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Monday, December 3, 2001

DEPARTMENT OF TRANSPORTATION

5 CFR Part 6001

RINs 2105–AD08, 3209–AA15

Supplemental Standards of Ethical Conduct for Employees of the Department of Transportation

AGENCY: Department of Transportation.

ACTION: Final rule; amendment.

SUMMARY: The Department of Transportation, with the concurrence of the Office of Government Ethics (OGE), amends the Supplemental Standards of Ethical Conduct for Employees of the Department of Transportation (Transportation Ethics Regulations). The amendment adds authority to waive the general prohibition against Federal Aviation Administration (FAA) employees holding stock or other securities interests in airlines, aircraft manufacturing companies or suppliers of components or parts to those entities. The exercise of this waiver authority will be conditioned in each case upon a determination that the waiver is not inconsistent with the standards of ethical conduct for employees of the Executive Branch and that application of the general FAA prohibition is not necessary to avoid the appearance of misuse of position or loss of impartiality.

EFFECTIVE DATE: December 3, 2001.

FOR FURTHER INFORMATION CONTACT: William R. Register, Senior Ethics Counsel, Office of the General Counsel, Department of Transportation, Room 10102, Washington, DC 20590, (202) 366–9154; or John Walsh, Associate Chief Counsel for Ethics, (202) 366–4099, FAA General Law Division, 400 7th Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Background

The Transportation Ethics Regulations were issued in 1996 to minimize potential conflicts of interest and supplement OGE's Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635) (Standards). *See* 61 FR 39901–39904 (July 31, 1996), as codified at 5 CFR part 6001. The FAA-pertinent part of the Transportation Ethics Regulations, at 5 CFR 6001.104(b), generally prohibits FAA employees from holding any stock or other securities interest in an airline or aircraft manufacturing company, or in a supplier of components or parts to an airline or aircraft manufacturing company. The requirement prevents employees from taking actions that may violate conflict of interest laws or that may appear to do so. Exceptions to the general prohibition permit FAA employees to invest in certain mutual funds that hold the prohibited interests. *See* 5 CFR 6001.104(c).

The FAA's experience has shown, however, that the absolute prohibition in the current regulation is not needed to preserve the integrity of FAA operations. Also, employees for whom a waiver may be granted will nevertheless be subject to the conflict of interest laws and ethics regulations that apply to all Federal employees. These laws and regulations prohibit employees from taking action in any matter affecting a company in which they have any stock or other financial interest unless a regulatory exemption or a written waiver is obtained. Therefore, an amendment is being adopted to include in the regulation waiver language such as has been used for years by other agencies. See, for example, the regulations of the Department of the Interior at 5 CFR 3501.104(b)(5).

Under new § 6001.104(d), an agency designee, as defined in 5 CFR 6001.102, may grant a waiver from the regulatory restriction in § 6001.104(b) based on a determination that the waiver is not inconsistent with 5 CFR part 2635 or otherwise prohibited by law and that, under the particular circumstances, application of the restriction is not necessary to avoid the appearance of misuse of position or loss of impartiality and objectivity with which agency programs are administered. An FAA employee may be required under the waiver to disqualify himself from a particular matter or take other appropriate action. Initially, this new waiver authority will permit the FAA to consider a broader pool of applicants currently under consideration for temporary security positions at the nation's airports.

In addition, the Department is revising the authority citation of the Transportation Ethics Regulations to add reference to 5 U.S.C. 7353 concerning restrictions on gifts to Federal employees.

II. Matters of Regulatory Procedure

Administrative Procedure Act

Pursuant to 5 U.S.C. 553(a)(2), (b), and (d), the Department has found that good cause exists for waiving the regular notice of proposed rulemaking, and opportunity for public comment. The Department also finds that good cause exists for making this final rule effective immediately upon publication in the **Federal Register**. We make these findings because it is in the public interest that this rule, which concerns matters of agency management, personnel, organization, practice and procedure, and which relieves certain restrictions placed on FAA employees, become effective on the date of publication.

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act, the Department certifies that this 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 *et seq.*). Accordingly, no regulatory flexibility analysis is required.

Executive Order 12866 Determination

The Department has determined that this final rule does not constitute a ''significant regulatory action'' for the purposes of Executive Order 12866, nor is the rule significant as defined in DOT's Regulatory Policies and Procedures.

Unfunded Mandates Reform Act of 1995 Determinations

Section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act)[1] requires that an agency prepare a budgetary impact statement before promulgating a rule

[1] Pub. L. 104–4, 109 Stat. 48 (codified at 2 U.S.C. Chs. 17A–25)

that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (as adjusted for inflation) in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. As discussed in the preamble, this rule limits the restrictions on FAA employees holding financial interests in aviation industry entities. The Department therefore has determined that the rule will not result in expenditures by State, local or tribal governments or by the private sector of $100 million or more. Accordingly, the Unfunded Mandates Act does not apply to this rulemaking.

List of Subjects in 5 CFR Part 6001

Conflict of interests, Ethics, FAA employees, Government employees.

Dated: November 21, 2001.

Norman Y. Mineta,

Secretary of Transportation.

Approved: November 27, 2001.

Amy L. Comstock,

Director, Office of Government Ethics.

For the reasons set forth in the preamble, the Department, with the concurrence of OGE, amends 5 CFR part 6001 as follows:

PART 6001—SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF TRANSPORTATION

1. The authority citation for part 6001 is revised to read as follows:

Authority: 5 U.S.C. 301, 7301, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); 49 U.S.C. 322; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR 2635.105, 2635.203(a), 2635.403(a), 2635.807.

2. Section 6001.104 is amended by:

a. Revising paragraph (b);

b. Redesignating paragraph (d) as paragraph (e); and

c. Adding new paragraph (d).

The revision and addition read as follows:

§ 6001.104 Prohibited financial interests.

* * * * *

(b) *Federal Aviation Administration (FAA).* Except as provided in paragraphs (c) and (d) of this section, no FAA employee, or spouse or minor child of the employee, may hold stock or have any other securities interest in an airline or aircraft manufacturing company, or in a supplier of components or parts to an airline or aircraft manufacturing company.

* * * * *

(d) *Waiver.* An agency designee may grant a written waiver from the prohibition contained in paragraph (b) of this section, based on a determination that the waiver is not inconsistent with 5 CFR part 2635 or otherwise prohibited by law, and that, under the particular circumstances, application of the prohibition is not necessary to avoid the appearance of misuse of position or loss of impartiality, or otherwise to ensure confidence in the impartiality and objectivity with which FAA programs are administered. A waiver under this paragraph may be accompanied by appropriate conditions, such as requiring execution of a written statement of disqualification. Notwithstanding the granting of any waiver, an employee remains subject to the disqualification requirements of 5 CFR 2635.402 and 2635.502.

* * * * *

[FR Doc. 01–29890 Filed 11–30–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–87–AD; Amendment 39–12516; AD 2001–23–17]

RIN 2120–AA64

Airworthiness Directives; GARMIN International GNS 430 Units

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain GARMIN International (GARMIN) GNS 430 units that are installed on aircraft. This AD requires you to modify the unit to incorporate circuitry changes to the GNS 430 unit's deviation and flag outputs. This AD is the result of reports of inaccurate course deviations caused by external electrical noise to the GNS 430 unit's course deviation indicator (CDI). The actions specified by this AD are intended to prevent such external noise from causing inaccurate course deviation displays in the GNS 430 unit's CDI or horizontal situation indicator (HSI). Such displays could result in the pilot making flight decisions that put the aircraft in unsafe flight conditions.

DATES: This AD becomes effective on December 28, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of December 28, 2001.

ADDRESSES: You may obtain the service information referenced in this AD from GARMIN International, 1200 East 151st Street, Olathe, Kansas 66062. You may view this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–87–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Roger A. Souter, FAA, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946–4134; facsimile: (316) 946–4407; e-mail: *roger.souter@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The FAA has received information that external electrical noise to the course deviation indicator (CDI) of GARMIN GNS 430 units could result in the CDI or horizontal situation indicator (HSI) displaying inaccurate course deviations. This could prompt the pilot to make flight decisions that put the aircraft in unsafe flight conditions.

Certain GNS 430 installations have received electrical noise between 1 and 3 volts alternating current (AC) peak-peak (induced into the GNS 430 CDI input) from other items installed on the aircraft. This high level of noise causes an undesirable oscillation of the CDI outputs, which results in inaccurate course deviation displays in the GNS 430 unit's CDI/HSI.

The condition is installation dependent. The GNS 430 units continue to meet all requirements in the technical standard order (TSO). The condition occurs in aircraft with installations that impose large noise spikes upon the CDI D-bar control wiring. Such installations are autopilots, fan motors, or similar accessories.

What is the potential impact if FAA took no action? As described above, such external noise could cause inaccurate course deviation displays in the GNS 430 unit's CDI/HSI. This could result in the pilot making flight decisions that put the aircraft in unsafe flight conditions.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include

an AD that would apply to certain GARMIN GNS 430 units that are installed on aircraft. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on August 6, 2001 (66 FR 40926). The NPRM proposed to require you to modify the unit to incorporate circuitry changes to the GNS 430 unit's deviation and flag outputs. The proposed actions would be accomplished in accordance with GARMIN Service Bulletin No.: 9905, Revision A, dated September 17, 1999.

Was the public invited to comment? The FAA encouraged interested persons to participate in the making of this amendment. The paragraphs that follow present the comment received on the proposal and FAA's response to this comment.

Comment Disposition

What is the commenter's concern? The commenter states that the majority of, if not all, the owners/operators of aircraft with the GARMIN GNS 430 units installed have already complied with the proposed AD through the manufacturer's warranty program. The commenter recommends that FAA withdraw the NPRM.

What is FAA's response to the concern? We do not concur with withdrawing the NPRM. Many of the airplanes equipped with the GARMIN GNS 430 units may actually incorporate the modification. However, AD action is the only way we can mandate that all units currently installed either have the modification incorporated or keep the modification incorporated and that all units installed in the future incorporate this modification.

We are not changing the final rule as a result of this comment.

FAA's Determination

What is FAA's final determination on this issue? After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We have determined that these minor corrections:

—Provide the intent that was proposed in the NPRM for correcting the unsafe condition; and

—Do not add any additional burden upon the public than was already proposed in the NPRM.

Cost Impact

How many airplanes does this AD impact? We estimate that 2,010 affected GARMIN GNS 430 units could be installed on aircraft in the U.S. registry.

W*hat is the cost impact of this AD on owners/operators of the affected airplanes?* GARMIN will cover all workhours and parts costs associated with this modification under warranty. This AD will not impose any cost impact upon the owners/operators of any aircraft incorporating one of the affected GNS 430 units.

Compliance Time of This AD

What is the compliance time of this AD? The compliance time of this AD is within the next 6 months after the effective date of this AD.

Why is the compliance time presented in calendar time instead of hours time-in-service (TIS)? The compliance time for this AD is presented in calendar time instead of hours TIS because the condition exists regardless of aircraft operation. The external noise outputs could occur and cause the inaccurate CDI/HSI displays regardless of the number of times and hours the aircraft was operated or the age of the GNS 430 unit. For these reasons, we have determined that a compliance based on calendar time should be utilized in this AD in order to ensure that the unsafe condition is addressed within a reasonable time period on all aircraft with an affected GNS 430 unit installed.

Regulatory Impact

Does this AD impact various entities? 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.

Does this AD involve a significant rule or regulatory action? 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 copy of the final 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, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under 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. FAA amends § 39.13 by adding a new AD to read as follows:

2001–23–17 GARMIN International: Amendment 39–12516; Docket No. 99–CE–87–AD.

(a) *What airplanes are affected by this AD?* This AD applies to the GNS 430 units that are specified in paragraph (a)(1) of this AD and are installed on aircraft. These GNS 430 units are installed in, but not limited to, aircraft that are certificated in any category and presented in paragraph (a)(2) of this AD:

(1) GNS 430 Units, part number 011–00280–00: serial numbers 9630001, 96300002, 96300017, 96300028, 96300034, 96300040, 96300068, 96300104, 96300108, 96300122, 96300125, 96300130, 96300142, 96300149, 96300161, 96300165, 96300218, 96300222, 96300232, 96300269, 96300272, 96300308, 96300333, 96300340, 96300348, 96300354, 96300369, 96300372, 96300382, 96300394, 96300411, 96300413, 96300429, 96300437, 96300451, 96300484, 96300485, 96300489, 96300504, 96300506, 96300513, 96300522, 96300549, 96300563, 96300585, 96300587, 96300618, 96300621, 96300624, 96300628, 96300641, 96300653, 96300664, 96300713, 96300734, 96300756, 96300766, 96300781, 96300785, 96300786, 96300808, 96300831, 96300837, 96300842, 96300846, 96300866, 96300870, 96300872, 96300899, 96300916, 96300923, 96300925, 96300929, 96300941, 96300961, 96300984, 96300987, 96301021, 96301108, 96301130, 96301280, and 96301296 through 96303200.

(2) Aircraft with the GNS 430 Unit Installation (other aircraft could have field approval installations):

TC holder	Airplane models
Cessna Aircraft Company.	172, 182, 206, 208, 210, 401, 402, 404, 406, 411, 414, 414A, 421A, 421B, 421C, 425, 441, 500, 550, S550, 552, 560, 560XL, 501, 525, and 551.
Mooney Aircraft	M20, M20A, M20B, M20C, M20D, M20E, M20F, M20G, M20J, M20K, M20L, M20M, M20R, M20S, and M22.
Raytheon Aircraft Company.	Beech Models E33, F33, G33, E33A, F33A, E33C, F33C, 35, 35R, A35, B35, B35TC, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35TC, V35A, V35A–TC, V35B, V35B–TC, 36, A36, A36TC, 50, B50, C50, D50, D50A, D50B, D50C, D50E, E50, F50, G50, H50, J50, 60, A60, B60, 65–90, 65–A90, B90, C90, C90A, C90B, E90, F90, 100, A100, B100, 95–55, 95–A55, 95–B55, 95–C55, D–55, E55, 58, 58P, and 58TC.
Socata	TBM 700.
The New Piper Aircraft, Inc.	J3C–40, J3C–50, J3C–50S (Army L–4, L–4B, L–4H, and L–4J), J3C–65 (Navy NE–1 and NE–2), J3C–65S, J3F–50, J3F–50S, J3F–60, J3F–60S, J3F–65 (Army L–4D), J3F–65S, J3L, J3L–S, J3L–65 (Army L–4C), J3L–65S, J4, J4A, J4A–S, J4E (Army L–4E), J5A (Army L–4F), J5A–80, J5B (Army L–4G), J5C, AE–1, HE–1, PA–11, PA–11S, PA–12, PA–12S, PA–14, PA–15, PA–16, PA–16S, PA–17, PA–18, PA–18A, PA–18A (Restricted), PA–18S, PA–18–''105'' (Special), PA–18S–''105'' (Special), PA–18–''125'' (Army L–21A), PA–18AS–''125'', PA–18S–''125'', PA–18–''135'' (Army L–21B), PA–18A–''135'', PA–18A–''135'' (Restricted), PA–18AS–''135'', PA–18S–''135'', PA–18–''150'', PA–18A–''150'', PA–18A–''150'' (Restricted), PA–18AS–''150'', PA–18S–''150'', PA–19 (Army L–18C), PA–19S, PA–20, P–20S, PA–20–''115'', PA–20S–''115'', PA–20–''135'', PA–20S–''135'', PA–22, PA–22–108, PA–22–135, PA–22S–135, PA–22–150, PA–22S–150, PA–22–160, PA–22S–160, PA–24, PA–24–250, PA–24–260, PA–24–400, PA–25, PA–25–235, PA–25–260, PA–28–140, PA–28–150, PA–28–151, PA–28–160, PA–28–161, PA–28–180, PA–28–235, PA–28S–160, PA–28R–180, PA–28S–180, PA–28–181, PA–28R–200, PA–28R–201, PA–28R–201T, PA–28RT–201, PA–28RT–201T, PA–28–201T, PA28–236, PA–32R–301 (SP), PA–32R–301 (HP), PA–32R–301T, PA–32–301, PA–32–301T, PA–36–285, PA–36–300, PA–36–375, PA–38–112, PA–46–310P, and PA–46–350P.

(b) *Who must comply with this AD?* Anyone who wishes to operate any aircraft with one of the affected GNS 430 units installed must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent external noise from causing inaccurate course deviation displays in the GNS 430 unit's course deviation indicator (CDI) or horizontal situation indicator (HSI). Such displays could result in the pilot making flight decisions that put the aircraft in unsafe flight conditions.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
(1) Modify the affected GNS 430 unit to incorporate circuitry changes to the deviation and flag outputs.	Within the next 6 months after December 28, 2001 (the effective date of this AD).	In accordance with the MODIFICATION INSTRUCTIONS section of GARMIN Service Bulletin No.: 9905, Revision A, dated September 17, 1999.
(2) Do not install an affected GNS 430 unit unless it has been modified as required by paragraph (d)(1) of this AD.	As of December 28, 2001 (the effective date of this AD).	In accordance with the MODIFICATION INSTRUCTIONS section of GARMIN Service Bulletin No.: 9905, Revision A, dated September 17, 1999.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

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

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Roger A. Souter, FAA, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: (316) 946–4134; facsimile: (316) 946–4407, e-mail: roger.souter@faa.gov.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with GARMIN Service Bulletin No.: 9905, Revision A, dated September 17, 1999. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies from GARMIN International, 1200 East 151st Street, Olathe, Kansas 66062. You may view this information at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on December 28, 2001.

Issued in Kansas City, Missouri, on November 14, 2001.

Michael K. Dahl,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–29325 Filed 11–30–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–SW–23–AD; Amendment 39–12524; AD 2001–24–08]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model EC 120 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) that applies to Eurocopter France (ECF) Model EC120B helicopters and currently requires adjusting the clearance of the cabin sliding door if necessary. This amendment requires adding an end stop to the front rail and modifying the rear stop of the middle rail to increase its adjustment range for certain cabin sliding doors. This amendment is prompted by an in-flight loss of a cabin sliding door, which had been locked in the open position. The actions specified by this AD are intended to prevent in-flight loss of a cabin sliding door, impact with the horizontal stabilizer or fenestron tail rotor, and subsequent loss of control of the helicopter.

DATES: Effective January 7, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 7, 2002.

ADDRESSES: 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: A proposal to amend 14 CFR part 39 by superseding AD 2000–17–07, Amendment 39–11881 (65 FR 52012, August 28, 2000), which applies to ECF Model EC120B helicopters, was published in the **Federal Register** on August 23, 2001 (66 FR 44319). That action proposed to supersede AD 2000–17–07 to require, within 90 days or before the next flight with a door open, whichever occurs first, adding a stop to the front rail and modifying the rear stop of the middle rail of the cabin sliding doors.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 24 helicopters of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per helicopter to add and modify the cabin sliding door stops, and that the average labor rate is $60 per work hour. Required parts will cost approximately $25 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3480.

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, 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 removing Amendment 39–11881 (65 FR 52012, August 28, 2000), and by adding a new airworthiness directive (AD), Amendment 39–12524, to read as follows:

2001–24–08 Eurocopter France: Amendment 39–12524. Docket No. 2001–SW–23–AD. Supersedes AD 2000–17–07, Amendment 39–11881, Docket No. 2000–SW–33–AD.

Applicability: Model EC120B helicopters, serial number 1169 and below, with a cabin sliding door rail, part number C533C8102201, C533C8102202, C533C8103201, or C533C8103202, 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 (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within 90 days or before the next flight with the door open, whichever occurs first, unless accomplished previously.

To prevent in-flight loss of a cabin sliding door, impact with the horizontal stabilizer or fenestron tail rotor, and subsequent loss of control of the helicopter, accomplish the following:

(a) Add a stop to the front rail and modify the rear stop of the middle rail in accordance with the Operational Procedure, paragraph 2.B., of Eurocopter France Alert Service Bulletin No. 52A004, Revision 1, dated April 19, 2001.

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

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

(c) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter with the sliding

cabin doors closed or removed to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with the Operational Procedure, paragraph 2.B., of Eurocopter France Alert Service Bulletin No. 52A004, Revision 1, dated April 19, 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.

(e) This amendment becomes effective on January 7, 2002.

Note 3: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 2000–285–005(A) R2, dated May 16, 2001.

Issued in Fort Worth, Texas, on November 20, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–29592 Filed 11–30–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–SW–15–AD; Amendment 39–12523; AD 2001–24–07]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Model A109C, A109E, and A109K2 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) that applies to Agusta S.p.A. (Agusta) Model A109C, A109E, and A109K2 helicopters and currently requires inspecting the main rotor blade (blade) tip cap for bonding separation and a crack. This amendment contains the same requirements as the existing AD but also requires a tap inspection of the tip cap for bonding separation in the blade bond area and a dye penetrant inspection of the tip cap leading edge along the welded joint line of the upper and lower tip cap skin shells for a crack. This amendment is prompted by three occurrences in which the blade tip cap leading edge opened in flight due to cracks, resulting in excessive helicopter vibration. The actions specified by this AD are intended to prevent failure of a blade tip cap, excessive vibration, and subsequent loss of control of the helicopter.

DATES: Effective January 7, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 7, 2002.

ADDRESSES: The service information referenced in this AD may be obtained from Agusta, 21017 Cascina Costa di Samarate (VA) Italy, Via Giovanni Agusta 520, telephone 39 (0331) 229111, fax 39 (0331) 229605–222595. 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: A proposal to amend 14 CFR part 39 by superseding AD 98–19–04, Amendment 39–11039 (64 FR 7494, February 16, 1999), which applies to Agusta Model A109C, A109E, and A109K2 helicopters, was published in the **Federal Register** on August 23, 2001 (66 FR 44320). That action proposed to supersede AD 98–19–04, which requires inspecting between the metal shells and honeycomb core for bonding separation, visually inspecting the blade tip for swelling or deformation, and visually inspecting the welded bead along the leading edge of the blade tip cap for a crack. This AD retains the requirements of AD 98–19–04 and also requires tap inspection of the tip cap for bonding separation in the blade bond area and a dye penetrant inspection of the tip cap leading edge along the welded joint line of the upper and lower tip cap skin shells for a crack. Installing tip caps, P/N 709–0103–29–109, on all affected blades is terminating action for the requirements of this AD.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for updating the language in Note 1 and adding ''Agusta'' before ''Alert Bollettino Tecnico'' in paragraph (a). These changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 44 helicopters of U.S. registry will be affected by this AD and that it will take approximately 6 work hours per helicopter for the initial and repetitive inspections of the fleet. The average labor rate is $60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $15,840. This estimate is based on the assumption that no blade will need to be replaced as a result of these inspections.

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, 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 removing Amendment 39–11039 (64 FR 7494, February 16, 1999), and by adding a new airworthiness directive (AD), Amendment 39–12523, to read as follows:

2001–24–07 Agusta S.p.A.: Amendment 39–12523. Docket No. 2001–SW–15–AD. Supersedes AD 98–19–04, Amendment 39–11039, Docket No. 98–SW–40–AD.

Applicability: Model A109C, A109E, and A109K2 helicopters, with main rotor blade (blade), part number (P/N) 709–0130–01—all dash numbers, having a serial number (S/N) up to and including S/N 1428 with a prefix of either ''EM–'' or ''A5–'' 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 within 10 hours time-in-service (TIS), unless accomplished previously, and thereafter at intervals not to exceed 25 hours TIS.

To prevent failure of a blade tip cap, excessive vibration, and subsequent loss of control of the helicopter, accomplish the following:

(a) Tap inspect the upper and lower sides of each tip cap for bonding separation between the metal shells and the honeycomb core using a steel hammer, P/N 109–3101–58–1, or a coin (quarter) in the area indicated as honeycomb core on Figure 1 of Agusta Alert Bollettino Tecnico Nos. 109–106, 109K–22, or 109EP–1, all Revision B, and dated December 19, 2000 (ABT), as applicable. Also, tap inspect for bonding separation in the tip cap to blade bond area (no bonding voids are permitted in this area).

(b) Visually inspect the upper and lower sides of each blade tip cap for swelling or deformation.

(c) Dye-penetrant inspect the tip cap leading edge along the welded joint line of the upper and lower tip cap skin shells for a crack in accordance with the Compliance Instructions, paragraph 3, of the applicable ABT.

(d) If any swelling, deformation, crack, or bonding separation that exceeds the prescribed limits in the applicable maintenance manual is found, replace the blade with an airworthy blade.

(e) Replacement blades affected by this AD must comply with the repetitive inspection requirements of this AD. Replacing an affected blade with a blade having an airworthy blade tip cap, P/N 709–0103–29–109, is terminating action for the requirements of this AD for that blade.

(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) A special flight permit may be issued under 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished. No special flight permit will be issued for any flight with a known tip cap crack.

(h) The inspections shall be done in accordance with Figure 1 and paragraph 3 of Agusta Alert Bollettino Tecnico Nos. 109–106, 109K–22, or 109EP–1, all Revision B, and dated December 19, 2000. 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 Agusta, 21017 Cascina Costa di Samarate (VA) Italy, Via Giovanni Agusta 520, telephone 39 (0331) 229111, fax 39 (0331) 229605–222595. 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 January 7, 2002.

Note 3: The subject of this AD is addressed in Ente Nazionale per l'Aviazionne Civile (Italy) AD's 2000–571, 2000–572, and 2000–573, all dated December 22, 2000.

Issued in Fort Worth, Texas, on November 21, 2001.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 01–29591 Filed 11–30–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–113–AD; Amendment 39–12525; AD 2001–24–09]

RIN 2120–AA64

Airworthiness Directives; Short Brothers Model SD3 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Short Brothers Model SD3 series airplanes, that requires repetitive tests (checks) of the engine power lever to ensure that the fuel control unit (FCU) lever is contacting the maximum stop, adjustment of the FCU rigging, if necessary, and an engine ground run for correct gas generator rotational speed. This AD also requires a static reduced power check on each engine to ensure correct operation of the reserve takeoff power (RTOP) system; and follow-on actions, if necessary. This action is necessary to prevent failure of the engines to reach adequate RTOP boost during takeoff, which could result in reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Effective January 7, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 7, 2002.

ADDRESSES: The service information referenced in this AD may be obtained from Short Brothers, Airworthiness & Engineering Quality, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1175; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Short Brothers Model SD3 series airplanes was published in the **Federal Register** on August 28, 2001 (66 FR 45196). That action proposed to require repetitive tests (checks) of the power lever movement of the fuel control unit (FCU) lever to ensure the lever is contacting the maximum stop, adjustment of the FCU rigging, if necessary, and an engine ground run for correct gas generator rotational speed. That action also proposed to require a static reduced power check on each engine to ensure correct operation of the reserve takeoff power system; and follow-on actions, if necessary.

Comments

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

Remove Repetitive Tests/Checks

The commenter requests that the FAA revise the proposed AD to remove the requirement for repetitive tests (checks) every 90 days. The commenter suggests that, after the initial tests, the tests should only be repeated after the FCU is replaced or during a ''Hot Section'' inspection.

We do not concur with the commenter's request. The commenter provides no justification for its request and no data to support that its suggestion would provide an acceptable level of safety. No change to the final rule is necessary in this regard.

Explanation of New Relevant Service Information

Since the issuance of the proposed AD, the manufacturer has issued Shorts Service Bulletins SD3 SHERPA–71–2, SD360 SHERPA–71–2, SD360–71–19, and SD330–71–24; all Revision 1; all dated August 2, 2001. The proposed rule referenced the original issues of these service bulletins, all dated February 5, 2001, as the appropriate sources of service information for accomplishment of the proposed actions. The actions in Revision 1 are essentially similar to those in the original issue of the service bulletins. Revision 1 of all four service bulletins corrects minor errors and clarifies certain procedures for the static reduced power check on each engine. Accordingly, the FAA has revised paragraph (a) of this final rule to refer to Revision 1 of the service bulletins as the appropriate sources of service information for the actions required by that paragraph. Also, the FAA has added a new Note 2 to this final rule (and re-lettered subsequent notes accordingly) to give credit for tests, checks, and follow-on actions accomplished before the effective date of this AD per the original issue of the applicable service bulletin.

Explanation of Changes to Terminology

For clarification, the FAA has revised the ''Summary'' section and paragraph (a) of the proposed AD to clarify certain terminology concerning the test of the engine power lever to ensure that the lever is contacting the maximum stop.

Conclusion

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

Cost Impact

The FAA estimates that 46 Model SD3 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required tests (checks), and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be $8,280, or $180 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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:

2001–24–09 Short Brothers PLC: Amendment 39–12525. Docket 2001–NM–113–AD.

Applicability: All Model SD3–SHERPA, SD3–60, and SD3–60 SHERPA series airplanes; and Model SD3–30 series airplanes having PT6A–45R series engines; 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 (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the engines to reach adequate reserve takeoff power (RTOP) boost during takeoff, which could result in reduced controllability of the airplane, accomplish the following:

Repetitive Inspections/Corrective Action

(a) Within 100 flight cycles or 90 days after the effective date of this AD, whichever comes later: Do a test (check) of the engine power lever to ensure that the fuel control unit (FCU) lever is contacting the maximum stop, and adjust the FCU rigging if the lever is not contacting the stop; do an engine ground run for correct gas generator rotational speed; and do a static reduced power check on each engine to ensure correct operation of the RTOP system; per Shorts Service Bulletin SD3 SHERPA–71–2, SD360 SHERPA–71–2, SD360–71–19, or SD330–71–24; all Revision 1; all dated August 2, 2001; as applicable. Before further flight, do any follow-on actions necessary (includes a functional check of the RTOP solenoid, replacement of any defective RTOP solenoid with a new solenoid, adjustment of the RTOP system if system fails to provide adequate

boost, adjustment to the torque of the FCU Ng servo valve, test for leakage or restrictions of the FCU pnuematic system, or overhaul of the FCU), per the applicable service bulletin. Repeat the tests (checks) after that at intervals not to exceed 90 days.

Note 2: Tests, checks, and follow-on actions accomplished before the effective date of this AD per Shorts Service Bulletin SD3 SHERPA–71–2, SD360 SHERPA–71–2, SD360–71–19, or SD330–71–24; all dated February 5, 2001; as applicable; are acceptable for compliance with paragraph (a) of this AD.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, 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

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

Incorporation by Reference

(d) The actions shall be done in accordance with Shorts Service Bulletin SD3 SHERPA–71–2, Revision 1, dated August 2, 2001; Shorts Service Bulletin SD360 SHERPA–71–2, Revision 1, dated August 2, 2001; Shorts Service Bulletin SD360–71–19, Revision 1, dated August 2, 2001; or Shorts Service Bulletin SD330–71–24, Revision 1, dated August 2, 2001; as applicable. 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 Short Brothers, Airworthiness & Engineering Quality, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in British airworthiness directives 002–02–2001, 003–02–2001, 004–02–2001, and 005–02–2001.

Effective Date

(e) This amendment becomes effective on January 7, 2002.

Issued in Renton, Washington, on November 21, 2001.

Kalene C. Yanamura,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–29590 Filed 11–30–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 256

RIN 1010–AC68

Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf—Revision of Requirements Governing Surety Bonds for Outer Continental Shelf Leases

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: This rule modifies requirements governing surety bonds for activities on the Outer Continental Shelf (OCS). These changes codify the terms and conditions under which a surety will be relieved of responsibility when MMS terminates the period of liability of a bond. Codifying these terms and conditions is necessary to clarify the responsibilities of the lessee and the surety after the lease expires.

DATES: This rule is effective January 2, 2002.

FOR FURTHER INFORMATION CONTACT: John Mirabella, Engineering and Operations Division, (703) 787–1600.

SUPPLEMENTARY INFORMATION: OCS lessees must comply with regulations governing operations, payments of rents and royalties, and end-of-lease obligations. To ensure that the lessee will be financially able to meet all requirements, including end-of-lease requirements, MMS requires the lessee to post a bond. This rule amends the provisions of 30 CFR 256.58 concerning the cancellation of a bond.

It sometimes happens that a problem arising during the period covered by a bond is only discovered after the coverage period ends. For example, an audit may reveal that the lessee owes us additional royalty. As a rare example, a plugged well may start to leak. In either case, the lessee is responsible for correcting the problem.

This rule addresses how long MMS will hold a bond to ensure that situations of this type are covered. The current regulation does not set a limit on the period that MMS may continue to hold the bond company responsible for a problem that occurs during the liability period.

On January 8, 2001, MMS published a proposed rule in the **Federal Register** (66 FR 1277). The rule provides for a period of 7 years (plus such additional time taken for appeals or litigation) during which MMS may hold the bond to cover any claims based upon obligations that accrued during the liability period. During this 7-year period, we will retain security or collateral pledged to us in lieu of a surety. We will cancel the bond after 7 years. We believe that the 7-year period provides adequate protection to the Government and will provide a measure of certainty to bond companies.

The 7-year provision applies to all base bonds, unless we find that less security needs to be retained. If you are a supplemental bond provider, this rule would release you from liability after completion of the bonded work, unless we find that potential liability is greater than the amount of the base bond. We will normally release the supplemental bond upon completion of the bonded work because, in most cases, we anticipate that the general bond will be sufficient to cover our estimate of potential residual liabilities.

The rule does not change the provision in 30 CFR 256.58(c) that allows MMS to reinstate your bond in extraordinary circumstances. That provision allows us to reinstate your bond as if no cancellation or release had occurred if: (1) You make a payment under the lease and the payment is rescinded or must be repaid by the recipient because you are insolvent, bankrupt, subject to reorganization, or placed in receivership; or (2) you represent to us that you have discharged your obligations under the lease and your representation was materially false.

The notice of proposed rulemaking requested comments during a 60-day public comment period. MMS received three comment letters during the comment period—one from an oil company, one from a trade association representing companies that write surety bonds, and one from an individual representing two companies that provide surety bonds for the OCS.

One comment requested clarification of how termination and cancellation of a bond will affect responsibilities of the surety and the lessee. Termination of the period of liability is important because it ends the surety's responsibility for further activities on a lease. The surety is responsible for all obligations that accrue during the period of liability. Accrued obligations include those associated with plugging of wells drilled and removal of

platforms installed during the period of liability. In addition, obligations accrue for all wells or platforms that were on the lease during any portion of the period of liability. Obligations can also accrue when the operator takes other actions, such as installing a piece of equipment, which must later be removed. When the period of liability is terminated, the surety continues to be liable for accrued obligations. When MMS cancels the bond, the cancellation ends all obligations for the surety, including previously accrued obligations.

A commenter recommended that the rules provide for cancellation of a bond when a new lessee has sufficient financial strength to provide for security without a supplemental bond. We agree with the commenter. The proposed rules already had specified conditions for cancellation of a bond when the lessee obtains a replacement bond. We agree that the proposal should be broadened. When a new lessee has sufficient financial strength on the basis of which MMS determines that a supplemental bond is unnecessary, we will cancel the supplemental bond because that financial strength provides a similar level of security as a bond.

A commenter recommended that a supplemental bond be cancelled when replaced by a new supplemental bond and that MMS not require the new bond issuer to accept all liabilities of the previous bond issuer. We revised the proposed rule so that accepting liabilities of the previous bond issuer applies only to base bonds and not to supplemental bonds, unless the Regional Director (1) determines that the base bond may not be adequate to cover liabilities accruing during the period of liability of the supplemental bond and which the replacement supplemental bond would not cover, and (2) notifies the provider of the bond that all or part of the supplemental bond will not be cancelled unless the issuer of the replacement bond accepts the liabilities of the previous supplemental bond issuer to the extent the Regional Director specifies.

One commenter recommended that the bond be cancelled 7 years after the termination of the lease rather than 7 years after meeting all lease obligations. Another commenter recommended that the bond be cancelled after 6 years instead of 7. The time difference between the termination of the lease and the meeting of all obligations is typically less than 1 year but can be longer. The lease covering offshore operations requires that the lessee remove all devices, works, and structures from the lease within 1 year of lease termination. The lease provides that MMS can allow the devices, works, and structures to remain longer for drilling or producing on other leases. When MMS grants a lessee additional time to meet these end-of-lease obligations, we require that the lessee maintain the bond until the obligations are met. In this situation, the period of liability does not end until the lessee has met the obligations, and we believe that the time period should not start until the lessee has met the obligations. However, when more than a year has elapsed between the end of the lease and the meeting of all lease obligations, we believe that an additional 6 years will be sufficient. Accordingly, we have modified the rule to provide for bond cancellation at the latest of 7 years after the termination of the lease, 6 years after completion of all bonded obligations, or the conclusion of any appeals or litigation related to your bonded obligations.

A commenter recommended that MMS make mandatory the provision that allows the Regional Director to reduce the amount of bond. MMS has maintained a policy of not requiring more bond than is necessary to ensure that obligations are met. The rule has been revised to address the commenter's concern. Under the final rule, the lessee may request a reduction in the level of the bond or the amount of security. The Regional Director will then reduce the bond or return a portion of the security if the Regional Director determines that the lessee needs less than the full amount of the base bond to meet any possible future obligation.

A commenter recommended that the bond form should reflect the 90-day termination provision in the rule. This notice addresses the rule and not the bond form. MMS will consider the comment during any revisions to the bond form. However, the provision for termination will be available and can be exercised by the surety whether or not the provision appears on the bond form.

Editorial Corrections: With this final rule, MMS is also making two minor editorial corrections to 30 CFR 256.52.

(1) Section 256.52(b) lists the three MMS OCS areas. We are correcting the first area listed to state that it is ''The Gulf of Mexico and the area offshore the Atlantic Coast.''

(2) In several paragraphs under § 256.52, the word ''alternate'' is used when referring to another form or type of security. This word is corrected to the more accurate term ''alternative'' in each place that it appears.

Procedural Matters

Regulatory Planning and Review (Executive Order 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866.

(1) This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. This rule, in many important ways, follows aspects of current policy. The rule will also extend that policy to other forms of security, such as escrow accounts, which are not currently used for base bonds. Since this rule normally will not apply to supplemental bonds without specific action by the Regional Supervisor, the impact of this change is minimal.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. Other agencies are not affected by the bonds and other forms of surety that protect the Department of the Interior's interests.

(3) This rule does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. This rule will have no effect on the rights of the recipients of entitlements, grants, user fees, or loan programs.

(4) This rule does not raise novel legal or policy issues. The rule more clearly conforms MMS practice to that of the private sector and provides certainty with respect to the cancellation of surety bonds and other lease security.

Regulatory Flexibility (RF) Act

The Department certifies that this rule will not have a significant economic effect on a substantial number of small entities under the RF Act (5 U.S.C. 601 *et seq.*).

This rule will affect lessees and operators of leases on the OCS. This includes about 130 different companies. These companies are generally classified under the North American Industry Classification System (NAICS) code 211111, Crude Petroleum and Natural Gas Extraction, which includes companies that extract crude petroleum and natural gas. For this NAICS classification, a small company is one with fewer than 500 employees. Based on these criteria, we estimate that about 54 percent of the companies are considered small. This rule, therefore, affects a substantial number of small entities.

The companies that are considered small have an average of about 15 offshore facilities. We estimate that the small companies have annual sales between $1 million and $380 million.

As discussed above, we do not expect this rule to have a significant effect on any company, large or small. Under current regulations, when a lessee meets all of the lease requirements, the period of liability ends. If MMS later discovers a problem with the way the work was performed, we will hold the lessee responsible. If the lessee is not able to meet the obligation, we hold the bond company responsible. This regulation establishes a time period during which MMS will hold the bond before cancellation. The codification of a policy on bond cancellation is new. The other change from current practice is that MMS will retain pledged securities for the same length of time that we will wait before canceling surety bonds. While this new provision is needed to ensure consistency of agency practice, the provision will not have a significant effect since, in almost all cases, companies currently do not use instruments other than surety bonds to meet the basic bond requirement.

This rule will also affect companies that sell surety bonds or provide other types of security to OCS lessees. For those companies, this rule will provide certainty with regard to residual liabilities. Since the provisions in this rule are generally the same as current practice, any effects on bonding companies will be minor. Those minor effects will be reflected in costs charged to oil and gas lessees and will ultimately be borne by oil and gas lessees. These effects are included in the estimates addressing the oil and gas lessees.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small business about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free (888) 734–3247.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under SBREFA (5 U.S.C. 804(2)). This rule:

(a) Does not have an annual effect on the economy of $100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises.

We do not expect this rule to have a significant effect because, as discussed earlier, this rule would, generally, codify policies already in use. The substantive change for securities other than surety bonds will not have a significant effect because the rule applies to the general bond requirement, and surety bonds are used by almost all MMS lessees to satisfy the base bond requirement.

Paperwork Reduction Act (PRA) of 1995

The PRA provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information and assigns a control number, you are not required to respond. OMB approved the information collection requirements in current 30 CFR part 256 regulations under OMB control number 1010–0006, with a current expiration date of March 31, 2004. The information collection aspects of this rule remain unchanged from current regulations, contain no additional paperwork requirements, and an OMB form 83–I submission to OMB under the PRA is not required.

