3. *Background.* Under current regulations, the Director has authority to take final action on matters relating to drawback on taxpaid distilled spirits used in manufacturing nonbeverage products and the production of volatile fruit-flavor concentrate. We have determined that certain of these authorities should, in the interest of efficiency, be delegated to a lower organizational level.

4. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Order No. 120-1 (formerly 221), dated June 6, 1972, and by 26 CFR 301.7701-9, this ATF order delegates certain authorities to take final action prescribed in 27 CFR parts 17 and 18 to subordinate officials. Also, this ATF order prescribes the subordinate officials with whom applications, notices, and reports required by 27 CFR parts 17 and 18, which are not ATF forms, are filed. The following table identifies the regulatory sections, authorities and documents to be filed, and the authorized ATF officials. The authorities in the table may not be redelegated. An ATF organization chart showing the directorates involved in this delegation order has been attached.

5. *Questions.* If you have questions about this ATF order, contact the Regulations Division (202-927-8210).

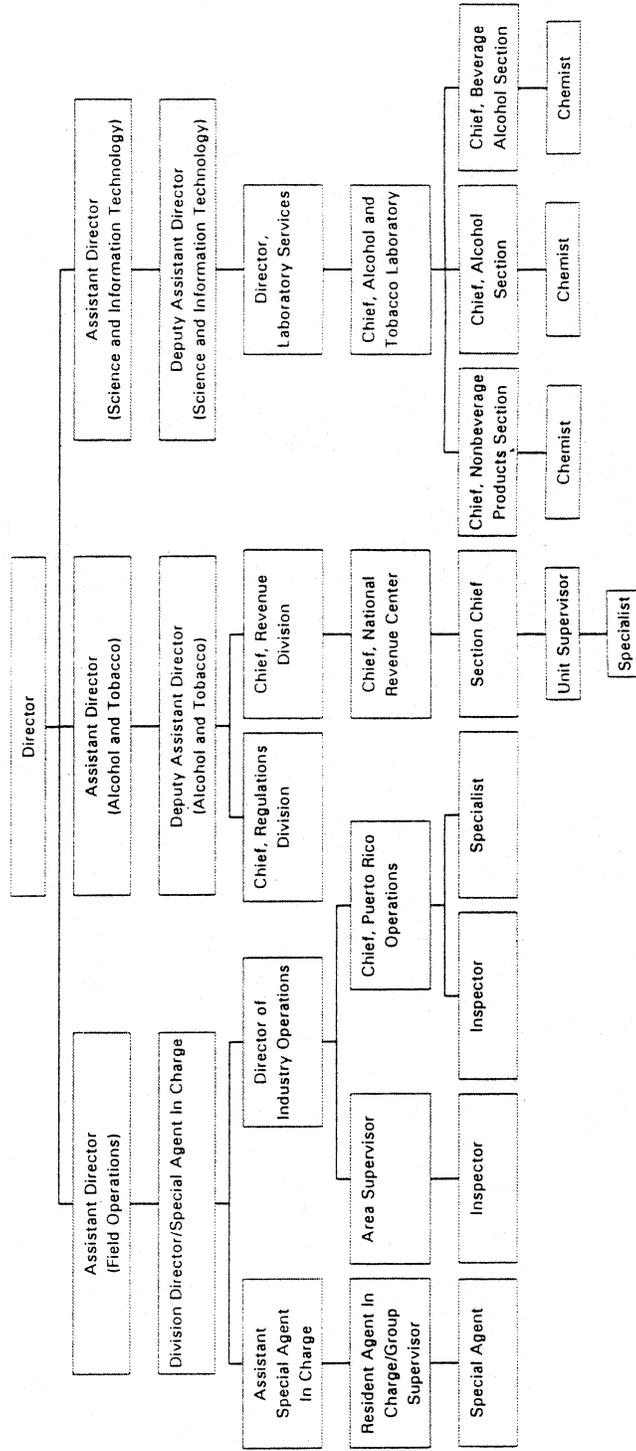
**Bradley A. Buckles,**  
Director.

<sup>1</sup> RailAmerica is a noncarrier, which at time of filing, indirectly controlled 28 Class III railroads operating in 23 states.