Federalism (Executive Order 13132)

With respect to Executive Order 13132, the rule does not have Federalism implications. This rule does not substantially and directly affect the relationship between the Federal and State governments. The bonding requirements apply to leases between the Federal Government and its oil and gas lessees. The bond does not affect obligations between the lessee and any State or local government. This rule does not impose costs on States or localities. State or local governments do not provide bonds and do not need to comply with bonding requirements.

Takings (Executive Order 12630)

With respect to Executive Order 12630, this rule does not have significant Takings implications. A Takings Implication Assessment is not required. This rulemaking is not a governmental action capable of interfering with constitutionally protected property rights.

Energy Supply, Distribution, or Use (Executive Order 13211)

This rule is not a significant rule and is not subject to review by OMB under Executive Order 12866. The rule does not have a significant effect on energy supply, distribution, or use because the rule, in many important ways, follows aspects of current policy for bonds. The rule will also extend that policy to other forms of security such as escrow accounts. The new policy will apply only in the rare times when the other forms of security are used for a base bond. Thus, a Statement of Energy Effects is not required.

Civil Justice Reform (Executive Order 12988)

With respect to Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Executive Order.

National Environmental Policy Act of 1969

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A Categorical Exclusion Review determined that this action is considered a categorically excluded action, as it results only in administrative effects causing no significant impacts on the environment and does not require preparation of an environmental assessment. The rulemaking does not represent an exception to the established criteria for categorical exclusions.

Unfunded Mandate Reform Act (UMRA) of 1995

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. This rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR Part 256

Administrative practice and procedure, Continental shelf, Government contracts, Oil and gas exploration, Public lands—mineral resources, Reporting and recordkeeping requirements, Surety bonds.

Dated: November 7, 2001.

J. Steven Griles,

Acting Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the Minerals Management Service (MMS) amends 30 CFR part 256 as follows:

PART 256—LEASING OF SULPHUR OR OIL AND GAS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 256 continues to read as follows:

Authority: 43 U.S.C. 1331 *et seq.*, 42 U.S.C. 6213.

2. Section 256.52 is amended as follows:

A. Paragraph (b)(1) is revised to read as set forth below:

B. In paragraphs (d), (e), (g) introductory text, and (g)(1) and (2), remove the word ''alternate'' and add, in its place, the word ''alternative''.

§ 256.52 Bond requirements for an oil and gas or sulphur lease.

* * * * *

(b) * * *

(1) The Gulf of Mexico and the area offshore the Atlantic Coast.

* * * * *

3. Section 256.58 is revised to read as follows:

§ 256.58 Termination of the period of liability and cancellation of a bond.

This section defines the terms and conditions under which MMS will terminate the period of liability of a bond or cancel a bond. Terminating the period of liability of a bond ends the period during which obligations continue to accrue but does not relieve the surety of the responsibility for obligations that accrued during the period of liability. Canceling a bond relieves the surety of all liability. The liabilities that accrue during a period of liability include obligations that started to accrue prior to the beginning of the period of liability and had not been met and obligations that begin accruing during the period of liability.

(a) When the surety under your bond requests termination:

(1) The Regional Director will terminate the period of liability under your bond within 90 days after MMS receives the request; and

(2) If you intend to continue operations, or have not met all end of lease obligations, you must provide a replacement bond of an equivalent amount.

(b) If you provide a replacement bond, the Regional Director will cancel your previous bond and the surety that provided your previous bond will not retain any liability, provided that:

(1) The new bond is equal to or greater than the bond that was terminated, or you provide an alternative form of security, and the Regional Director determines that the alternative form of security provides a level of security equal to or greater than that provided for by the bond that was terminated;

(2) For a base bond submitted under § 256.52(a) or under § 256.53(a) or (b), the surety issuing the new bond agrees to assume all outstanding liabilities that accrued during the period of liability that was terminated; and

(3) For supplemental bonds submitted under § 256.53(d), the surety issuing the new supplemental bond agrees to assume that portion of the outstanding liabilities that accrued during the period of liability which was terminated and that the Regional Director determines may exceed the coverage of the base bond, and of which the Regional Director notifies the provider of the bond.

(c) This paragraph applies if the period of liability is terminated for a bond but the bond is not replaced by a bond of an equivalent amount. The surety that provided your terminated bond will continue to be responsible for accrued obligations:

(1) Until the obligations are satisfied; and

(2) For additional periods of time in accordance with paragraph (d) of this section.

(d) When your lease expires or is terminated, the surety that issued a bond will continue to be responsible, and the Regional Director will retain other forms of security as shown in the following table:

For the following type of bond	The period of liability will end	Your bond will be cancelled . . .
(1) Base bonds submitted under § 256.52(a), § 256.53(a), or (b).	When the Regional Director determines that you have met all of your obligations under the lease.	Seven years after the termination of the lease, 6 years after completion of all bonded obligations, or at the conclusion of any appeals or litigation related to your bonded obligation, whichever is the latest. The Regional Director will reduce the amount of your bond or return a portion of your security if the Regional Director determines that you need less than the full amount of the base bond to meet any possible future problems.
(2) Supplemental bonds submitted under § 256.53(d).	When the Regional Director determines that you have met all your obligations covered by the supplemental bond.	When you meet your bonded obligations, unless the Regional Director: (i) Determines that the future potential liability resulting from any undetected problems is greater than the amount of the base bond; and (ii) Notifies the provider of the bond that the Regional Director will wait 7 years before cancelling all or a part of the bond (or longer period as necessary to complete any appeals or judicial litigation related to your bonding obligation).

(e) For all bonds, the Regional Director may reinstate your bond as if no cancellation or release had occurred if:

(1) A person makes a payment under the lease and the payment is rescinded or must be repaid by the recipient because the person making the payment is insolvent, bankrupt, subject to reorganization, or placed in receivership; or

(2) The responsible party represents to MMS that it has discharged its obligations under the lease, and the representation was materially false when the bond was canceled or released.

[FR Doc. 01–29899 Filed 11–30–01; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP TAMPA–01–129]

RIN 2115–AA97

Security Zone; Port of Tampa, Tampa, FL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary fixed security zone in all waters in the vicinity of MacDill Air Force Base (AFB). This security zone is needed for national security reasons to protect MacDill AFB from potential subversive acts. Entry into this zone is prohibited, unless specifically authorized by the Captain of the Port, Tampa, Florida or his designated representative.

DATES: This regulation is effective at 7 a.m. (EDT) on October 24, 2001 and will remain in effect until 7 a.m. (EST) on January 31, 2002.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of [COTP Tampa 01–129] and are available for inspection or copying at Marine Safety Office Tampa, 155 Columbia Drive, Tampa, Florida 33606–3598 between 7:30 a.m. and 3 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Michael Holland, Coast Guard Marine Safety Office Tampa, at (813) 228–2189 extension 130.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to protect the public, ports and waterways of the United States. The Coast Guard will issue a broadcast notice to mariners and place Coast Guard or other law enforcement vessels in the vicinity of these zones to advise mariners of the restriction.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

Based on the September 11, 2001, terrorist attacks on the World Trade Center buildings in New York and the Pentagon in Arlington, Virginia, there is an increased risk that subversive activity could be launched by vessels or persons in close proximity to MacDill Air Force Base. This security zone will encompass all waters in the vicinity of MacDill Air Force Base commencing from a point at 27° 50.20′ N/82° 32.14′ W extending 1,000 yards from shore to a point at 27° 49.60′ N/82° 32.14′ W then south-easterly 1,000 yards from shore to a point at 27° 48.90′ N/82° 28.20′ W then circling 1,000 yards from shore to a point at 27° 51.51′ N/82° 28.60′ W then westerly to end at a point at 27° 51.51′ N/82° 29.18′ W. The Coast Guard will issue a broadcast notice to mariners regarding this security zone and what law enforcement vessels will be on-scene enforcing the zone. Entry into this security zone is prohibited, unless specifically authorized by the Captain of the Port, Tampa, Florida or his designated representative.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979) because this temporary security zone covers a limited area and is only in effect for a limited period of time. Moreover, vessels may be allowed to enter the zone on a case-by-case basis with the permission of the Captain of the Port.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because small entities may be allowed to enter on a case by case basis with the authorization of the Captain of the Port.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or government jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding this rule.

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive

Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

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

Environmental

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationships between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or use. We have determined that it is not a ''significant energy action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information andRegulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 6.04–11, 160.5; 49 CFR 1.46.

2. A new temporary § 165.T07–129 is added to read as follows:

§ 165.T07–129 Security Zone; Port of Tampa, Tampa Florida.

(a) *Regulated area.* The Coast Guard is establishing a temporary fixed security zone in all waters in the vicinity of MacDill Air Force Base commencing from a point at 27° 50.20′ N/82° 32.14′ W extending 1,000 yards from shore to a point at 27° 49.60′ N/82° 32.14′ W then south-easterly 1,000 yards from shore to a point at 27° 48.90′ N/82° 28.20′ W then circling 1,000 yards from shore to a point at 27° 51.51′ N/82° 28.60′ W then westerly to end at a point at 27° 51.51′ N/82° 29.18′ W.

(b) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port, or his designated representative. The Captain of the Port will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 13 and 16 (157.1 MHz).

(c) *Dates.* This section becomes effective at 7 a.m. (EDT) on October 24, 2001 and will remain in effect until 7 a.m. (EST) on January 31, 2002.

Dated: October 23, 2001.

A.L. Thompson, Jr.,

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

[FR Doc. 01–29885 Filed 11–30–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 20

RIN 2900–AJ73

Board of Veterans' Appeals: Rules of Practice—Notice of Appeal in Simultaneously Contested Claim

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Board of Veterans' Appeals (Board) adjudicates appeals from denials of claims for veterans' benefits filed with the Department of Veterans Affairs (VA). This document amends a Board Rule of Practice, pertaining to a type of notice given in simultaneously contested claim appeals, to eliminate an inconsistency between that Rule of Practice and an Appeals Regulation and to update a presumption related to communication of the notice.

DATES: Effective Date: January 2, 2002.

FOR FURTHER INFORMATION CONTACT: Steven L. Keller, Senior Deputy Vice Chairman, Board of Veterans' Appeals, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202–565–5978).

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on October 1, 1999 (64 FR 53302), we proposed to amend the Board's Rules of Practice to reconcile conflicting regulatory requirements in 38 CFR 19.102 and 38 CFR 20.502 concerning the information provided to other parties to a contested claim about the appeal of a contesting party. We also proposed to change a presumption concerning the date of furnishing this information .

The only comment that we received raised an objection concerning the presumption. As proposed, the rule would provide a presumption that information about the content of one contesting party's Substantive Appeal was furnished to other contesting parties on the date of the letter from VA that accompanies the information. The date the information is furnished is important because it begins a statutory 30-day time limit for filing a brief or argument in response to a Substantive Appeal.

A national veterans' service organization recommended that the time limit for filing the response begin to run on the date of mailing the information, stating that the ''proposed rule does not take into consideration the time delay of placing mail within the internal mail system of the Department.'' In the alternative, the organization suggested that the rule require that the information and letter be placed ''directly into the U.S. mail system.''

The presumption in this rule has been based on the date of the letter for a number of years and the proposed rule would not change that. It merely would establish the presumption that the information was furnished on the date of the letter, as opposed to the previous presumption that the information was mailed on the date of the letter. The change was proposed specifically to remove the presumption's tie to mailing, inasmuch as the means of communication is not limited to mailing by regulation or statute. The applicable statute, 38 U.S.C. 7105A, merely requires that notice of the substance of the appeal be ''communicated to the other party or parties in interest'' by

''forward[ing] to the last known address of record.'' VA does not believe that it is prudent to unduly limit flexibility by foreclosing every means of communication other than mailing, as would result from adoption of the commenter's suggestion.

Presumptions are useful because they serve to establish critical facts when there is no contrary evidence. VA considers the proposed presumption ''rebuttable.'' If the information is furnished by mail and the date of the letter and the date of mailing do not actually match in a particular case, a party may easily rebut the presumption by submitting a copy of the postmarked envelope. The presumption may be rebutted in other cases by other appropriate evidence, depending on the means by which the information was furnished.

For the reasons stated in this document and in the preamble to the proposed rule, VA is adopting the rule as proposed, except for a nonsubstantive grammatical change.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This rule may affect individual claimants for VA benefits and will not affect small businesses. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirement of sections 603 and 604.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more in any given year. This rule would have no consequential effect on State, local, or tribal governments.

List of Subjects in 38 CFR Part 20

Administrative practice and procedure, Claims, Lawyers, Legal services, Veterans.

Approved: November 26, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, amend 38 CFR part 20 as follows:

PART 20—BOARD OF VETERANS' APPEALS: RULES OF PRACTICE

1. The authority citation for part 20 continues to read as follows:

Authority: 38 U.S.C. 501(a) and as noted in specific sections.

2. Revise § 20.502 to read as follows:

§ 20.502 Rule 502. Time limit for response to appeal by another contesting party in a simultaneously contested claim.

A party to a simultaneously contested claim may file a brief or argument in answer to a Substantive Appeal filed by another contesting party. Any such brief or argument must be filed with the agency of original jurisdiction within 30 days from the date the content of the Substantive Appeal is furnished as provided in § 19.102 of this chapter. Such content will be presumed to have been furnished on the date of the letter that accompanies the content.

(Authority: 38 U.S.C. 7105A(b))

[FR Doc. 01–29844 Filed 11–30–01; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRN–7112–6]

RIN: 2050–AE07

Correction to the Hazardous Waste Identification Rule (HWIR): Revisions to the Mixture and Derived-from Rules: Delay of Effective Date; Reopening of Comment Period

ACTION: Delay of effective date and reopening of comment period.

SUMMARY: EPA issued a direct final rule in the **Federal Register** on October 3, 2001 at 66 FR 50332 entitled *Correction to the Hazardous Waste Identification Rule (HWIR): Revisions to the Mixture and Derived-from Rules; Direct Final Rule.* During and after the comment period for that direct final rule, U.S. mail delivery to EPA's dockets was delayed due to concerns about possible contamination. This document delays the effective date of that direct final rule and reopens the comment period for thirty days to assure that EPA receives any comments that were mailed during the comment period but were not received by EPA by the end of the comment period. EPA is requesting that anyone who submitted comments during the previous comment period resubmit those comments as described below.

DATES: This action is made on December 3, 2001. The effective date of the Correction to the Hazardous Waste Identification Rule, amending 40 CFR 261.3 published in the **Federal Register** on October 3, 2001 at 66 FR 50332, is delayed for 60 days, from December 3, 2001 to a new effective date of February 1, 2002. That direct final rule will be effective on February 1, 2002 unless EPA receives adverse comment by January 2, 2002.

ADDRESSES: Please send an original and two copies of your comments referencing Docket number F–2001–WH3P–FFFFF to (1) if using regular U.S. Postal Service mail: RCRA Docket Information Center, Office of Solid Waste (5305W), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0002, or (2) if delivering in person, or using special delivery, such as overnight express service: RCRA Docket Information Center (RIC), Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia 22202. Because of possible mail delays in the Washington DC area, please send a separate copy of each public comment either (1) via Internet email to *rcra-docket@epamail.epa.gov,* or (2) to David M. Friedman, U.S. EPA Region 3, Mail Code 3WC11, 1650 Arch Street, Philadelphia, PA 19103–2029. If sending comments via email, please make sure this electronic copy is in an ASCII format that doesn't use special characters or encryption. Cite the docket Number F–2001–WH3P–FFFFF in your electronic file.

The RCRA Information Center is located at Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington Virginia. If you would like to look at and copy supporting information for RCRA rules, please make an appointment with the RCRA Information Center by calling (703) 603–9230. Docket hours are from 9:00 A.M. to 4:00 P.M. Monday through Friday, except for Federal holidays. You may copy up to 100 pages from any regulatory document at no cost. Additional copies cost $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Call Center at (800) 424–9346 or TDD (800) 553–7672 (hearing impaired). In the Washington, DC, metropolitan area,

call (703) 412–9810 or TDD (703) 412–3323.

For more detailed information on specific aspects of this rulemaking, contact Tracy Atagi, Office of Solid Waste 5304W, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0002, 703–308–8672, *atagi.tracy@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 3, 2001, EPA published in the **Federal Register** at 66 FR 50332 a direct final rule taking final action on two clarifying revisions to the mixture rule. The first revision reinserts certain exemptions to the mixture rule which were inadvertently deleted. The second revision clarifies that mixtures consisting of certain excluded wastes (commonly referred to as Bevill wastes) and listed hazardous wastes that have been listed solely for the characteristic of ignitability, corrosivity, and/or reactivity, are exempt once the characteristic for which the hazardous waste was listed has been removed.

EPA also published a separate document at 66 FR50379 (October 3, 2001) to serve as the proposal to *Correction to the Hazardous Waste Identification Rule (HWIR): Revisions to the Mixture and Derived-from Rules* if adverse comments were filed. The rule was scheduled to become effective on December 3, 2001 unless EPA received adverse comment by November 2, 2001. However, during and after the comment period for that rule, U.S. mail delivery to all EPA Headquarters offices in Washington, DC and Northern Virginia, including EPA's dockets, was delayed due to concerns about possible contamination. Because of the unexpected and unprecedented nature of this U.S. mail delay and the resulting uncertainty about whether EPA may have received any comments that were sent by U.S. mail, EPA believes that it is in the public interest to temporarily delay the effective date of that direct final rule for sixty days. The purpose of delaying the effective date is to reopen the comment period for thirty days to assure that EPA receives any comments that were submitted by U.S. mail during the comment period but were delayed due to U.S. mail delays.

EPA expects that all delayed mail will be delivered by the end of this thirty-day period. However, to assure that EPA receives the comments, anyone who submitted comments during the comment period for *Correction to the Hazardous Waste Identification Rule (HWIR): Revisions to the Mixture and Derived-from Rules* should resubmit those comments in accordance with the directions in the **ADDRESSES** section of this notice. If EPA receives adverse comment on the direct final rule, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule.

To the extent that this action is subject to 5 U.S.C. 553, EPA's implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register,** is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3). Seeking public comment is impracticable and unnecessary in light of the imminent effective date and the extraordinary nature of the delays which affected all U.S. mail directed to EPA Headquarters offices. A brief extension of the effective date is in the public interest because it will assure that all comments are received and that interested parties are not disadvantaged by these unique circumstances.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget and is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 18355, May 22, 2001). In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This action 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 does not alter the relationship or the distribution of power and responsibilities established by applicable statute. Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. Because this action does not involve technical standards, EPA did not consider the use of any voluntary consensus standards under the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note). This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Waste treatment and disposal.

Dated: November 29, 2001.

Christine Todd Whitman,

Administrator.

[FR Doc. 01–29958 Filed 11–30–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 411

[CMS–1809–IFC]

RIN 0938–AL29

Medicare and Medicaid Programs; Physicians' Referrals to Health Care Entities With Which They Have Financial Relationships: Partial Delay of Effective Date

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

ACTION: Interim final rule with comment period; partial delay in effective date.

SUMMARY: This interim final rule with comment period delays for 1 year the effective date of the last sentence of 42 CFR 411.354(d)(1). Section 411.354(d)(1) was promulgated in the final rule entitled ''Medicare and Medicaid Programs; Physicians' Referrals to Health Care Entities With Which They Have Financial Relationships,'' published in the **Federal Register** on January 4, 2001 (66

FR 856). A 1-year delay in the effective date of the last sentence in § 411.354(d)(1) will give Department officials the opportunity to reconsider the definition of compensation that is ''set in advance'' as it relates to percentage compensation methodologies in order to avoid unnecessarily disrupting existing contractual arrangements for physician services. Accordingly, the last sentence of § 411.354(d)(1), which would have become effective January 4, 2002, will not become effective until January 6, 2003.

DATES: *Effective date:* The effective date of the last sentence in § 411.354(d)(1) of the final rule published in the **Federal Register** on January 4, 2001 (66 FR 856), is delayed for 1 year, from January 4, 2002 until January 6, 2003.

Comment date: Comments on the length of the delay of the effective date of the last sentence in § 411.354(d)(1) of the January 4, 2001 final rule will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on February 1, 2002.

ADDRESSES: In commenting, please refer to file code CMS–1809–IFC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

Mail written comments (one original and three copies) to the following address ONLY:

Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–1809–IFC, P.O. Box 8013, Baltimore, MD 21244–8013.

Please allow sufficient time for mailed comments to be timely received in the event of delivery delays.

If you prefer, you may deliver (by hand or courier) your written comments (one original and three copies) to one of the following addresses:

Room 443–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or

Room C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244–1850.

(Because access to the interior of the HHH Building is not readily available to persons without Federal Government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for commenters wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and could be considered late. For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Joanne Sinsheimer, (410) 786–4620.

SUPPLEMENTARY INFORMATION:

Copies: This **Federal Register** document is available from the **Federal Register** online database through *GPO Access,* a service of the U.S. Government Printing Office. The Web site address is: *http://www.access.gpo.gov/nara/index.html.*

In addition, the information in this interim final rule with comment period will be available soon after publication in the **Federal Register** on our MEDLEARN Web site: *www.hcfa.gov/medlearn/refphys.htm.*

I. Background

The final rule, entitled ''Medicare and Medicaid Programs; Physicians' Referrals to Health Care Entities With Which They Have Financial Relationships,'' published in the **Federal Register** on January 4, 2001 (66 FR 856), interpreted certain provisions of section 1877 of the Social Security Act (the Act). Under section 1877, if a physician or a member of a physician's immediate family has a financial relationship with a health care entity, the physician may not make referrals to that entity for the furnishing of designated health services (DHS) under the Medicare program, and the entity may not bill for the services, unless an exception applies. Many of the statutory and new regulatory exceptions that apply to compensation relationships require that the amount of compensation be ''set in advance.'' Section 411.354(d)(1) of the final rule defines the term ''set in advance.''

The last sentence of § 411.354(d)(1) reads: ''Percentage compensation arrangements do not constitute compensation that is 'set in advance' in which the percentage compensation is based on fluctuating or indeterminate measures or in which the arrangement results in the seller receiving different payment amounts for the same service from the same purchaser.'' Many of the comments we received regarding the January 4, 2001 physician self-referral final rule indicated that physicians are commonly paid for their professional services using a formula that takes into account a percentage of a fluctuating or indeterminate measure (for example, revenues billed or collected for physician services). According to the commenters, this compensation methodology is frequently used by hospitals, physician group practices, academic medical centers, and medical foundations. Several commenters pointed out that this aspect of the final rule, which is applicable to academic medical centers and medical foundations (among others), is inconsistent with the compensation methods permitted under the statute for many physician group practices and employed physicians (that is, neither section 1877(h)(4)(B)(i) of the Act nor section 1877(e)(2) of the Act contains the ''set in advance'' requirement). We understand that hospitals, academic medical centers, medical foundations and other health care entities would have to restructure or renegotiate thousands of physician contracts to comply with the language in § 411.354(d)(1) regarding percentage compensation arrangements.

II. Provisions of This Interim Final Rule With Comment Period

To avoid any unnecessary disruption to existing contractual arrangements while we consider modifying this provision, we are postponing for 1 year the effective date of the last sentence of § 411.354(d)(1). This delay should afford us enough time to reconsider the matter and to publish further guidance on the issue. In the meantime, compensation that is required to be ''set in advance'' for purposes of compliance with section 1877 of the Act may continue to be based on percentage compensation methodologies, including those in which the compensation is based on a percentage of a fluctuating or indeterminate measure. We note that the remaining provisions of § 411.354(d)(1) will still apply and that all other requirements of exceptions must be satisfied (including, for example, the fair market value and ''volume and value'' requirements).

III. Waiver of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking and invite public comment on the proposed rule. This procedure can be waived, however, if an agency finds good cause that the notice and comment rulemaking procedure is impracticable, unnecessary, or contrary to the public interest and if the agency incorporates in the rule a statement of such a finding and the reasons supporting that finding.

Our implementation of this action without opportunity for public comment is based on the good cause exceptions in 5 U.S.C. 553(b)(B). We find that seeking public comment on this action is impracticable, unnecessary, and contrary to the public interest. We are implementing this delay

of effective date as a result of our review of the public comments that we received on the January 4, 2001 physician self-referral final rule. As discussed above, we understand from those comments that, unless we delay the effective date of the last sentence of § 411.354(d)(1), hospitals, academic medical centers, and other entities will have to renegotiate numerous contracts for physician services, potentially causing significant disruption within the health care industry. We are concerned that the disruption could unnecessarily inconvenience Medicare beneficiaries or interfere with their medical care and treatment. Accordingly, we do not believe that it is in the public interest to offer yet another opportunity for public comment on essentially the same issue in the limited context of whether to delay this sentence of the regulation. In addition, given the imminence of the January 4, 2002 effective date, we find that seeking public comment on this delay in effective date would be impracticable because it would generate uncertainty regarding an imminent effective date. This uncertainty could cause health care providers to renegotiate thousands of contracts with physicians in an effort to comply with the regulation by January 4, 2002 if the proposed delay is not finalized until after the opportunity for public comment. Thus, providing the opportunity for public comment could result in the very disruption that this delay of effective date is intended to avoid.

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance Program; Program No. 93.774, Medicare—Supplementary Medical Insurance Program; and Program No. 93.778, Medical Assistance Program)

Dated: November 5, 2001.

Thomas A. Scully,

Administrator, Centers for Medicare & Medicaid Services.

Approved: November 19, 2001.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–29904 Filed 11–28–01; 3:20 pm]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–2880; MM Docket No. 99–259; RM–9685, RM–9775]

Radio Broadcasting Services; Soperton, Swainsboro, and East Dublin, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of Lacom Communications, Inc. this document substitutes Channel 251C3 for Channel 251A at Swainsboro, Georgia, reallots Channel 251C3 to East Dublin, Georgia, and modifies the Station WELT license to specify operation on Channel 251C3 at East Dublin, Georgia. *See* 64 FR 39964, published July 23, 1999. In doing so, this document denies a proposal filed by John Morgan Dowdy proposing a Channel 253A allotment at Soperton, Georgia. The reference coordinates for the Channel 251C3 allotment at East Dublin, Georgia, are 32–33–28 and 82–42–10.

DATES: Effective January 2, 2002.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau (202) 418–2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order* in MM Docket No. 99–259, adopted November 14, 2001, and released November 16, 2002. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals ll, 445 12th Street, SW., Room CY–B402, Washington, D.C. 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

List of Subjects in 47 CFR part 73

Radio Broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 251A, Swainsboro, and adding East Dublin, Channel 251C3.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–29873 Filed 11–30–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–2679; MM Docket No. 01–12; RM–10039]

Radio Broadcasting Services; Arthur, ND

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Vision Media, Incorporated, substitutes Channel 280A for Channel 244A at Arthur, North Dakota, and modifies Station WVMI(FM)'s license accordingly. *See* 66 FR 8559, February 1, 2001. Channel 280A can be allotted to Arthur in compliance with the Commission's minimum distance separation requirements with site restriction of 6.35 kilometers (3.94 miles) west at petitioner's requested site. The coordinates for Channel 280A at Arthur are 47–05–42 North Latitude and 97–18–01 West Longitude.

DATES: Effective December 31, 2001.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 01–12, adopted November 7, 001, and released November 16, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Qualex International, Portals II, 445 12th Street, SW, Room CY–B–402, Washington, DC 20554.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under North Dakota, is amended by adding Channel 280A and removing Channel 244A at Arthur.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–29872 Filed 11–30–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–2628; MM Docket No. 00–195; RM–9973, RM–10193, RM–10194]

Radio Broadcasting Services; Clinton and Oliver Springs, TN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a *Notice of Proposed Rule Making,* 65 FR 64924 (October 31, 2000), that proposed the allotment of Channel 291A to Clinton, Tennessee, this document grants a counterproposal to allot Channel 291A to Oliver Springs, Tennessee, and provides Oliver Springs with its first local competitive aural transmission service. The initial petition for rulemaking filed by Clyde Scott, Jr., D.B.A. EME Communications, that proposed allotting Channel 291A to Clinton as a fourth local aural transmission service, was denied. The coordinates for Channel 291A at Oliver Springs are 36–05–12 North Latitude and 84–21–25 West Longitude.

DATES: Effective December 24, 2001.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–195, adopted October 31, 2001, and released November 9, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC, 20554. The 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.*

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

1.The authority citation for Part 73 reads as follows:

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

§ 73.202 [Amended]

1. Section 73.202(b), the Table of FM Allotments under Tennessee, is amended by adding Channel 291A at Oliver Springs.

Federal Communications Commission.

John A. Karousos

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

[FR Doc. 01–29871 Filed 11–30–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–98–4515; Notice 4]

RIN 2127–AI57

Federal Motor Vehicle Safety Standards

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

ACTION: Response to petitions for reconsideration; final rule.

SUMMARY: This document responds to petitions for reconsideration of the Federal motor vehicle safety standard that addresses occupant crash safety issues exclusive to electric vehicles: electrolyte spillage and electrical shock protection. We are making clarifying amendments regarding the application of the standard, and regarding the test conditions for battery state of charge and electrical isolation. We are denying a petition to specify an alternative performance requirement for electrical isolation.

DATES: The final rule is effective December 1, 2001.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, contact Charles Hott, Office of Safety Performance Standards, NHTSA (202–366–0427). For legal issues, contact Taylor Vinson, Office of Chief Counsel, NHTSA (202–366–5263).

SUPPLEMENTARY INFORMATION: On September 27, 2000, the agency published a final rule establishing Federal Motor Vehicle Safety Standard No. 305 ''Electric-powered vehicles: Electrolyte spillage and electrical shock protection'' (65 FR 57980), effective October 1, 2001. On February 8, 2001, the effective date was delayed to December 1, 2001 (66 FR 9533).

Standard No. 305 applies to all electric vehicles (EVs) (except those covered by FMVSS No. 500 ''Low-Speed Vehicles'') that have a propulsion power source greater than 48 volts and a gross vehicle weight rating (GVWR) of 4536 kg (10,000 lbs) or less. The final rule was based on the Society of Automotive Engineers (SAE) J1766 ''Recommended Practice for Electric and Hybrid Electric Vehicle Battery Systems Crash Integrity Testing.'' The final rule contains provisions similar to those in the SAE recommended practice, with only those changes that were necessary to accommodate the regulatory text.

Standard No. 305 establishes performance criteria that must be met when an EV is subjected to the frontal impact test procedures of Standard No. 208 (including the 30-degree oblique impact test), the side impact test procedures of Standard No. 214, and the rear impact test procedure of Standard No. 301. No spillage of electrolyte into the occupant compartment is permitted. Electrolyte spillage outside the passenger compartment is limited to 5 liters for the 30-minute period after vehicle motion ceases, and throughout the post-crash rollover test. Battery modules must stay restrained in the vehicle without any component intruding into the occupant compartment. Electrical isolation between the chassis and high voltage system must be at least 500 ohms per nominal volt as determined by the SAE test procedure.

Petitions for Reconsideration

We received two petitions for reconsideration of Standard No. 305, one from General Motors Corporation (GM) and another from DaimlerChrysler Corporation (DC).

1. Petition Pertaining to S3, Application

GM believes that a change in the regulatory text of S3 Application is

needed to clarify the application of the standard. GM argued that the discussion in the preamble of the September 27, 2000 final rule indicates that the reference to ''48V'' in S3 is intended to mean ''48V nominal'' voltage rating. It noted that the preamble repeatedly refers to ''nominal voltage'' in explaining the agency's selection of 48V as the application breakpoint. GM explained that the practical necessity of this change stems in part from the emergence of 42 volt nominal voltage as the likely industry standard for automotive battery systems. Just as today's automotive batteries have a nominal voltage rating of 12V and an operating voltage that can be close to 14V, the emerging 42V nominal systems may have peak operating voltages that slightly exceed the 48V breakpoint specified in Standard No. 305. GM argued that the standard should be amended to clarify that Standard No. 305 is not intended to apply to these 42V battery systems, including 42V battery systems used to supplement propulsion power.

GM is correct that the 48 volts referred to in S3 is intended to be nominal voltage. As we stated in the preamble to the final rule, this breakpoint voltage was determined from SAE J1673, ''High Voltage Automotive Wiring Assembly Design;'' SAE J1797, ''Packaging of Electric Vehicle Battery Modules;'' and SAE Information Report 52232, ''Vehicle System Voltage—Initial Recommendations.'' All refer to nominal voltages. We agree with GM that the application section of Standard No. 305 should be modified to clearly state that the voltage specified is nominal voltage. Accordingly, we are granting GM's petition and amending S3 to add the word ''nominal'' after the words ''48 volts.''

2. Petition Pertaining to S7.1, Battery State of Charge

Paragraph S7.1 of Standard No. 305 specifies the state of charge of the batteries at the time of compliance testing. S7.1 specifies that the state-of-charge of the propulsion battery pack is at the maximum level recommended by the manufacturer, or at a level not less than 95 percent of the maximum capacity of the battery pack if the manufacturer does not provide a written recommendation. GM commented that, for certain vehicles, neither of these options is appropriate. GM asserted that hybrid EVs are being designed so that the propulsion battery pack is recharged exclusively by another onboard energy source, instead of by off-vehicle sources as surmised by the options in S7.1. Thus, there are no provisions to connect these hybrid EVs to an electrical charging port. GM stated that since vehicle owners will not have any means to charge directly the propulsion battery pack, there is no reason for the manufacturer to recommend a charging procedure or state-of-charge level in the operator's manual. GM further stated that the propulsion battery pack in these hybrid EVs is likely to be designed to operate within a state-of-charge range that is below 95 percent of the maximum capacity of the battery pack in order to maximize battery life.

We agree with GM's comment. Hybrid EVs already produced by Toyota and Honda do not contain any provision for charging the battery pack externally, and currently operate at a capacity of less than 95 percent. Accordingly, we are granting GM's petition, and amending S7.1 to specify that, in the case of a vehicle whose batteries are rechargeable only by an energy source on the vehicle, the battery state of charge for testing is ''any state of charge within the normal operating voltage, as defined by the vehicle manufacturer.''

3. Petition Pertaining to S7.6.1, Electrical Isolation Test Procedure

Paragraph S7.6.1 of Standard No. 305 specifies the procedures for the electrical isolation test. S7.6.1 specifies that, if a vehicle ''utilizes an automatic disconnect between the propulsion battery system and the traction system, the electrical isolation measurement after the impact is made from the battery side of the automatic disconnect to the vehicle chassis.'' DC currently designs an automatic disconnect that is located entirely inside the battery container, and therefore, inaccessible to any measurement of electrical isolation without removal of the battery. DC stated that the intent of this design is to better confine the voltage to the inside of the battery compartment in an impact. DC argued that, in order to avoid being design restrictive, the measurement for electrical isolation should be made using a method that parallels SAE J1766.

GM provided supplemental information to support DC's petition, arguing that the present provision for measuring the voltage from the battery side of any contactors is overly design restrictive. GM reminded us that, in its response to the Notice of Proposed Rulemaking (NPRM) on Standard No. 305, it recommended that the agency clarify the measurement location in the regulatory text, and that Standard No. 305 contains the language GM suggested. GM now agrees with DC that Standard No. 305 should allow for the isolation measurement to be made from the traction side of the automatic disconnect in designs in which the disconnect is located inside the battery pack. GM stated that, like DC, it also has designs with an automatic disconnect that is located entirely inside the battery container, and that the intent of its design is also to better confine the voltage to the inside of the battery compartment after an impact.

GM related that it and other vehicle manufacturers have been marketing inherently safe battery-powered EVs since 1996. With respect to electrical safety, GM has designed its EV1 and S10 EVs in accordance with SAE J1766. The design strategy used has been to isolate the propulsion battery high voltage from the accessible areas of the vehicle if the system is compromised (e.g., loss of electric isolation, loss of interlock pilot line, loss of ground reference, etc.). According to GM, this approach of containing high voltage to the vehicle battery pack has been demonstrated in validation testing, and has been successful in the field.

GM argued that, by requiring the electrical isolation measurements to be made on the battery side of the contactors following the impact tests, it is probable that electrically-safe EVs would not comply with Standard No. 305 as presently written. In GM's view, it is possible that a side impact test could result in contact between the vehicle structure and one of the battery terminals. The automatic disconnect would immediately detect this condition and open the high voltage contactors (which are located inside the battery pack), removing all high voltage from the accessible areas of the vehicle. Although the high voltage is now referenced to the vehicle chassis ground, there is no accessibility to high voltage, and therefore no electric shock hazard.

Nevertheless, the present language of Standard No. 305 would prohibit this design. GM stated that its EVs' high voltage bus is designed to be electrically isolated from the vehicle chassis ground, primarily to add a level of fault tolerance to the electrical safety system (a ''bus,'' in electrical terms, is a location in an electrical system used to distribute electrical voltage/power). By itself, a loss of electrical isolation between a point on the high voltage bus and vehicle chassis ground is not an electrical safety hazard. If the loss of electrical isolation occurs, the high-voltage bus is purposely referenced to vehicle chassis ground. GM further stated that, with a chassis-referenced high-voltage bus, it would take at least one failure (access to the other side of the high voltage) to become an electric

safety hazard. With an isolated high voltage bus, which is the EV original equipment manufacturers' design standard in the U.S., at least two failures (access to two separate areas of the high voltage bus) are needed to create a possible electric safety hazard.

GM further argued that, in the event that electrical isolation is lost during a vehicle crash, containing the high voltage to the inaccessible battery pack has been demonstrated to be an effective method for ensuring EV safety.

GM believes that to ensure that there is no loss of electrical isolation during a vehicle impact, sufficient crush space must be provided. In frontal collisions, with batteries that are located away from the accessible underhood area of the vehicle, there is typically sufficient crush space to reduce chassis structural impingement into the battery module area. However, in side or rear collisions, depending on the location of the battery modules, there may be less crush space available. GM argued that, in smaller, lower mass vehicles, the problem of maintaining adequate crush space for preventing loss of electrical isolation, while meeting the manufacturer's driving range goals, becomes increasingly difficult. In its opinion, the present language of Standard No. 305 would require a reduction in the amount of energy storage on the vehicle, thus reducing its available range. GM related that most of the automotive manufacturers are considering the smaller, ''city cars'' as part of their EV product portfolio. If the electrical isolation measurements are made on the battery side of the contactors, there would be a reduction in range performance to achieve compliance with Standard No. 305. This reduction in range would essentially render ''city cars'' not viable.

To address these concerns, GM recommended that S5.3 and S7.6.1 be revised to read as follows:

S5.3 Electrical Isolation. Electrical isolation between the battery system and the vehicle electricity-conducting structure after each test must be not less than 500 ohms/volt. Alternatively, if the vehicle utilizes an automatic disconnect between the propulsion battery system and the traction system that is physically contained within the battery pack system, the measured voltage after each test must be less than or equal to 30 volts.

and

S7.6.1 Prior to any barrier test, the propulsion battery system is connected to the vehicle's propulsion system, and the vehicle ignition is in the ''on'' (traction (propulsion) system energized) position. If the vehicle utilizes an automatic disconnect between the propulsion battery system and the traction system that is physically contained within the battery pack system, the electrical isolation measurement after the impact is made from the traction side of the automatic disconnect to the vehicle chassis. If the vehicle utilizes an automatic disconnect that is not physically contained within the battery pack system, the electrical isolation measurement after the impact is made from the battery side of the automatic disconnect to the vehicle chassis.

GM argued that the proposed modification of S7.6.1 to specify electrical isolation measurement from the traction side of the battery will meet the need of motor vehicle safety by safeguarding against electric shock hazards in EVs and would still be consistent with SAE J1766. In addition, it would be consistent with the test protocol that the agency validated in May 1998 in the 35 mph frontal crash test of an EV1.

DC's design with the automatic disconnect located inside the battery pack is similar to the design tested on GM's EV1. We agree with DC's and GM's assertions that this requirement, based on GM's comments to the NPRM, may now be overly design restrictive. In fact, NHTSA's own testing of EVs to date has measured electrical isolation from the traction side of the contactors. We believe that SAE J1766 is somewhat vague as to where the measurement should be taken. We agree with GM that a loss of electrical isolation between a point on the high voltage bus and the vehicle chassis ground is not an electrical safety hazard. Further, we do not believe that there would be any detriment to safety from taking the measurements on the traction side of the contactors, provided that the contactors are located inside the battery pack of the vehicle. We note that the same is not true if the contactors are located outside the battery pack. In that instance, there is an increased risk of someone coming in contact with high voltage caused by chaffed wires leading to the contactors if the isolation switch is located outside the battery pack. In that configuration, the measurement should be taken from the battery side of the contactors.

We are granting DC's and GM's petitions, and are amending S7.6.1 to add at the end of the existing text:

If the vehicle utilizes an automatic disconnect that is not physically contained within the battery pack system, the electrical isolation measurement after the impact is made from the battery side of the automatic disconnect to the vehicle chassis.

As noted earlier, GM also recommended changing S5.3, the electrical isolation requirement, to state that, for EVs which have an automatic disconnect located entirely in the battery pack, a voltage measurement of more than 30 volts would be required to perform the electrical isolation test. GM did not provide any rationale for why it sought this change. The GM recommendation would specify a minimum voltage above which the electrical isolation test procedure would be performed. We do not believe that specifying a minimum voltage to perform the electrical isolation test will add any safety benefit that is not already provided for in the standard. The standard now requires electrical isolation of 500 ohms/volt. This establishes an exposure of 0.002 ampere, which is at the threshold of sensation and well below a level of physiological concern. The GM recommendation would not change this exposure. In fact, if there is any voltage, the standard requires that the isolation test be performed. The GM recommendation would unnecessarily restrict the voltage over which the electrical isolation test could be conducted. Further, the GM recommendation would add requirements to the standard that need to be the subject of public notice and comment before they can be adopted. For the reasons discussed above, we see no justification at this time for requiring a change in S5.3 to specify a minimum voltage to perform the isolation test. Accordingly, we are denying this aspect of GM's petition for reconsideration of Standard No. 305.

Standard No. 305 is effective December 1, 2001. We have concluded that the minor amendments to Standard No. 305 effected by this notice should also be effective December 1, 2001, rather than 180 days after issuance of this notice. It is in the public interest to make the amendments effective on that date because they will facilitate compliance by manufacturers of EVs.

Rulemaking Analyses

Executive Order 12866 and DOT Regulatory Policies and Procedures

This document was not reviewed under Executive Order 12866. It has been determined that the rulemaking action is not significant under Department of Transportation regulatory policies and procedures. In promulgating the final rule in September 2000, we discussed at some length the impact of that final rule, and concluded that the impacts of that rule were so minimal as not to warrant preparation of a full regulatory evaluation. Today's final rule merely clarifies that earlier final rule.

Regulatory Flexibility Act

We have also considered the impacts of this rulemaking action in relation to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.* I certify that this rulemaking action does not have a significant economic impact upon a substantial number of small entities.

The following is our statement providing the factual basis for the certification (5 U.S.C. 605(b)). This final rule merely clarifies the original final rule. When we analyzed the original final rule for the purposes of the Regulatory Flexibility Act, we concluded that the overall economic impact was not considered to be significant, and, accordingly, no regulatory flexibility analysis was prepared.

Executive Order 13132 (Federalism)

Executive Order 13132 on ''Federalism'' requires us to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of 'regulatory policies that have federalism implications.' '' The E.O. defines this phrase to include regulations ''that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This final rule, which regulates the manufacture of certain motor vehicles, will not have 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, as specified in E.O. 13132. As noted above, it merely clarifies an earlier final rule.

National Environmental Policy Act

We have analyzed this rulemaking action for purposes of the National Environmental Policy Act. The rulemaking action will not have a significant effect upon the environment as it does not affect the present method of manufacturing electric vehicles.

Civil Justice Reform

This rule will not have any retroactive effect. Under 49 U.S.C. 30103(b)(1), whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 30161 sets forth a procedure for judicial review of final rules establishing, amending, or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the cost, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually. Because this rule will not have a $100 million effect, we have not prepared an Unfunded Mandates assessment.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (the Act) requires agencies to evaluate and use existing voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law (e.g., the statutory provisions regarding our vehicle safety authority) or otherwise impractical. In meeting that requirement, we are required to consult with voluntary, private sector, consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), the Society of Automotive Engineers (SAE), and the American National Standards Institute (ANSI). If we do not use available and potentially applicable voluntary consensus standards, we are required by the Act to provide Congress, through OMB, an explanation for not using such standards.

As we have explained in the preamble, this final rule is based upon SAE J1766 FEB96 ''Recommended Practice for Electric and Hybrid Electric Vehicle Battery Systems Crash Integrity Testing,'' and is substantially similar to it in its specifications for prohibition of electrolyte spillage in front, side, and rear impacts, and battery retention during such impacts, and electrical isolation.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Reporting and recordkeeping requirements.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, 49 CFR part 571 is amended as follows:

1. The authority citation for part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30166; delegation of authority at 49 CFR 1.50.

2. In § 571.305, paragraphs S3, S7.1, and S7.6.1 are revised to read as follows:

§ 571.305 Standard No. 305; Electric-powered vehicles: electrolyte spillage and electrical shock protection.

* * * * *

S3 *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks and buses with a GVWR of 4536 kg or less, that use more than 48 nominal volts of electricity as propulsion power and whose speed attainable in 1.6 km on a paved level surface is more than 40 km/h.

* * * * *

S7.1 *Battery state of charge.* The battery system is at the level specified in the following paragraph (a), (b), or (c), as appropriate:

(a) At the maximum state of charge recommended by the manufacturer, as stated in the vehicle operator's manual or on a label that is permanently affixed to the vehicle;

(b) If the manufacturer has made no recommendation, at a state of charge of not less than 95 percent of the maximum capacity of the battery system; or

(c) If the batteries are rechargeable only by an energy source on the vehicle, at any state of charge within the normal operating voltage, as defined by the vehicle manufacturer.

* * * * *

S7.6.1 Prior to any barrier impact test, the propulsion battery system is connected to the vehicle's propulsion system, and the vehicle ignition is in the ''on'' (traction (propulsion) system energized) position. If the vehicle utilizes an automatic disconnect between the propulsion battery system and the traction system that is physically contained within the battery pack system, the electrical isolation measurement after the impact is made from the traction side of the automatic disconnect to the vehicle chassis. If the vehicle utilizes an automatic disconnect that is not physically contained within the battery pack system, the electrical isolation measurement after the impact is made from the battery side of the automatic disconnect to the vehicle chassis.

* * * * *

Issued on: November 27, 2001.

Jeffrey W. Runge,

Administrator.

[FR Doc. 01–29901 Filed 11–30–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 112701B]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Reopening of the Commercial Red Snapper Component

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

ACTION: Announcement of a reopening of a fishery.

SUMMARY: NMFS announces that the closed commercial fishery for red snapper in the exclusive economic zone (EEZ) of the Gulf of Mexico will reopen. Reopening of the fishery is necessary because the 2001 annual quota for red snapper has not been reached.

DATES: The commercial fishery for red snapper will reopen at noon, local time, December 1, 2001, and will close at noon, local time, December 3, 2001. The fishery will remain closed until noon, local time, on February 1, 2002.

FOR FURTHER INFORMATION CONTACT: Phil Steele, telephone 727-570-5305, fax 727-570-5583, e-mail Phil.Steele@noaa.gov.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act by regulations at 50 CFR part 622. Those regulations set the commercial quota for red snapper in the Gulf of Mexico at 4.65 million lb (2.11 million kg) for the current fishing year, January 1 through December 31, 2001. The red snapper commercial fishing season is split into two time periods, the first commencing at noon on February 1 with two-thirds of the annual quota (3.10 million lb (1.41 million kg)) available, and the second commencing at noon on October 1 with the remainder of the annual quota available. During the commercial season, the red snapper commercial fishery opens at noon on the first of each month and closes at noon on the 10th of each month, until the applicable commercial quotas are reached. The fall season was originally scheduled to be closed at noon, local time, on November 10, 2001, when NMFS projected the fall quota would be reached. However, inclement weather during the November 1-10 opening limited fishing activities for red snapper in some areas of the Gulf and, therefore, the fall quota was not reached.

Under 50 CFR 622.43(a), NMFS is required to close the commercial fishery for a species or species group when the quota for that species or species group is reached, or is projected to be reached, by filing a notification to that effect in the **Federal Register**. Based on current statistics, NMFS has determined that the available commercial quota of 4.65 million lb (2.11 million kg) for red snapper will be reached when the fishery closes at noon on December 3, 2001. Accordingly, the commercial fishery in the EEZ in the Gulf of Mexico for red snapper will remain closed until noon, local time, on February 1, 2002. The operator of a vessel with a valid reef fish permit having red snapper aboard must have landed and bartered, traded, or sold such red snapper prior to noon, local time, December 3, 2001.

During the closure, the bag and possession limits specified in 50 CFR 622.39(b) apply to all harvest or possession of red snapper in or from the EEZ in the Gulf of Mexico, and the sale or purchase of red snapper taken from the EEZ is prohibited. In addition, the bag and possession limits for red snapper apply on board a vessel for which a commercial permit for Gulf reef fish has been issued, without regard to where such red snapper were harvested. However, the bag and possession limits for red snapper apply only when the recreational quota for red snapper has not been reached and the bag and possession limit has not been reduced to zero. The prohibition on sale or purchase does not apply to sale or purchase of red snapper that were harvested, landed ashore, and sold prior to noon, local time, December 3, 2001, and were held in cold storage by a dealer or processor.

Classification

This action is taken under 50 CFR 622.43(a) and is exempt from review under Executive Order 12866.

Dated: November 28, 2001.

Jonathan M. Kurland,

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

[FR Doc. 01–29879 Filed 11–28–01; 2:21 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 232
Monday, December 3, 2001

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ASO–12]

Proposed Establishment of Class D Airspace; Titusville, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class D airspace at Titusville, FL. A federal contract tower with a weather reporting system is in operation at the National Aeronautics and Space Administration (NASA) Shuttle Landing Facility. Therefore, the airport meets the criteria for establishment of Class D airspace. Class D surface area airspace is required when the control tower is open to contain existing Standard Instrument Approach Procedures (SIAPs) and other Instrument Flight Rules (IFR) operations at the airport. This action would establish Class D airspace extending upward from the surface to and including 1,900 feet MSL within a 5.7-mile radius of the NASA Shuttle Landing Facility.

DATES: Comments must be received on or before January 2, 2002.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 01–ASO–12, Manager, Airspace Branch, ASO–520, P.O. Box 20636, Atlanta, Georgia 30320. The official docket may be examined in the Office of the Regional Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, telephone (404) 305–5586.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 01–ASO–12,'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination in the Office of the Regional Counsel for Southern Region, Room 550, 1701 Columbia Avenue, College Park, Georgia 30337, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

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

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class D airspace at Titusville, FL. Class D airspace designations for airspace areas extending upward from the surface of the earth are published in Paragraph 5000 of FAA Order 7400.9J, dated August 31, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class D designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

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

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

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

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

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9J, Airspace Designations and Reporting Points, dated August 31, 2001, and effective

September 16, 2001, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASO FL D Titusville, FL [New]

NASA Shuttle Landing Facility, FL
(Lat. 28°36′54″ N, long. 80°41′40″ W)
Space Coast Regional Airport
(Lat. 28°30′50″ N, long. 80°47′58″ W)

That airspace extending upward from the surface to and including 1,900 feet MSL within a 5.7-mile radius of NASA Shuttle Landing Facility, excluding the portion east of a line connecting the 2 points of intersection with the 4-mile radius circle centered on Space Coast Regional Airport; excluding the portion west of a line connecting 2 points of intersection with Restricted Area R–2934; excluding the portion within Restricted Areas R–2932 and R–2934 when they are active. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on November 26, 2001.

Wade T. Carpenter,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 01–29887 Filed 11–30–01; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL–7108—9]

RIN 2060–AJ79

Regulation of Fuel and Fuel Additives: Reformulated Gasoline Terminal Receipt Date

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: With today's action the Environmental Protection Agency (EPA) is proposing to establish April 15 as a new annual compliance date for reformulated gasoline (RFG) and reformulated blendstock for oxygenate blending (RBOB), on or after which no persons except retailers and wholesale purchaser consumers would be able to accept receipt of any RFG other than summer grade RFG. This action is intended to help ease the annual spring transition from winter grade RFG to summer grade RFG by increasing RFG inventories during the transition period. Requiring all terminals to receive summer grade RFG by a fixed date should help reduce the competitive pressure that keeps terminals from accepting summer grade RFG for as long as possible, and may provide for a smoother transition in certain geographic areas by lengthening the turnover time for terminal tanks. We are also proposing to simplify the existing blendstock accounting requirements. This action will allow refineries more flexibility to transfer gasoline blendstocks from one refinery to another. Finally, we are proposing to update certain ASTM designated analytical test methods for reformulated and conventional gasoline to their most recent ASTM version, and also update several sampling methods to their most recent ASTM version. These updates will allow improvements in the test method procedures and sampling procedures that would ensure better operation for the user of the test methods and sampling procedures.

DATES: Comments. All public comments must be received on or before January 2, 2002. To request a public hearing, contact Chris McKenna at (202) 564–9037 or *mckenna.chris@epa.gov.* If a hearing is requested within 20 days of the date of publication of this document in the **Federal Register**, a hearing will be held on December 24, 2001 at the location indicated in the **ADDRESSES** section below. Persons wishing to testify at a public hearing must contact Chris McKenna at (202) 564–9037, and submit copies of their testimony to the docket and to Chris McKenna at the addresses below, no later than 10 days prior to the hearing. After the hearing, the docket for this rulemaking will remain open for an additional 30 days to receive comments. If a hearing is held, EPA will publish a document in the **Federal Register** extending the comment period for 30 days after the hearing.

ADDRESSES: Any person wishing to submit comments should send them (in duplicate, if possible) to the docket address listed below and to Chris McKenna (6406J), Chemical Engineer, U.S. Environmental Protection Agency, Office of Transportation and Air Quality, Transportation and Regional Programs, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Materials relevant to this have been placed in docket (A–2001–21) located at U.S. Environmental Protection Agency, Air Docket Section, Room M–1500, 401 M Street, SW., Washington, DC 20460. The docket is open for public inspection from 8:00 a.m. until 5:30 p.m., Monday through Friday, except on Federal holidays. A reasonable fee may be charged for photocopying services.

FOR FURTHER INFORMATION CONTACT: For further information about this proposed rule, contact Chris McKenna, Chemical Engineer, Office of Transportation and Air Quality, Transportation and Regional Programs Division, at (202) 564–9037 or mckenna.chris@epa.gov.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially affected by this action include those involved with the production, importation, distribution, sale and storage of gasoline motor fuel.

The table below gives some examples of entities that may have to comply with the regulations. However, since these are only examples, you should carefully examine these and other existing regulations in 40 CFR part 80. If you have any questions, please call the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

Category	NAICSs codes [a]	SIC codes [b]	Examples of potentially regulated parties
Industry	324110	2911	Petroleum refiners.
Industry	422710	5171	Gasoline marketers and distributors.
	422720	5172	

[a] North American Industry Classification System (NAICS).
[b] Standard Industrial Classification (SIC) system code.

Outline

I. New Terminal Receipt Date for Summer Grade Reformulated Gasoline

A. Background

The purpose of the reformulated gasoline (RFG) program is to improve air quality in certain specified ozone nonattainment areas. Gasoline sold in RFG covered areas must achieve certain reductions in emissions of ozone forming volatile organic compounds (VOCs) and toxic air pollutants, pursuant to 211(k) of the Clean Air Act (CAA or the Act), as amended [1]. The Act requires RFG in the ten metropolitan areas with the worst summertime ozone problems, and certain other areas have opted into the program.

Phase I of the RFG program ran from 1995 through 1999, and more stringent Phase II RFG standards began in 2000. During the summer ozone season EPA's Phase II RFG regulations require a 29 percent reduction in VOC emissions from RFG in southern (class B) areas, and a 27.4 percent reduction in such emissions from RFG in northern (class C) areas (representing approximately an additional 10 percent reduction in VOC emissions beyond the Phase I requirements).

One significant way of reducing VOC emissions from RFG is to decrease the Reid Vapor Pressure (RVP) of the RFG during summer months. As a result, summer grade RFG has a significantly lower RVP than winter grade RFG. RVP is a measure of a gasoline's volatility, or the tendency for a gasoline to evaporate. As gasoline RVP increases, the tendency of the gasoline to emit volatile material also increases. Higher emissions of volatile material increase pollution. Therefore, gasoline RVP is permitted to be relatively high during colder months because colder temperatures reduce the tendency of gasoline to evaporate and reduce emissions of volatile material. During hotter months, refiners must reduce gasoline RVP by removing the most volatile portion of the gasoline in order to reduce evaporative emissions from the gasoline.

Each spring, refiners and importers must reduce the RVP of the gasoline that they produce or import in order to comply with federal summer emissions requirements, and refiners, gasoline terminal facilities and retail stations must replace high RVP winter grade RFG in storage tanks with lower RVP summer grade RFG. EPA regulations stipulate that gasoline retailers must be selling only summer grade RFG by June 1 of each year. In order to meet the June 1 compliance date, EPA regulations stipulate that by May 1 the RFG at terminals and all other facilities upstream of the retailer must meet the summertime RFG requirements. Refineries typically begin producing lower RVP RFG in March or April in order for terminals to meet the May 1 compliance date.

Storage terminals use different methods for meeting the applicable compliance dates. Some terminals completely convert their tanks from high to low RVP gasoline by starting to blend summer gasoline into the terminal tank prior to May 1, so that by May 1 the gasoline in the terminal tank meets summer specifications—the ''blend down'' method. Alternatively, some terminals draw down their inventory of winter gasoline by continuing to make deliveries of winter gasoline, but not replacing it. When the tank is sufficiently low, the terminal begins accepting summer gasoline in order to meet the May 1 compliance date. This method is called the ''draw down'' method.

Because low RVP summer grade RFG is more expensive than high RVP winter grade RFG, distributors have incentive to delay terminal receipt of more expensive summer grade fuel, and draw down tanks as much as possible before refilling. Then, with the tank about empty, the last minute addition of summer grade fuel allows terminal tanks to quickly come into compliance with summer grade RFG requirements. This practice minimizes the cost of converting the tank from winter grade RFG to summer grade RFG. This economic incentive increases the likelihood that terminals will use the draw down method for the transition to summer fuel. Terminals practicing the draw down method only wish to receive summer grade RFG just before May 1 when their tanks are low. This practice delays production and importation of summer RFG. This practice may also lead to low gasoline inventories and increased supply pressure, particularly if there are any disruptions to the production or distribution system during this period. Additionally, during the past two spring transition periods, refiners have also tried to keep RFG inventories low in the expectation that future crude oil prices would decrease and RFG inventories could be replenished by processing less expensive crude in the future. The effort to increase inventories by establishing a new terminal receipt date might be limited by the conditions in the broader crude oil and petroleum product market.

EPA has no regulations governing the methods by which terminal operators turn over their tanks from winter to summer grade RFG. Terminal operators choose whether to use the blend down method or the draw down method to turn over their tanks. Although EPA has heard anecdotal comments about difficulties with tank turnover, primarily in the Midwest, no refiner or terminal operator has contacted EPA with specific problems.

In response to concerns about tight RFG supplies in the Midwest during spring 2000 and spring 2001, EPA met with midwestern producers and distributors of RFG in March, 2001 and asked that anyone experiencing difficulty with tank turnover contact EPA for help in addressing their problem. No refiners, importers or terminal operators contacted EPA during the transition months regarding difficulties with tank turnover. Nonetheless, we believe that the practice of drawing down terminal tanks in connection with the transition from winter to summer grade RFG can have an adverse impact on spring RFG inventories and potentially on gasoline supply. Therefore, we believe it is appropriate for EPA to proceed with today's proposed rule, and for EPA to ask for comment on several potential actions, many of which have been suggested to EPA by fuel producers and distributors, that address this issue. EPA believes that today's proposed action would have a positive impact on distribution and supply, and would help to assure a smoother transition from summer to winter grade RFG.

B. What Is EPA Proposing?

We are proposing to establish a new April 15 date on or after which no persons except retailers and wholesale purchaser consumers would be able to accept receipt of any RFG or RBOB other than summer grade RFG or RBOB. While this restriction would apply to

[1] Section 211(k) also includes compositional specifications for reformulated gasoline including a 2.0 weight percent oxygen minimum, a 1.0 volume percent benzene maximum, and a prohibition on heavy metal content, as well as a requirement that emissions of oxides of nitrogen (NO_X) from RFG not increase compared to baseline emissions (baseline emissions are the emissions of 1990 model year vehicles operated on 1990 baseline gasoline).

both terminals and pipelines, barges or other companies transporting fuel to terminals, effectively the restriction applies most directly to terminals so for ease of discussion the April 15 date will be referred to as a terminal receipt date. Also for ease of discussion, since the April 15 date applies to both RFG and RBOB, all references to RFG in connection with the April 15 date will apply to both RFG and RBOB. Batch report information submitted to EPA for 2000 indicates that approximately 181 million gallons of winter grade RFG was produced by refiners or imported from April 15, 2000 through April 30, 2000, all of which was produced or imported in PADDs 1, 2, and 3. The average RVP of this volume was 8.04 psi. Thus, establishing an April 15 summer RFG receipt date would require the RVP of at least 181 million gallons of RFG to be reduced from an average of 8.04 psi to a nominal 6.8 psi to meet the summer RFG specifications.

One suggested alternative to establishing a new April 15 receipt date was to instead establish a new refinery production date for summer grade RFG. For example, a refinery production date of April 1 could be established in place of an April 15 receipt date. The receipt date option being proposed will give a refiner more flexibility in deciding when to begin production of summer grade RFG based on its particular situation. For example, an RFG batch produced at a Gulf Coast refinery would take 2–3 weeks to be transported to terminals in the Midwest or Northeast. However, a refinery located in the Midwest or Northeast may take only one or two days to transport its RFG to local terminals.

Establishing a receipt date for summer grade RFG means that refineries must begin producing summer grade RFG batches early enough that the RFG arrives at its destined terminal by April 15. A 1986 study commissioned by EPA estimated an average national transit time of approximately 7 days between refinery and terminal for gasoline produced in May [2]. Subtracting this transit time from April 15 means that, on average, RFG batches produced or imported from April 8 through April 30 would need to be produced or imported as summer grade RFG. Batch report information submitted to EPA for 2000 indicates that 315.6 million gallons of winter grade RFG was produced by refiners or imported from April 8, 2000 through April 30, 2000, all of which was produced or imported in PADDs 1, 2, and 3. The average RVP of this volume was 8.34 psi. Winter grade RFG volumes produced or imported in each PADD from April 8, 2000 through April 30, 2000 are summarized in Table 1, along with the corresponding average RVP.

TABLE 1.—RFG BATCH INFORMATION FROM APRIL 8, 2000 THROUGH APRIL 30, 2000

PADD	Winter grade RFG produced from April 8, 2000 through April 30, 2000 million gallons	Average RVP of RFG produced from April 8, 2000 through April 30, 2000 psi
1	132.8	9.06
2	160.7	7.52
3	22.1	9.97
Total	315.6	8.34

C. How Will This Proposal Help the Transition Period?

This proposal should help to provide for a smoother transition from winter to summer RFG by requiring some terminals to begin turning over their tanks from winter grade RFG to summer grade RFG earlier than they currently do. Because some terminals draw down their gasoline storage tanks to very low levels in late April to drain as much winter grade RFG as possible from their tanks before refilling the tanks with summer grade RFG, in order to minimize cost, there is the potential for very low inventories of RFG during this transitional period which increases the likelihood of supply problems. Requiring all terminals to begin receiving summer grade RFG by a fixed date will remove much of the incentive for terminals to draw down their tanks to very low levels all at the same time. We expect instead that it will encourage a blend down of their tanks to meet summer RFG requirements and increase volumes of RFG at terminals during the transition, allowing terminals to more gradually turn over their tanks from winter to summer grade RFG, and help spread the transition period out over the last two weeks in April. This should help to avoid situations where many terminals draw down their inventories and turn over their tanks simultaneously at the end of April.

Establishing an April 15 terminal receipt date for summer grade RFG will not reduce the market pressure for refiners to delay production of summer gasoline until it is required. However, the April 15 date will reduce the market pressure that causes terminals to delay accepting summer grade RFG for as long as possible. Terminals would be required to begin receiving summer grade RFG on April 15 and would, at the latest, turn their tanks over between April 15 and May 1. Turnover times would vary with terminal storage capacity and throughput of RFG at the terminal. Terminals would not be economically encouraged to draw down the winter gasoline in their tanks prior to April 15. The April 15 date applies to gasoline supplies received on or after that date, but does not require that the gasoline in the tanks be in compliance with summer specifications on April 15. This should lead to greater use of the blend down method to meet the May 1 date by which all RFG in terminal storage tanks must meet the summertime RFG standards [3]. EPA requests comment on the premise that an April 15 terminal receipt date will encourage greater use of the blend down method.

D. What Is the Cost of Today's Proposal?

The total estimated cost of establishing an April 15 receipt date is estimated to be between $1.5 million per year and $2.3 million per year. Dividing these costs by the 315.6 million gallons per year of gasoline which would need to be produced as summer grade RFG instead of winter grade RFG produces an equivalent cost range of 0.49 cents per gallon RFG to 0.73 cents per gallon RFG. Both of these estimates include the operational cost of removing sufficient butane to reduce the RVP of 315.6 million gallons per year of winter grade RFG from an average RVP of 8.34 psi to a nominal summer grade RFG RVP of 6.8 psi. Assuming an RVP decrease of 1 psi for every 1.5 volume % decrease in butane, 7.3 million gallons per year of butane must be removed from 315.6 million gallons per year of RFG.

The lower cost estimate ($1.5 million per year or 0.49 cents per gallon RFG) includes the cost of new tankage to store all the butane until the butane can be used the following winter. The higher cost estimate ($2.3 million per year or 0.73 cents per gallon RFG) assumes that all the additional butane removed is directly sold to the spot butane market. Thus, the higher cost estimate includes the effect of directly selling 7.3 million gallons per year of product as relatively less valuable butane instead of more valuable RFG.

The cost, in cents per gallon affected RFG, of producing more summer grade

[2] ''Petroleum Storage and Transport Times'' by Jack Faucett Associates under contract to EPA, September, 1986.

[3] Note that while we are not proposing eliminating this May 1 terminal compliance requirement, we are interested in the continuing need for a May 1 terminal compliance requirement to ensure adequate and timely supplies of summer RFG to meet the existing requirement of June 1 for retail station compliance.

RFG and less winter grade RFG from April 8 through April 30 is less than the cost differential between typical winter grade RFG and summer grade RFG. Based on data obtained from DOE, winter grade RFG prices were approximately 6 cents per gallon less than summer grade RFG during Phase I, and 9 cents per gallon less than summer grade RFG during Phase II[4]. These price differences are due to two factors, the additional cost to produce summer grade RFG, and demand. The cost difference is due to blending more butane, a relatively inexpensive gasoline blendstock, into winter grade RFG in place of more expensive blendstocks required for summer grade RFG, especially alkylate blendstock needed to produce very low RVP RBOB for ethanol blended RFG. DOE has estimated the cost differential between winter and summer RFG at approximately 3 cents per gallon, which does not include demand induced price effects[5].

Typical winter grade RFG may have an RVP as high as 15 psi, compared to an average RVP of 8.34 psi for all winter grade RFG produced between April 8, 2000 and April 30, 2000. EPA's cost estimate includes only the cost of reducing the RVP of winter grade RFG produced from April 8 through April 30 to summer grade RVP levels. However, we are aware there may be other costs associated with the production of more summer grade RFG and less winter grade RFG from April 8 through April 30, in addition to the cost of reducing RVP.

II. On What Issues Is EPA Requesting Comment?

A. Inventory Build Before April 15

While EPA believes that establishing an April 15 terminal receipt date for summer grade RFG should result in greater use of the blend down method to meet the May 1 date by which all RFG in terminal storage tanks must meet the summertime RFG standard, we are concerned about the possibility of strategic behavior that may undermine this result. Since winter grade gasoline is cheaper than summer grade, there is an incentive under today's proposal for distributors to stockpile as much winter grade gasoline as possible before the April 15 deadline and simply defer purchases of summer grade gasoline for as long as possible as supplies of winter gasoline are drawn down. Depending on tank and pipeline capacity, this could theoretically result in the same reliance on the ''draw down'' method for meeting the May 1 compliance date as exists today. EPA therefore requests comment on the effects of today's proposal on gasoline inventories during the winter to summer transition.

B. Eliminate or Delay May 1 Compliance Date

In connection with today's proposal to establish a new April 15 terminal receipt date, we request comment on the impact and feasibility of also eliminating the existing May 1 compliance date, or, in the alternative, moving the May 1 compliance date to May 15. Under any such approach, the existing June 1 compliance date for retail stations would remain in its current form. Under the proposed April 15 terminal receipt requirement, we anticipate that most, if not all, terminals will turn over their RFG to summer grade specifications by May 1 based on the normal throughput of fuel at the terminal. The May 1 compliance date currently provides retail stations with one month to turn over their tanks from winter grade to summer grade RFG after all upstream facilities have made the transition. Discussions to date with retailers, terminals and refiners have indicated that many retail stations may actually need less time to turn over their tanks. Eliminating or delaying the May 1 compliance date would further widen the window of time following the proposed April 15 receipt date that terminals would have to turn all their tanks over from winter to summer grade RFG. This improved flexibility could allow, for example, a specific tank to still be in the blend down process on May 1, selling fuel with an RVP approaching, but not yet meeting summer grade requirements, a fuel which would be anticipated to be purchased by consumers prior to June 1. This would reduce the need for terminals to draw their RFG inventories down to very low levels during the spring transition. Feedback received thus far has been that if the May 1 compliance date is maintained, some terminals may still need to draw down their inventories in at least some of their tanks to very low levels to achieve the seasonal transition.

While we in general believe supplies of compliant summer grade RFG will be sufficiently available to meet retail needs, it is possible that some markets, particularly with low demand such as premium fuel, might be slow to turn over at both the retail outlet and the terminal. In such a case, without the need for terminals to meet summer fuel requirements for all their fuel, it may be more difficult for retail outlets to find sufficient fuel to meet that niche need early enough in May to allow for orderly transition to summer requirements. Comments are specifically requested on this issue of assuming sufficient supply to slow turnover markets without a certain May 1 terminal compliance date.

C. Establish April 1 Terminal Receipt Date

We also request comment on establishing April 1 instead of April 15 as an annual starting date for receipt of summer grade RFG; an April 1 date would further assure the availability of summer grade RFG prior to the June 1 retail compliance requirement to further reduce the potential for sudden drawdowns in RFG stocks. However, to the extent April 1 requires earlier production of summer grade RFG batches, refinery processing costs will increase perhaps with little or no real benefit to the retail outlet or to the environment (the increased environmental benefit due to summer grade RFG would largely parallel the increase). Second, an April 1 receipt date will be more likely to impact vehicle driveability in the event of cold weather late in the early spring.

Establishing an April 1 receipt date and allowing an average transit time of 7 days for transport of RFG from refinery to terminal means that shipment of summer grade RFG batches from refineries would need to start March 24. Batch report information submitted to EPA for 2000 indicates that 738.6 million gallons of winter grade RFG was produced by refiners or imported from March 24, 2000 through April 30, 2000, all of which was produced or imported in PADDs 1, 2, and 3. The average RVP of this volume was 9.28 psi. Winter grade RFG volumes produced or imported in each PADD from March 24, 2000 through April 30, 2000 are summarized in Table 2, along with the corresponding average RVP.

TABLE 2.—RFG BATCH INFORMATION FROM MARCH 24, 2000 THROUGH APRIL 30, 2000

PADD	Winter grade RFG produced from March 24, 2000 through April 30, 2000 million gallons	Average RVP of RFG produced from March 24, 2000 through April 30, 2000 psi
1	378.8	9.65
2	283.0	8.52

[4] EIA Memo: Potential Gasoline Price Impacts Due to Winter-Summer Transition, November, 8, 2001.

[5] EIA Memo: Potential Gasoline Price Impacts Due to Winter-Summer Transition, November, 8, 2001.

TABLE 2.—RFG BATCH INFORMATION FROM MARCH 24, 2000 THROUGH APRIL 30, 2000—Continued

PADD	Winter grade RFG produced from March 24, 2000 through April 30, 2000 million gallons	Average RVP of RFG produced from March 24, 2000 through April 30, 2000 psi
3	77.1	10.27
Total	738.6	9.28

The total estimated cost of establishing an April 1 receipt date is estimated to be between $4.9 million per year and $7.6 million per year. Dividing these costs by the 738.6 million gallons per year of gasoline which must be produced as summer grade RFG instead of winter grade RFG produces an equivalent cost range of 0.65 cents per gallon RFG to 1.04 cents per gallon RFG. Both of these estimates include the operational cost of removing sufficient butane to reduce the RVP of 738.6 million gallons per year of winter grade RFG from an average RVP of 9.28 psi to a nominal summer grade RFG RVP of 6.8 psi. Assuming an RVP decrease of 1 psi for every 1.5 volume % decrease in butane, 27.5 million gallons per year of butane must be removed from 738.6 million gallons per year of RFG.

The lower cost estimate ($4.8 million per year or 0.65 cents per gallon RFG) includes the cost of new tankage to store all the butane until the butane can be used the following winter. The higher cost estimate ($7.6 million per year or 1.04 cents per gallon RFG) assumes that all the additional butane removed is directly sold to the spot butane market. Thus, the higher cost estimate includes the effect of directly selling 27.5 million gallons per year of product as relatively less valuable butane instead of more valuable RFG.

As discussed in Section I.D. our cost estimate includes only the cost of reducing the RVP of winter grade RFG produced from March 24 through April 30 to summer grade RVP levels. However, we are aware there may be other costs associated with the production of more summer grade RFG and less winter grade RFG from March 24 through April 30, in addition to the cost of reducing RVP. A full discussion of the cost estimate can be found in the Draft Technical Support Document for this proposed rule, which is available in the docket for this rulemaking (A–2001–21; Item II–B–1) and on the web at: www.epa.gov/otaq/rfg.

D. Two Step RVP Phase-In

We also request comment on a two step phase-in process, as an alternative to the proposed terminal receipt date, which gradually reduces RFG RVP by establishing an intermediate terminal compliance date and intermediate target RVP. We request comment on the following four sub-options for this two step phase-in option.

1. Terminals must have their RFG tanks completely turned over to an intermediate RVP of 8.0 psi by April 15 and completely turned over to summer grade RFG by May 1.

2. Terminals must have their RFG tanks completely turned over to an intermediate RVP of 9.0 psi by April 15 and completely turned over to summer grade RFG by May 1.

3. Terminals must have their RFG tanks completely turned over to an intermediate RVP of 8.0 psi by May 1 and completely turned over to summer grade RFG by May 15.

4. Terminals must have their RFG tanks completely turned over to an intermediate RVP of 9.0 psi by May 1 and completely turned over to summer grade RFG by May 15.

The two step phase-in is intended to reduce the degree to which terminals must draw down their tanks to meet the final terminal compliance date by turning tanks over in two smaller steps instead of one large step. Using sub-option 1 above as an example, in step 1 a tank containing 19,000 barrels of winter grade RFG with a 13.0 psi RVP could be blended with 81,000 barrels of summer grade RFG with a 6.8 psi RVP to produce 100,000 barrels of RFG with an 8.0 psi RVP, using linear blending. In step 2, the volume of RFG in the tank with an 8.0 psi RVP would only have to be reduced to 25,000 barrels. This residual volume of 25,000 barrels of RFG with an 8.0 psi RVP could then be blended with 75,000 barrels of summer grade RFG with a 6.4 psi RVP to produce 100,000 barrels of summer grade RFG with a 6.8 psi RVP, using linear blending.

In contrast, to accomplish the same turnover in one step would require the volume of 13.0 psi RVP winter grade RFG in the tank to be reduced to 6,000 barrels. Then 94,000 barrels of 6.4 psi RVP summer grade RFG would have to be blended with this 6,000 barrels of winter grade RFG to produce 100,000 barrels of summer grade RFG with a 6.8 psi RVP, using linear blending. The net effect of the two step phase-in is that RFG inventory does not have to be reduced as greatly in order to achieve the winter to summer RVP transition. A terminal using the two step phase-in from the example above would only have to reduce its tankage volume to a minimum of 19,000 barrels instead of 6,000 barrels in order to achieve its RVP transition.

Thus far, feedback on the idea of a two step phase-in option has been mixed. Some parties with whom EPA has spoken prefer a phase-in approach to a terminal receipt date. Others have expressed concern that the addition of a second transitional RVP compliance date would increase record keeping requirements and would not significantly reduce the current practice of drawing down tanks to very low levels. EPA requests comment on the two step phase-in approaches listed above, as well as any alternatives to help accomplish a smooth phase-in.

E. Limit Applicability of Terminal Receipt Date to Chicago/Milwaukee Areas

We also request comment on the option of limiting the applicability of the proposed terminal receipt date to the Chicago and Milwaukee metropolitan areas. These two areas have been most severely impacted by low gasoline inventories during the past two spring transitions from winter to summer grade gasoline.

F. Reduce Allowable Minimum RVP to 6.0 psi

We also request comment on the option of decreasing the allowable minimum RVP for RFG at the refinery gate to 6.0 psi from 6.4 psi, as an addition to the proposed terminal receipt date, to further help ease the winter to summer RVP transition. Under the emissions model used to measure RFG performance, the lowest allowable RVP for RFG is 6.4 psi. Reducing the RVP of gasoline at the refinery gate gives terminals the flexibility to maintain slightly higher inventories of winter grade RFG during the transition period by allowing sub-RVP RFG to be blended with winter grade RFG during the tank turnover process. For example, if a tank contained 6,000 barrels of winter grade RFG with a 13.0 psi RVP, this volume could be blended with 94,000 barrels of summer grade RFG with a 6.4 psi RVP to produce a 100,000 barrel mix with an RVP of 6.8 psi, using linear blending. However, if the minimum allowable RVP of summer grade RFG were decreased, a greater volume of winter grade RFG could be blended with the sub-RVP summer grade RFG to produce an acceptable blend of summer grade RFG. For example, the tank volume of winter grade RFG with a 13.0 psi RVP would only have to be reduced to 11,000 barrels during the RVP

transition. This 11,000 barrels could then be blended with 89,000 barrels of 6.0 psi RVP RFG to produce a 100,000 barrel mix with an RVP of 6.8 psi, using linear blending. The net effect of reducing the minimum allowable RVP is that RFG inventory does not have to be reduced as greatly in order to achieve the winter to summer RVP transition.

We have identified two potential concerns related to reducing the minimum allowable RVP for RFG at the refinery gate. First, reducing RVP also reduces the driveability index of RFG. In the event of late cold weather, vehicles could experience driveability problems if fueled with RFG with an RVP less than 6.4 psi. A potential solution would be to relax the minimum RVP only at the refinery gate, and not allow terminals to release RFG with an RVP lower than 6.4 psi. Second, refiners may be reluctant to use this option due to the additional processing costs associated with reducing RVP below 6.4 psi.

III. Eliminate Current Blendstock Accounting Regulation 40 CFR 80.102

Today's action proposes to replace the current blendstock accounting requirements at 40 CFR 80.102 with simpler, less restrictive requirements. These requirements are a part of the anti-dumping regulations for conventional gasoline (CG).

The Clean Air Act required EPA to establish the anti-dumping regulations as part of the RFG program to prevent increases in oxides of nitrogen (NO_X) and toxics air emissions from conventional gasoline as a result of RFG production. Thus, the anti-dumping regulations prevent a refinery from transferring, or ''dumping,'' the relatively dirty components that it removes from its RFG (such as benzene) into its CG. Specifically, the anti-dumping regulations require that the CG produced or imported by each refinery and importer must be at least as clean with respect to NO_X and toxics emission performance, on an annual average basis, as the gasoline produced or imported by that refinery or importer in 1990. Under these regulations, refineries and importers are required to develop individual baselines for these emissions based on the quality of the gasoline they produced or imported in 1990. Refiners and importers who are not able to develop an individualized baseline are subject to a predetermined baseline that is representative of the average exhaust toxics and NO_X emission performance of 1990 gasoline, referred to as the anti-dumping statutory baseline. A refinery's or importer's individual 1990 baseline, or alternatively the statutory baseline, functions as the refinery's or importer's anti-dumping ''standard.''[6]

Requirements for blendstock accounting were included in the anti-dumping regulations out of a concern that refineries with 1990 baselines cleaner than the anti-dumping statutory baseline would transfer dirty blendstocks to refineries with dirtier baselines because such refineries would be better able to use the dirty blendstocks while still meeting their anti-dumping baseline. Under the blendstock accounting provisions, if a cleaner refinery transfers large quantities of dirty gasoline blendstocks to another refinery, the cleaner refinery must account for all of the blendstocks it produces and transfers in its anti-dumping compliance calculations in specified subsequent annual averaging periods. Thus, the cleaner refinery could not benefit from such a transfer. The regulations require significant additional reporting by a refinery with a baseline cleaner than the anti-dumping statutory baseline that transfers ten percent or more blendstocks than it transferred in 1990 relative to its total production.