Regulatory section	Officer(s) authorized to act or receive document
§ 17.3(a) .....	Chief, Regulations Division. If the alternate method does not affect an ATF approved formula, or import or export recordkeeping, Chief, National Revenue Center (NRC) may act upon the same alternate method that has been approved by the Chief, Regulations Division.
§ 17.3(b) .....	Chief, Regulations Division, or Chief, NRC.
§ 17.3(c) .....	Chief, Regulations Division. If the alternate method does not affect an ATF approved formula, or import or export recordkeeping, Chief, National Revenue Center (NRC) may act upon the same alternate method that has been approved by the Chief, Regulations Division.
§ 17.6 .....	Chief, Regulations Division, Unit Supervisor, NRC, or Chief, Nonbeverage Products Section.
§ 17.54 .....	Specialist or Clerk, NRC.
§ 17.55 .....	Inspector, Special Agent, or Specialist.
§ 17.101 .....	For persons filing in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 17.107 .....	For approval of bonds in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 17.108(c) .....	Area Supervisor, Chief, Puerto Rico Operations, or Unit Supervisor, NRC.
§ 17.111 .....	For bonds in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 17.112 .....	For bonds in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 17.113 .....	For bonds in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 17.114 .....	For bonds in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 17.121(d) .....	Inspector, Special Agent, Specialist, or Chemist, Alcohol and Tobacco Laboratory.
§ 17.122 .....	Chemist, Nonbeverage Products Section.
§ 17.125(a) and (b) .....	For persons filing in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 17.131 .....	Chemist, Nonbeverage Products Section.
§ 17.134 .....	Chemist, Nonbeverage Products Section.
§ 17.141 .....	For persons filing in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 17.142(a) .....	For persons filing in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC, with whom a claim is filed, and Section Chief, NRC, to take final action on claims of more than \$5,000, or Unit Supervisor, NRC, to take final action on claims of \$5,000 or less.
§ 17.143 .....	For persons filing in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 17.147(a) .....	For persons filing in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 17.161 .....	Inspector, Special Agent, Specialist, or Chemist, Alcohol and Tobacco Laboratory.
§ 17.166(c) .....	Director of Industry Operations.
§ 17.167(b) .....	Area Supervisor or Chief, Puerto Rico Operations.
§ 17.168(a) .....	For persons filing in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 17.170 .....	Director of Industry Operations.
§ 17.171 .....	Inspector, Special Agent, Specialist, or Chemist, Alcohol and Tobacco Laboratory.
§ 17.182 .....	Inspector, Special Agent, Specialist, or Chemist, Alcohol and Tobacco Laboratory.
§ 17.183(a) .....	Area Supervisor or Chief, Puerto Rico Operations, for filing notice and to impose specific conditions for destruction. Inspector, Special Agent, Specialist, or Chemist, Alcohol and Tobacco Laboratory to witness destruction.
§ 17.183(b) .....	Chemist, Nonbeverage Products Section, to approve proposed material. Director of Industry Operations to approve method of destruction.
§ 18.13 .....	Chief, Regulations Division.
§ 18.14(a) .....	Director of Industry Operations.
§ 18.14(b) .....	Area Supervisor.
§ 18.15 .....	Inspector, Special Agent, or Specialist.
§ 18.16(a) .....	Chief, Regulations Branch.
§ 18.17 .....	Inspector, Special Agent, or Specialist.
§ 18.19 .....	Inspector, Special Agent, or Specialist.
§ 18.22(b) .....	Unit Supervisor, NRC.
§ 18.24 .....	Section Chief, NRC.
§ 18.27(a)(1) .....	Area Supervisor or Unit Supervisor, NRC.
§ 18.27(a)(2), (3) and (4) .....	Area Supervisor.
§ 18.39 .....	Unit Supervisor, NRC.
§ 18.40 .....	Unit Supervisor, NRC.
§ 18.41 .....	Area Supervisor.
§ 18.52(b) .....	Chemist, Nonbeverage Products Section.
§ 18.61(a) and (b) .....	Inspector, Special Agent, or Specialist.

ATF O 1130.13

### ATF Organization





# Federal Register

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**Friday,  
September 14, 2001**

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**Part II**

## **The President**

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**Proclamation 7461—Honoring the Victims  
of the Incidents on Tuesday, September  
11, 2001**



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**Presidential Documents**

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**Title 3—****Proclamation 7461 of September 11, 2001****The President****Honoring the Victims of the Incidents on Tuesday, September 11, 2001****By the President of the United States of America****A Proclamation**

As a mark of respect for those killed by the heinous acts of violence perpetrated by faceless cowards upon the people and the freedom of the United States on Tuesday, September 11, 2001, I hereby order, by the authority vested in me as President of the United States of America by the Constitution and the laws of the United States of America, that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, Sunday, September 16, 2001. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of September, 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.