EPA now believes that the current blendstock accounting requirements are unnecessary. When refineries produce more total gasoline than that produced in 1990, the additional gasoline over and above the 1990 baseline volume must meet the statutory baseline for all refineries regardless of the refinery's individual baseline. Since nearly all refineries currently produce significantly more gasoline than they produced in 1990, EPA believes that the blendstock transfers that are likely to occur today will be between donor and recipient refineries whose total production is well above 1990 baseline volume levels with or without a transfer. If transfers under these conditions occur between refiners producing only CG, there will be no net change in the quality of their combined CG pool because the donor refiner's gallons at the statutory baseline would be replaced by the recipient refiner's gallons at this same baseline. Thus, there would likely be no motivation or opportunity for ''gaming the system'' under these circumstances. Where either or both refiners make RFG and CG, there is some potential for meeting a slightly lower baseline by transferring blendstocks.[7] However, it is unlikely that there would ever be any impact more significant than a small decrease in the stringency of compliance requirements, meaning that the gaming possibilities of such a transfer are very small, and thus any such transfers would produce only very small economic benefits which may be more than offset by the transactional costs associated with the transfer. As a result, the shifting of blendstocks from one refinery to another where both refineries produce more gasoline than they did in 1990 has very little potential to cause any adverse environmental impact.

Additionally, EPA has carefully examined individual refinery situations and has concluded that for the very limited number of refineries producing volumes where a transfer could result in some increased emissions, there is little possibility for gaming since clean/dirty refinery baseline pairs within a specific emission category (NO_X or toxics) are very uncommon. (i.e, for NO_X and toxics, almost all members of this refinery subset are clean for one pollutant and dirty for the other leaving little chance of gaming for either.)[8]

Finally, the recently promulgated Mobile Source Air Toxics rule[9] requires each refinery to meet a performance standard for toxic air emissions for CG and RFG equivalent to the performance of that refinery's CG or RFG during the baseline years 1998, 1999, and 2000. Because this new baseline performance is better than 1990 baselines, refineries with dirty baselines would be even less likely to be able to accept dirty blendstocks since these blendstocks would potentially degrade performance relative to these years.

We believe the current blendstock accounting provisions create significant additional compliance and reporting requirements, and, in some cases, may have the effect of deterring refiners or importers from transferring gasoline blendstocks that they otherwise would transfer in the normal course of business in response to legitimate supply concerns and other refinery needs. Moreover, we believe that eliminating these requirements will help to improve the responsiveness of the gasoline supply system by increasing refiners' flexibility to transfer gasoline

[6] Refiners producing CG at several facilities have the option of meeting the antidumping standards on an aggregate basis with an aggregated baseline. 40 CFR 80.101(h).

[7] This is due to the concept of ''equivalent CG volume'' contained in the compliance baseline equation under the anti-dumping regulations in § 80.101(f). For a full discussion of this concept and the effects of RFG production on anti-dumping compliance, see ''Technical Support Document for RFG Terminal Receipt Date Rule'' in the docket for this rulemaking.

[8] Refinery-specific information is submitted to EPA as confidential business information under the RFG and anti-dumping reporting requirements and cannot be made public.

[9] 66 FR 17230 (March 29, 2001)

blendstocks.[10] Consequently, today's rule proposes to eliminate the current blendstock accounting requirements.

There remains some concern about the possibility that a refiner with a clean baseline could create an off-site terminal blending facility acting as a refinery for the sole purpose of certifying gasoline at the less stringent statutory baseline. To gain a significant compliance advantage the clean refiner would have to transfer a great deal of its gasoline production such that the original clean refinery would be making less gasoline than in 1990. Otherwise, the clean refinery would be producing incremental gasoline at approximately the statutory baseline and the transfer would not result in any significant compliance advantage. To address the limited situations in which blendstock transfers could possibly be undertaken for the purpose of evading a more stringent baseline, today's rule proposes provisions which would require a refinery with a baseline that is cleaner than the anti-dumping statutory baseline, and that produces less gasoline than its 1990 baseline volume during the annual averaging period, to petition EPA for approval to transfer specified ''applicable'' (i.e., ''dirty'') blendstocks in excess of 5% of the refinery's annual production. The refinery would be required to demonstrate that such blendstock transfers were for a legitimate operational purpose and not for the purpose of evading a more stringent baseline.

We believe that most blendstock transfers needed for operational purposes, for example during desulfurization unit turnarounds (which are projected to take approximately two weeks), are likely not to exceed 5% of the refinery's annual production. While we believe that 5% is the upper limit for necessary transfers of dirty blendstocks in most situations, the petition process would be available for unusual situations where desulfurization unit turnarounds or other such legitimate operational needs require blendstock transfers in excess of 5%. This petition processwould requires refineries to forecast total production for the entire year averaging period to be less than 1990 baseline volumes. The requirement to petition EPA for approval to transfer dirty blendstocks in excess of 5% of the refinery's annual production applies only to the highly unusual situation where a refinery possesses a baseline cleaner than the statutory baseline and produces less than its 1990 baseline volume during the annual averaging period. Other refineries would not be required to petition EPA for approval to transfer blendstocks even when in excess of 5% of their annual production. EPA requests comment on the practicality of this approach and on whether 5% is an appropriate trigger.[11]

IV. Updating ASTM Designated Analytical Test Methods for Reformulated and Conventional Gasoline to Their Most Recent ASTM Version

Refiners, importers and oxygenate blenders producing gasoline and diesel fuel are required to test RFG, CG and diesel fuel for RVP, aromatics, benzene, and various other parameters. During the federal RFG rulemaking, and in response to comments by the regulated industry, EPA designated analytical test methods that the Agency would use for enforcement and compliance purposes. See 40 CFR 80.46. On July 11, 1997, the Agency proposed to update the designated test methods that were ASTM standards in § 80.46 (a) through (g) to their most recent version, as well as replace the designated test methods for RVP and oxygenates with the ASTM version.[12] This proposal was never finalized by the Agency, and since the time of the proposal, these designated test methods have been updated by ASTM.

Since the July 11, 1997, proposal was published, newer versions of several designated test methods have been published by ASTM. We have reviewed these newer versions of the ASTM test methods. The Agency believes that the revisions in the newer versions of the ASTM designated test methods are not significant changes that would cause a user of an older version of the same method to incur significant costs. All of the revisions were deemed necessary by ASTM so that improvements in the test method's procedures would ensure better operation for the user of the test method. Therefore, today the Agency is proposing to update each designated test method for gasoline that is an ASTM standard, excluding the measurement of sulfur and aromatics in gasoline, at § 80.46 to its most recent ASTM version, as well as replace the designated test methods for RVP and oxygenates with the ASTM version. Table 3 lists the designated analytical test methods for each parameter measured under the RFG and CG fuels program under today's proposal.

TABLE 3.—DESIGNATED ANALYTICAL TEST METHOD UNDER THE RFG AND CG FUEL PROGRAMS

Fuel parameter	Designated analytical test method
Olefins	ASTM D–1319–98, entitled ''Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Absorption''
Reid Vapor Pressure	ASTM D 5191–99, entitled ''Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method), except that the following correlation equation be used with ASTM D 5191–99: RVP psi = (0.956*X) − 0.347 RVP kPa = (0.956*X) − 2.39

[10] EPA is aware that refiners have concerns regarding blendstock transfers under the newly promulgated gasoline sulfur reduction regulations. During maintenance periods for sulfur removal units or ''turnarounds'', refineries may have to transfer fairly large amounts of low-sulfur blendstocks into refineries during maintenance periods. Refiners have indicated that these transfers could trip the current complicated blendstock accounting requirements. We believe that today's proposal resolves this concern by removing the current blendstock accounting requirements. Discussions with refiners have also indicated that the 5% trigger for the petition process is sufficiently high so as to be unlikely to interfere with such transfers, especially considering that the 5% trigger is only applicable to refiners making less gasoline than produced in 1990.

[11] Two trigger mechanisms contained in today's action (the 5% trigger mechanism and annual gasoline production volumes less than 1990 volumes) would result in the petition process. These triggers essentially replace two criteria that, under the current regulations, would trigger blendstock accounting. These current criteria include a 3% transfer of blendstocks and a 10 percent increase in a multi-year ratio of blendstock transfers to total production for a facility relative to baseline years in the early 1990s. The 10% criteria required a fairly complex ongoing multi-year calculation of blendstock ratios which we believe is unnecessary. (These criteria are discussed more completely in ''Technical Support Document for RFG Terminal Receipt Date Rule'' included in the docket for this rulemaking.) EPA believes that the 5% trigger mechanism is sufficient to allow free transfer of blendstocks, without a petition, for most or all refiners in most or all situations. Additionally, the petition process would not be tripped even if more than 5% of blendstocks, relative to total production, are transferred unless a refinery is making less total volume than in 1990. Thus, for the petition process, we are proposing to eliminate the two criteria in the current regulations for blendstock accounting and substituting the new 5% trigger for the petition process.

[12] 62 FR 37338, July 11, 1997.

TABLE 3.—DESIGNATED ANALYTICAL TEST METHOD UNDER THE RFG AND CG FUEL PROGRAMS—Continued

Fuel parameter	Designated analytical test method
	Where: X = total measured vapor pressure in psi or kPa
Distillation	ASTM D–86–00a, entitled ''Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure''
Oxygen and Oxygenate content analysis	ASTM D 5599–00, entitled ''Standard Test Method for Determination of Oxygenates in Gasoline by Gas Chromatography and Oxygen Selective Flame Ionization Detection[1]

[1] Prior to September 1, 2004, and when oxygenates present are limited to MTBE, ETBE, TAME, DIPE, tertiary-amyl alcohol, and C_1 and C_4 alcohols, any refiner, importer, or oxygenate blender may determine oxygen and oxygenated content using ASTM standard method D–4815–99, entitled ''Standard Test Method for Determination of MTBE, ETBE, TAME, DIPE, tertiary-amyl Alcohol and C_1 and C_4 Alcohols in Gasoline by Gas Chromatography provided the result is correlated to ASTM D 5599–00.

V. Corrections to Gasoline and Diesel Sample Testing Methodology

40 CFR Part 80, Appendices D and G, specify sampling procedures for gasoline and diesel fuel for all motor vehicle fuel programs under 40 CFR Part 80, including the programs for unleaded gasoline, gasoline volatility, diesel sulfur, RFG, and anti-dumping. Today's proposal would replace the sampling procedures in Appendices D and G with the following ASTM standard practices:

- D 4057–95(2000), ''Standard Practice for Manual Sampling of Petroleum and Petroleum Products;''
- D 4177–95(2000), ''Standard Practice for Automatic Sampling of Petroleum and Petroleum Products;''
- D 5842–95(2000), ''Standard Practice for Sampling and Handling of Fuels for Volatility Measurements;'' and
- D 5854–96(2000), ''Standard Practice for Mixing and Handling of Liquid Samples of Petroleum and Petroleum Products.''

These changes were formerly proposed in ''Regulation of Fuels and Fuel Additives: Modifications to Standards and Requirements for Reformulated and Conventional Gasoline—Proposed Rule,'' 62 FR 37338 (July 11, 1997), although these provisions were never finalized. Since we are proposing to update various other test methods via this notice, it is logical to consider sampling methodologies here as well.

Appendices D and G of 40 CFR Part 80 were adopted from the 1981 version of D 4057. Over time, however, ASTM has updated D 4057, and these changes are not reflected in Appendices D and G. For example, Appendix D addresses the collection of samples from a ''tap'' in the shell of a petroleum storage tank. The current requirement under Appendix D, reflective of D 4057–81, requires that taps extend at least three feet into the storage tank. See 11.3.1.1 of Appendix D. However, tap extensions are necessary only for heavy petroleum products (and not for gasoline and diesel fuel), and, furthermore, tap extensions are not possible with floating roof storage tanks that are commonly used today. As a result, EPA and regulated parties currently agree to waive the tap extension requirement on a case-by-case basis. Under D 4057–95(2000) sampling tap extensions are not required for light petroleum products such as gasoline and diesel fuel, so that if this ASTM procedure were adopted the tap extension issue would be resolved for all cases.

EPA is proposing to adopt three ASTM methods in addition to D 4057–95(2000) in order to include procedures that address a broad scope of sampling situations that are relevant to EPA's motor vehicle fuels programs. D 4177–95(2000) deals with automatic sampling of petroleum products, which is relevant under the anti-dumping regulations for refiners who produce conventional gasoline using an in-line blending operation where automatic sampling is necessary. Similarly, D 5842–95(2000) deals with sampling and sample handling for volatility measurement, which is relevant to determining compliance with the volatility standards in § 80.27 and the RFG standards in § 80.41. Last, D 5854–96(2000) deals with the creation of composite samples, which is relevant under the RFG and anti-dumping programs in certain situations involving imported gasoline where the gasoline from multiple ship compartments is treated as a single batch.

EPA believes it is appropriate to replace Appendices D and G with ASTM standard practices. The current ASTM practices reflect up to date procedures, which if followed would result in improved sample quality for regulatory purposes. In addition, the adoption of industry standard procedures would reduce regulatory burden because parties would be able to follow their customary practices when meeting regulatory requirements.

VI. Administrative Requirements

A. Executive Order 12866

Under Executive Order 12866, (58 FR 51735 (October 4, 1993)) the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

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

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

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

EPA has determined that this regulation is a significant regulatory action under item (4) above. Pursuant to the terms of Executive Order 12866, OMB has notified EPA that it considers this a ''significant regulatory action'' within the meaning of the Executive Order. EPA has submitted this action to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

B. Executive Order 13132 (Federalism)

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in

the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The proposed rule would establish a new April 15 receipt date by which terminals must physically begin receiving summer grade RFG, and is intended to help stabilize the supply of RFG during the spring RVP transition. This proposed rule also simplifies the existing blendstock accounting requirements at 40 CFR 80.102 and updates ASTM test methods to their most recent version. Thus, Executive Order 13132 does not apply to this proposed rule.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits comment on this proposed rule from State and local officials.

C. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

On January 1, 2001, Executive Order 13084 was superseded by Executive Order 13175. However, this proposed rule was developed during the period when Executive Order 13084 was still in force, and so tribal considerations were addressed under Executive Order 13084. Development of the final rule will address tribal considerations under Executive Order 13175. Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.''

This RFG terminal receipt date rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. This proposed rule applies to gasoline refiners, blenders and importers that supply gasoline to RFG areas. Today's action proposes some changes that would modify the Federal RFG requirements, and does not impose any enforceable duties on communities of Indian tribal governments. Thus, Executive Order 13175 does not apply to this rule.

D. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business that has not more than 1,500 employees (13 CFR 121.201); (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. We have determined that no small entities will experience an impact from this proposal. RFG batch results reported for 2000 indicate that no winter grade RFG produced or imported from April 8 through April 30 was supplied by small businesses.

Although this proposed rule will not have a significant impact on a substantial number of small entities, EPA has nonetheless tried to reduce the impact of this rule on small entities. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

E. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* An Information Collection Request (ICR) document has been prepared by EPA (OMB # 2060–0277, EPA ICR No. 1591.14) and a copy may be obtained from Susan Auby by mail at Collection Strategies Division; U.S. Environmental Protection Agency (2822); 1200 Pennsylvania Ave., NW, Washington, DC 20460, by e-mail at *farmer.sandy@epamail.epa.gov,* or by calling (202) 260–2740. A copy may also be downloaded off the Internet at *http://www.epa.gov/icr.*

Under today's proposed rule, EPA is requiring refiners to keep certain records associated with the supply of RFG. However, EPA believes that this requirement will be met using documents created and kept for commercial business purposes; i.e., documents that show the movement of RFG to storage tanks and volume and parameter measurements. This requirement, therefore, is not expected to impose additional recordkeeping burdens on regulated parties.

Today's action also proposes to eliminate the current blendstock accounting provisions and instead requires only a small subset of refiners, and only under unusual situations, to submit a petition to EPA in order to transfer certain blendstocks. The information collection hour burden associated with the current blendstock accounting requirements is estimated to be 24 hours to track blendstock transfers and prepare each blendstock accounting report, and 80 hours to prepare a request for a waiver of the blendstock accounting requirements (under extreme or unusual circumstances). These burdens would be eliminated under this action. The petition requirement proposed under this action is estimated to be 3 hours to prepare each petition. The respondent cost associated with the current blendstock accounting requirement is estimated to be $60 per hour for blendstock tracking and preparation of each blendstock accounting report and blendstock accounting waiver request. The respondent cost per petition under this action is also estimated to be $60 per hour. The total information collection hour burden associated with the current blendstock provisions is estimated to be 4,880 hours per year. This is based on an estimate of 200 respondents at 24 hours for blendstock tracking and

preparation of blendstock accounting reports, and one respondent at 80 hours for preparation of blendstock accounting waiver requests. These burdens would be eliminated under this action. The information collection hour burden associated with the petition requirement potentially applicable to the small subset of refiners under this action is estimated to be a total of 15 hours, based on an estimated 5 respondents at 3 hours per petition. The total information collection hour burden, therefore, would be reduced by 4,865 hours (4,880 − 15). Based on previous experience with the RFG/anti-dumping program, EPA believes the estimates of the number of respondents both under the current rule and this action are likely to be the maximum number of respondents during an annual averaging period. The total cost burden associated with the current blendstock provisions is estimated to be $292,800 (4,880 hours × $60 per hour). This cost would be eliminated under this action. The total cost burden associated with the petition requirement applicable to the small subset of refiners included in today's rule is estimated to be $900 (15 hours × $60 per hour). As a result, today's rule would provide an overall reduction in cost burden of approximately $291,900 ($292,800 − $900). We request comment on this change in the information collection burden associated with anti-dumping compliance.

Regarding recordkeeping and reporting burdens, in a letter dated December 12, 2000, the National Petrochemical & Refiners Association (NPRA) commented on EPA's draft Information Collection Request for reformulated and conventional gasoline reporting. 65 FR 60939 (October 13, 2000). In the letter, NPRA made several requests relating to the RFG program's current information collection burden. Although today's proposed action does not address all of NPRA's requests, as discussed above, today's action would eliminate all of the current burden associated with the RFG program's anti-dumping blendstock accounting requirements. The current blendstock provisions impose substantial recordkeeping and reporting burdens on refiners who transfer blendstocks. These recordkeeping and reporting burdens may have had the effect of deterring refiners from transferring such blendstocks. Today's action would eliminate these burdens for all refiners. The information collection burden on the small subset of refiners who would be required to petition EPA under today's action would be minimal. We believe this reduction in information collection burden would result in a more free exchange of blendstocks.

OMB has approved the information collection requirements contained in the final RFG/anti-dumping rulemaking (See 59 FR 7716 (February 16, 1994) and has assigned OMB control number 2060–0277 (EPA ICR No. 1591.13). Upon promulgation of a final rule, ICR 1591.14 associated with this rule will be encompassed in the next renewal of ICR 1591.13.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. Comments are requested on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques. Send comments on the ICR to the Director, Collection Strategies Division; U.S. Environmental Protection Agency (2822); 1200 Pennsylvania Ave., NW, Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., N.W., Washington, DC 20503, marked ''Attention: Desk Officer for EPA.'' Include the ICR number in any correspondence. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after December 3, 2001, a comment to OMB is best assured of having its full effect if OMB receives it by January 2, 2002. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

F. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's proposed rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local or tribal governments or the private sector. The proposed rule would impose no enforceable duty on any State, local or tribal governments or the private sector. This proposed rule applies to gasoline refiners, blenders and importers that supply gasoline to RFG areas.

G. Executive Order 13045: Children's Health Protection

Executive Order 13045: ''Protection of Children from Environmental health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a

disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This proposal is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

H. National Technology Transfer and Advancement Act of 1995 (NTTAA)

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law No. 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking involves environmental monitoring or measurement. Consistent with the Agency's Performance Based Measurement System (''PBMS''), EPA proposes not to require the use of specific, prescribed analytic methods. Rather, the Agency plans to allow the use of any method that meets the prescribed performance criteria. The PBMS approach is intended to be more flexible and cost-effective for the regulated community; it is also intended to encourage innovation in analytical technology and improved data quality. EPA is not precluding the use of any method, whether it constitutes a voluntary consensus standard or not, as long as it meets the performance criteria specified.

This proposed rule would update certain designated analytical test methods to their most recent ASTM version for the RFG program. Today's proposed action does not establish new technical standards or analytical test methods, although it does update certain ASTM test methods and sampling methods to their current versions. To the extent that this proposed action would allow the use of standards developed by voluntary consensus bodies (such as ASTM) this action would further the objectives of the NTTAA. The Agency plans to address the objectives of the NTTAA more broadly in an upcoming rulemaking to establish performance-based criteria for qualification of alternative analytical test methods.

I. Executive Order 13211 (Energy Effects)

This rule is not an economically ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it does not have a significant adverse effect on the supply, distribution, or use of energy. Although this rule will slightly decrease the volume of summer grade RFG produced from April 8 through April 30 by approximately 0.4 percent due to earlier production of summer grade RFG, the annual cost associated with this rule is less than $100 million. Also, this rule will provide for a smoother annual transition to summer RFG, which should help to alleviate seasonal pressures on gasoline supply. Moreover, EPA is allowing additional flexibility for refiners to transfer blendstocks, which should allow refiners to better respond to fluctuations in gasoline supply or demand.

VII. Statutory provisions and Legal Authority

Statutory authority for today's final rule comes from sections 211(c) and 211(k) of the CAA (42 U.S.C. 7545(c) and (k)). Section 211(c) allows EPA to regulate fuels that contribute to air pollution which endangers public health or welfare, or which impairs emission control equipment. Section 211(k) prescribes requirements for RFG and conventional gasoline and requires EPA to promulgate regulations establishing these requirements. Additional support for the procedural aspects of the fuels controls in today's rule comes from sections 114(a) and 301(a) of the CAA.

List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Gasoline, Imports, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: November 20, 2001.

Christine Todd Whitman,

Administrator.

For the reasons set forth in the preamble, part 80 of title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7545 and 7601(a).

2. Section 80.8 is added to subpart A to read as follows:

§ 80.8 Sampling methods for gasoline and diesel fuel.

The sampling methods specified in this section shall be used to collect samples of gasoline and diesel fuel for purposes of determining compliance with the requirements of this part.

(a) *Manual sampling.* Manual sampling of tanks and pipelines shall be performed according to the applicable procedures specified in American Society for Testing and Materials (ASTM) method D 4057–95(2000), entitled ''Standard Practice for Manual Sampling of Petroleum and Petroleum Products.''

(b) *Automatic sampling.* Automatic sampling of petroleum products in pipelines shall be performed according to the applicable procedures specified in ASTM method D 4177–95(2000), entitled ''Standard Practice for Automatic Sampling of Petroleum and Petroleum Products.''

(c) *Sampling and sample handling for volatility measurement.* Samples to be analyzed for Reid Vapor Pressure (RVP) shall be collected and handled according to the applicable procedures in ASTM method D 5842–95(2000), entitled ''Standard Practice for Sampling and Handling of Fuels for Volatility Measurement.''

(d) *Sample compositing.* Composite samples shall be prepared using the applicable procedures in ASTM method D 5854–96(2000), entitled ''Standard Practice for Mixing and Handling of Liquid Samples of Petroleum and Petroleum Products.''

(e) *Incorporations by reference.* ASTM standard practices D 4057–95(2000), D 4177–95(2000), D 5842–95(2000), and D 5854–96(2000), are incorporated by reference. These incorporations by reference were 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 the American Society for Testing and Materials, 100 Barr Harbor Dr., West

Conshohocken, PA 19428. Copies may be inspected at the Air Docket Section (LE–131), room M–1500, U.S. Environmental Protection Agency, Docket No. A–97–03, 401 M Street, SW, Washington, DC 20460, or at the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, (202) 523–4534.

3. Section 80.27 is amended by revising paragraphs (b) and (d)(2) to read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

* * * * *

(b) *Determination of compliance.* Compliance with the standards listed in paragraph (a) of this section shall be determined by the use of the sampling methodologies specified in § 80.8 and the testing methodology specified in § 80.46(c).

* * * * *

(d) * * *

(2) In order to quality for the special regulatory treatment specified in paragraph (d)(1) of this section, gasoline must contain denatured, anhydrous ethanol. The concentration of the ethanol, excluding the required denaturing agent, must be at least 9% and no more than 10% (by volume) of the gasoline. The ethanol content of the gasoline shall be determined by the use of one of the testing methodologies specified in § 80.46(g). The maximum ethanol content shall not exceed any applicable waiver conditions under section 211(f) of the Clean Air Act.

* * * * *

4. Section 80.28 is amended by revising paragraphs (g)(2)(ii) and (g)(4)(i) to read as follows:

§ 80.28 Liability for violations of gasoline volatility controls and prohibitions.

* * * * *

(g) * * *

(2) * * *

(ii) Test results using the sampling methodology set forth in § 80.8 and the testing methodology set forth in § 80.46(c), or any other test method where adequate correlation to § 80.46(c) of this part is demonstrated, which show evidence that the gasoline determined to be in violation was in compliance with the applicable standard when it was delivered to the next party in the distribution system.

* * * * *

(4) * * *

(i) Test results using the sampling methodology set forth in § 80.8 and the testing methodology set forth in § 80.46(c), or any other test method where adequate correlation to § 80.46(c) is demonstrated, which show evidence that the gasoline determined to be in violation was in compliance with the applicable standard when transported from the refinery.

* * * * *

5. Section 80.40 is amended by revising paragraph (c)(1) to read as follows:

§ 80.40 Fuel certification procedures.

* * * * *

(c)(1) ''Adjusted VOC gasoline'' for purposes of the general requirements in § 80.65(d)(2)(ii), and the certification procedures in this section is gasoline that contains 10 volume percent ethanol, or RBOB intended for blending with 10 volume percent ethanol, that is intended for use in the areas described at § 80.70(f) and (i), and is designated by the refiner as adjusted VOC gasoline subject to less stringent VOC standards in § 80.41(e) and (f). In order to for ''adjusted VOC gasoline'' to qualify for the regulatory treatment specified in § 80.41(e) and (f), reformulated gasoline must contain denatured, anhydrous ethanol. The concentration of the ethanol, excluding the required denaturing agent, must be at least 9% and no more than 10% (by volume) of the gasoline. The ethanol content of the gasoline shall be determined by use of one of the testing methodologies specified in § 80.46(g).

* * * * *

6. Section 80.46 is amended by revising paragraphs (b), (c), (d), (e)(1), (f)(2), (g) and (h) to read as follows:

§ 80.46 Measurement of reformulated gasoline fuel parameters.

* * * * *

(b) *Olefins.* Olefin content shall be determined using ASTM standard method D 1319–98, entitled ''Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption.''

(c) *Reid vapor pressure (RVP).* Reid vapor pressure (RVP) shall be determined using ASTM standard method D 5191–99, entitled ''Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method),'' except that the following correlation equation must be used:

$$RVP\ psi = (0.956 * X) - 0.347$$

$$RVP\ kPa = (0.956 * X) - 2.39$$

Where

X = total measured vapor pressure in psi or kPa

(d) *Distillation.* Distillation parameters shall be determined using ASTM standard method D 86–00a, entitled'' Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.''

* * * * *

(f) * * *

(2)(i) Prior to September 1, 2004, any refiner or importer may determine aromatics content using ASTM standard method D 1319–99, entitled ''Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Flourescent Indicator Adsorption,'' for purposes of meeting any testing requirement involving aromatics content; provided that

(ii) The refiner or importer test result is correlated with the method specified in paragraph (f)(1) of this section.

* * * * *

(g) *Oxygen and oxygenate content analysis.* (1) Oxygen and oxygenate content shall be determined using ASTM standard method D 5599–00, entitled ''Standard Test Method for Determination of Oxygenates in Gasoline by Gas Chromatography and Oxygen Selective Flame Ionization Detection.''

(2)(i) Prior to September 1, 2004, and when the oxygenates present are limited to MTBE, ETBE, TAME, DIPE, tertiary-amyl alcohol, and C1 to C4 alcohols, any refiner, importer, or oxygenate blender may determine oxygen and oxygenate content using ASTM standard method D 4815–99 entitled ''Standard Test Method for Determination of MTBE, ETBE, TAME, DIPE, tertiary-Amyl Alcohol, and C1 to C4 Alcohols in Gasoline by Gas Chromatography,'' for purposes of meeting any testing requirement; provided that

(ii) The refiner or importer test result is correlated with the method specified in paragraph (g)(1) of this section.

(h) *Incorporations by reference.* ASTM standard methods D 3606–99, entitled ''Standard Test Method for Determination of Benzene and Toluene in Finished Motor and Aviation Gasoline by Gas Chromatography;'' D 1319–98, entitled ''Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption;'' D 1319–99, entitled ''Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption;'' D 4815–99, entitled ''Standard Test Method for Determination of MTBE, ETBE, TAME, DIPE, tertiary-Amyl Alcohol and C_1 to C_4 Alcohols in Gasoline by Gas Chromatography;'' D 2622–98, entitled ''Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-Ray Fluorescence Spectrometry;'' D 5453–00, entitled ''Standard Test

Method for Determination of Total Sulfur in Light Hydrocarbons, Motor Fuels, and Oils by Ultraviolet Fluorescence;'' D 4045–99, entitled ''Standard Test Method for Sulfur in Petroleum Products by Hydrogenolysis and Rateometric Colorimetry;'' D 6428–98, entitled ''Test Method for Total Sulfur in Liquid Aromatic Hydrocarbons and Their Derivatives by Oxidative Combustion and Electrochemical Detection;'' D 3120–96 entitled ''Standard Test Method for Trace Quantities of Sulfur in Light Petroleum Hydrocarbons by Oxidative Microcoulometry;'' D 3246–96, entitled ''Standard Test Method for Sulfur in Petroleum Gas by Oxidative Microcoulometry;'' D 4468–85 (Re-approved 1995), entitled ''Standard Test Method for Total Sulfur in Gaseous Fuels by Hydrogenolysis and Rateometric Colorimetry;'' D 1266–98, entitled ''Standard Test Method for Sulfur in Petroleum Products (Lamp Method),'' D 6334–98, entitled ''Standard Test Method for Sulfur in Gasoline by Wavelength Dispersive X-Ray Fluorescence;'' D 5191–99, entitled, ''Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method);'' D 5599–00, entitled, ''Standard Test Method for Determination of Oxygenates in Gasoline by Gas Chromatography and Oxygen Selective Flame Ionization Detection;'' and D 86–00a, entitled, ''Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure;'' are incorporated by reference in this section. These incorporations by reference were 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 the American Society of Testing and Materials, 1916 Race Street, Philadelphia. PA 19103. Copies may be inspected at the Air Docket Section (LE–131), room M–1500, U.S. Environmental Protection Agency, Docket Nos. A–97–03, A–99–06, and A–2001–21, 401 M Street, SW, Washington DC 20460 or at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

7. Section 80.65 is amended by revising paragraph (d)(3) to read as follows:

§ 80.65 General requirements for refiners, importers, and oxygenate blenders.

* * * * *

(d) * * *

(3) Every batch of reformulated or conventional gasoline or RBOB produced or imported at each refinery or import facility shall be assigned a number (the ''batch number''), consisting of the EPA-assigned refiner, importer or oxygenate blender registration number, the EPA facility registration number, the last two digits of the year in which the batch was produced, and a unique number for the batch, beginning with the number one for the first batch produced or imported each calendar year and each subsequent batch during the calendar year being assigned the next sequential number (e.g., 4321–54321–95–000001, 4321–54321–95–000002, etc.).

* * * * *

8. Section 80.78 is amended by adding paragraph (a)(11) to read as follows:

§ 80.78 Controls and prohibitions on reformulated gasoline.

* * * * *

(a) * * *

(11) No persons except retailers and wholesale purchaser-consumers may take physical custody of reformulated gasoline or reformulated blendstock for oxygenate blending (RBOB) that is not VOC-controlled during the period April 15 through September 15 of each year.

* * * * *

9. Section 80.91 is amended by removing paragraph (a)(1)(iii) and removing the ''; and'' at the end of paragraph (a)(1)(ii) and replacing it with a period.

10. Section 80.92 is amended by revising the first sentence of paragraph (a)(1) to read as follows:

§ 80.92 Baseline auditor requirements.

(a) * * *

(1) Each refiner or importer is required to have its individual baseline determination methodology, resulting baseline fuel parameter, volume and emissions values verified by an auditor which meets the requirements described in this section. * * *

* * * * *

11. Section 80.101 is amended by removing and reserving paragraphs (d)(2) and (e)(2), and removing paragraph (h)(2)(iii), and revising paragraphs (h)(2)(i) and (ii) to read as follows:

§ 80.101 Standards applicable to refiners and importers.

* * * * *

(h) * * *

(2) * * *

(i) Be made as part of the report for the 1995 averaging period required by § 80.105; and

(ii) Apply for the 1995 averaging period and for each subsequent averaging period, and may not thereafter be changed.

* * * * *

12. Section 80.102 is revised to read as follows:

§ 80.102 Restrictions on transferring applicable blendstocks

(a) The following petroleum products are considered ''applicable blendstocks'' for purposes of this subpart E:

(1) Reformate;

(2) Light coker naphtha;

(3) FCC naphtha;

(4) Benzene/toluene/xylene;

(5) Pyrolysis gas;

(6) Aromatics;

(7) Polygasoline; and

(8) Dimate.

(b)(1) No refinery or importer whose 1990 baseline value for any emission performance, as determined in accordance with §§ 80.91 and 80.92, is more stringent than the anti-dumping statutory baseline value for that emission performance may transfer applicable blendstock(s) under paragraph (a) of this section to others in excess of five per cent of the refinery's or importer's total gasoline production (including conventional gasoline, reformulated gasoline and RBOB) during an annual averaging period, unless the refiner for the refinery or the importer petitions for and obtains approval from EPA to transfer such blendstock(s).

(2) A petition under paragraph (b)(1) of this section must include a demonstration that the transfer of blendstock(s) is for a legitimate operational purpose and not for the purpose of evading a more stringent baseline.

(3) The provisions of paragraph (b)(1) of this section do not apply in the case of a refinery or importer whose total gasoline production (including conventional gasoline, reformulated gasoline and RBOB) during the entire annual averaging period in which the blendstock transfers are made is equal to or greater than the refinery's or importer's 1990 baseline volume.

(c) Applicable blendstocks under paragraph (a) of this section may be excluded from the requirements of this section where the refiner or importer has sufficient evidence in the form of documentation that the blendstocks are:

(1) Exported;

(2) Used for other than gasoline blending purposes;

(3) Transferred to a refiner that used the blendstock as a ''feedstock'' in a refining process during which the blendstock underwent a substantial chemical or physical transformation; or

(4) Transferred between refineries that have been grouped pursuant to § 80.101(h) by a refiner for the purpose of determining compliance under this subpart;

(5) Used to produce California gasoline as defined in § 80.81(a)(2).

13. Section 80.104 is amended by revising paragraph (a)(1)(i) and removing and reserving paragraph (a)(2)(ix) to read as follows:

§ 80.104 Recordkeeping requirements.

* * * * *

(a) * * *

(1) * * *

(i) Each batch of conventional gasoline; and

* * * * *

14. Section 80.105 is amended by removing and reserving paragraphs (a)(2) and (a)(3).

15. Section 80.106 is amended by removing and reserving paragraph (b).

16. Section 80.128 is amended by removing paragraphs (h) and (i).

Appendix D—[Reserved.]

17. Appendix D is removed and reserved.

Appendix E to Part 80—[Reserved.]

18. Appendix E is removed and reserved.

Appendix F to Part 80—[Reserved.]

19. Appendix F is removed and reserved.

Appendix G to Part 80—[Reserved.]

20. Appendix G is removed and reserved.

[FR Doc. 01–29777 Filed 11–30–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 61

RIN 3067–AD27

National Flood Insurance Program (NFIP); Increased Rates for Flood Coverage

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: We (the Federal Insurance and Mitigation Administration of FEMA) propose to increase the amount of premium policyholders pay for flood insurance coverage under the NFIP for ''pre-FIRM'' buildings in coastal areas subject to high velocity waters, such as storm surges, and wind-driven waves (''V'' zones). (The term ''pre-FIRM buildings'' means buildings whose construction began on or before December 31, 1974, or the effective date of the community's Flood Insurance Rate Map (FIRM), whichever date is later. Most pre-FIRM buildings and their contents are eligible for subsidized rates under the NFIP.) We propose this rate increase to bring the premiums we currently charge for pre-FIRM, V-zone properties more in line with their actual risk.

DATES: We invite comments on this proposed rule, which we should receive on or before January 2, 2002.

ADDRESSES: Please submit any written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, DC 20472, (facsimile) 202–646–4536, or (e-mail) *rules@fema.gov.*

FOR FURTHER INFORMATION CONTACT: Thomas Hayes, Federal Emergency Management Agency, Federal Insurance and Mitigation Administration, 500 C Street SW., Washington, DC 20472, 202–646–3419, (facsimile) 202–646–7970, or (e-mail) *Thomas.Hayes@fema.gov.*

SUPPLEMENTARY INFORMATION:

Background

On March 17, 1999, we published at 64 FR 13115 a final rule that increased the subsidized premiums rates for ''pre-FIRM'' buildings in V-zones—areas subject to high velocity waters, such as storm surges and wind-driven waves. (We use the term ''pre-FIRM'' to describe construction that was started on or before December 31, 1974, or the effective date of the Flood Insurance Rate Map (FIRM) for a community, whichever date is later. The premium rates we charge for flood insurance coverage on pre-FIRM buildings are less than full-risk premiums.) This is how we summarized our reasons for the increase in 1999 at 64 FR 13116:

''In summary, we believe that targeting a particularly risky class of properties with higher premium rates supports FEMA's overall program of loss reduction. It more accurately reflects the loss exposure of pre-FIRM, V-zone properties, which are at a greater exposure to flood loss than pre-FIRM, A-zone properties. Also, it helps make policyholders aware of the danger of their V-zone properties.''

Currently, the rates for pre-FIRM, V-zone properties that apply to the first-layer limits of flood insurance coverage established by 42 U.S.C. 4013 are roughly twenty percent higher than the equivalent rates for pre-FIRM, A-zone properties. (For example, first layer coverage for single-family dwellings amounts to $35,000 out of $250,000—the maximum amount available for such structures under the National Flood Insurance Program.) We believe that the difference in loss exposure between these two groups of risks is much greater than that. Therefore, we are proposing a further increase in the pre-FIRM, V-zone rates.

Section 572 of the National Flood Insurance Reform Act of 1994, Pub. L. 103–325, 42 U.S.C. 4015, however, imposes the following annual limitation on rate increases under the NFIP:

> ''Notwithstanding any other provision of this title, the chargeable risk premium rates for flood insurance under this title for any properties within any single risk classification may not be increased by an amount that would result in the average of such rate increases for properties within the risk classification during any 12-month period exceeding 10 percent of the average of the risk premium rates for properties within the risk classification upon commencement of such 12-month period.'' (42 U.S.C. 4015)

Our proposed rate increase for such properties would comply with this statutory limitation on annual rate increase under the NFIP.

Statutory Mandates for Setting Flood Insurance Premiums

The Flood Disaster Protection Act of 1973 requires us to charge full-risk premiums for flood insurance coverage on buildings when their construction began after December 31, 1974, or on or after the effective date of the Flood Insurance Rate Map, if the second date is later. (We call such construction ''post-FIRM'' construction.)

The Flood Disaster Protection Act of 1973 also authorizes us to apply chargeable premiums to pre-FIRM property and gives FEMA flexibility to set the flood insurance rates for such property. The legislation calls for us to balance the need to offer reasonable rates that encourage people to buy flood insurance with the statutory goal to distribute burdens fairly between all who will be protected by flood insurance and the general public.

Proposed Changes and Their Purposes

We are proposing to increase the current subsidized rates we charge for the initial limits of coverage under the NFIP for pre-FIRM properties in ''V'' zones on FEMA's FIRMs. (''V'' zones represent coastal areas subject to high velocity water such as wind-driven waves from storms or tidal surges that are extremely hazardous to people and property.) Currently, these premium rates are about twenty percent higher than the equivalent rates we charge for pre-FIRM, A-zone zone properties. We are proposing to further increase the rates we charge for V-zone, pre-FIRM properties to bring them more in line with their greater exposure to flood losses.

Currently, the sum of the premium and other administrative fees one pays for flood insurance on subsidized pre-FIRM properties is less than our expected expenses and loss payments. This applies especially to pre-FIRM, V-zone properties.

Subsidized Rate Increases in the Past

We have increased the chargeable or subsidized premium rates four times during the program's history for the same reason that we are proposing this rule: to distribute burdens fairly among all who will be protected by flood insurance and to reduce the burden on the general public. The changes proposed in this rule for pre-FIRM, V-zone properties would move us closer toward that goal by bringing subsidized premiums charged for buildings in extremely hazardous areas more in line with the actual risk.

Comparison of Proposed Rate Increases With Current Rates

The following chart compares the current rates we charge for pre-FIRM, V-zone properties with the proposed rate increases for pre-FIRM, V-zone properties. The rates for pre-FIRM, A-zone properties would be unaffected by this proposal. Also these proposed increases apply only to the rates charged for the ''first layer'' of flood insurance coverage set by Congress in Section 1306 of the National Flood Insurance Act of 1968, as amended (Pub. L. 90–448):

Type of structure	Current V Zone [1] rates per year per $100 coverage on:		Proposed V Zone rates per year per $100 coverage on:	
	Structure	Contents	Structure	Contents
1. Residential:				
No Basement or Enclosure	.82	.95	.91	1.06
With Basement or Enclosure	.88	.95	.98	1.06
2. All other including hotels and motels with normal occupancy of less than 6 months duration:				
No basement or Enclosure	.95	1.90	1.06	2.10
With basement or Enclosure	1.01	1.90	1.12	2.10

[1] V Zones are Zones V1–V30, VE, and unnumbered V Zones.

National Environmental Policy Act (NEPA)

Pursuant to section 102(2) (C) of the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4317 *et seq.*, we are conducting an environmental assessment of this proposed rule. The assessment will be available for inspection through the Rules Docket Clerk, Federal Emergency Management Agency, room 840, 500 C St. SW., Washington, DC 20472.

Executive Order 12866, Regulatory Planning and Review

We have prepared and reviewed this proposed rule under the provisions of E.O. 12866, Regulatory Planning and Review. Under Executive Order 12866, 58 FR 51735, October 4, 1993, a significant regulatory action is subject to OMB review and the requirements of the Executive Order. The Executive Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

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

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

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

For the reasons that follow we have concluded that the proposed rule is neither an economically significant nor a significant regulatory action under the Executive Order. The rule would result in a modest increase in premiums for V-zone, pre-FIRM buildings and their contents. The adjustment in premiums rates would increase by slightly less than $3 million the amount of premium collected and deposited in the National Flood Insurance Fund each year. It would not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, the insurance sector, competition, or other sectors of the economy. It would create no serious inconsistency or otherwise interfere with an action taken or planned by another agency. It would not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof. Nor does it raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The Office of Management and Budget has not reviewed this proposed rule under the provisions of Executive Order 12866.

Paperwork Reduction Act

This rule does not contain a collection of information and is therefore not subject to the provisions of the Paperwork Reduction Act.

Executive Order 13132, Federalism

Executive Order 13132 sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have federalism implications, that is, regulations that have substantial direct effects on the States, or on the distribution of power and responsibilities among the various levels of government. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

We have reviewed this proposed rule under E.O. 13132 and have determined that the rule does not have federalism implications as defined by the Executive Order. The rule would adjust the premiums for pre-FIRM buildings in V-zone areas. The rule in no way that we foresee affects the distribution of power and responsibilities among the various levels of government or limits the policymaking discretion of the States.

List of Subjects in 44 CFR Part 61

Flood insurance.

Accordingly, we propose to amend 44 CFR part 61 as follows:

PART 61—INSURANCE COVERAGE AND RATES

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

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127 of Mar. 31, 1979, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

2. Revise § 61.9 to read as follows:

§ 61.9 Establishment of chargeable rates.

Under section 1308 of the Act, we are establishing annual chargeable rates for each $100 of flood insurance coverage as follows for pre-FIRM, A zone properties, pre-FIRM, V-zone properties, and emergency program properties.

Type of structure	A Zone rates [1] per year per $100 coverage on:		V Zone rates [2] per year per $100 coverage on:	
	Structure	Contents	Structure	Contents
1. 1. Residential:				
No Basement or Enclosure	.68	.79	.91	1.06
With Basement or Enclosure	.73	.79	.98	1.06
2. All other including hotels and motels with normal occupancy of less than 6 months duration:				
No basement or Enclosure	.79	1.58	1.06	2.10
With basement or Enclosure	.84	1.58	1.12	2.10

[1] A Zones are zones A1–A30, AE, AO, AH, and unnumbered A Zones
[2] V Zones are zones V1–V30, VE, and unnumbered V Zones

Dated: November 26, 2001.

Robert F. Shea,

Acting Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 01–29747 Filed 11–30–01; 8:45 am]

BILLING CODE 6718–03–P

Notices

Federal Register
Vol. 66, No. 232
Monday, December 3, 2001

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

DEPARTMENT OF AGRICULTURE

Center for Nutrition Policy and Promotion; Agency Information Collection Activities; Proposed Collection; Comment Request—Consumer Food Guide Pyramid Study

AGENCY: Center for Nutrition Policy and Promotion, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on a proposed information collection. This notice announces the Center for Nutrition Policy and Promotion's intention to request the Office of Management and Budget approval of the information collection instruments to be used during consumer research with focus groups of consumers to identify key issues of concern related to understanding and use of the Food Guide Pyramid. The information collected will be used in the reassessment and potential revision of the Food Guide Pyramid.

DATES: Written comments on this notice must be submitted on or before February 1, 2002.

ADDRESSES: 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 will have practical utility; (b) the accuracy of the agency's estimate of the burden of the propose collection of information, including the validity of the methodology and assumptions used; (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 those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Carole Davis, Nutrition Promotion Staff Director, Center for Nutrition Policy and Promotion, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1034, Alexandria Virginia, 22302.

All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval, All comments will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Patricia Britten, (703) 305–2477.

SUPPLEMENTARY INFORMATION:

Title: Consumer Food Guide Pyramid Study.

OMB Number: Not assigned yet.

Expiration Date: Not applicable.

Type of Request: New collection of information.

Abstract: The U.S. Department of Agriculture's Food Guide Pyramid is designed to help all healthy Americans two years of age and over implement the Dietary Guidelines for Americans. The proposed qualitative consumer research will describe consumers' understanding and use of the Food Guide Pyramid along with possible barriers to following the Pyramid's guidance. This study involves eighteen focus group sessions, 6 with general consumers and 4 each with the elderly, overweight, and food stamp recipients, to explore how consumers understand the concepts and messages of the consumer brochure and graphic illustration of the Food Guide Pyramid. The study will also obtain feedback on how and to what extent consumers use the Pyramid to make food choices, and will help to identify any barriers they face in applying Pyramid recommendations to their food choices. The information gathered along with additional information will be used by USDA in the reassessment and potential revision of the Food Guide Pyramid, and in message development and other communications efforts used to promote the Pyramid.

Affected Public: Adult Consumers.

Estimated Number of Respondents: 180.

Estimated Time Per Response: 2 hours.

Estimated Total Annual Burden on Respondents: 360 hours.

Dated: November 28, 2001.

Steven N. Christensen,

Acting Deputy Director, Center for Nutrition Policy and Promotion.

[FR Doc. 01–29852 Filed 11–30–01; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Advisory Committee on Emerging Markets: Nominations.

SUMMARY: Notice is hereby given that nominations are being sought for qualified persons to serve on the Advisory Committee on Emerging Markets. The role of the committee is to provide information and advice, based upon knowledge and expertise of the members, useful to the U.S. Department of Agriculture (USDA) in implementing the Emerging Markets Program. The committee also advises USDA on ways to increase the involvement of the U.S. private sector in cooperative work with emerging markets in food and rural business systems and reviews proposals submitted to the Program for funding technical assistance activities.

DATES: Written nominations must be received by the Foreign Agricultural Service (FAS) before or at the close of business January 2, 2002.

ADDRESSES: All nominating materials should be sent to Mr. Douglas Freeman, Foreign Agricultural Service, Room 4932–Stop 1042, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250–1042. Forms may also be submitted by fax to (202) 720–9361.

FOR FURTHER INFORMATION CONTACT: Persons interested in serving on the Advisory Committee on Emerging Markets or in nominating individuals to serve, should contact FAS by telephone (202) 720–4327, by fax (202) 720–9361, by mail (Mr. Douglas Freeman, Foreign Agricultural Service, Room 4932—Stop 1042, U.S. Department of Agriculture, 1400 Independence Avenue, S.W., Washington, D.C. 20250–1042), or by electronic mail to *emo@fas.usda.gov* and request Form AD–755 and Form SF–181. Form AD–755 is required and is available at the FAS home page: *http://www.fas.usda.gov/admin/*

ad755.pdf. Form SF–181 is requested but optional, and is available at *http://www.fas.usda/admin/sf181.pdf.*

SUPPLEMENTARY INFORMATION: The Advisory Committee on Emerging Markets is authorized by section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624), as amended. The overall purpose of the Committee is ''to provide the Secretary with information that may be useful * * * in carrying out the provisions of [the Emerging Markets Program].'' The Committee is to be composed of representatives of the various sectors of the food and rural business systems of the United States. More information about the purpose and function of the Advisory Committee may be found at the FAS/Emerging Markets Program Web site: *http://www.fas.usda.gov/mos/em-markets/acem.html.* The members of the Advisory Committee are appointed by the Secretary of Agriculture and serve at the discretion of the Secretary. Committee members serve without compensation, but can receive reimbursement for travel expenses to attend Committee meetings if requested, in accordance with USDA travel regulations.

The Committee has a balanced membership of up to 20 members, representing a broad cross-section of the U.S. agricultural and agribusiness industry. All appointments will expire two years from the date of appointment. The Secretary may renew an appointment for one or more additional terms.

Most meetings will be held in Washington, DC, though other locations may be selected on an occasional basis. Committee meetings will be open to the public, unless the Secretary of Agriculture determines that the Committee will be discussing issues the disclosure of which justify closing all or a portion of a meeting, in accordance with 5 U.S.C. 552(c).

Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, physical handicap, marital status, or sexual orientation. To ensure that the work of the Committee takes into account the needs of the diverse groups served by the Department of Agriculture, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the interest of minorities, women, and persons with disabilities.

Members are selected primarily for their experience, expertise and knowledge of international agriculture and of trade and development issues as they affect emerging markets. No person, company, producer, farm organization, trade association, or other entity has a right to representation on the Committee. In making selections, every effort will be made to maintain balanced representation of the various broad industries within the United States, and of a geographic diversity as well.

Signed at Washington, DC, November 26, 2001.

Mary T. Chambliss,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 01–29876 Filed 11–30–01; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Forest Service

North End Sheep Allotment Range Analysis, Caribou-Targhee National Forest, Caribou and Bonneville Counties, ID

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Soda Springs Ranger District, Caribou-Targhee National Forest, will be preparing an Environmental Impact Statement (EIS) to analyze the effects to grazing on several sheep allotments. Allotment Management Plans for the following sheep allotments; Bald Mountain, Barnes Creek, Black Canyon, Bridge Creek, Comb Creek, Deep Creek, Eagle Creek-Morgan Meadow, Hell Creek, Keenan City, Little Elk Mountain, Miners Delight, Pole Creek, Spring Creek, Squaw Creek, Taylor Creek, West Jensen and Wolverine-Kirk will be updated based on the analysis. All of these allotments are located on the North end of the Caribou Range in Townships 2–5 South, Ranges 43–46 East, Boise Meridian, within Caribou and Bonneville Counties. An EIS will be prepared to display the effects of sheep grazing on these allotments. Public comments will be used to develop issues and alternative management systems. The purpose for this project is to assess current conditions on the allotments and ensure that riparian and upland vegetation are meeting Forest Plan objectives and other applicable laws and regulations. The EIS will outline standards and guidelines for livestock management, which will be used to revise Allotment Management Plans for each allotment. The EIS and subsequent revision of the Allotment Management Plans will bring these allotments into compliance with Public Law 104, the Caribou National Forest Land and Resource Management Plan, and other applicable laws and regulations. The decision to be made by the District Ranger is what changes need to be made for future livestock management within the boundaries of these allotments.

DATES: Written comments concerning the analysis should be received within 30 days of the date of publication of this notice in the **Federal Register**.

ADDRESSES: Send written comments to Soda Springs Ranger District, Attn: David Whittekiend, 421 West 2nd South, Soda Springs, Idaho 83276. The responsible official for this decision is David Whittekiend, District Ranger.

FOR FURTHER INFORMATION CONTACT: Questions concerning the proposed action and EIS should be directed to Derek Hinckley, Range Management Specialist, at (208) 547–4356.

SUPPLEMENTARY INFORMATION: The EIS and subsequent revision of the Allotment Management Plans will bring these allotments into compliance with Public Law 104, the Caribou National Forest Land and Resource Management Plan, and other applicable laws and regulations.

Initial scoping and issue development identified the following tentative issues: riparian/fisheries, wildlife, vegetation and watershed/soils.

The Forest Service has previously scoped this project in February of 2001. If you have already commented, your comments are part of the record and will be considered in determining issues, and alternatives. The Forest Service invites written comments and suggestions on the issues related to the proposal and the area being analyzed. Information received will be used in preparation of the Draft EIS and Final EIS. For most effective use, comments should be submitted to the Forest Service within 30 days from the date of publication of this Notice in the **Federal Register**.

Agency representatives and other interested people are invited to visit with Forest Service officials at any time during the EIS process. Two specific time periods are identified for the receipt of formal comments on the analysis. The two comment periods are, (1) during the scoping process, the next 30 days following publication of this Notice in the **Federal Register**, and (2) during the formal review period of the Draft EIS.

The Draft EIS is estimated to be filed with the Environmental Protection Agency (EPA) and available for public review in August of 2002. At that time,

the EPA will publish an availability notice of the Draft EIS in the **Federal Register**.

The Forest Service estimates the Draft EIS will be filed within 10 months of this Notice of Intent, approximately August of 2002. The Final EIS will be filed within 6 months of that date, approximately December of 2002.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and intentions.

Vermont Yankee Nuclear Power Corp. v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Court of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft environmental impact statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered: however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR parts 215 or 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that under the FOIA, confidentiality may be granted in only very limited circumstances such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within 10 days.

Dated: November 26, 2001.

David C. Whittekiend,

Soda Springs Ranger District.

[FR Doc. 01–29836 Filed 11–30–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Squirrel Meadows-Grand Targhee Land Exchange; Caribou-Targhee National Forest, Teton County, WY

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a Supplemental Environmental Impact Statement.

SUMMARY: The U.S. Department of Agriculture, Forest Service will prepare a Supplemental Environmental Impact Statement (SEIS) to comply with Idaho District Court Judge Winmill's Judgment and Memorandum Decision dated August 8, 2001 in Civil Case Number 01–0176–E–BLW. These documents are available at the District Court of Idaho's Remote Access to Court Electronic Records (RACER) Web page *http://www.id.uscourts.gov/* or upon request from the Forest Service.

The Forest Service proposes to acquire 400 acres of private land at Squirrel Meadows that is considered to be important habitat for the threatened grizzly bear and other wildlife for 120 acres of National Forest System lands at the base of the Grand Targhee Ski and Summer Resort. The proposed action remains essentially the same as in the Final Environmental Impact Statement for the Squirrel Meadows-Grand Targhee Land Exchange, dated December of 2000. In the FEIS the proposal was to exchange up to 158 acres of NFS lands at Grand Targhee; however, in the Record of Decision, the acreage was reduced to 120 acres to balance the appraised values.

DATES: Written comments concerning the analysis required by the Judgment and Memorandum Decision should be received within 15 days of the date of publication of this notice in the **Federal Register**. The Forest Service estimates the Draft SEIS will be filed in February of 2002. The Final SEIS will be filed within 3 months of that date, approximately May of 2002.

ADDRESSES: Send written comments to Caribou-Targhee National Forest Headquarters, Attn: Lisa Klinger, 1405 Hollipark Drive, Idaho Falls, Idaho 83401. The responsible official for this decision is Jerry Reese, Caribou-Targhee National Forest Supervisor.

FOR FURTHER INFORMATION CONTACT: Copies of the December 2000 Final EIS and Record of Decision (ROD) for the Squirrel Meadows-Grand Targhee land Exchange can be obtained by contacting the Caribou-Targhee National Forest Headquarters Office at (208) 557–5760 or the Teton Basin Ranger District at (208) 354–2312. Questions concerning the proposed action and SEIS should be directed to Lisa Klinger, Recreation Specialist, at (208) 557–5760 or Cheryl Probert, Forest Planner, at (209) 557–5821.

SUPPLEMENTARY INFORMATION: Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered: however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR parts 215 or 217. Additionally, pursuant to 7 CFR 1.27 (d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that under the FOIA, confidentiality may be granted in only very limited circumstances such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied, the agency will return the

submission and notify the requester that the comments may be resubmitted with or without name and address within 10 days.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register**. It is very important that those interested in this proposed action participate at this time. To be most helpful, comments on the draft environmental impact statement should be a specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed. (see the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviews of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaning and alerts an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completing of the final environmental impact statement. *City of Angoon* v. *Hodel,* (9th Circuit, 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections area made available to the Forest Service at time when it can meaningfully consider them and respond to them in the final.

Dated: November 26, 2001.

Jerry B. Reese,

Caribou-Targhee Forest Supervisor.

[FR Doc. 01–29837 Filed 11–30–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Black Ant Fire Salvage EIS—Lewis and Clark National Forest

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement on a proposal to salvage fire killed trees on approximately 1,000 acres on the Lewis and Clark National Forest, in Meagher County, Montana. The Lost Fork Fire burned an estimated 2,300 acres in September of 2001. A preliminary assessment indicated about ⅓ of the burned area contains trees of commercial value. In order to further the purposes of the National Environmental Policy Act and to provide full disclosure of effects, the analysis will be documented in an Environmental Impact Statement (EIS).

DATES: Comments concerning the scope of the analysis, issues, the alternatives, and evaluation of alternatives are requested. A draft document will be provided upon request.

ADDRESSES: Send written comments to Rick Prausa, Forest Supervisor, Lewis and Clark National Forest, 1101 15th Street North, Box 869, Great Falls, MT 59403. Electronic mail may be sent to *rl lewisclark comments@fs.fed.us* (**Note:** there are spaces before and after lewisclark.)

FOR FURTHER INFORMATION CONTACT: Scott Hill, EIS Team Leader, Judith Ranger District, POB 484, Stanford MT, 59479. Phone: (406) 566–2292, Electronic Mail: *shill02@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The Forest Service proposes to salvage fire-killed trees of commercial value on approximately 1,000 acres in the North Fork of the Musselshell and the North Fork of the Smith River drainages on the Lewis and Clark National Forest. The entire project area covers about 2,300 acres in the central portion of the Little Belt Mountains. The purposes of the proposed action is to make use of trees of commercial value while the opportunity exists. No salvage or road construction within identified roadless areas is proposed.

Decisions To Be Made: The Forest Supervisor will decide whether and where salvage activities would take place in the project area. He will decide the number of acres, if any, on which salvage would take place and the treatment methods to be used. He will decide when any management activities would take place, what mitigation measures would be implemented to address concerns, and whether the action requires amendment(s) to the Lewis and Clark Forest Plan

Responsible Official: Rick Prausa, Forest Supervisor, is the Responsible Official for making the decision to implement any of the alternatives evaluated. He will document his decision and rationale in a Record of Decision.

Preliminary Issues: Issues associated with salvage harvest that have been identified during scoping and development of proposed action include impacts of proposed activities on wildlife and fish species and their habitat and soil resources.

Public Involvement, Rationale, and Public Meetings: Scoping for this project will begin in October 2001. A letter will be sent to individuals requesting their comment on the proposed action. A 45-day review period for comments on the Draft EIS will be provided. Comments received will be considered and included in documentation of the Final EIS. The public is encouraged to take part in the process and to visit with Forest Service officials at any time during the analysis and prior to the decision. The Forest Service has sought and will continue to seek information, comments and assistance from Federal, State and local agencies and other individuals or organizations who may be interested in, or affected by, the proposed action.

Electronic Access and Filing Addresses: Comments may be sent by electronic mail (e-mail) to *rl lewisclark comments@fs.fed.us.* Please reference the Black Ant Salvage EIS on the subject line. Also, include your name and mailing address with your comments so documents pertaining to this project may be mailed to you.

Estimated Dates for Filing: The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by February, 2002. At that time EPA will publish a Notice of Availability of the draft EIS in the **Federal Register.** The comment period on the draft EIS will be 45 days from the date the EPA publishes the Notice of Availability in the **Federal Register**. It is very important that those interested in the management of this area participate at that time.

The final EIS is scheduled to be completed by May, 2002. In the final EIS, the Forest Service will respond to comments received during the comment period that pertain to the environmental consequences of the action, as well as those pertaining to applicable laws, regulations, and policies. These will be considered in making a decision regarding the proposal.

The Reviewers Obligation To Comment: The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statement must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmetnal objections that could be

raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Wisconsin Heritages, Inc.* v. *Harris,* 490 F.Supp. 1334, 1338 (E.D. Wis. 1980). As shown by these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: November 27, 2001.

Rick Prausa,

Lewis and Clark Forest Supervisor.

[FR Doc. 01–29841 Filed 11–30–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

South Texas Electric Cooperative, Inc.; Notice of Finding of No Significant Impact

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) has made a finding of no significant impact (FONSI) with respect to a request from South Texas Electric Cooperative (STEC) for assistance from RUS to finance the construction and operation of a 177 MW combined-cycle combustion turbine generation facility in Victoria County, Texas.

FOR FURTHER INFORMATION CONTACT: Dennis E. Rankin, Environmental Protection Specialist, RUS, Engineering and Environmental Staff, Stop 1571, 1400 Independence Avenue, SW., Washington, DC 20250–1571, telephone: (202) 720–1953 or e-mail: *drankin@rus.usda.gov.*

SUPPLEMENTARY INFORMATION: STEC is proposing to construct a combined-cycle combustion turbine generation plant at the existing Sam Rayburn Plant which is located in Nursery, Texas. The 177 MW capacity project would consist of three combustion turbine units connected to a single combined-cycle unit. Approximately 5.5 acres of the existing site will be needed for the proposed project. The existing plant infrastructure will be utilized for this new generation addition including existing gas lines, cooling water ponds and switchyard.

Copies of the Environmental Assessment and FONSI are available for review at, or can be obtained from, RUS at the address provided herein, or from Mr. John Packard, STEC, FM 447, Nursery, Texas 77976, telephone: (361) 575–6491.

Dated: November 26, 2001.

Blaine D. Stockton,

Assistant Administrator, Electric Program, Rural Utilities Service.

[FR Doc. 01–29877 Filed 11–30–01; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended, may request, in accordance with section 351.213 (2001) of the Department of Commerce (the Department) Regulations, that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity To Request a Review

Not later than the last day of December 2001, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in December for the following periods:

	Period
Antidumping Duty Proceedings	
Brazil:	
Certain Carbon Steel Butt-Weld Pipe Fittings, A–351–602	12/1/00–11/30/01
Silicomanganese, A–351–824	12/1/00–11/30/01
Chile: Certain Preserved Mushrooms,A–337–804	12/1/00–11/30/01
India: Stainless Steel Wire Rod, A–533–808	12/1/00–11/30/01
Japan:	
Drafting Machines and Parts Thereof, A–588–811	12/1/00–11/30/01
Polychloroprene Rubber, A–588–046	12/1/00–11/30/01
P.C. Steel Wire Strand, A–588–068	12/1/00–11/30/01
Vector Supercomputers, A–588–841 [1]	10/1/00–9/30/01
Mexico: Porcelain-on-Steel Cooking Ware, A–201–504	12/1/00–11/30/01
Republic of Korea: Welded ASTM A–312 Stainless Steel Pipe, A–580–810	12/1/00–11/30/01
Taiwan:	
Carbon Steel Butt-Weld Pipe Fittings, A–583–605	12/1/00–11/30/01
Porcelain-On-Steel Cooking Ware, A–583–508	12/1/00–11/30/01
Welded ASTM A–312 Stainless Steel Pipe, A–583–815	12/1/00–11/30/01

	Period
The People's Republic of China:	
Cased Pencils, A–570–827	12/1/00–11/30/01
Porcelain-on-Steel Cooking Ware, A–570–506	12/1/00–11/30/01
Silicomanganese, A–570–828	12/1/00–11/30/01
Countervailing Duty Proceedings	
None	
Suspension Agreements	
None	

[1] On October 1, 2001 (66 FR 49923) this order was inadvertently listed in the opportunity notice for October cases. This case has been revoked and the effective date of the revocation is 1/1/2000.

In accordance with section 351.213(b) of the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Six copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Duty Enforcement, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(l)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of December 2001. If the Department does not receive, by the last day of December 2001, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: November 27, 2001.

Holly A. Kuga,

Senior Office Director, Group II, Office 4, Import Administration.

[FR Doc. 01–29895 Filed 11–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Initiation of Five-Year (''Sunset'') Reviews

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

ACTION: Notice of initiation of five-year (''sunset'') reviews.

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') is automatically initiating a five-year (''sunset'') review of the suspended antidumping investigation listed below. The International Trade Commission (''the Commission'') is publishing concurrently with this notice its notice of *Institution of Five-Year Review* covering this same suspended investigation.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, at (202) 482–5050, or Vera Libeau, Office of Investigations, U.S. International Trade Commission, at (202) 205–3176.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the ''Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department of Commerce's (''Department'') regulations are to 19 CFR part 351 (2001). Pursuant to sections 751(c) and 752 of the Act, an antidumping (''AD'') or countervailing duty (''CVD'') order will be revoked, or the suspended investigation will be terminated, unless revocation or termination would be likely to lead to continuation or recurrence of (1) dumping or a countervailable subsidy, and (2) material injury to the domestic industry.

The Department's procedures for the conduct of sunset reviews are set forth in 19 CFR 351.218. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Background

Initiation of Review

In accordance with 19 CFR 351.218 we are initiating a sunset review of the following suspended investigation:

DOC case No.	ITC case No.	Country	Product
A–588–839	731–TA–740	Japan	Sodium Azide

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the *Sunset Regulations* (19 CFR 351.218) and *Sunset Policy Bulletin*, the Department's schedule of sunset reviews, case history information (*i.e.*, previous margins, duty absorption determinations, scope language, import volumes), and service lists, available to the public on the Department's sunset Internet website at the following address: *''http://ia.ita.doc.gov/sunset/''*.

All submissions in this sunset review must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303. Also, we suggest that parties check the Department's sunset website for any updates to the service list before filing any submissions. The Department will make additions to and/or deletions from the service list provided on the sunset website based on notifications from parties and participation in this review. Specifically, the Department will delete from the service list all parties that do not submit a substantive response to the notice of initiation.

Because deadlines in a sunset review are, in many instances, very short, we urge interested parties to apply for access to proprietary information under administrative protective order (''APO'') immediately following publication in the **Federal Register** of the notice of initiation of the sunset review. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties (defined in 19 CFR 351.102) wishing to participate in this sunset review must respond not later than 15 days after the date of publication in the **Federal Register** of the notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review.

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that *all parties* wishing to participate in the sunset review must file substantive responses not later than 30 days after the date of publication in the **Federal Register** of the notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for foreign and domestic parties. Also, note that the Department's information requirements are distinct from the International Trade Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of sunset reviews.[1] Please consult the Department's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: November 27, 2001.

Richard W. Moreland,

Acting Assistant Secretary, for Import Administration.

[FR Doc. 01–29893 Filed 11–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–868]

Notice of Preliminary Determination of Sales at Less Than Fair Value: Folding Metal Tables and Chairs From the People's Republic of China

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

EFFECTIVE DATE: December 3, 2001.

FOR FURTHER INFORMATION CONTACT: Helen Kramer or John Drury, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0405, and (202) 482–0195, respectively.

The Applicable Statute and Regulations

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

Preliminary Determination

We preliminarily determine that folding metal tables and chairs (''FMTC'') from the People's Republic of China (''PRC'') are being, or are likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

This investigation was initiated on May 17, 2001. See Initiation of Antidumping Duty Investigation: Folding Metal Tables and Chairs from the People's Republic of China, 66 FR 28728, May 24, 2001 (''Notice of Initiation''). The Department set aside a period for all interested parties to raise issues regarding product coverage. See Notice of Initiation at 28730. We received comments regarding product coverage as follows:

(1) Cosco, Inc. (an importer of the merchandise under investigation) suggested on June 6, 2001, that folding tables and folding chairs should be considered as primarily of metal only if at least two structural components consist entirely of metal;

(2) Meco Corporation (the petitioner) responded on June 18, 2001, that Cosco's suggested clarification was an impermissible attempt to change the intended scope of the investigation to exempt merchandise that the petition expressly covers, and to permit future

[1] A number of parties commented that these interim-final regulations provided insufficient time for rebuttals to substantive responses to a notice of initiation, 19 CFR 351.218(d)(4)). As provided in 19 CFR 351.302(b), the Department will consider individual requests for extension of that five-day deadline based upon a showing of good cause.

circumvention of antidumping duty order through minor alterations; and

(3) On October 5, 2001, National Public Seating Corp. (''NPSC''), an importer, asked that certain double-hinged chairs be excluded from the scope. On October 26, 2001, Meco responded that the petition expressly covers the type of chair NPSC sought to exclude.

On June 11, 2001, the United States International Trade Commission (''ITC'') issued its affirmative preliminary determination that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of the subject merchandise from the PRC, which was published in the **Federal Register** on June 15, 2001. See Certain Folding Metal Tables and Chairs From China, 66 FR 32644.

On June 21, 2001, the Department issued a questionnaire requesting volume and value of U.S. sales information to the Embassy of the PRC and to the Ministry of Foreign Trade and Economic Development, and sent courtesy copies to the following known producers/exporters of subject merchandise identified in the petition: Dongguan Shichang Metals Factory Co., Ltd., Xiamen New-Tec Jcc Co., Ltd., Samwise Hardware Products Factory, Office Max, Inc., Fujian Anxi Yinfa Handicrafts Co., Ltd., Shin Crest (Div. Taiwan Shin Yeh Enterprise Co.), Shian International Co., Tian Jian Industries (Group) Co. Ltd., China National Aero-Technology Import & Export Corp., Numark Industries Co., Ltd., Sun Son Trading Co. (Agent of Supper Chair Enterprise Co., Ltd.), Fujian Province Materials General Co., Xiaguang Industry Co., Ltd., China North Industries Guangzhou, Ningbo United Group Co., Ltd., China Precision Machinery, Xiamen Xiangjiang Imp. and Exp. Corp., Wuxi East Grace Garments Imp. Exp. Corp., Mitex International (H K) Ltd., and Nanhai Hongda Metal Products Co., Ltd. Additionally, we notified the PRC Government that it was responsible for ensuring that volume and value information for those companies and for all other companies not identified in our list be provided to the Department.

A timely response to the Department's questionnaire seeking volume and value of U.S. sales information was received on July 9, 2001, from Dongguan Shichang Metals Factory Co. Ltd. (''Dongguan''). Because Feili Furniture Development Co., Ltd. and Feili (Fujian) Co., Ltd. (''Feili Group''), New-Tec Integration Co., Ltd. (''New-Tec'') and Shin Crest Pte. Ltd. (''Shin Crest'') did not file public versions of their original submissions in proper form on July 6 and 9, 2001, respectively, we rejected these submissions, but indicated they would be accepted if refiled in proper form. They were refiled in proper form on July 13, 2001, by Shin Crest and on July 16, 2001, by Feili Group and New-Tec. On August 3, 2001, the Department issued the respondent selection memorandum, selecting Feili Group and Shin Crest to be investigated (see Selection of Respondents section below). Additional responses were received on August 9, 2001, from Himark Industry Corp. Ltd. and on September 13, 2001, from Supper Chair Enterprise Co., Ltd., which were rejected by the Department as untimely.

On July 12, 2001, Meco proposed product characteristics. On August 6, 2001, the Department issued its antidumping questionnaire to Feili Group and Shin Crest and a letter to interested parties providing an opportunity to comment on the Department's proposed product characteristics. Comments were submitted on August 13, 2001 by Cosco proposing additional characteristics, which were not accepted by the Department.

On August 7, 2001, the Department received requests from Dongguan and New-Tec to be treated as voluntary respondents in this investigation. Dongguan also requested that if it were not selected as a voluntary respondent that it be allowed to answer section A of the questionnaire and be granted a rate equal to the average of the mandatory respondents' rates.

The Department received section A responses from Feili Group and New-Tec on August 27, 2001, and from Dongguan and Shin Crest on September 4, 2001. On September 7, 2001, petitioners submitted comments regarding respondents' section A responses. On September 12, 2001, the Department received a section C and D questionnaire response from Dongguan. On September 13, 2001, the Department issued section A supplemental questionnaires to Feili Group and Shin Crest and received sections C and D questionnaire responses from Feili Group, New-Tec and Shin Crest. The Department received responses from Feili Group and Shin Crest to its section A supplementals on September 27, 2001. On September 24, 2001, petitioners submitted comments on respondents' section C and D responses. On September 25 and 27, 2001, the Department issued sections C and D supplemental questionnaires to Shin Crest and Feili Group, respectively, and received responses on October 10 and 12, 2001.

On August 29, 2001, the Department issued a request for parties to submit comments on surrogate market-economy country selection, and publicly available information for valuing the factors of production. The petitioner and Feili Group submitted comments in response to these requests on September 28, 2001. On October 1, 2001, Shin Crest submitted surrogate value data to the Department. On October 9, 2001, and subsequent dates petitioner, Feili Group and Shin Crest provided additional information and comments on surrogate country selection and surrogate value data. The petitioner proposed to use Indonesia as the surrogate country, although Indian data were used in the petition. The respondents proposed to use India. See Surrogate Country section below.

On October 4, 2001, petitioner alleged that Feili Group and Shin Crest purchased cold-rolled steel inputs from market-economy suppliers at prices that were below the producers' cost of production, or subsidized, or both. On October 15, 2001, Shin Crest commented that the Department's regulations and practice require the use of actual prices paid to market-economy suppliers in NME investigations. Feili Group commented on the same date that petitioner's argument regarding subsidized Korean steel prices is based on a case that was terminated by the ITC. On November 6, 2001, petitioner responded that the Department has the authority to disregard the price that an NME producer pays for an input purchased from a market-economy supplier if it has reason to believe or suspect that the input has been dumped or subsidized.

In response to a request by petitioners for a thirty-day postponement of the preliminary determination, the Department postponed the deadline for the preliminary determination to November 5, 2001, pursuant to section 733(c)(1)(A) of the Act. See Notice of Postponement of Preliminary Antidumping Duty Determination: Folding Metal Tables and Chairs from the People's Republic of China, 66 FR 50608 (October 4, 2001). On October 23, 2001, petitioners requested an additional postponement. On November 9, 2001, the Department published a notice extending the deadline to November 23, 2001 (66 FR 56635).

Period of Investigation

The period of investigation (POI) is October 1, 2000 through March 31, 2001. This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition

(April 27, 2001). See 19 CFR 351.204(b)(1).

Scope of Investigation

The merchandise subject to this investigation consists of assembled and unassembled folding tables and folding chairs made primarily or exclusively from steel or other metal, as described below:

(1) Assembled and unassembled folding tables made primarily or exclusively from steel or other metal (''folding metal tables''). Folding metal tables include square, round, rectangular, and any other shapes with legs affixed with rivets, welds, or any other type of fastener, and which are made most commonly, but not exclusively, with a hardboard top covered with vinyl or fabric. Folding metal tables have legs that mechanically fold independently of one another, and not as a set. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of folding metal tables are the following:

- Lawn furniture;
- Trays commonly referred to as ''TV trays'';
- Side tables;
- Child-sized tables;
- Portable counter sets consisting of rectangular tables 36″ high and matching stools; and
- Banquet tables. A banquet table is a rectangular table with a plastic or laminated wood table top approximately 28″ to 36″ wide by 48″ to 96″ long and with a set of folding legs at each end of the table. One set of legs is composed of two individual legs that are affixed together by one or more cross-braces using welds or fastening hardware. In contrast, folding metal tables have legs that mechanically fold independently of one another, and not as a set.

(2) Assembled and unassembled folding chairs made primarily or exclusively from steel or other metal (''folding metal chairs''). Folding metal chairs include chairs with one or more cross-braces, regardless of shape or size, affixed to the front and/or rear legs with rivets, welds or any other type of fastener. Folding metal chairs include: Those that are made solely of steel or other metal; those that have a back pad, a seat pad, or both a back pad and a seat pad; and those that have seats or backs made of plastic or other materials. The subject merchandise is commonly, but not exclusively, packed singly, in multiple packs of the same item, or in five piece sets consisting of four chairs and one table. Specifically excluded from the scope of folding metal chairs are the following:

- Folding metal chairs with a wooden back or seat, or both;
- Lawn furniture;
- Stools;
- Chairs with arms; and
- Child-sized chairs.

The subject merchandise is currently classifiable under subheadings 9401710010, 9401710030, 9401790045, 9401790050, 9403200010 and 9403200030 of the HTSUS. Although the HTSUS subheadings are provided for convenience and U.S. Customs Service purposes, the Department's written description of the merchandise is dispositive.

Selection of Respondents

Section 777A(c)(1) of the Act directs the Department to calculate individual dumping margins for each known exporter and producer of the subject merchandise. However, section 777A(c)(2) of the Act gives the Department discretion, when faced with a large number of exporters/producers, to limit its examination to a reasonable number of such companies if it is not practicable to examine all companies. Where it is not practicable to examine all known producers/exporters of subject merchandise, this provision permits the Department to investigate either: (A) A sample of exporters, producers, or types of products that is statistically valid based on the information available to the Department at the time of selection; or (B) exporters and producers accounting for the largest volume of the subject merchandise that can reasonably be examined. After consideration of the complexities expected to arise in this proceeding and the resources available to the Department, we determined that it was not practicable in this investigation to examine all known producers/exporters of subject merchandise. Instead, we limited our examination to two producers, based on the relative volumes of their reported U.S. sales during the POI.

The subject merchandise is classified under broad HTSUS headings and cannot be distinguished from non-subject merchandise in official import statistics. Consequently, the Department could not use this information to determine the volume of imports of the subject merchandise. Therefore, to determine the two largest producers/exporters of subject merchandise for the PRC, we relied on the data submitted by the producers/exporters in response to the Department's June 21, 2001, request for information, which was sent to all companies identified in the petition, as well as to the PRC Government and Embassy in Washington. The data submitted by the four producers/exporters that submitted timely responses to the quantity and value questionnaire show that, of these producers/exporters, Feili Group and Shin Crest were the two largest producers/exporters of subject merchandise to the United States during the POI. Feili Group was not identified in the petition, but responded to the Department's request for information. While information submitted by petitioners indicates that these producers/exporters may not constitute the universe of possible producers/exporters of subject merchandise during the POI, because we did not receive any response from the PRC indicating what constitutes the complete universe, we must rely on data submitted by the four producers/exporters for purposes of respondent selection. See Memorandum from Richard O. Weible to Joseph A. Spetrini on Respondent Selection (August 3, 2001).

Non-Market Economy Country Status

The Department has treated the PRC as a non-market economy (''NME'') country in all past antidumping investigations (see, e.g., Notice of Final Determination of Sales at Less Than Fair Value: Bulk Aspirin From the People's Republic of China, 65 FR 33805 (May 25, 2000); Notice of Final Determination of Sales at Less Than Fair Value: Certain Non-Frozen Apple Juice Concentrate from the People's Republic of China, 65 FR 19873 (April 13, 2000) (Apple Juice)). A designation as an NME remains in effect until it is revoked by the Department (see section 771(18)(C) of the Act). No party to this investigation has requested a revocation of the PRC's NME status. We have, therefore, preliminarily determined to continue to treat the PRC as an NME country. When the Department is investigating imports from an NME, section 773(c)(1) of the Act directs us to base the normal value (''NV'') on the NME producer's factors of production, valued in a comparable market economy that is a significant producer of comparable merchandise. The sources of individual factor prices are discussed under the ''Normal Value'' section, below.

Furthermore, no interested party has requested that the folding metal tables and chairs industry in the PRC be treated as a market-oriented industry and no information has been provided that would lead to such a determination. Therefore, we have not treated the folding metal tables and chairs industry

in the PRC as a market-oriented industry in this investigation.

Separate Rates

In proceedings involving NME countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and thus should be assessed a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to investigation in an NME country this single rate, unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. The two companies that the Department selected to investigate (i.e., Feili Group and Shin Crest) and the PRC companies that were not selected as mandatory respondents by the Department for this investigation, but which have submitted separate rates responses (i.e., New-Tec and Dongguan) have provided the requested separate rates information and have stated that, for each company, there is no element of government ownership or control.

We considered whether each PRC company is eligible for a separate rate. The Department's separate rate test to determine whether the exporters are independent from government control does not consider, in general, macroeconomic/border-type controls, e.g., export licenses, quotas, and minimum export prices, particularly if these controls are imposed to prevent dumping. The test focuses, rather, on controls over the investment, pricing, and output decision-making process at the individual firm level. See, e.g., Certain Cut-to-Length Carbon Steel Plate from Ukraine: Final Determination of Sales at Less than Fair Value, 62 FR 61754, 61757 (November 19, 1997); Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review, 62 FR 61276, 61279 (November 17, 1997).

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising out of the Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China, 56 FR 20588 (May 6, 1991) (''Sparklers''), as amplified by Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China, 59 FR 22585 (May 2, 1994) (''Silicon Carbide''). In accordance with the separate rates criteria, the Department assigns separate rates in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* governmental control over export activities.

1. Absence of De Jure Control

The Department considers the following *de jure* criteria in determining whether an individual company may be granted a separate rate: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. See Sparklers, 56 FR at 20508.