# Federal Register

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**Friday,  
September 14, 2001**

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## **Part III**

## **The President**

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**Presidential Determination No. 2001-26 of  
September 12, 2001—Continuation of the  
Exercise of Certain Authorities Under the  
Trading With the Enemy Act**



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**Presidential Documents**

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Title 3—

**Presidential Determination No. 2001–26 of September 12, 2001****The President****Continuation of the Exercise of Certain Authorities Under the Trading With the Enemy Act****Memorandum for the Secretary of State [and] the Secretary of the Treasury**

Under section 101(b) of Public Law 95–223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note), and a previous determination on September 12, 2000 (65 *Fed. Reg.* 55883), the exercise of certain authorities under the Trading With the Enemy Act is scheduled to terminate on September 14, 2001.

I hereby determine that the continuation for 1 year of the exercise of those authorities with respect to the applicable countries is in the national interest of the United States.

Therefore, pursuant to the authority vested in me by section 101(b) of Public Law 95–223, I continue for 1 year, until September 14, 2002, the exercise of those authorities with respect to countries affected by:

- (1) the Foreign Assets Control Regulations, 31 C.F.R. part 500;
- (2) the Transaction Control Regulations, 31 C.F.R. part 505; and
- (3) the Cuban Assets Control Regulations, 31 C.F.R. part 515.

The Secretary of the Treasury is authorized and directed to publish this determination in the **Federal Register**.



THE WHITE HOUSE,  
*Washington, September 12, 2001.*



# Federal Register

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**Friday,  
September 14, 2001**

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**Part IV**

## **The President**

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**Proclamation 7462—National Day of  
Prayer and Remembrance for the Victims  
of the Terrorist Attacks on September 11,  
2001**



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# Presidential Documents

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Title 3—

Proclamation 7462 of September 13, 2001

The President

## National Day of Prayer and Remembrance for the Victims of the Terrorist Attacks on September 11, 2001

By the President of the United States of America

### A Proclamation

On Tuesday morning, September 11, 2001, terrorists attacked America in a series of despicable acts of war. They hijacked four passenger jets, crashed two of them into the World Trade Center's twin towers, and a third into the Headquarters of the U.S. Department of Defense at the Pentagon, causing great loss of life and tremendous damage. The fourth plane crashed in the Pennsylvania countryside, killing all on board but falling well short of its intended target apparently because of the heroic efforts of passengers on board. This carnage, which caused the collapse of both Trade Center towers and the destruction of part of the Pentagon, killed more than 250 airplane passengers and thousands more on the ground.

Civilized people around the world denounce the evildoers who devised and executed these terrible attacks. Justice demands that those who helped or harbored the terrorists be punished—and punished severely. The enormity of their evil demands it. We will use all the resources of the United States and our cooperating friends and allies to pursue those responsible for this evil, until justice is done.

We mourn with those who have suffered great and disastrous loss. All our hearts have been seared by the sudden and senseless taking of innocent lives. We pray for healing and for the strength to serve and encourage one another in hope and faith.

Scripture says: “Blessed are those who mourn for they shall be comforted.” I call on every American family and the family of America to observe a National Day of Prayer and Remembrance, honoring the memory of the thousands of victims of these brutal attacks and comforting those who lost loved ones. We will persevere through this national tragedy and personal loss. In time, we will find healing and recovery; and, in the face of all this evil, we remain strong and united, “one Nation under God.”

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 Friday, September 14, 2001, as a National Day of Prayer and Remembrance for the Victims of the Terrorist Attacks on September 11, 2001. I ask that the people of the United States and places of worship mark this National Day of Prayer and Remembrance with noontime memorial services, the ringing of bells at that hour, and evening candlelight remembrance vigils. I encourage employers to permit their workers time off during the lunch hour to attend the noontime services to pray for our land. I invite the people of the world who share our grief to join us in these solemn observances.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of September, 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.

A handwritten signature in black ink, appearing to read "George W. Bush". The signature is written in a cursive style with a large, sweeping initial "G" and a long, horizontal tail stroke.

[FR Doc. 01-23257  
Filed 9-13-01; 3:58 pm]  
Billing code 3195-01-P

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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/>

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#### 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 Sylva, Georgia, as the "G. Elliot Hagan Post Office Building". (Aug. 20, 2001; 115 Stat. 216)

#### H.R. 1753/P.L. 107-35

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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)

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