All four PRC companies seeking separate rates reported that the subject merchandise was not subject to any government list regarding export provisions or export licensing, and was not subject to export quotas during the POI. Each company also submitted copies of its respective business license. We found no inconsistencies with the exporters' claims of the absence of restrictive stipulations associated with an individual exporter's business license. Our examination of the record indicates that each exporter submitted copies of the legislation of the PRC or documentation demonstrating the statutory authority for establishing the de jure absence of government control over the companies. Thus, we believe that the evidence on the record supports a preliminary finding of *de jure* absence of governmental control based on: (1) an absence of restrictive stipulations associated with the individual exporter's business license; and (2) the applicable legislative enactments decentralizing control of the companies.

2. Absence of De Facto Control

The Department typically considers four factors in evaluating whether each respondent is subject to *de facto* governmental control of its export functions: (1) Whether the export prices are set by or are subject to the approval of a governmental agency; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses. See Silicon Carbide, 59 FR at 22586–87; see also Notice of Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol From the People's Republic of China, 60 FR 22544, 22545 (May 8, 1995). As stated in previous cases, there is some evidence that certain enactments of the PRC central government have not been implemented uniformly among different sectors and/or jurisdictions in the PRC. See Silicon Carbide, 56 FR at 22587. Therefore, the Department has determined that an analysis of de facto control is critical in determining whether respondents are, in fact, subject to a degree of governmental control which would preclude the Department from assigning separate rates.

Regarding whether each exporter sets its own export prices independently of the government and without the approval of a government authority, each exporter reported that it determines its prices for sales of the subject merchandise based on the cost of the merchandise, movement expenses, overhead, profit, and the market situation in the United States. Each exporter stated that it negotiates prices directly with its customers. Also, each exporter claimed that its prices are not subject to review or guidance from any governmental organization. Regarding whether each exporter has authority to negotiate and sign contracts and other agreements, our examination of the record indicates that each exporter reported that it has authority to negotiate and sign contracts and other agreements. Also, each exporter claimed that its negotiations are not subject to review or guidance from any governmental organization. There is no evidence on the record to suggest that there is any governmental involvement in the negotiation of contracts.

Regarding whether each exporter has autonomy in making decisions regarding the selection of management our examination of the record indicates that each exporter reported that it has autonomy in making decisions regarding the selection of management. Also, each exporter claimed that its selection of management is not subject to review or guidance from any governmental organization. There is no evidence on the record to suggest that there is any governmental involvement in the selection of management by the exporters.

Regarding whether each exporter retains the proceeds from its sales and makes independent decisions regarding disposition of profits or financing of losses, our examination of the record indicates that each exporter reported that it retains the proceeds of its export sales, using profits according to its business needs. Also, each exporter reported that the allocation of profits is determined by its top management.

There is no evidence on the record to suggest that there is any governmental involvement in the decisions regarding disposition of profits or financing of losses.

Therefore, we determine that the evidence on the record supports a preliminary finding of *de facto* absence of governmental control based on record statements and supporting documentation showing that: (1) Each exporter sets its own export prices independent of the government and without the approval of a government authority; (2) each exporter retains the proceeds from its sales and makes independent decisions regarding disposition of profits or financing of losses; (3) each exporter has the authority to negotiate and sign contracts and other agreements; and (4) each exporter has autonomy from the government regarding the selection of management.

The evidence placed on the record of this investigation by Dongguan, Feili Group, New-Tec and Shin Crest demonstrates an absence of government control, both in law and in fact, with respect to each of the exporter's exports of the merchandise under investigation, in accordance with the criteria identified in Sparklers and Silicon Carbide. Therefore, for the purposes of this preliminary determination, we are granting separate rates to the two mandatory respondents, Feili Group and Shin Crest, and a rate equal to the weighted average of the mandatory respondents' rates (excluding zero or *de minimis* rates and rates based entirely on adverse facts available) to Dongguan and New-Tec, which provided complete questionnaire responses, including supplemental responses. For a full discussion of this issue, see the memorandum from Helen Kramer to Richard Weible, Folding Metal Tables and Chairs from the People's Republic of China: Separate Rates Analysis for the Preliminary Determination, dated November 23, 2001 (''Separate Rates Memorandum'').

Facts Available

Section 776(a) of the Act provides that, if an interested party withholds information that has been requested by the Department, fails to provide such information in a timely manner or in the form or manner requested, significantly impedes a proceeding under the antidumping statute, or provides information which cannot be verified, the Department shall use, subject to section 782(d) of the Act, facts otherwise available in reaching the applicable determination. Pursuant to section 782(e) of the Act, the Department shall not decline to consider submitted information if that information is necessary to the determination but does not meet all of the requirements established by the Department provided that all of the following requirements are met: (1) The information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting Department requirements; and (5) the information can be used without undue difficulties.

Section 776(a)(2)(B) of the Act requires the Department to use facts available when a party does not provide the Department with information by the established deadline or in the form and manner requested by the Department. In addition, section 776(b) of the Act provides that, if the Department finds that an interested party ''has failed to cooperate by not acting to the best of its ability to comply with a request for information,'' the Department may use information that is adverse to the interests of that party as facts otherwise available.

PRC-Wide Rate

As discussed above (see ''Separate Rates''), all PRC producers/exporters that do not qualify for a separate rate are treated as a single enterprise. As noted above in ''Case History,'' all producers/exporters were given the opportunity to respond to the Department's questionnaire regarding volume and value of U.S. sales. As explained above, we received timely responses from Dongguan, Feili Group, New-Tec, and Shin Crest. Late responses were submitted by Himark Industry Corp. Ltd. and Supper Chair Enterprise Co., Ltd. The Department did not receive responses from the following companies identified in the petition as exporters of the subject merchandise to the United States during the POI: Samwise Hardware Products Factory, Office Max, Inc., Fujian Anxi Yinfa Handicrafts Co., Ltd., Shian International Co., Tian Jian Industries (Group) Co. Ltd., China National Aero-Technology Import & Export Corp., Numark Industries Co., Ltd., Sun Son Trading Co. (Agent of Supper Chair Enterprise Co., Ltd.), Fujian Province Materials General Co., Xiaguang Industry Co., Ltd., China North Industries Guangzhou, Ningbo United Group Co., Ltd., China Precision Machinery, Xiamen Xiangjiang Imp. and Exp. Corp., Wuxi East Grace Garments Imp. Exp. Corp., Mitex International (H K) Ltd., and Nanhai Hongda Metal Products Co., Ltd.

Because these companies did not respond to our June 21, 2001, request for information, we assume that these companies also exported the subject merchandise to the United States during the POI. Consequently, we are applying a single antidumping rate—the PRC-wide rate—to all other exporters in the PRC based on our presumption that those respondents who failed to demonstrate entitlement to a separate rate constitute a single enterprise under common control by the Chinese government. See, e.g., Final Determination of Sales at Less Than Fair Value: Synthetic Indigo from the People's Republic of China, 65 FR 25706, 25707 (May 3, 2000). The PRC-wide rate applies to all entries of subject merchandise except for entries from Dongguan, Feili Group, New-Tec, and Shin Crest.

As set forth above, section 776(b) of the Act provides that, in selecting from among the facts available, the Department may employ adverse inferences against an interested party if that party failed to cooperate by not acting to the best of its ability to comply with requests for information. See also ''Statement of Administrative Action'' accompanying the URAA, H.R. Rep. No. 103–316, 870 (1994) (''SAA''). The Department finds that exporters (i.e., the single PRC entity) who did not respond to our request for information have failed to cooperate to the best of their ability. Therefore, the Department preliminarily finds that, in selecting from among the facts available, an adverse inference is appropriate. See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value: Stainless Steel Wire Rod From Germany, 63 FR 10847 (March 5, 1998).

Section 776(b) provides that an adverse inference may include reliance on information derived from (1) the petition, (2) the final determination in the investigation segment of the proceeding, (3) a previous review under section 751 of the Act or a determination under section 753 of the Act, or (4) any other information placed on the record. The Department's practice when selecting an adverse rate from among the possible sources of information is to ensure that the margin is sufficiently adverse ''as to effectuate the purpose of the facts available role to induce respondents to provide the Department with complete and accurate information in a timely manner.'' See Static Random Access Memory Semiconductors from Taiwan; Final Determination of Sales at Less than Fair

Value, 63 FR 8909, 8932 (February 23, 1998). The Department also considers the extent to which a party may benefit from its own lack of cooperation in selecting a rate. See Roller Chain, Other than Bicycle, from Japan; Notice of Final Results and Partial Recission of Antidumping Duty Administrative Review, 62 FR 60472, 60477 (November 10, 1997). Accordingly, in order to ensure that the rate is sufficiently adverse so as to induce cooperation by the PRC entity, we have preliminarily assigned the highest dumping margin calculated in this segment of the proceeding, which is 134.77 percent, to the PRC entity, based on our presumption that those respondents who failed to demonstrate entitlement to a separate rate constitute a single enterprise under common control by the Chinese government. See, e.g., Final Determination of Sales at Less Than Fair Value: Synthetic Indigo from the People's Republic of China, 65 FR 25706, 25707 (May 3, 2000) (''Synthetic Indigo'').

Because this is a preliminary margin, the Department will consider all margins on the record at the time of the final determination for the purpose of determining the most appropriate final PRC-wide margin. See Notice of Preliminary Determination of Sales at Less Than Fair Value: Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation, 65 FR 1139 (January 7, 2000).

Surrogate Country

When the Department is investigating imports from an NME country, section 773(c)(1) of the Act directs it to base NV, in most circumstances, on the NME producer's factors of production, valued in a surrogate market-economy country or countries considered to be appropriate by the Department. In accordance with section 773(c)(4) of the Act, the Department, in valuing the factors of production, shall utilize, to the extent possible, the prices or costs of factors of production in one or more market-economy countries that: (A) are at a level of economic development comparable to that of the NME country; and (B) are significant producers of comparable merchandise. The sources of the surrogate factor values are discussed under the NV section below.

The Department has determined that India, Pakistan, Indonesia, Sri Lanka and the Philippines are countries comparable to the PRC in terms of economic development. See Memorandum from Jeffrey May to Richard Weible, ''Antidumping Duty Investigation of Folding Metal Tables and Chairs from the People's Republic of China,'' dated July 31, 2001. Customarily, we select an appropriate surrogate country based on the availability and reliability of data from the countries. For PRC cases, the primary surrogate country has most often been India, if it is a significant producer of comparable merchandise. In this case, we have found that India is a significant producer of comparable merchandise. See Surrogate Country Selection Memorandum to The File from John Drury and Helen M. Kramer, dated November 23, 2001, (''Surrogate Country Memorandum'').

We used India as the primary surrogate country and, accordingly, we have calculated NV using Indian prices to value the PRC producers' factors of production, when available and appropriate. See Surrogate Country Memorandum. We have obtained and relied upon publicly available information wherever possible. See Factor Valuation Memorandum to The File from Case Analysts, dated November 23, 2001 (''Factor Valuation Memorandum'').

In accordance with section 351.301(c)(3)(i) of the Department's regulations, for the final determination in an antidumping investigation, interested parties may submit publicly available information to value factors of production within 40 days after the date of publication of this preliminary determination.

Fair Value Comparisons

To determine whether sales of folding metal tables and chairs to the United States by Feili Group and Shin Crest were made at less than fair value, we compared export price (''EP'') to normal value (''NV''), as described in the ''Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(1)(A)(i) of the Act, we calculated weighted-average EPs.

Export Price

In accordance with section 772(a) of the Act, export price is the price at which the subject merchandise is first sold (or agreed to be sold) before the date of importation by the producer or exporter of the subject merchandise outside of the United States to an unaffiliated purchaser in the United States or to an unaffiliated purchaser for exportation to the United States, as adjusted under subsection (c).

In accordance with section 772(a) of the Act, we used EP for Feili Group and Shin Crest because the subject merchandise was sold directly to unaffiliated customers in the United States prior to importation and because CEP was not otherwise indicated. In accordance with section 777A(d)(1)(A)(i) of the Act, we compared POI-wide weighted-average EPs to the NVs.

Feili Group

We calculated weighted-average EP for Feili Group's U.S. sales, based on packed prices, F.O.B. port of export, to unaffiliated purchasers in the United States. We made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Act. Feili Group reported that it paid a fee to an unaffiliated trucking company in the PRC which included all movement expenses. Therefore, Feili Group reported all movement expenses paid in a single field. The charges in this single field include brokerage and handling, and foreign inland freight. Because transportation for all sales was provided by a NME company, we based movement expenses associated with these sales on surrogate values.

Shin Crest

We calculated EP for Shin Crest based on packed F.O.B. prices to unaffiliated purchasers in the United States. We made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Act. These included domestic inland freight and brokerage and handling charges. Shin Crest reported that it used NME carriers for foreign inland freight to certain ports. We based these expenses for these sales on Indian surrogate freight rates and the distances to the respective ports. For other sales we used Shin Crest's reported foreign inland freight expenses paid to market-economy carriers. For all sales we used the reported brokerage and handling charges, which were paid to a market-economy company. See Factor Valuation Memorandum.

Normal Value

Section 773(c)(1) of the Act provides that the Department shall determine the normal value (''NV'') using a factors-of-production methodology if: (1) The merchandise is exported from an NME country; and (2) the information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act.

Factors of production include: (1) Hours of labor required; (2) quantities of raw materials employed; (3) amounts of energy and other utilities consumed; and (4) representative capital costs. We used factors of production, reported by respondents, for materials, energy, labor, by-products, and packing.

In accordance with 19 CFR 351.408(c)(1), the Department will

normally use publicly available information to value factors of production. However, the Department's regulations also provide that where a producer sources an input from a market economy and pays for it in market-economy currency, the Department employs the actual price paid for the input to calculate the factors-based NV. Id.; see also *Lasko Metal Products* v. *United States,* 43 F. 3d 1442, 1445–1446 (Fed. Cir. 1994) (''Lasko''). Respondents Feili Group and Shin Crest reported that some of their inputs were sourced from market economies and paid for in a market-economy currency. See Factor Valuation Memorandum, dated November 23, 2001 for a listing of these inputs.

In accordance with section 773(c) of the Act, we calculated NV based on factors of production reported by respondents for the POI. To calculate NV, the reported per-unit factor quantities were multiplied by publicly available Indian surrogate values (except as noted below). In selecting the surrogate values, we considered the quality, specificity, and contemporaneity of the data. As appropriate, we adjusted input prices by including freight costs to make them delivered prices. Specifically, we added to Indian import surrogate values a surrogate freight cost using the shorter of the reported distance from the domestic supplier to the factory or the distance from the nearest seaport to the factory. This adjustment is in accordance with the Court of Appeals for the Federal Circuit's decision in *Sigma Corp.* v. *United States,* 117 F. 3d 1401 (Fed. Cir. 1997). For a detailed description of all surrogate values used for respondents, see Factor Valuation Memorandum.

Except as noted below, we valued raw material inputs using the weighted-average unit import values for the period April 2000—February 2001 derived from the Monthly Trade Statistics of Foreign Trade of India—Volume II—Imports (February 2001) (''Indian Import Statistics''). We valued electricity using the cost in India per kwh in 1997 reported in U.S. dollars, adjusted for inflation using wholesale price indices published in the International Monetary Fund's International Financial Statistics. We valued water as reported for India in 1997 by the Asian Development Bank, adjusted for inflation. See Factor Valuation Memorandum.

As noted above, respondents Shin Crest and Feili Group sourced certain raw material inputs from market-economy suppliers and paid for them in market-economy currencies. Specifically, Feili Group sourced cold-rolled steel, plastic pellets and polyester fabric from market-economy suppliers. Shin Crest reported that it sourced cold-rolled steel coils, PVC sheets, polyester fabric, polyurethane foam, rivets, screws, polyethylene panels, plywood, plastic caps, plastic bags, cartons and powder paint from market-economy suppliers. For this preliminary determination, the Department has used the market-economy prices for the inputs listed above, in accordance with 19 CFR 351.408(c)(1). We added to the weighted-average price for each input the Indian surrogate value for transporting the input to the factory, where appropriate (i.e., where the sales terms for the market-economy inputs were not delivered to the factory).

For all instances in which respondents reported delivery by truck to calculate domestic inland freight, we used an average of multiple price quotes in September 2000 and April 2001 for transporting materials by truck between Mumbai (Bombay) and various Indian cities, which were reported by The Financial Express of India on its website. We converted the Indian rupee value to U.S. dollars.

As noted above under Case History, the petitioner has urged the Department to reject the prices paid for cold-rolled steel. Section 773(c)(1) of the Act requires the Department to use ''best available information'' to value a NME producer's factors of production. Section 351.408(c)(1) of the Department's regulations describes our method for valuing factors of production, including our preference for using the price paid by a NME producer that imports the input, when the input is purchased from a market-economy supplier and paid for in a market-economy currency. It is not the Department's practice to reject actual prices paid in market-economy currencies to market-economy suppliers, unless they are not at arm's length or if the amount purchased was insignificant. See Helical Spring Lock Washers from the People's Republic of China; Final Results of Antidumping Administrative Review, 65 FR 31143 (May 16, 2000), Issues and Decision Memorandum at Comment 1, where the Department stated:

> We do not believe that substituting a surrogate value for the price a NME producer actually paid to a market economy supplier for an input actually used to produce the merchandise being sold to the United States could meet the best available information standard imposed by the statute.

See also Shakeproof Assembly Components Division of Illinois Tool Works, Inc. v. United States, 2001 U.S. App. LEXIS 22491, Fed. Cir. Slip Op. 00–1521 (October 12, 2001). The Department intends to verify on-site the respondents' reported factor prices.

Respondents identified steel scrap as a by-product which they claimed was sold. The Department has offset the respondents' cost of production by the amount of reported scrap. See Factor Valuation Memorandum for a discussion of the surrogate value used.

For energy, to value electricity, we used 1997 data reported as the average Indian domestic prices within the category ''Electricity for Industry,'' published in the International Energy Agency's publication, Energy Prices and Taxes—Quarterly Statistics (Third Quarter 2000), as adjusted for inflation. We valued water using the Asian Development Bank's Second Water Utilities Data Book: Asian and Pacific Region (1997), adjusted for inflation. We valued LPG and diesel oil using prices as of June 2001 from India Infoline.

For direct, indirect, and packing labor, consistent with section 351.408(c)(3) of the Department's regulations, we used the PRC regression-based wage rate at Import Administration's home page, Import Library, Expected Wages of Selected NME Countries, revised in May 2000 (see *http://ia.ita.doc.gov/wages*). The source of the wage rate data on the Import Administration's Web site is the 1999 Year Book of Labour Statistics, International Labor Office (Geneva: 1999), Chapter 5B: Wages in Manufacturing.

To value factory overhead, selling, general and administrative expenses (''SG&A'') and profit, we used the audited financial statements for the year ended March 31, 2001, from an Indian producer of steel furniture, including the subject merchandise, Godrej & Boyce Manufacturing Company Ltd. (''Godrej''). See Factor Valuation Memorandum for the calculation of these ratios from Godrej's financial statements. The petitioner argued that the Department should use the financial statement of an Indonesian producer of steel furniture (but not the subject merchandise) to calculate the overhead, selling, general and administrative expenses (''SG&A'') and profit ratios. As discussed in the Surrogate Country Memorandum, India is the preferred surrogate country, and Godrej is a producer of comparable merchandise; therefore we used Godrej's financial statements rather than those of an Indonesian surrogate.

Finally, to value material inputs for packing, we used the reported values for purchases from market-economy suppliers. For packing materials

purchased from NME sources, we used Indian Import Statistics data for the period April 1, 2000 through February 2001. See Factor Valuation Memorandum.

Verification

As provided in section 782(i)(1) of the Act, we intend to verify company information relied upon in making our final determination.

Rate for Producers/Exporters That Responded to the Questionnaires

For Dongguan and New-Tec, which were not selected as respondents, but provided separate rates information in section A and also responded to the sections C and D questionnaires, we have calculated a weighted-average margin based on the rates calculated for those producers/exporters that were selected to respond. The rate for these companies is analogous to the Department's calculation of the All Others rate (see section 735(c)5 of the Act). It is equal to an average of all calculated margins other than any zero or de minimis margins, or any margins determined entirely under section 776 of the Act. As Shin Crest's preliminary margin is zero, the rate for Dongguan and New-Tec is equal to Feili's margin.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all imports of subject merchandise, except for merchandise produced and exported by Shin Crest, entered or withdrawn from warehouse for consumption on or after the date of publication of this notice in the **Federal Register**. We will instruct the U.S. Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the EP, as indicated below. These suspension-of-liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average percent margin
Shin Crest Pte. Ltd.	0.00
Feili Furniture Development Co., Ltd. and Feili (Fujian) Co., Ltd.	134.77
Dongguan Shichang Metals Factory Co. Ltd.	134.77
New-Tec Integration Co., Ltd.	134.77
China-Wide	134.77

International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination of sales at LTFV. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation, of the subject merchandise.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Import Administration no later than fifty days after the date of publication of this notice, and rebuttal briefs, limited to issues raised in case briefs, no later than fifty-five days after the date of publication of this preliminary determination. See 19 CFR 351.309(c)(1)(i); 19 CFR 351.309(d)(1). A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. This summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, any hearing will be held fifty-seven days after publication of this notice at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date. Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days of the date of publication of this notice. See 19 CFR 351.310(c). Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. At the hearing, each party may make an affirmative presentation only on issues raised in that party's case brief, and may make rebuttal presentations only on arguments included in that party's rebuttal brief. See 19 CFR 351.310(c).

If this investigation proceeds normally, we will make our final determination no later than 75 days after the date of the preliminary determination.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act.

Dated: November 23, 2001.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–29814 Filed 11–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–812]

Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From Indonesia

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

EFFECTIVE DATE: December 3, 2001.

FOR FURTHER INFORMATION CONTACT: Mark Manning or Ronald Trentham at (202) 482–3936 and (202) 482–6320, respectively, AD/CVD Enforcement, Group II, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Applicable Statute and Regulations

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

Background

On September 28, 2001, in accordance with sections 735(d) and 777(i)(1) of the Act, the Department published its affirmative final determination in this proceeding. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From Indonesia,* 66 FR 49628.

Scope of Order

For purposes of this order, the products covered are certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with

plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4.0 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this order.

Specifically included within the scope of this order are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this order unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this order:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.,* American Society for Testing and Materials (ASTM) specifications A543, A387, A514, A517, A506).
- Society of Automotive Engineers (SAE)/American Iron & Steel Institute (AISI) grades of series 2300 and higher.
- Ball bearing steels, as defined in the HTSUS.
- Tool steels, as defined in the HTSUS.
- Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to this order is classified in the HTSUS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled carbon steel flat products covered by this order, including: Vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTSUS subheadings are provided for convenience and U.S. Customs purposes, the written description of the merchandise subject to this proceeding is dispositive.

Antidumping Duty Order

On November 13, 2001, in accordance with section 735(d) of the Act, the International Trade Commission (the Commission) notified the Department of its final determination that an industry in the United States is materially injured by reason of less-than-fair-value imports of subject merchandise from Indonesia, pursuant to section 735(b)(1)(A) of the Act. Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price of the merchandise for all relevant entries of certain hot-rolled carbon steel flat products from Indonesia. These antidumping duties will be assessed on all unliquidated entries of hot-rolled steel products from Indonesia entered, or withdrawn from the warehouse, for consumption on or after May 3, 2001, the date on which the Department published its *Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From Indonesia,* (66 FR 22163).

On or after the date of publication of this notice in the **Federal Register**, U.S. Customs must require, at the same time as importers would normally deposit estimated duties, cash deposits for the subject merchandise equal to the estimated weighted-average dumping margins noted below. The ''All Others'' rate applies to all exporters of subject merchandise not specifically listed below.

Manufacturer/exporter	Margin (percent)
PT Krakatau Steel Corporation	47.86
All Others	47.86

This notice constitutes the antidumping duty order with respect to certain hot-rolled carbon steel flat products from Indonesia. Interested parties may contact the Department's Central Records Unit, Room B–099 of the main Commerce building, for copies of an updated list of antidumping duty orders currently in effect.

This order is issued and published published in accordance with section 736(a) of the Act and 19 CFR 351.211.

Dated: November 20, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–29810 Filed 11–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–820]

Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From India

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

SUMMARY: We are amending our *Notice of Final Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products From India*, October 3, 2001 (66 FR 50406) (*Final Determination*), to reflect the correction of ministerial errors made in the final determination. This correction is in accordance with section 735(e) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.224 of the Department of Commerce's (the Department's) regulations. The period of investigation (POI) covered by this amended final determination is October 1, 1999, through September 30, 2000. This notice also constitutes the antidumping duty order with respect to certain hot-rolled carbon steel flat products from India.

EFFECTIVE DATE: December 3, 2001.

FOR FURTHER INFORMATION CONTACT: Timothy Finn, John Conniff, or Howard Smith at (202) 482–0065, (202) 482–1009, or (202) 482–5193, respectively, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Applicable Statute and Regulations

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

Scope of Order

For purposes of this order, the products covered are certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4.0 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this order.

Specifically included within the scope of this order are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of this order, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this order unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this order:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.,* American Society for Testing and Materials (ASTM) specifications A543, A387, A514, A517, A506).
- Society of Automotive Engineers (SAE)/American Iron & Steel Institute (AISI) grades of series 2300 and higher.
- Ball bearing steels, as defined in the HTSUS.
- Tool steels, as defined in the HTSUS.
- Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to this order is classified in the HTSUS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled carbon steel flat products covered by this order, including: Vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTSUS subheadings are provided for

convenience and U.S. Customs purposes, the written description of the merchandise subject to this proceeding is dispositive.

Amended Final Determination

On October 3, 2001, in accordance with sections 735(d) and 777(i)(1) of the Act, the Department published its affirmative final determination in this proceeding. See *Final Determination,* 66 FR 50406. Pursuant to 19 CFR 351.224(c), on October 2, October 3, and October 4, 2001, we received timely filed submissions from respondents, Essar Steel Ltd. (Essar) and Ispat Industries Ltd. (Ispat), and certain petitioners [1] alleging that the Department made ministerial errors in its final determination. On October 9, 2001, we received rebuttal comments from Ispat and petitioners regarding the allegations of ministerial errors in the calculation of Ispat's margin.

Petitioners allege that in calculating Ispat's weighted-average margin, the Department (1) failed to include bad debt expenses in the reported home market indirect selling expenses, and (2) failed to include a significant portion of interest expenses in the interest expense ratio. Although Ispat agrees with petitioners' contention that bad debt expense should be included in indirect selling expenses, it disagrees with the methodology used by petitioners to recalculate the indirect selling expense ratio. In addition, Ispat claims that there is no ministerial error with respect to the interest expense calculation.

Moreover, both parties allege that the Department failed to use costs that properly reflect the ''Customs Duty Adjustment.''

With respect to Essar, petitioners allege that the Department's margin calculations (1) Fail to account for interest expenses and interest income associated with home market and U.S. sales, (2) fail to account for direct labor expense, (3) fail to base general, administrative and interest expenses on adjusted total manufacturing costs, and (4) fail to include the proper facts available rate for unreported U.S. sales.

Essar alleges that the Department failed to take into account home market freight revenue in calculating home market credit expense.

In accordance with section 735(e) of the Act, we have determined that, with the exception of the allegation regarding the interest expense ratio, ministerial errors were made in our final margin calculations. Thus, we are amending our final determination in order to revise the antidumping duty rate for Essar and Ispat. The revised weighted-average dumping margins are listed in the ''Antidumping Duty Order'' section below. For a detailed analysis of the ministerial errors that we addressed, and the Department's position on each, *see* the Memorandum to Bernard T. Carreau from Holly A. Kuga, dated November 19, 2001, regarding *Ministerial Error Allegations* on file in room B–099 of the Main Commerce building.

Antidumping Duty Order

On November 13, 2001, in accordance with section 735(d) of the Act, the International Trade Commission (the Commission) notified the Department of its final determination that an industry in the United States is materially injured by reason of less-than-fair-value imports of subject merchandise from India, pursuant to section 735(b)(1)(A) of the Act. Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price of the merchandise for all relevant entries of certain hot-rolled carbon steel flat products from India. These antidumping duties will be assessed on all unliquidated entries of subject merchandise from India entered, or withdrawn from warehouse, for consumption on or after May 3, 2001, the date on which the Department published its *Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Hot-Rolled Carbon Steel Flat Products From India,* (66 FR 22157).

On or after the date of publication of this notice in the **Federal Register**, U.S. Customs must require, at the same time as importers would normally deposit estimated duties, cash deposits for the subject merchandise equal to the estimated weighted-average dumping margins listed below. The ''All Others'' rate applies to all exporters of subject merchandise not specifically listed below.

Manufacturer/exporter	Revised margin (percent)
Ispat Industries Ltd	44.40
Essar Steel Ltd.	36.53
All Others	38.72

This notice constitutes the antidumping duty order with respect to certain hot-rolled carbon steel flat products from India. Interested parties may contact the Department's Central Records Unit, Room B–099 of the main Commerce building, for copies of an updated list of antidumping duty orders currently in effect.

This order is issued and published in accordance with section 736(a) of the Act and 19 CFR 351.211.

November 20, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–29896 Filed 11–30–01; 8:45 am]

BILLING CODE 3510–DS–P

[1] The petitioners that filed ministerial error allegations are Bethlehem Steel Corporation, United States Steel, LLC, National Steel Corporation, and LTV Steel Company, Inc.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–828]

Administrative Review of the Suspension Agreement on Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products From Brazil: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: December 3, 2001.

FOR FURTHER INFORMATION CONTACT: Michael Ferrier at (202) 482–1394, Phyllis Hall at (202) 482–1398, or Dena Aliadinov at (202) 482–3362, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department of Commerce (''the Department'') to make a preliminary determination within 245 days after the last day of the anniversary month of an order for which a review is requested, and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days and for the final determination to 180 days (or 300 days if the Department does not extend the time limit for the preliminary determination) from the date of publication of the preliminary determination.

Background

On July 6, 1999, the Department entered into Antidumping Duty Suspension Agreement regarding certain hot-rolled flat-rolled carbon-quality steel products (''hot-rolled steel'') from Brazil produced by Companhia Siderurgica Nacional (''CSN''), Usinas Siderurgicas de Minas Gerais (''USIMINAS''), and Companhia Siderurgica Paulista (''COSIPA''). This agreement was entered into under section 734(c) of the Tariff Act of 1930, as amended, requiring, among other things, that the estimated margin of each entry under the suspension agreement does not exceed 15 percent of the margin found in the investigation. In addition, the Agreement requires that sales of subject merchandise are not made below the reference price (calculated quarterly, to prevent price suppression or undercutting). On July 28, 2000, petitioners requested that the Department conduct an administrative review of the agreement. The Department initiated this review on September 6, 2000. *See* 65 FR 53980 (September 6, 2000). On March 8, 2001 the Department extended the time limit for completion of the preliminary results by 120 days. *See* 66 FR 13891 (March 8, 2001). The preliminary results were published on August 8, 2001. *See* 66 FR 41500 (August 8, 2001). The final results are due on December 6, 2001, which is 120 days after the date of publication for the preliminary results.

Extension of Time Limit for Final Results of Review

This is the first administrative review of this suspension agreement. There are several novel and complex issues relating to compliance with the suspension agreement, including those involving: The precise nature of the relationships between the Brazilian mills and other parties involved in the U.S. sales process; the appropriate methods of margin calculations with respect to the requirements of the suspension agreement; and the treatment of certain Brazilian domestic taxes. Because of these issues, we find it is not practicable to complete this review within the initial time limits mandated by section 751(a)(3)(A) of the Act. Therefore, we are fully extending the due date for the final results to 180 days after the publication date of the preliminary results, until February 4, 2002.

This extension of the time limit is in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).

Dated: November 23, 2001.

Joseph A. Spetrini,

Deputy Assistant Secretary for Import Administration, Group III.

[FR Doc. 01–29808 Filed 11–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–822]

Notice of Extension of the Time Limit for Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Plate in Coils From Italy

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

EFFECTIVE DATE: December 3, 2001.

FOR FURTHER INFORMATION CONTACT: Carrie Blozy or Stephen Shin, AD/CVD Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0165 or (202) 482–0413.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's (''the Department'') regulations are to the current regulations as codified at 19 CFR part 351 (2001).

Background

On May 31, 2001, Accai Speciali Terni S.p.A. and its affiliated company, requested that the Department conduct an administrative review. On June 19, 2001, the Department published a notice of initiation of the administrative review of the antidumping duty order on Stainless Steel Plate in Coils from Italy, covering the period May 1, 2000 through April 30, 2001. *See Initiation of Antidumping and Countervailing Duty Administrative Review and Requests for Revocation in Part,* 66 FR 32934 (June 19, 2001). The preliminary results of this review are currently due no later than January 31, 2002.

Extension of Time Limit for Preliminary Results

Pursuant to section 751(a)(3)(A) of the Act, the Department may extend the deadline for completion of the preliminary results of a review if it determines that it is not practicable to complete the preliminary results within the statutory time limit of 245 days from the date on which the review was initiated. On October 22, 2001, the Department initiated a sales-below-the-cost-of-production investigation with respect to home market sales made by AST. On November 23, 2001, AST submitted the company-specific cost data. In order to properly analyze and consider the cost data in the Department's preliminary results, the Department has determined that it is not practicable to complete the preliminary results of this review for Accai Speciali Terni S.p.A. and its affiliates within the initial time limits provided in section 751(a)(3)(A) of the Act and section 351.213(h) of the Department's regulations.

Therefore, we are extending the due date for the preliminary results by 60 days, until no later than April 2, 2002. The final results continue to be due 120 days after the publication of the preliminary results.

Dated: November 26, 2001.

Barbara E. Tillman,

Acting Deputy Assistant Secretary, for Import Administration, Group III.

[FR Doc. 01–29892 Filed 11–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China; Amended Final Results of Antidumping Administrative Review

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

ACTION: Notice of amended final results of administrative review.

SUMMARY: The United States Court of International Trade has affirmed the Department of Commerce's final remand results affecting the final weighted-average margins for the 1994/1995 administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished, from the People's Republic of China. There was no appeal to the United States Court of Appeals for the Federal Circuit. As there is now a final and conclusive court decision in this case, we are amending the final results of review and we will instruct the Customs Service to

liquidate entries subject to this review. The period of review is June 1, 1994, through May 31, 1995.

EFFECTIVE DATE: December 3, 2001.

FOR FURTHER INFORMATION CONTACT: George Callen or Richard Rimlinger, AD/CVD Enforcement 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0180 or (202) 482–4477, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions in effect as of December 31, 1994.

Background

On February 11, 1997, the Department published the final results of administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished (TRBs), from the People's Republic of China covering the period June 1, 1994, through May 31, 1995. See *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China, Final Results of Antidumping Duty Administrative Review,* 62 FR 6173 (February 11, 1997) (*Final Results*).

The Timken Company contested the Department's decision in the *Final Results*. In issuing its decision in this case, the United States Court of International Trade (CIT) instructed the Department to make the following changes to its margin calculations for the *Final Results*: (1) Eliminate from the cost-of-manufacture calculation the category ''purchases of traded goods'' and (2) recalculate marine insurance expense on a value rather than weight basis. See *Timken Company* v. *United States*, Court No. 97–01–00394, Slip Op. 99–73 (CIT July 30, 1999). The Department issued final results of redetermination on remand on December 13, 1999. The CIT affirmed the Department's final remand results and dismissed the case. See *Timken Company* v. *United States,* Slip Op. 200–13 (CIT February 8, 2000).

There was no appeal to the United States Court of Appeals for the Federal Circuit. As there is now a final and conclusive court decision in this action, we are amending our final results of review and we will instruct the Customs Service to liquidate entries subject to this review.

Amendment to Final Results

Pursuant to section 516A(e) of the Act, we are now amending the final results of administrative review of the antidumping duty order on TRBs from the People's Republic of China for the period of review June 1, 1994, through May 31, 1995. The revised weighted-average margins are as follows:

Company	Margin
Premier Bearing and Equipment, Ltd.	2.89
Tianshui Hailin Import and Export Corporation	25.63
Zhejiang Machinery Import and Export Corporation	3.04
East Sea Bearing Company, Ltd.	3.60

Accordingly, the Department will determine and the Customs Service will assess appropriate antidumping duties on entries of the subject merchandise exported by firms covered by this review. Weighted-average margins for other respondent companies and the PRC-wide rate for others remain as published in the *Final Results*.

We are issuing and publishing this determination in accordance with section 751(a) of the Act.

Dated: November 21, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–29891 Filed 11–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–549–818]

Notice of Countervailing Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From Thailand

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

EFFECTIVE DATE: December 3, 2001.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein at (202) 482–1391, Sean Carey at (202) 482–3964, or Scott Lindsay at (202) 482–3782, Office of AD/CVD Enforcement VII, Group III, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the Tariff Act of 1930, as amended, In addition, unless otherwise indicated, all citations to the Department of Commerce (the Department) regulations refer to the regulations codified at 19 CFR part 351 (2000).

Scope of Order

The merchandise subject to this investigation is certain hot-rolled flat-rolled carbon-quality steel products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this investigation.

Specifically included within the scope of this investigation are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products included in the scope of this investigation, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or

0.15 percent of vanadium, or 0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this investigation unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this investigation:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.,* ASTM specifications A543, A387, A514, A517, A506).
- SAE/AISI grades of series 2300 and higher.
- Ball bearings steels, as defined in the HTS.
- Tool steels, as defined in the HTS.
- Silico-manganese (as defined in the HTS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS Abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTS.

The merchandise subject to this investigation is classified in the HTS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.36.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211,14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled flat-rolled carbon-quality steel covered by this investigation, including: Vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00. and 7212.50.00.00. Although the HTS subheadings are provided for convenience and U.S. Customs purposes, the Department's written description of the merchandise subject to this proceeding is dispositive.

Countervailing Duty Order

In accordance with section 705(d) of the Act, on October 3, 2001, the Department published in the **Federal Register** its final affirmative determination in the countervailing duty investigation of certain hot-rolled carbon steel flat products from Thailand (66 FR 50410). On November 13, 2001, the International Trade Commission (ITC) notified the Department of its final determination, pursuant to section 705(b)(1)(A)(i) of the Act, that an industry in the United States is materially injured by reason of imports of hot-rolled carbon steel flat products from Thailand.

Therefore, countervailing duties will be assessed on all unliquidated entries of certain hot-rolled carbon steel flat products from Thailand entered, or withdrawn from warehouse, for consumption on or after April 20, 2001, the date on which the Department published its preliminary countervailing duty determination in the **Federal Register**, and before August 18, 2001, the date that the Department instructed the U.S. Customs Service to terminate the suspension of liquidation in accordance with section 703(d) of the Act, and on all entries and withdrawals on or after the date of publication of this countervailing duty order in the **Federal Register**. Section 703(d) of the Act states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for longer than four months. Entries of certain hot-rolled carbon steel flat products made on or after August 18, 2001, and prior to the date of publication of this order in the **Federal Register** are not liable for the assessment of countervailing duties due to the Department's termination, effective August 17, 2001, of suspension of liquidation.

In accordance with section 706 of the Act, the Department will direct U.S. Customs officers to reinstate the suspension of liquidation effective the date of publication of this notice in the **Federal Register** and to assess, upon further advice by the Department pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the counteravailable subsidy rate for the subject merchandise.

On or after the date of publication of this notice in the **Federal Register**, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the counteravailable subsidy rates noted below. The All Others rate applies to all producers and exporters of certain hot-rolled carbon steel flat products from Thailand not specifically listed below. The cash deposit rates are as follows:

Producer/exporter	Net subsidy rate
Sahaviriya Steel Industries Public Company Ltd.	2.38% *Ad Valorem.*
All Others	2.38% *Ad Valorem.*

This notice constitutes the countervailing duty order with respect to certain hot-rolled carbon steel flat products from Thailand, pursuant to section 706(a) of the Act. Interested parties may contact the Central Records Unit, for copies of an updated list of countervailing duty orders currently in effect.

This countervailing duty order is published in accordance with section 706(a) of the Act and 19 CFR 351.211.

Dated: November 26, 2001.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–29811 Filed 11–30–01; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–821, C–560–813]

Notice of Amended Final Determination and Notice of Countervailing Duty Orders: Certain Hot-Rolled Carbon Steel Flat Products From India and Indonesia

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

EFFECTIVE DATE: December 3, 2001.

FOR FURTHER INFORMATION CONTACT: Eric B. Greynolds (202) 482–6071 (India), and Stephanie Moore (202) 482–3692 (Indonesia), Office of AD/CVD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act effective January 1, 1995 (the Act). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations codified at 19 CFR part 351 (2001).

Scope of Orders

For purposes of these orders, the products covered are certain hot-rolled flat-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of these orders.

Specifically included within the scope of these orders are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of these orders, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of these orders unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of these orders:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.,* ASTM specifications A543, A387, A514, A517, A506).
- SAE/AISI grades of series 2300 and higher.
- Ball bearings steels, as defined in the HTS.
- Tool steels, as defined in the HTS.
- Silico-manganese (as defined in the HTS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS Abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTS.

The merchandise subject to these orders are classified in the HTS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled flat-rolled carbon-quality steel covered by these orders, including: Vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTS subheadings are provided for convenience and U.S. Customs purposes, the Department's written description of the merchandise subject to these proceedings is dispositive.

Amended Final Determination for India

On October 3, 2001, petitioners[1] alleged ministerial errors in the calculations of the *Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products from India,* 66 FR 49635 (September 28, 2001) (*Final Determination*), with respect to Essar Steel Limited (Essar) and the Steel Authority of India Limited (SAIL). On October 9, 2001, we received comments from SAIL regarding petitioners' ministerial error allegations.

Regarding Essar, petitioners alleged that the Department incorrectly calculated the number of days outstanding for one of Essar's Pre-Shipment loans. We agree with petitioners and have recalculated the benefit under the program using the correct number of days outstanding.

Regarding SAIL, petitioners alleged that the Department incorrectly calculated the *ad valorem* subsidy rate for SAIL's Steel Development Fund (SDF) loan that was outstanding during the period of investigation (POI). They argued that in calculating the benefit under the program, the Department properly calculated the benefit from the interest deferral granted to the company in each month but inadvertently failed to take into account the additional benefit received by SAIL from each month's interest deferral over the entire POI. In other words, they contended that the Department should calculate the benefit from the January interest payment deferral over a 12-month period, the benefit from the February interest payment deferral over an 11-

[1] The petitioners in these proceedings are Bethlehem Steel Corporation, Gallatin Steel Company, IPSCO Steel Inc., LTV Steel Company, Inc., National Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., U.S. Steel Group, a unit of USX Corporation, Weirton Steel Corporation, Independent Steelworkers Union, and the Independent Steelworkers of America.

month period, etc. SAIL argued that if the Department agrees with petitioners, it should revise the approach advocated by petitioners so that the duration of each interest payment deferral period is calculated on the last day of each month, which was the day the interest payment was due. We agree with petitioners that we should take into account the benefit received by SAIL from each month's interest waiver over the entire POI. The Department's Countervailing Duty (CVD) Regulations state that interest-free loans and deferred interest payments should be treated as government-provided loans in the amount of the interest deferred. *See* Preamble to CVD Regulations at 63 FR 65369 and 19 CFR 351.509(a)(2). Accordingly, we have revised our calculation under this program such that the benefit corresponds to the duration of each interest payment deferral period during the POI. In addition, in accordance with SAIL's comments, we have calculated the duration of each interest payment deferral period beginning on the last day of each month.

Regarding SAIL, petitioners further alleged that with respect to the company's use of the Exemption of Pre-Shipment Export Credit from Interest Tax program, the Department inadvertently divided the benefit by SAIL's total export sales rather than dividing the benefit by SAIL's total sales of subject merchandise to the United States. We agree with petitioners. Information on the record of this investigation indicates that SAIL's use of this program is tied to individual shipments. Accordingly, we have divided SAIL's benefit under this program by its total sales of subject merchandise to the United States.

The corrections for Essar and SAIL are discussed in further detail in the October 16, 2001 memorandum to Bernard Carreau, Deputy Assistant Secretary, AD/CVD Enforcement II, Import Administration, from Melissa G. Skinner, Director, Office of AD/CVD Enforcement VI. The public version of this memorandum is on file in Room B–099 in the Central Records Unit (CRU) of the Main Commerce Building.

As a result of our corrections, the estimated net countervailable subsidy rate attributable to Essar increased from 8.32 percent *ad valorem* to 8.35 percent *ad valorem.* The cash deposit rate attributable to Essar increased from 8.25 percent *ad valorem* to 8.28 percent *ad valorem.* The estimated net countervailable subsidy rate attributable to SAIL increased from 18.38 percent *ad valorem* to 18.45 percent *ad valorem.* The cash deposit rate attributable to SAIL increased from 18.22 percent *ad valorem* to 18.27 percent *ad valorem.*

Due to the revisions of Essar's and SAIL's net subsidy and cash deposit rates, the all others rate has also changed. The all others net countervailable subsidy rate increased from 16.17 percent *ad valorem* to 16.20 percent *ad valorem.* The all others cash deposit rate increased from 16.08 percent *ad valorem* to 16.10 percent *ad valorem.*

Countervailing Duty Orders

In accordance with section 705(d) of the Act, on September 28, 2001, the Department published its final determinations in the countervailing duty investigations of certain hot-rolled carbon steel flat products from India (66 FR 49635) and Indonesia (66 FR 49637). On November 13, 2001, the International Trade Commission (ITC) notified the Department of its final determination, pursuant to section 705(b)(1)(A)(i) of the Act, that an industry in the United States suffered material injury as a result of subsidized imports of certain hot-rolled carbon steel flat products from India and Indonesia.

Therefore, countervailing duties will be assessed on all unliquidated entries of certain hot-rolled carbon steel flat products from India and Indonesia entered, or withdrawn from warehouse, for consumption on or after April 20, 2001, the date on which the Department published its preliminary affirmative countervailing duty determinations in the **Federal Register**, and before August 18, 2001, the date the Department instructed the U.S. Customs Service to discontinue the suspensions of liquidation in accordance with section 703(d) of the Act, and on all entries and withdrawals of subject merchandise made on or after the date of publication of these countervailing duty orders in the **Federal Register**. Section 703(d) states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for more than four months. Entries of certain hot-rolled carbon steel flat products made on or after August 18, 2001, and prior to the date of publication of these orders in the **Federal Register** are not liable for the assessment of countervailing duties due to the Department's discontinuation, effective August 18, 2001, of the suspensions of liquidation.

In accordance with section 706 of the Act, the Department will direct U.S. Customs officers to reinstitute the suspension of liquidation for certain hot-rolled carbon steel flat products from India and Indonesia effective the date of publication of this notice in the **Federal Register** and to assess, upon further advice by the Department pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates for the subject merchandise.

On or after the date of publication of this notice in the **Federal Register**, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the rates noted below. The All Others rates apply to all producers and exporters of certain hot-rolled carbon steel flat products from India and Indonesia not specifically listed below. The cash deposit rates are as follows:

Producer/exporter: India	Cash deposit rate
Essar Steel Limited (Essar).	8.28 percent *ad valorem.*
Ispat Industries Limited (Ispat).	31.89 percent *ad valorem.*
Steel Authority of India Limited (SAIL).	18.27 percent *ad valorem.*
Tata Iron and Steel Company Limited (TISCO).	9.17 percent *ad valorem.*
All Others Rate	16.10 percent *ad valorem.*

Producer/exporter: Indonesia	Cash deposit rate
P.T. Krakatau Steel ...	10.21 percent *ad valorem.*
All Others Rate	10.21 percent *ad valorem*

This notice constitutes the countervailing duty orders with respect to certain hot-rolled carbon steel flat products from India and Indonesia, pursuant to section 706(a) of the Act. Interested parties may contact the CRU, for copies of an updated list of countervailing duty orders currently in effect.

These countervailing duty orders and amended final determination are issued and published in accordance with sections 706(a) and 705 of the Act and 19 CFR 351.211 and 351.224.

Dated: November 21, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–29812 Filed 11–30–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–791–810]

Notice of Countervailing Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From South Africa

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

EFFECTIVE DATE: December 3, 2001.

FOR FURTHER INFORMATION CONTACT: Sally C. Gannon at (202) 482–0162, Mark Hoadley at (202) 482–0666, or Julio Fernandez at (202) 482–0190, Office of AD/CVD Enforcement VII, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the Tariff Act of 1930 (the Act), as amended. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

Scope of Order

The merchandise subject to this investigation is certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this investigation.

Specifically included within the scope of this investigation are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products included in the scope of this investigation, regardless of definitions in the *Harmonized Tariff Schedule of the United States* (HTSUS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical descriptions provided above are within the scope of this investigation unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this investigation:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.*, American Society for Testing and Materials (ASTM) specifications A543, A387, A514, A517, A506).
- Society of Automotive Engineers (SAE)/American Iron & Steel Institute (AISI) grades of series 2300 and higher.
- Ball bearings steels, as defined in the HTSUS.
- Tool steels, as defined in the HTSUS.
- Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS Abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to this investigation is classified in the HTSUS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled carbon steel flat products covered by this investigation, including vacuum degassed fully stabilized, high strength low alloy, and the substrate for motor lamination steel, may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTSUS subheadings are provided for convenience and U.S. Customs purposes, the Department's written description of the merchandise under investigation is dispositive.

Countervailing Duty Order

In accordance with section 705(d) of the Act, on October 3, 2001, the Department published in the **Federal Register** its final affirmative determination in the countervailing duty investigation of certain hot-rolled carbon steel flat products from South Africa (66 FR 50412). On November 13, 2001, the International Trade Commission (ITC) notified the Department of its final determination, pursuant to section 705(b)(1)(A)(i) of the Act, that an industry in the United States is materially injured by reason of imports of certain hot-rolled carbon steel flat products from South Africa.

Therefore, countervailing duties will be assessed on all unliquidated entries of certain hot-rolled carbon steel flat products from South Africa entered, or withdrawn from warehouse, for consumption on or after April 20, 2001, the date on which the Department

published its preliminary countervailing duty determination in the **Federal Register**, and before August 18, 2001, the date on which the Department instructed the U.S. Customs Service to terminate the suspension of liquidation in accordance with section 703(d) of the Act, and on all entries and withdrawals on or after the date of publication of this countervailing duty order in the **Federal Register**. Section 703(d) of the Act states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for longer than four months. Entries of certain hot-rolled carbon steel flat products made on or after August 18, 2001, and prior to the date of publication of this order in the **Federal Register** are not liable for the assessment of countervailing duties as a result of the Department's termination, effective August 18, 2001, of the suspension of liquidation.

In accordance with section 706 of the Act, the Department will direct U.S. Customs (Customs) to reinstate the suspension of liquidation effective on the date of publication of this notice in the **Federal Register** and to assess, upon further advice by the Department pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the countervailable subsidy rate for the subject merchandise. In its instructions, the Department will direct Customs to exclude Highveld Steel and Vanadium Corporation Limited (Highveld), which received a *de minimis* subsidy rate in the Department's final determination, from this reinstatement of the suspension of liquidation and any subsequent assessment of countervailing duties.

On or after the date of publication of this notice in the **Federal Register**, Customs must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the countervailable subsidy rates noted below. The ''All Others'' rate applies to all producers and exporters, except for Highveld, of certain hot-rolled carbon steel flat products from South Africa not specifically listed below. The cash deposit rates are as follows:

Producer/exporter	Net subsidy rate
Saldanha Steel/Iscor	5.76% *Ad Valorem.*
All Others	5.76% *Ad Valorem.*

This notice constitutes the countervailing duty order with respect to certain hot-rolled carbon steel flat products from South Africa, pursuant to section 706(a) of the Act. Interested parties may contact the Central Records Unit, for copies of an updated list of countervailing duty orders currently in effect.

This countervailing duty order is published in accordance with section 706(a) of the Act and 19 CFR 351.211.

Dated: November 26, 2001.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–29813 Filed 11–30–01; 8:45 am]

BILLING CODE 3510–DS–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

Agency Holding the Meeting: Commodity Futures Trading Commission.

Time and Date: 11 a.m., Friday, December 7, 2001.

Place: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

Status: Closed.

Matters to be Considered: Surveillance Matters.

Contact Person for More Information: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 01–29924 Filed 11–28–01; 4:47 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act; Meeting

Agency Holding the Meeting: Commodity Futures Trading Commission.

Time and Date: 11 a.m., Friday, December 14, 2001.

Place: 1155 21st St., NW., Washington, DC., 9th Floor Conference Room.

Status: Closed.

Matters to be Considered: Surveillance Matters.

Contact Person for More Information: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 01–29925 Filed 11–28–01; 4:47 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

Agency Holding the Meeting: Commodity Futures Trading Commission.

Time and Date: 11 a.m., Friday, December 21, 2001.

Place: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

Status: Closed.

Matters to be Considered: Surveillance Matters.

Contact Person for More Information: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 01–29926 Filed 11–28–01; 4:47 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

Agency Holding the Meeting: Commodity Futures Trading Commission.

Time and Date: 11 a.m., Friday, December 28, 2001.

Place: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

Status: Closed.

Matters to be Considered: Surveillance Matters.

Contact Person for More Information: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 01–29927 Filed 11–28–01; 4:47 pm]

BILLING CODE 6351–01–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection: Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork

Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning its AmeriCorps Volunteer Generation Survey. Copies of the information collection requests can be obtained by contacting the office listed below in the address section of this notice.

The Corporation is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the Corporation's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section by February 1, 2002.

ADDRESSES: Send comments to the Corporation for National and Community Service, Office of Evaluation, Attn: Chuck Helfer, 1201 New York Avenue, NW., Washington, DC 20525.

FOR FURTHER INFORMATION CONTACT: Chuck Helfer, (202) 606–5000, ext. 248.

SUPPLEMENTARY INFORMATION:

AmeriCorps Volunteer Generation Study

I. Background

The three AmeriCorps programs of the Corporation (AmeriCorps*State/National, National Civilian Community Corps (NCCC) and Volunteers In Service To America (VISTA)) depend on volunteers to help link program activities to individuals and institutions in the communities served by AmeriCorps. Each program plans and implements its own volunteer mobilization and deployment strategies. Volunteer mobilization includes volunteer position development, recruitment, screening, and training. Deployment includes management (i.e. placement, scheduling, coordination, record keeping, volunteer/paid staff relations), recognition and development of appropriate volunteer policies and procedures.

II. Current Action

The Corporation seeks to evaluate the volunteer mobilization and deployment practices and outcomes of AmeriCorps programs. The evaluation will determine the extent to which the mobilization and deployment of local volunteers is meeting AmeriCorps goals for community strengthening and getting things done and AmeriCorps programs are engaging in effective volunteer mobilization and deployment practices. The evaluation will entail mail survey of approximately 1500 surveys to program/project directors and/or site staff. The Corporation will use the data collected through these activities to help programs and projects improve their volunteer-related practices.

Type of Review: New collection.

Agency: Corporation for National and Community Service.

Title: AmeriCorps Volunteer Generation Study.

OMB Number: None.

Agency Number: None.

Affected Public: AmeriCorps program staff, members, volunteers, and other stakeholders.

Total Respondents: 1500 survey respondents.

Frequency: One time.

Average Time Per Response: 45 minutes.

Estimated Total Burden Hours: 1125 hours (survey).

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintenance): 0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: November 27, 2001.

David B. Rymph,

Acting Director, Department of Evaluation and Effective Practices.

[FR Doc. 01–29842 Filed 11–30–01; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Acquisition, Technology & Logistics), DoD.

ACTION: Notice.

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

DATES: Consideration will be given to all comments received by February 1, 2002.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Office of the Director, Acquisition Initiatives, ATTN: Dr. Jay Mandelbaum, 3620 Defense Pentagon, Washington, DC 20301–3620.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call Office of the Director, Acquisition Initiatives, at 703–614–3882.

Title: Defense Suppliers Customer Satisfaction Diagnostic Survey.

Needs and Uses: The information collection is necessary to determine the reasons for supplier satisfaction/dissatisfaction with Defense acquisition processes. The information will be used to improve Defense acquisition processes to assure supplier satisfaction.

Affected Public: Business or other for profit.

Annual Burden Hours: 95.

Number of Respondents: 380.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: Annually.

SUPPLEMENTARY INFORMATION:

Summary of the Information Collection

DoD has identified three activities that interface with its suppliers and are relevant for acquisition improvement. These are providing information that contractors need to do business with DoD, establishing a business relationship with each contractor, and then maintaining that business relationship on a long-term basis. The best leverage for improving the overall satisfaction of suppliers is in improving the relationships DoD maintains with them. The proposed collection has been designed to diagnose problems with supplier customer satisfaction. This feedback will be used to formulate policies, programs and practices for improving the level of supplier customer satisfaction. A web-based survey is planned for the supplier diagnostic survey. The survey instrument will be posted on the web, and suppliers will be sent invitations via e-mail to access the web site and complete the survey instrument. The basis for this method is that the cost and time for the survey could be reduced, minimizing the burden on the supplier base.

Dated: November 27, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–29843 Filed 11–30–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

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

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507(j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by December 21, 2001. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before February 1, 2002.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Desk Officer: Department of Education, Office of Management and Budget; 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address *Lauren_Wittenberg@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (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, Information Management Group, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. 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. ED 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 respondents, including through the use of information technology.

Dated: November 27, 2001.

John Tressler,

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

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: Part B of the Individual with Disabilities Education Act Biennial Performance Report for School Years 1999–2000 through 2000–2001.

Abstract: State educational agencies are required to establish goals for the performance of children with disabilities in that State that promote the purposes of Part B of the Individuals with Disabilities Education Act (Part B). States must also establish performance indicators that the State will use to assess its progress in achieving these goals. Section 612(a)(16) of Part B requires States to report to the Secretary biennially on the progress that the State has made toward meeting its goals.

Additional Information: Information required provides States an opportunity to analyze and explain data that are reported in the Annual Report of Children Served, i.e., number of children served, suspension and expulsion, graduation, and dropout data.

Frequency: Biennially.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Federal Government.

Reporting and Recordkeeping Hour Burden:

Responses: 57.

Burden Hours: 4,560.

Requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651, or should be electronically mailed to the internet address *OCIO.RIMG@ed.gov*, or should be faxed to 202–708–9346.

Comments regarding burden and/or the collection activity requirements, contact Sheila Carey at (202) 708–6287 or via her internet address *Sheila.Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–29832 Filed 11–30–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–51–000]

Colorado Interstate Gas Company; Notice of Proposed Changes in FERC Gas Tariff

November 27, 2001.

Take notice that on November 16, 2001, Colorado Interstate Gas Company (CIG) tendered for filing as part of its

FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, with an effective date of January 1, 2002:

Twentieth Revised Sheet No. 10
Thirty-Fourth Revised Sheet No. 11

CIG states that the tariff sheets are being filed to revise the Gas Research Institute surcharges.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–29862 Filed 11–30–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–54–000]

Eastern Shore Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

November 27, 2001.

Take notice that on November 20, 2001 Eastern Shore Natural Gas Company (ESNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, certain revised tariff sheets in the above captioned docket, bear a proposed effective date of November 1, 2001.

ESNG states that the purpose of this instant filing is to track rate changes attributable to storage services purchased from Transcontinental Gas Pipe Line Corporation (Transco) under its Rate Schedules GSS and LSS. The costs of the above referenced storage services comprise the rates and charges payable under ESNG's respective Rate Schedules GSS and LSS. This tracking filing is being made pursuant to Section 3 of ESNG's Rate Schedules GSS and LSS.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–29865 Filed 11–30–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–341–001]

Egan Hub Partners, L.P.; Notice of Compliance Filing

November 27, 2001.

Take notice that on November 20, 2001, Egan Hub Partners, L.P. (Egan Hub) tendered for filing pro forma tariff sheets in compliance with Order Nos. 637, *et seq*.

Egan Hub states that the purpose of this filing is to comply with the requirement of Order Nos. 637, *et seq.* either to file pro forma tariff sheets that implement certain tariff changes relating to scheduling procedures, capacity segmentation, imbalance management, and penalties, or to explain why the Order No. 637 requirements do not apply to the pipeline's tariff and operating practices.

Egan Hub states that copies of its filing have been mailed to all affected customers and interested state commissions.

Egan Hub proposes that the Commission grant interested parties thirty days from the date of the filing within which to submit initial comments regarding the filing, and a further twenty day period within which Egan Hub may submit reply comments.

Any person desiring to file initial comments in said filing should file the comments with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. All initial comments must be filed on or before December 20, 2001. Egan must file reply comments to the initial comments on or before January 9, 2002. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–29858 Filed 11–30–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–343–005]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Compliance Filing

November 27, 2001.

Take notice that on November 19, 2001, Kinder Morgan Interstate Gas Transmission LLC (KMIGT) tendered for filing as part of its FERC Gas Tariff, the tariff sheets listed on Appendix A and Appendix B–1 to the filing.

KMIGT is filing the above-referenced tariff sheets in compliance with the Commission's Order No. 637 and with the Commission's Letter Order dated October 19, 2001 in Docket No. RP00–343.

KMIGT states that a copy of this filing has been served upon all parties on the official service list for this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–29859 Filed 11–30–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–382–007]

Northern Natural Gas Company; Notice of Compliance Filing

November 27, 2001.

Take notice that on November 19, 2001, Northern Natural Gas Company (Northern), tendered for filing changes in its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheet proposed to be effective November 1, 2001.

Substitute Eighth Revised Sheet No. 263

Northern states that the reason for this filing is to comply with the Commission's Order dated November 15, 2001 in Docket RP01–382–006. Pursuant to the Order, Northern has removed the reference to the customer buyout surcharge that pertains to future winter heating seasons from the above noted tariff sheet.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–29860 Filed 11–30–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–53–000]

Overthrust Pipeline Company; Notice of Tariff Filing

November 27, 2001.

Take notice that on November 19, 2001, Overthrust Pipeline Company (Overthrust) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1 the following tariff sheets to be effective December 19, 2001:

Sixth Revised Sheet No. 3
Fifth Revised Sheet No. 5

Overthrust is proposing to modify its tariff for two separate cleanup purposes as described below:

1. Overthrust states that on March 24, 2000, Questar Pipeline Company bought Enron Overthrust Pipeline Company's (Enron) interest in the Overthrust partnership resulting in Enron's removal from the general partnership, effective January 1, 2000.

2. Natural Gas Pipeline Company of America permanently released capacity to Duke Energy Trading & Marketing, LLC, effective November 1, 1998.

Overthrust states that this filing reflects these changes. Overthrust states that a copy of this filing has been served upon its customers, the Public Service Commission of Utah and the Public Service Commission of Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–29864 Filed 11–30–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP02–17–001 and CP00–65–006]

Tennessee Gas Pipeline Company; Notice of Compliance Filing and Associated Tariff Filing

November 27, 2001.

Take notice that on November 16, 2001, Tennessee Gas Pipeline Company (Tennessee) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, Substitute First Revised Sheet No. 23F, with an effective date of December 1, 2001, and withdraws its Sixth Revised Sheet No. 159 which the Commission accepted in its November 2, 2001 letter order.

Tennessee states that the filing is being made in compliance with the Commission's November 2, 2001, Letter Order in Docket Nos. RP02–17–000 and CP00–65–005 and to propose Extended Receipt Service (ERS) and Extended Delivery Service (EDS) on Incremental Laterals such as the Stagecoach Lateral

for shippers receiving firm transportation service under Rate Schedule FT–A.

Tennessee states that for an additional incremental charge, FT–A shippers will be able to access such Incremental Laterals, without executing a separate contract under Rate Schedule FT–IL. Tennessee requests that any waivers be granted and this filing be accepted and the tariff sheet be made effective on December 1, 2001, so that Tennessee can implement the proposed ERS and EDS on the same date that all other services relating to the Stagecoach Lateral will be effective.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–29861 Filed 11–30–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT02–7–000]

Trunkline Gas Company and CMS Trunkline Gas Company, LLC; Notice of Proposed Changes in FERC Gas Tariff

November 27, 2001.

Take notice that on November 19, 2001, Trunkline Gas Company (Trunkline) and CMS Trunkline Gas Company, LLC tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to reflect a corporate name change to become effective December 1, 2001.

Trunkline states that the revised tariff sheets reflect a corporate name change that will occur on December 1, 2001. On that date, Trunkline will convert from a Corporation to a limited liability company and will change its corporate name to CMS Trunkline Gas Company, LLC.

Trunkline states that copies of its transmittal letter and appendices have been mailed to all affected customers and interested state commissions. Trunkline states that copies of the tariff sheets will be provided, via overnight mail, upon request.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–29856 Filed 11–30–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–52–000]

Wyoming Interstate Company, Ltd.; Notice of Proposed Changes in FERC Gas Tariff

November 27, 2001.

Take notice that on November 16, 2001, Wyoming Interstate Company, Ltd. (WIC) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 2, the following tariff sheets, with an effective date of January 1, 2002:

Seventh Revised Sheet No. 4C
Third Revised Sheet No. 78

WIC states that the tariff sheets are being filed to revise the Gas Research Institute surcharges and add the ''check the box'' contribution mechanism.

WIC states that it has served copies of the filing to all shippers on WIC's system, and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–29863 Filed 11–30–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–360–000, et al.]

UAE Lowell Power LLC, et al.; Electric Rate and Corporate Regulation Filings

November 23, 2001.

Take notice that the following filings have been made with the Commission:

1. UAE Lowell Power LLC

[Docket No. ER02–360–000]

Take notice that on November 16, 2001, UAE Lowell Power LLC (ULP), tendered for filing with the Federal

Energy Regulatory Commission (Commission) a Notification of Change in Status. ULP seeks to notify the Commission that it is no longer affiliated with Duke Energy Corporation (Duke). Due to this change in affiliation with Duke, ULP is amending its Rate Schedule No. 1 to remove the Code of Conduct (Supplement No. 1 to Rate Schedule No. 1) between ULP and Duke. ULP requests an effective date of December 16, 2001 for the amendment.

Comment date: December 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Lowell Cogeneration Company Limited Partnership

[Docket No. ER02–361–000]

Take notice that on November 16, 2001, Lowell Cogeneration Company LP. (LCCLP) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Notification of Change in Status. LCCLP seeks to notify the Commission that it is no longer affiliated with Duke Energy Corporation (Duke). Due to this change in affiliation with Duke, LCCLP is amending its Rate Schedule No. 1 to remove its Code of Conduct (Supplement No. 1 to Rate Schedule No. 1) between LLCLP and Duke. LCCLP requests an effective date of December 16, 2001 for the amendment.

Comment date: December 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. United American Energy Corp.

[Docket No. ER02–362–000]

Take notice that on November 16, 2001, United American Energy Corp. (UAE), tendered for filing with the Federal Energy Regulatory Commission (Commission) a Notification of Change in Status. UAE seeks to notify the Commission that it is no longer affiliated with Duke Energy Corporation (Duke). Due to this change in affiliation with Duke, UAE is amending its Rate Schedule No. 1 to remove the Code of Conduct (Supplement No. 1 to Rate Schedule No. 1) between UAE and Duke. UAE requests an effective date of December 16, 2001 for the amendment.

Comment date: December 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Calpine Construction Finance Company, L.P.

[Docket No. ER02–363–000]

Take notice that on November 16, 2001, Calpine Construction Finance Company, L.P. (CCFC) filed a revised executed long-term power marketing agreement under which CCFC will make wholesale sales of electric energy to Calpine Energy Services, L.P. at market-based rates. CCFC requests confidential treatment of this agreement.

Comment date: December 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. American Transmission Company LLC

[Docket No. ER02–364–000]

Take notice that on November 16, 2001, American Transmission Company LLC (ATCLLC) tendered for filing an executed Distribution-Transmission Interconnection Agreement between ATCLLC and City of Algoma.

ATCLLC requests an effective date of June 25, 2001.

Comment date: December 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. American Transmission Company LLC

[Docket No. ER02–365–000]

Take notice that on November 16, 2001, American Transmission Company LLC (ATCLLC) tendered for filing an executed Distribution-Transmission Interconnection Agreement between ATCLLC and Rock County Electric Cooperative Association. ATCLLC requests an effective date of June 29, 2001.

Comment date: December 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Exelon Generation Company, LLC

[Docket No. ER02–366–000]

Take notice that on November 16, 2001, Exelon Generation Company, LLC (Exelon Generation), submitted for filing a power sales service agreement between Exelon Generation and Florida Power Corporation under Exelon Generation's wholesale power sales tariff, FERC Electric Tariff Original Volume No. 2

Comment date: December 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Exelon Generation Company, LLC

[Docket No. ER02–367–000]

Take notice that on November 16, 2001, Exelon Generation Company, LLC (Exelon Generation), submitted for filing a power sales service agreement between Exelon Generation and Carolina Power & Light Company under Exelon Generation's wholesale power sales tariff, FERC Electric Tariff Original Volume No. 2

Comment date: December 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Xcel Energy Operating Companies, Northern States Power Company, Northern States Power Company (Wisconsin)

[Docket No. ER02–368–000]

Take notice that on November 19, 2001, Northern States Power Company and Northern States Power Company (Wisconsin) (jointly NSP), wholly-owned utility operating company subsidiaries of Xcel Energy Inc., tendered for filing with the Federal Energy Regulatory Commission (FERC or Commission) a Firm Point-to-Point Transmission Service Agreement between NSP and Alliant Energy Corporate Services Inc. NSP proposes the Agreement be included in the Xcel Energy Operating Companies FERC Joint Open Access Transmission Tariff, First Revised Volume No. 1, as Service Agreement 193–NSP, pursuant to Order No. 614.

NSP requests that the Commission accept the agreement effective November 1, 2001, and requests waiver of the Commission's notice requirements in order for the agreements to be accepted for filing on the date requested.

Comment date: December 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. California Independent System Operator Corporation

[Docket No. ER02–369–000]

Take notice that the California Independent System Operator Corporation (ISO), on November 19, 2001, tendered for filing with the Federal Energy Regulatory Commission (Commission) a Meter Service Agreement for Scheduling Coordinators between the ISO and Quiet, LLC for acceptance by the Commission. The ISO states that this filing has been served on Quiet, LLC and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Meter Service Agreement to be made effective as of November 6, 2001.

Comment date: December 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. California Independent System Operator Corporation

[Docket No. ER02–370–000]

Take notice that the California Independent System Operator Corporation (ISO), on November 19, 2001, tendered for filing with the Federal Energy Regulatory Commission (Commission) a Scheduling Coordinator Agreement between the ISO and Quiet, LLC for acceptance by the

Commission.The ISO states that this filing has been served on Quiet, LLC and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Scheduling Coordinator Agreement to be made effective as of November 6, 2001.

Comment date: December 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. American Electric Power Service Corporations

[Docket No. ER02–371–000]

Take notice that on November 19, 2001, American Electric Power Service Corporation tendered for filing on behalf of the operating companies of the American Electric Power System (collectively, AEP), proposed amendments to the AEP Open Access transmission Tariff (OATT) and to the Transmission Coordination Agreement (TCA).

AEP requests that the amendments to the OATT be made effective in two stages. AEP requests that the stage one amendments become effective as of January 1, 2002 and that the stage two amendments to the OATT become effective as of the date AEP implements corporate separation of its facilities in the Electric Reliability Council of Texas (ERCOT). AEP requests that the amended TCA become effective as of the date AEP implements corporate separation of its facilities in the ERCOT.

Copies of the transmittal letter and the prefiled testimony have been served upon AEP's transmission customers and copies of the complete filing have been served on the public service commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Tennessee, Texas, Virginia, West Virginia, and the Oklahoma Corporation Commission.

Comment date: December 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Entergy Services, Inc.

[Docket No. ER02–372–000]

Take notice that on November 19, 2001, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the Entergy Operating Companies) tendered for filing a Non-Firm Point-To-Point Transmission Service Agreement and a Short-Term Firm Point-To-Point Transmission Service Agreement both between Entergy Services, Inc., as agent for the Entergy Operating Companies, and Morgan Stanley Capital Group Inc.

Comment date: December 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. American Transmission Company LLC

[Docket No. ER02–373–000]

Take notice that on November 19, 2001, American Transmission Company LLC (ATCLLC) tendered for filing an executed Distribution-Transmission Interconnection Agreement between ATCLLC and the City of Reedsburg.

ATCLLC requests an effective date of June 19, 2001.

Comment date: December 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. American Transmission Company LLC

[Docket No. ER02–374–000]

Take notice that on November 19, 2001, American Transmission Company LLC (ATCLLC) tendered for filing an executed Distribution-Transmission Interconnection Agreement between ATCLLC and the City of Sun Prairie.

ATCLLC requests an effective date of June 26, 2001.

Comment date: December 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Phelps Dodge Energy Services, LLC

[Docket No. ER02–375–000]

Take notice that on November 19, 2001, Phelps Dodge Energy Services, LLC, (PDES) filed with the Federal Energy Regulatory Commission (Commission) a letter informing the Commission of a change in the amount of capacity available to PDES that may be relevant to PDES'' market-based rate authority granted by letter order on July 1, 1999. See Green Power Partners I LLC, 88 FERC ¶ 61,005 (1999).

Comment date: December 10, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at http://www.ferc.gov using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–29830 Filed 11–30–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

November 27, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application type:* Amendment of License.

b. *Project no.:* 10455–021.

c. *Date filed:* November 8, 2001.

d. *Licensee:* JDJ Energy Company.

e. *Name of project:* River Mountain Pumped Storage Hydroelectric Project.

f. *Location:* The project is located on Lake Dardanelle on the Arkansas River in Logan County, Arkansas. The project does not occupy any federal lands.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Licensee contact:* Mr. Donald H. Clarke, Counsel, Law Offices of GKRSE, 1500 K Street NW., Suite 330, Washington, DC 20005; (202) 408–5400.

i. *FERC Contact:* Any questions on this notice should be addressed to Steve Naugle, *steven.naugle@ferc.fed.us*, or (202) 219–2805.

j. *Deadline for filing comments and or motions:* December 13, 2001.

All documents (original and eight copies) should be filed with Mr. David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. Please reference the

following number, P–10455–021, on any comments or motions filed.

k. *Description of proposal:* The licensee requests that article 412 of the project license be deleted from the license. License article 412 requires the licensee to file with the Commission, for approval, the proposed terms and conditions of an agreement between the licensee and the Pine Bluff Sand & Gravel Company for lost mineral resources as a result of the project. The licensee asserts that this article imposes additional and unnecessary procedures with respect to the licensee's acquisition of project property.

l. *Locations of the application:* Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance).

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–29857 Filed 11–30–01; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7111–3]

Underground Injection Control Program Hazardous Waste Injection; Restrictions; Petition for Exemption—Class I Hazardous Waste Injection; E. I. du Pont de Nemours & Company, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Notice of final decision on a no migration petition reissuance.

SUMMARY: Notice is hereby given that a reissuance of an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to E. I. du Pont de Nemours & Company, Inc. (DuPont) for three Class I injection wells located at Beaumont, Texas. As required by 40 CFR part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by the petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the continued underground injection by DuPont, of the specific restricted hazardous wastes identified in the exemption, into Class I hazardous waste injection wells No. WDW–100, WDW–101, and WDW–188 at the Beaumont, Texas facility, until December 31, 2020, for the Frio Sand and until December 31, 2010, for the Oakville Sand, unless EPA moves to terminate the exemption under provisions of 40 CFR 148.24. As required by 40 CFR 148.22(b) and 124.10, a public notice was issued November 27, 2000, and a comment period extension notice was issued December 28, 2000, notifying the public of the opportunity to comment on this action. The initial public comment period opened on November 27, 2000, and closed on January 31, 2001. There was a public hearing held January 4, 2001. The second comment period opened on July 19, 2001, and closed on September 4, 2001. A responsiveness summary was prepared to address all of the extensive comments received. This decision constitutes final Agency action.

DATES: This action is effective as of November 21, 2001.

ADDRESSES: Copies of the petition and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Quality Protection Division, Source Water Protection Branch (6WQ–S), 1445 Ross Avenue, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Philip Dellinger, Chief Ground Water/UIC Section, EPA—Region 6, telephone (214) 665–7165.

Sam Becker,

Acting Division Director, Water Quality Protection Division (6WQ).

[FR Doc. 01–29866 Filed 11–30–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7111–2]

Notice of Proposed Prospective Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act, the Resource Conservation Recovery Act, and the Missouri Hazardous Waste Law, Sentinel Wood Treating Site, Ava Douglas County, MO

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposal of prospective purchaser agreement for the Sentinel Wood Treating Site.

SUMMARY: Notice is hereby given that a proposed prospective purchaser agreement associated with the Sentinel Wood Treating Site, located in Ava, Douglas County, Missouri, was executed by the Agency on October 25, 2001, the Missouri Department of Natural Resources on November 7, 2001, the Missouri Attorney General's Office on October 22, 2001, the City of Ava on October 19, 2001, and concurred upon by the United States Department of Justice on October 22, 2001. The Site is an inactive woodtreating facility. The agreement, between the City of Ava, Missouri (''the purchaser''), the United States Environmental Protection Agency (''EPA''), and the Missouri Department of Natural Resources (''MDNR'') is subject to final approval after the comment period. The Prospective Purchaser Agreement would resolve

certain potential EPA claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (''CERCLA''), and potential MDNR claims under the Missouri Hazardous Waste Law.

Under this proposed agreement, the purchaser would be required to sample, if necessary, and dispose of contaminated materials that are excavated during road construction and related construction activities, restrict access to two ponds located north of the Site, and refrain from any activity which disturbs the former lagoon area of the Site and the ground water drainage diversion system at the Site. The purchaser must also provide to EPA copies of all construction plans at least thirty (30) days in advance of construction activities. Further, the settlement also requires the purchaser to restrict the use of ground water and ensure non-interference with the performance, operation, and maintenance of any selected response action.

The purchaser is required to grant access to the property to EPA, its authorized officers, employees, representatives, and all other persons performing response actions under EPA oversight. If the purchaser fails to comply with the terms of the Agreement and Covenant Not to Sue, the purchaser would be liable for all litigation and other enforcement costs incurred by the United States to enforce this Agreement.

This notice is also hereby given in accordance with section 7003(d) of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6973(d). The proposed settlement includes an EPA covenant not to sue the purchaser pursuant to section 7003 of RCRA, 42 U.S.C. 6973. Commenters may request an opportunity for a public meeting in the affected area in accordance with section 7003(d) of RCRA, 42 U.S.C. 6973(d).

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, Kansas 66101, and the information repository for the Sentinel Wood Treating site located at the Douglas County Public Library, Ava, Missouri.

DATES: Comments must be submitted on or before January 2, 2002.

Availability: The proposed settlement is available for public inspection at the U.S. Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, Kansas 66101, and the information repository for the Sentinel Wood Treating Site located at the Douglas County Public Library, Ava, Missouri. A copy of the proposed agreement may be obtained from Alyse Stoy, Assistant Regional Counsel, U.S. Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, Kansas 66101. Comments should reference ''The Sentinel Wood Treating Site Prospective Purchaser Agreement'' and should be forwarded to Alyse Stoy, at the above address.

FOR FURTHER INFORMATION CONTACT: Alyse Stoy, Assistant Regional Counsel, Office of Regional Counsel, United States Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, Kansas 66101, (913) 551–7826.

Dated: November 16, 2001.

James B. Gulliford,

Regional Administrator, Region VII.

[FR Doc. 01–29867 Filed 11–30–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–OW–7111–4]

Notice of Extension of Comment Period on Draft Aquatic Life Criteria Document for Atrazine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of comment period on draft aquatic life criteria document for atrazine.

SUMMARY: Section 304(a)(1) of the Clean Water Act (CWA) requires the Environmental Protection Agency (EPA) to develop and publish, and from time to time revise, criteria for water accurately reflecting the latest scientific knowledge. These criteria provide EPA's recommendations to states and authorized tribes as guidance in establishing their water quality standards as state or tribal law or regulation. On September 26, 2001, at 66 FR 49186, EPA published a notice of availability for a draft aquatic life criteria document for atrazine. Today, in response to an official request, EPA is notifying the public that the comment period on this draft aquatic life criteria document has been extended for an additional sixty days, until January 25, 2002.

As discussed in the original **Federal Register** notice, EPA's Office of Pesticide Programs (OPP) released its preliminary ecological fate and effects risk assessment of atrazine for a sixty day comment period (66 FR 49180) concurrent with the EPA's Office of Water (OW) draft aquatic life criteria document. However, the 60-day time extension announced today is only for comments on OW's draft aquatic life criteria document. OPP's ecological fate and effects risk assessment will be revised after public comments have been considered and incorporated, and OPP will be soliciting public comment on risk mitigation ideas for 60 days. Both offices continue to ask that comments be submitted to both the OW (W–01–10) and OPP (OPP–34237A) dockets, as discussed in the original **Federal Register** notices.

EPA is notifying the public about the availability of this draft document in accordance with the Agency's process for developing or revising criteria (63 FR 68354, December 10, 1998). As indicated in the December 10, 1998 FR notice, the Agency believes it is important to provide the public with an opportunity to submit scientific information on draft criteria.

DATES: All significant scientific information must be submitted to the Agency under docket number W–01–10. All significant scientific information submissions are requested to be submitted by January 25, 2002. The Administrative Record supporting this draft guidance document is available at the Water Docket, Room EB 57, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460 on Monday through Friday, excluding Federal holidays, between 9 a.m. and 4 p.m. For access to docket materials call (202) 260–3027 for an appointment. A reasonable fee will be charged for photocopies.

ADDRESSES: Send an original and three copies of any written significant scientific information to W–01–10 Comment Clerk, Water Docket (MC4101), USEPA, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Information may be hand-delivered to the Water Docket, USEPA, Room EB 57, 401 M Street, SW., Washington, DC 20460. Information may also be submitted electronically to *OW-Docket@epa.gov*. Information should be submitted as a WP5.1, 6.1 and/or 8.0 or an ASCII file with no form of encryption.

Copies of the criteria document entitled, *Ambient Aquatic Life Water Quality Criteria for Atrazine* may be obtained from EPA's Water Resource

Center by phone at (202) 260–7786, or by e-mail to *center.water-resource@epa.gov* or by conventional mail to EPA Water Resource Center, RC–4100, 1200 Pennsylvania Ave., Washington, DC 20460. Alternatively, consult *www.epa.gov/OST* for download availability.

FOR FURTHER INFORMATION CONTACT: Frank Gostomski, Health and Ecological Criteria Division (4304), US EPA, 1200 Pennsylvania Avenue NW., Washington, DC 20460; (202) 260–1321; *gostomski.frank@epa.gov*

SUPPLEMENTARY INFORMATION:

What Are Recommended Water Quality Criteria?

Recommended water quality criteria are the concentrations of a chemical in water at or below which aquatic life are protected from acute and chronic adverse effects of the chemical. Section 304(a)(1) of the Clean Water Act requires EPA to develop and publish, and from time to time revise, criteria for water accurately reflecting the latest scientific knowledge. Water quality criteria developed under section 304(a) are based solely on data and scientific judgments. They do not consider economic impacts or the technological feasibility of meeting the criteria in ambient water. Section 304(a) criteria provide guidance to States and Tribes in adopting water quality standards and provide a scientific basis for them to develop controls of discharges or releases of pollutants. The criteria also provide a scientific basis for EPA to develop Federally promulgated water quality standards under section 303(c).

What Is Atrazine and Why Are We Concerned About It?

Atrazine is an organic chemical used as an herbicide throughout the U.S. for control of weeds in agricultural crops. Environmental exposure occurs mainly from its application as an herbicide but may also occur from industrial manufacture, distribution releases, precipitation, field runoff, and drift. Atrazine is moderately volatile and soluble in water, and resistant to natural degradation in water. Because of atrazine's chemical properties and widespread use as an herbicide, concerns have been raised over the potential risks posed by exposure of aquatic organisms to it. For these reasons, EPA has developed the following water quality criteria:

Freshwater

Aquatic life should not be affected unacceptably if the: One-hour average concentration of atrazine does not exceed 350 ug/l more than once every three years on the average (Acute Criterion); and Four-day average concentration of atrazine does not exceed 12 ug/l more than once every three years on the average (Chronic Criterion).

Saltwater

Aquatic life should not be affected unacceptably if the: One hour average concentration of atrazine does not exceed 760 ug/l more than once every three years on the average (Acute Criterion); and Four-day average concentration of atrazine does not exceed 26 ug/l more than once every three years on the average (Chronic Criterion).

Definitions of Criteria Terminology

One hour average: The average of all samples taken during a one hour period by either continuous sampling or periodic grab samples.

Four day average: The average of all samples taken during four consecutive days by either continuous sampling or periodic grab samples. Also known as a 96-hour average.

Acute Criterion: A chemical concentration protective of aquatic organisms from short term exposure to fast acting chemicals or spikes in concentrations. For example exposure of a fish moving through an area for foraging but not residing in the area.

Chronic Criterion: A chemical concentration protective of aquatic organisms from longer term exposure to slower acting chemicals or relatively steady concentrations. For example, exposure of a fish that resides in an area.

Why Is EPA Notifying the Public About the Extension of the Comment Period on the Draft Atrazine Criteria Document?

Today, EPA is notifying the public about the extension of the comment period on the draft aquatic life criteria document for atrazine to expand the public's involvement in the criteria development process. EPA notified the public of its intent to develop aquatic life criteria for atrazine in the **Federal Register** on October 29, 1999 (64 FR 58409). At that time EPA made available to the public all references identified by a recent literature review and solicited any additional pertinent data or scientific views that would be useful in developing the aquatic life criteria for atrazine. On September 26, 2001, EPA notified the public of the availability of a draft aquatic life criteria document for atrazine (66 FR 49186). EPA is now making the draft aquatic life criteria document for atrazine available for public review for an additional sixty days. As indicated in the December 10, 1998 FR notice, the Agency believes it is important to provide the public with an opportunity to submit scientific information on draft criteria. EPA is soliciting views from the public on issues of science pertaining to the information used to derive the draft criteria. EPA will review and consider significant scientific information submitted by the public that might not have otherwise been identified during development of these criteria.

Where Can I Find More Information on EPA's Revised Process for Developing New or Revised Criteria?

The Agency published detailed information about its revised process for developing and revising criteria in the **Federal Register** on December 10, 1998 (63 FR 68354) and in the EPA document entitled, *National Recommended Water Quality—Correction* (EPA 822–Z–99–001, April 1999). The purpose of the revised process is to provide expanded opportunities for public input, and to make the criteria development process more efficient.

Dated: November 7, 2001.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

[FR Doc. 01–29868 Filed 11–30–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: Review of Local Mitigation Planning Initiatives and practices.

Type of Information Collection: New.

Abstract: The data collected from the survey will support the Federal Insurance and Mitigation Administration and the Office of the Inspector General in conducting a national review of local mitigation planning. The goal of the survey is to determine the extent to which communities are formulating, adopting and adhering to local mitigation plans, and to review the overall quality of

these plans. Additional goals are to document the ''best practices'' and identify characteristics of successful planning programs at the local level.

Affected Public: State, local or tribal governments.

Estimated Annual Burden Hours: 188.

Frequency of Responses: Annually.

Estimated Annual Costs to Respondents: $30.00 per respondent.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days from the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472. Telephone number (202) 646–2625, Fax number (202) 646–3347, or e-mail address: *muriel.anderson@fema.gov.*

Dated: September 28, 2001.

Reginald Trujillo,

Branch Chief, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate.

[FR Doc. 01–29869 Filed 11–30–01; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1395–DR]

Oklahoma; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Oklahoma, (FEMA–1395–DR), dated October 25, 2001, and related determinations.

EFFECTIVE DATE: November 16, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery and Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *madge.dale@fema.gov.*

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Oklahoma is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 25, 2001: Caddo and Kiowa Counties for Individual Assistance and Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Joe M. Allbaugh,

Director.

[FR Doc. 01–29870 Filed 11–30–01; 8:45 am]

BILLING CODE 6718–02–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/.

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 December 27, 2001.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. Chittenden Corporation, Burlington, Vermont; to acquire 100 percent of the voting shares of, and thereby merge with Ocean National Corporation, Kennebunk, Maine, and thereby indirectly acquire Ocean National Bank, Kennebunk, Maine.

B. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309–4470:

1. F.N.B. Corporation, Naples, Florida; to acquire up to 20 percent of the voting shares of Sun Bancorp, Inc., Selinsgrove, Pennsylvania, and thereby indirectly acquire voting shares of Sun Bank, Selinsgrove, Pennsylvania.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Jane Austin Chapman Limited Partnership, L.P., Jacksonville, Texas; to become a bank holding company by directly acquiring 14.8 percent of the voting shares of Austin Bancorp, Inc., Jacksonville, Texas; and thereby indirectly acquire voting shares of TEB, Inc., Shreveport, Louisiana; and Austin Bank, Texas National Association, Jacksonville, Texas; and directly acquire 8.1 percent of the voting shares of Capital Bancorp, Inc., Jacinto City, Texas, and thereby indirectly acquire voting shares of JACI, Inc., Wilmington, Delaware, and Capital Bank, Jacinto City, Texas; and directly acquire 9.9 percent of the voting shares of Frankston Bancorp, Inc., Frankston, Texas, and thereby indirectly acquire voting shares of FDB, Inc., Dover, Delaware, and First State Bank, Frankston, Texas; and directly acquire 5.9 percent of the voting shares of First State Bank, Athens, Texas.

Board of Governors of the Federal Reserve System, November 27, 2001.

Margaret McCloskey Shanks,

Assistant Secretary of the Board.

[FR Doc. 01–29845 Filed 11–30–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 01-28713) published on page 57718 of the issue for Friday, November 16, 2001.

Under the Federal Reserve Bank of Kansas City heading, the entry for First National Bancshares, Inc., Goodland, Kansas, is revised to read as follows:

A. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. First National Bancshares, Inc., ESOP and 401 (K) Trusts, and First National Bancshares, Inc., both of Goodland, Kansas; to acquire 86.4 percent of the voting shares of Security State Bank, Bird City, Kansas.

Comments on this application must be received by December 10, 2001.

Board of Governors of the Federal Reserve System, November 27, 2001.

Margaret McCloskey Shanks,

Assistant Secretary of the Board.

[FR Doc. 01–29846 Filed 11–30–01 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/.

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 December 17, 2001.

A. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Meader Insurance Agency, Inc., Waverly, Kansas; to retain Waverly Insurance Agency, Inc., Waverly, Kansas, and thereby engage in insurance activities in a place of less than 5,000 persons, pursuant to § 225.28(b)(11)(iii) of Regulation Y.

Board of Governors of the Federal Reserve System, November 27, 2001.

Margaret McCloskey Shanks,

Assistant Secretary of the Board.

[FR Doc. 01–29847 Filed 11–30–01; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Agency Information Collection Activities: Proposed Submission to the Office of Management and Budget (OMB) for Clearance; Comment Request; New Information Collection

AGENCY: Administration on Aging, HHS.

The Administration on Aging (AoA), Department of Health and Human Services, provides an opportunity for comment on the following proposal for the collection of information in compliance with the Paperwork Reduction Act (PRA; Pub. L. 96–511): National Outcome Measures Surveys of Older Americans Act (OAA) Clients.

Type of Request: New information collection.

Use: Consumer assessment data will be collected in this initial set of surveys to initiate national program outcome assessment consistent with the requirements of the Government Performance and Results Act and the Older Americans Act.

Frequency: One-time.

Respondents: Elderly individuals who have received selected services under Title 3 of the Older Americans Act.

Estimated Number of Responses: 3,500.

Total Estimated Burden Hours: 2,000.

Additional Information or Comments:

The Administration on Aging plans to submit to the Office of Management and Budget for approval the National Outcome Measures Surveys of Older Americans Act (OAA) Clients, pursuant to requirements set forth by congressional statute. Through a contract with WESTAT, Inc., AoA will draw samples of individuals served through Area Agencies on Aging across the country for the purpose of obtaining OAA program service assessments from these individuals. The surveys will utilize information collection instruments and methods developed and tested by experts in the field of gerontology and by State and local entities that administer OAA programs. The surveys will include assessments from among the following service categories: nutrition, transportation, caregiver support, home-care, and information and assistance.

Written comments and recommendations for the proposed information collection should be sent within 60 days of the publication of this notice directly to the following address: Office of Planning and Evaluation, Administration on Aging, Attention: David Bunoski, 330 Independence Avenue, SW., Rm. 4755, Washington, DC 20201.

Dated: November 27, 2001.

Josefina G. Carbonell,

Assistant Secretary for Aging.

[FR Doc. 01–29818 Filed 11–30–01; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 02020]

Cooperative Agreement for Research and Human Resource Development in Human Infectious Diseases in Guatemala; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2002 funds for a cooperative agreement program for Research and Human Resource Development in Human Infectious Diseases in Guatemala. This program addresses the ''Healthy People 2010'' focus area of Immunization and Infectious Diseases.

The purpose of this program is to conduct multi-disciplinary laboratory and field research studies and related activities to control and prevent human infectious diseases of public health importance in Guatemala and to achieve the health promotion and diseases prevention objectives of a national activity to reduce morbidity and mortality and improve the quality of health.

B. Eligible Applicants

Assistance will be provided only to the Universidad del Valle. No other applications are solicited.

The Universidad del Valle is the only non-government organization (NGO) in Guatemala with an established collaboration with the Guatemala Ministry of Health and Social Assistance (MOH).

The Universidad del Valle is the only research organization in Guatemala that possesses the requisite scientific and technical expertise, the infrastructure capacity, and which had conducted research in the areas of parasitic diseases and other human infectious diseases through collaboration with CDC for the past twenty three years.

Note: Title 2 of the United States Code, section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, or loan.

C. Availability of Funds

Approximately $500,000 is available in FY 2002 to fund one award. It is expected that the awards will begin on or about April 1, 2002, and will be made for a 12-month budget period within a project period of up to five years. The funding estimate may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

D. Where To Obtain Additional Information

Business management technical assistance, contact: Cynthia Collins, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone number: (770) 488–2757, E-mail address: *coc9cdc.gov*.

Program technical assistance may be obtained from: Diana Curtis, Division of Parasitic Diseases, National Center for Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., Atlanta, GA 30333, Telephone: (770) 488–7744, E-mail address: *dcy1@cdc.gov*.

Dated: November 26, 2001.

Rebecca B. O'Kelley,

Chief, International Grants and Contracts Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–29838 Filed 11–30–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

[Docket No. 98N–0617]

RIN 0910–AA52

Opioid Drugs in Maintenance and Detoxification Treatment of Opiate Addiction; Notice of Approval of Accreditation Organizations for Opioid Treatment Programs Under 42 CFR Part 8

AGENCY: Substance Abuse and Mental Health Services Administration, DHHS.

ACTION: Notice.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) is announcing the approval of four accreditation organizations under new opioid treatment program regulations. Under the provisions of the new regulations which went into effect on May 18, 2001, opioid treatment programs must apply to one of these approved accreditation organization as a condition of SAMHSA certification.

FOR FURTHER INFORMATION CONTACT: Nicholas Reuter, Center for Substance Abuse Treatment (CSAT), SAMHSA, Rockwall II, 5600 Fishers Lane, Rockville, MD, 20857, 301–443–0457, e-mail: *nreuter@samhsa.gov*. For further information on accreditation issues contact Raymond Hylton, Center for Substance Abuse Treatment (CSAT), SAMHSA, Rockwall II, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6502, e-mail: *rhylton@samhsa.gov.*

SUPPLEMENTARY INFORMATION: New regulations effective May 18, 2001 (66 FR 15347, March 19, 2001, see also 66 FR 4092, January 17, 2001) establish an accreditation based regulatory system for opioid treatment programs (OTPs) that use methadone or ORLAAM for the maintenance or detoxification treatment of opiate addiction. Under 42 CFR 8.3, interested private nonprofit organizations or State governmental entities can submit applications to become accreditation bodies under the new rules. Four entities submitted applications and have been determined by SAMHSA under 42 CFR 8.3(d) to substantially meet the conditions for approval.

1. CARF * * * The Rehabilitation Accreditation Commission, 4891 East Grant, Tucson, Arizona 60181, telephone: 520–325–1044, fax: 520–318–1129, Web site: *http://www.carf.org/CARF.*

2. Council on Accreditation for Children and Family Services, 120 Wall Street, 11th Floor, New York, New York 10005, telephone: 212–797–3000, fax: 212–797–1428, Web site: *http://www.coanet.org.*

3. Joint Commission on Accreditation of Healthcare Organizations, One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181, telephone: 630–792–5800, fax: 630–792–5005, Web site: *http://www.jcaho.org.*

4. Division of Alcohol and Substance Abuse, Washington Department of Social and Health Services, Division of Alcohol and Substance Abuse, P.O. Box 45330 (Mail Stop 45330), Olympia, Washington 98504–5330, telephone: 360–438–8056, fax: 360–407–5318, Web site: *http://www-app2.wa.gov/dshs/dasa.*

SAMHSA is providing this notice to OTPs and others to facilitate accreditation applications as necessary for certification under the provisional and transitional certification provisions of Subpart B of the new regulation (see 42 CFR 8.11(a), (d), and (e)). OTPs with transitional certification must apply to an approved accreditation body no later than March 4, 2002. SAMHSA is also notifying OTPs directly about the approval of these four accreditation organizations and will notify OTPs of future approvals in a similar manner.

Additional information on accreditation and related issues can be obtained from the SAMHSA/CSAT Web page at *www.opat.samhsa.gov* or by writing to the Substance Abuse and Mental Health Services Administration, CSAT Office of Pharmacologic and Alternative Therapies, Attention: OTP Accreditation Program, 5600 Fishers Lane, Room 12–105, Rockville, MD 20857.

Dated: November 27, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–29839 Filed 11–30–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Permit No. TE–048470

Applicant: Sonoma County Permit and Resource Management Department, Santa Rosa, California.

The applicant requests a permit to take (capture) the California freshwater shrimp (*Syncaris pacifica*) in conjunction with surveys throughout the species range in California for the purpose of enhancing its survival.

Permit No. TE–048739

Applicant: Daniel Cordova, Santa Maria, California.

The applicant requests a permit to take (locate and monitor nests) the California least tern (*Sterna antillarum browni*) in conjunction with population monitoring in San Luis Obispo and Santa Barbara Counties, California, for the purpose of enhancing its survival.

Permit No. TE–049072

Applicant: Wayne D. Spencer, San Diego, California.

The applicant requests a permit to take (capture, handle, mark, and release) the Pacific pocket mouse (*Perognathus longimembris pacificus*), San Bernardino kangaroo rat (*Dipodomys merriami parvus*), and Stephens' kangaroo rat (*Dipodomys stephensi*) in conjunction with demographic and ecological research throughout the species' range for the purpose of enhancing their survival.

Permit No. TE–702631

Applicant: Assistant Regional Director-Ecological Services, Region 1, U.S. Fish and Wildlife Service, Portland, Oregon.

The applicant requests a permit amendment to remove/reduce to possession specimens of the following plant species: *Silene spaldingii* (Spalding's catchfly). Authorization is also requested to take the following species: Ohlone tiger beetle (*Cicindela ohlone*). Collection and take activities will be conducted throughout the species' range in conjunction with recovery efforts for the purpose of enhancing their propagation and survival.

Permit No. TE–049461

Applicant: Jaymee Marty, Galt, California.

The applicant requests a permit to take the vernal pool tadpole shrimp (*Lepidurus packardi*) in Sacramento County, California, in conjunction with population monitoring for the purpose of enhancing its survival.

Permit No. TE–026932

Applicant: Darlene Woodbury, Santa Maria, California.

The permittee requests a permit amendment to take (capture and band) the California least tern (*Sterna antillarum browni*) in conjunction with population monitoring in San Luis Obispo and Santa Barbara Counties, California, for the purpose of enhancing its survival.

Permit No. TE–802107

Applicant: Patricia Baird, Long Beach, California.

The permittee requests a permit amendment to take (collect blood) the least tern (*Sterna antillarum*) throughout the its range in conjunction with genetic research for the purpose of enhancing its survival.

Permit No. TE–049175

Applicant: Melanie R. Huffman, Pheonix, Arizona.

The applicant requests a permit to take (survey) the Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*), and take (pursue) the Quino Checkerspot Butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the range of each species for the purpose of enhancing their survival.

Permit No. TE–049470

Applicant: Chris A. Niemela, La Mirada, California.

The applicant requests a permit to take (pursue) the Quino Checkerspot Butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the range of the species for the purpose of enhancing its survival.

Permit No. TE–049540

Applicant: Riverside-Corona Resource Conservation District, Riverside, California.

The applicant requests a permit to take (capture and remove from the wild) the Santa Ana sucker (*Catostomus santaanae*) in conjunction with relocation and captive propagation in a controlled stream site, and release to the wild for the purpose of enhancing its survival.

Permit No. TE–048660

Applicant: Dharm S. Pellegrini, Los Angeles, California.

The applicant requests a permit to take (survey, locate and monitor nests) the southwestern willow flycatcher (*Empidonax trailii extimus*) and take (locate and monitor nests) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with population monitoring in San Bernadino, Riverside, Orange, San Diego, Kern, Los Angeles, and Ventura Counties, California for the purpose of enhancing their survival.

DATES: Written comments on these permit applications must be received within 30 days of the date of publication of this notice.

ADDRESSES: Written data or comments should be submitted to the Chief, Endangered Species, Ecological Services, Fish and Wildlife Service, 911 NE. 11th Avenue, Portland, Oregon 97232–4181; Fax: (503) 231–6243. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 20 days of the date of publication of this notice to the address above; telephone: (503) 231–2063. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: November 15, 2001.

Rowan W. Gould,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 01–29825 Filed 11–30–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The public is invited to comment on the following application(s) for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address below) and must be received within 30 days of the date of this notice.

Applicant: Mark Groger, Cumming, GA, PRT–050072

The applicant request(s) a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus*

dorcas) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Blair Allen Murphy, Gaylord, MI, PRT–050074

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281.

Dated: November 19, 2001.

Monica Farris,

Senior Permit Biologist, Branch of Permits, Office of Management Authority.

[FR Doc. 01–29849 Filed 11–30–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The public is invited to comment on the following application(s) for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address below) and must be received within 30 days of the date of this notice.

Applicant: San Diego Zoo, San Diego, California, PRT–049659.

The applicant request a permit to export four captive born Blyth's tragopans (*Tragopan blythii*) to The City of Belfast Zoological Gardens (Belfast Zoo), Northern Ireland for the purpose of enhancement of the survival of the species through propagation.

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281.

Dated: November 23, 2001.

Anna Barry,

Senior Permit Biologist, Branch of Permits, Office of Management Authority.

[FR Doc. 01–29851 Filed 11–30–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Recovery Plan for Coastal Plants of the Northern San Francisco Peninsula for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of the Draft Recovery Plan for Coastal Plants of the Northern San Francisco Peninsula. This recovery plan includes the endangered San Francisco lessingia (*Lessingia germanorum*) and Raven's manzanita (*Arctostaphylos hookeri* ssp. *ravenii*). The portion of the plan dealing with Raven's manzanita is a revision of the 1984 Raven's Manzanita Recovery Plan. Additional species of concern that will benefit from recovery actions taken for these plants are also discussed in the draft recovery plan. The draft plan includes recovery criteria and measures for San Francisco lessingia and Raven's manzanita.

DATES: Comments on the draft recovery plan must be received on or before March 4, 2002.

ADDRESSES: Copies of the draft recovery plan are available for inspection, by appointment, during normal business hours at the following location: U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W–2605, Sacramento, California (telephone (916) 414–6600). Requests for copies of the draft recovery plan and written comments and materials regarding this plan should be addressed to Wayne S. White, Field Supervisor, Ecological Services, at the above Sacramento address. The draft recovery plan is also available on the World Wide Web at *http://www.r1.fws.gov/es/endsp.htm.*

FOR FURTHER INFORMATION CONTACT: Carmen Thomas, Fish and Wildlife Biologist, at the above Sacramento address.

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for downlisting or delisting listed species, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act as amended in 1988 requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during the public comment period prior to approval of each new or revised recovery plan. Substantive technical comments will result in changes to the plan. Substantive comments regarding recovery plan implementation may not necessarily result in changes to the recovery plan, but will be forwarded to appropriate Federal or other entities so that they can take these comments into account during the course of

implementing recovery actions. Individual responses to comments will not be provided.

San Francisco lessingia and Raven's manzanita are restricted to the San Francisco peninsula in San Francisco County, California. San Francisco lessingia, an annual herb in the aster family, is restricted to coastal sand deposits. Raven's manzanita is a rare evergreen creeping shrub in the heath family which was historically restricted to few scattered serpentine outcrops. Habitat loss, adverse alteration of ecological processes, and invasion of non-native plant species threaten San Francisco lessingia. Raven's manzanita has also been threatened by habitat loss; at present it is threatened primarily by invasion of non-native vegetation and secondarily by disease organisms and poor reproductive success. The draft plan also makes reference to several other federally listed species which are ecologically associated with San Francisco lessingia and Raven's manzanita, but which are treated comprehensively in other recovery plans. These species are beach layia (*Layia carnosa*), Presidio clarkia (*Clarkia franciscana*), Marin dwarf-flax (*Hesperolinon congestum*), Myrtle's silverspot butterfly (*Speyere zerene myrtleae*), and bay checkerspot butterfly (*Euphydryas editha bayensis*). In addition, 16 plant species of concern and 17 plant species of local or regional conservation significance are considered in this recovery plan.

The draft recovery plan stresses re-establishing dynamic, persistent populations of San Francisco lessingia and Raven's manzanita within plant communities which have been restored to be as ''self-sustaining'' as possible within urban wildland reserves. Specific recovery actions for San Francisco lessingia focus on the restoration and management of large, dynamic mosaics of coastal dune areas supporting shifting populations within the species' narrow historic range. Recovery of Raven's manzanita will include, but will not be limited to, the strategy of the 1984 Raven's Manzanita Recovery Plan, which emphasized the stabilization of the single remaining genetic individual. The draft plan also seeks to re-establish multiple sexually reproducing populations of Raven's manzanita in association with its historically associated species of local serpentine outcrops. The objectives of this recovery plan are to delist San Francisco lessingia and to downlist Raven's manzanita through implementation of a variety of recovery measures including: (1) Protection and restoration of a series of ecological reserves (often with mixed recreational and conservation park land uses); (2) promotion of population increases of San Francisco lessingia and Raven's manzanita within these sites, or reintroduction of them to restored sites; (3) management of protected sites, especially the extensive eradication or suppression of invasive dominant non-native vegetation; (4) research; and (5) public participation, outreach, and education.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of this plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: November 20, 2001.

Steve Thompson,

Acting California/Nevada Operations Manager, U.S. Fish and Wildlife Service, Sacramento, California.

[FR Doc. 01–29824 Filed 11–30–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability; Draft Environmental Impact Statement on Double-Crested Cormorant Management

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability for public comment.

SUMMARY: The U.S. Fish and Wildlife Service has prepared a Draft Environmental Impact Statement, which is available for public review. The DEIS analyzes the potential environmental impacts of several management alternatives for addressing problems associated with increasing double-crested cormorant populations. The analysis provided in the DEIS is intended to accomplish the following: inform the public of the proposed action and alternatives; address public comment received during the scoping period; and disclose the direct, indirect, and cumulative environmental effects of the proposed action and each of the alternatives. The Service invites the public to comment on the DEIS.

DATES: Written comments on the DEIS must be received by January 15, 2002.

ADDRESSES: Requests for copies of the DEIS should be mailed to Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 634, Arlington, Virginia 22203. Copies of the DEIS can also be downloaded from the Division of Migratory Bird Management Web site at: *http://migratorybirds.fws.gov/issues/cormorant/cormorant.html.*

FOR FURTHER INFORMATION CONTACT: Jon Andrew, Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, MS634, Arlington, VA 22203; phone: 703/358–1714; fax: 703/358–2272.

SUPPLEMENTARY INFORMATION: On November 8, 1999, a notice was published in the **Federal Register** (64 FR 60826) announcing that the Service intended to prepare an Environmental Impact Statement '' to [address] impacts caused by population and range expansion of the double-crested cormorant in the contiguous United States.'' This announcement commenced a public scoping period that ended on June 20, 2000. Over 1,400 public comments were received and were considered in the development of the DEIS, which is now being made available for public review. This notice is provided pursuant to Fish and Wildlife Service regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6).

The DEIS evaluates six management alternatives to address biological and socioeconomic resource conflicts associated with cormorants: (1) No Action or a continuation of current cormorant management practices (Alternative A); (2) implement only non-lethal management techniques (Alternative B); (3) expand current cormorant damage management policies (Alternative C); (4) establish a new Depredation Order to address public resource conflicts (Alternative D) (PROPOSED ACTION); (5) reduce regional cormorant populations (Alternative E); and (6) establish frameworks for a cormorant hunting season (Alternative F). Our proposed action (Alternative D) modifies the existing Aquaculture Depredation Order and establishes a new Public Resource Depredation Order to allow public resource managers greater flexibility in dealing with cormorant conflicts while ensuring Federal oversight via reporting and monitoring requirements.

You may mail or deliver comments to the Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 634, Arlington, Virginia 22203.

Additionally, you may submit comments on the DEIS via the internet to: *cormorant_eis@fws.gov.* Please include your name and return address in your e-mail message, and submit your comments as an ASCII file. Do not use special characters or encryption. If you do not receive a confirmation from the system that we received your e-mail message, you can contact us directly at 703/358–1714.

In order to be considered, submission of comments (written or electronic) must include your name and postal mailing address; we will not consider anonymous comments. All comments received, including names and addresses, will become part of the public record. The public may inspect comments during normal business hours in Room 634 '' Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. Requests for such comments will be handled in accordance with the Freedom of Information Act and the Council on Environmental Quality's National Environmental Policy Act regulations [40 CFR 1506.6(f)]. Our practice is to make comments available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. If a respondent wishes us to withhold his/her name and/or address, this must be stated prominently at the beginning of the comment.

Several public hearings will be held throughout the country during the comment period to solicit further comments from the public. The dates and locations of these hearings are yet to be determined. A notice of public meetings with the locations, dates, and times will be published in the **Federal Register**.

Kevin R. Adams,

Acting Deputy Director.

[FR Doc. 01–29881 Filed 11–30–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and an Application for an Incidental Take Permit for the Temecula Ridge Apartments and Temecula Village Development Projects in Riverside County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: AGK Group, LLC and Temecula Village Development, L.P. (the Applicants) have applied to the Fish and Wildlife Service (Service) for incidental take permits pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. The Service is considering issuance of a 7-year permit to each Applicant that would authorize take of the threatened coastal California gnatcatcher (Polioptila californica californica) incidental to otherwise lawful activities. Such take would occur during the construction of multi-family residential structures and associated commercial/retail space on a 44-acre infill site adjacent to Rancho California Road in the City of Temecula in southwestern Riverside County, California. We request comments from the public on the permit application, and an Environmental Assessment, both of which are available for review. The permit application includes the proposed Habitat Conservation Plan (HCP) and an accompanying Implementing Agreement (legal contract). The HCP describes the proposed action and the measures that the Applicants would undertake to minimize and mitigate take of the coastal California gnatcatcher.

DATES: We must receive your written comments on or before February 1, 2002.

ADDRESSES: Please address written comments to Mr. Jim Bartel, Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. You also may send comments by facsimile to (760) 431–5902.

FOR FURTHER INFORMATION CONTACT: Ms. Karen Evans, Assistant Field Supervisor, at the above address or call (760) 431–9440.

SUPPLEMENTARY INFORMATION:

Availability of Documents

You may obtain copies of these documents for review by contacting the above office. Documents also will be available for public inspection, by appointment, during normal business hours at the above address and at the Temecula Library located at 41000 County Center Drive, Temecula, California.

Background

Section 9 of the Endangered Species Act (Act) and federal regulations prohibit the ''take'' of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act to include ''harass, harm, pursue, hunt, shot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.'' The Service may, under limited circumstances, issue permits to authorize incidental take (i.e., take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing incidental take permits for threatened and endangered species are found in 50 CFR 17.32 and 17.22.

The Applicants are proposing development of multi-family residential structures (containing a total of 406 residential units) and associated commercial and retail space on 44 acres. The development site is an infill area within the City surrounded by a combination of multi-family and single family residential complexes.

Biologists surveyed the combined project site for biological resources in 1999 and 2000. Two years of protocol surveys for Quino checkerspot butterfly (*Euphydryas editha quino*) were conducted, but no sign of the species was detected. Two pairs of coastal California gnatcatchers were found in 2000. Given the limited amount of sage scrub habitat available for these two pairs on this infill site (14 acres), it is presumed that the two pairs are also utilizing, to some degree, portions of the remaining 30 acres, which consist of non-native grassland, ruderal vegetation, and barren areas.

Based on the survey results, the Service concluded that implementation of the two proposed projects would result in take of the two pairs of gnatcatchers found on this infill site, through the permanent removal of the vegetation on the 44 acres of this combined site: 14 acres of riversidean sage scrub, and 30 acres of non-native grassland and ruderal vegetation. Environmental effects addressed in the HCP and Environmental Assessment include the loss of both pairs of gnatcatchers given the removal of the vegetation from the site.

The Applicants propose to implement the following measures to mitigate and minimize take of coastal California gnatcatchers: (1) Avoid ground disturbing activities during the California gnatcatcher breeding season; (2) stake the construction boundaries of the project; (3) random inspections of the project site by a biological monitor; (4) purchase conservation credits for 45 acres of riversidean sage scrub occupied by two pairs of gnatcatchers from an off-site mitigation bank in the Riverside County area; and (5) purchase an additional 25 acres of riversidean sage scrub conservation credits from another

off-site mitigation bank in the Riverside County area. Both conservation banks possess a management endowment to ensure their permanent management for sensitive species and habitats, including the California gnatcatcher.

The Environmental Assessment considers the environmental consequences of four alternatives, including the Proposed Action. The Proposed Action consists of the issuance of two incidental take permits and implementation of the HCP and its Implementing Agreement, which includes measures to minimize and mitigate impacts of the two projects on the coastal California gnatcatcher. Under the ''No Action'' alternative, the Service would not issue a permit to either Applicant. Under this alternative, the proposed residential developments would not be constructed at this time. Both pairs of gnatcatchers may still be lost over time because the small isolated project site is not well-suited to the long term preservation of gnatcatcher pairs. Contributions to more permanent gnatcatcher preservation efforts in the region (through participation in regional conservation mitigation banks) would not occur.

Under the ''Reduced Project'' alternative, one of the two multi-family residential projects would not receive an incidental take permit. One of the applicants would not develop their property at this time. The other project would receive a permit. It is likely that both gnatcatcher pairs would ultimately be lost from the 44 acre combined site since development of either project alone would likely eliminate so much habitat as to render the remaining isolated habitat incapable of supporting any gnatcatcher pairs in the long term. This alternative would provide only half of the conservation benefits of the Proposed Action while ultimately resulting in the same level of incidental take as the Proposed Action.

Under the ''Different Location'' alternative, the two adjoining projects would be relocated to another area in the City of Temecula. The opportunities for needed multi-family housing in the City of Temecula are severely limited, and the identification and acquisition of an alternative site in the City cannot be assured. Under this alternative, both pairs of gnatcatchers may still be lost because the small isolated project site is not well-suited to the long term preservation of gnatcatcher pairs. No conservation contributions to regional gnatcatcher preservation would be made.

The alternatives to the Proposed Action would result in less habitat conservation value for the coastal California gnatcatcher in the Riverside County region and contribute less to its long-term survival in the wild than the off-site conservation bank habitat preservation/management mitigation measures under the Proposed Action.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and the regulations of the National Environmental Policy Act of 1969 (40 CFR 1506.6). All comments that we receive, including names and addresses, will become part of the official administrative record and may be made available to the public. We will evaluate the application, associated documents, and comments submitted thereon to determine whether the application meets the requirements of the National Environmental Policy Act regulations and section 10(a) of the Endangered Species Act. If we determine that those requirements are met, we will issue a permit to each Applicant for the incidental take of the coastal California gnatcatcher. We will make our final permit decision no sooner than 60 days from the date of this notice.

Dated: November 26, 2001.

John Engbring,

Acting Deputy Manager, California/Nevada Operations Office, Sacramento, California.

[FR Doc. 01–29840 Filed 11–30–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Issuance of Permit for Marine Mammals

On August 29, 2001, a notice was published in the **Federal Register** (66 FR 45689), that an application had been filed with the Fish and Wildlife Service by Andy Krook for a permit (PRT–046899) to import one polar bear (*Ursus maritimus*) taken from the Southern Beaufort Sea population, Canada, for personal use.

Notice is hereby given that on October 29, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On September 6, 2001, a notice was published in the **Federal Register** (66 FR 46650), that an application had been filed with the Fish and Wildlife Service by Gerald Moschgat for a permit (PRT–047378) to import one polar bear (*Ursus maritimus*) taken from the Northern Beaufort Sea population, Canada, for personal use.

Notice is hereby given that on October 29, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On September 25, 2001, a notice was published in the **Federal Register** (66 FR 49035), that an application had been filed with the Fish and Wildlife Service by Douglas E. Snell for a permit (PRT–047054) to import one polar bear (*Ursus maritimus*) taken from the Northern Beaufort Sea population, Canada, for personal use.

Notice is hereby given that on November 9, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone (703) 358–2104 or fax (703) 358–2281.

Dated: November 19, 2001.

Monica Farris,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 01–29850 Filed 11–30–01; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–740 (Review)]

Sodium Azide From Japan

AGENCY: United States International Trade Commission.

ACTION: Institution of a five-year review concerning the suspended investigation on sodium azide from Japan.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether termination of the suspended investigation on sodium azide from Japan would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the

Commission; [1] to be assured of consideration, the deadline for responses is January 22, 2002. Comments on the adequacy of responses may be filed with the Commission by February 19, 2002. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: December 3, 2001.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ON–LINE) at *http://dockets.usitc.gov/eol/public.*

SUPPLEMENTARY INFORMATION:

Background

On January 7, 1997, the Department of Commerce suspended an antidumping duty investigation on imports of sodium azide from Japan (62 FR 973). The Commission is conducting a review to determine whether termination of the suspended investigation would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 01–5–066, expiration date July 31, 2002. Public reporting burden for the request is estimated to average 7 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Definitions

The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is Japan.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the Subject Merchandise. For the purpose of the preliminary investigation, the Commission defined the Domestic Like Product as all sodium azide.

(4) The *Domestic Industry* is the U.S. producers as a whole of the Domestic Like Product, or those producers whose collective output of the Domestic Like Product constitutes a major proportion of the total domestic production of the product. For the purpose of the preliminary investigation, the Commission defined the Domestic Industry as producers of sodium azide.

(5) The *Order Date* is the date that the investigation was suspended. In this review, the Order Date is January 7, 1997.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the Subject Merchandise into the United States from a foreign manufacturer or through its selling agent.

Participation in the Review and Public Service List

Persons, including industrial users of the Subject Merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

Former Commission employees who are seeking to appear in Commission five-year reviews are reminded that they are required, pursuant to 19 CFR 201.15, to seek Commission approval if the matter in which they are seeking to appear was pending in any manner or form during their Commission employment. The Commission's designated agency ethics official has advised that a five-year review is the ''same particular matter'' as the underlying original investigation for purposes of 19 CFR 201.15 and 18 U.S.C. 207, the post employment statute for Federal employees. Former employees may seek informal advice from Commission ethics officials with respect to this and the related issue of whether the employee's participation was ''personal and substantial.'' However, any informal consultation will not relieve former employees of the obligation to seek approval to appear from the Commission under its rule 201.15. For ethics advice, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and APO Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this review available to authorized applicants under the APO issued in the review, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. § 1677(9), who are parties to the review. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification

Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this review must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written Submissions

Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is January 22, 2002. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also

file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is February 19, 2002. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the review you do not need to serve your response).

Inability To Provide Requested Information

Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determination in the review.

Information To Be Provided in Response to This Notice of Institution

As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and e-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the Domestic Like Product, a U.S. union or worker group, a U.S. importer of the Subject Merchandise, a foreign producer or exporter of the Subject Merchandise, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this review by providing information requested by the Commission.

(4) A statement of the likely effects of the termination of the suspended investigation on the Domestic Industry in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of Subject Merchandise on the Domestic Industry.

(5) A list of all known and currently operating U.S. producers of the Domestic Like Product. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the Subject Merchandise and producers of the Subject Merchandise in the Subject Country that currently export or have exported Subject Merchandise to the United States or other countries since 1996.

(7) If you are a U.S. producer of the Domestic Like Product, provide the following information on your firm's operations on that product during calendar year 2000 (report quantity data in thousands of pounds and value data in thousands of U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the Domestic Like Product accounted for by your firm's(s') production;

(b) the quantity and value of U.S. commercial shipments of the Domestic Like Product produced in your U.S. plant(s); and

(c) the quantity and value of U.S. internal consumption/company transfers of the Domestic Like Product produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the Subject Merchandise from the Subject Country, provide the following information on your firm's(s') operations on that product during calendar year 2000 (report quantity data in thousands of pounds and value data in thousands of U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of Subject Merchandise from the Subject Country accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of Subject Merchandise imported from the Subject Country; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of Subject Merchandise imported from the Subject Country.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the Subject Merchandise in the Subject Country, provide the following information on your firm's(s') operations on that product during calendar year 2000 (report quantity data in thousands of pounds and value data in thousands of U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of Subject Merchandise in the Subject Country accounted for by your firm's(s') production; and

(b) the quantity and value of your firm's(s') exports to the United States of Subject Merchandise and, if known, an estimate of the percentage of total exports to the United States of Subject Merchandise from the Subject Country accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the Domestic Like Product that have occurred in the United States or in the market for the Subject Merchandise in the Subject Country since the Order Date, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into

production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the Domestic Like Product produced in the United States, Subject Merchandise produced in the Subject Country, and such merchandise from other countries.

(11) (Optional) A statement of whether you agree with the above definitions of the Domestic Like Product and Domestic Industry; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: November 27, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–29894 Filed 11–30–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2169C–01]

Notice of Corrected Address for Aliens Seeking Relief Pursuant to the Settlement Agreement in *Walters* v. *Reno*

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of change of address.

SUMMARY: On September 20, 2001, the Immigration and Naturalization Service (Service) published a notice in the **Federal Register** at 66 FR 48480–82, regarding the class action settlement agreement in the case of *Walters et al.* v. *Reno et al.*, Civ. No. 94–1204C. In the notice the Service incorrectly listed the address for class members to mail their requests for a refund for a previously paid civil money penalty for a section 274c violation. The correct mailing address for such requests is: INS Debt Management Center, 188 Harvest Lane, Williston, VT 05495–7554.

This change is necessary to ensure that class members have the proper mailing address for requesting refunds from the Service.

DATES: This notice is effective December 3, 2001.

FOR FURTHER INFORMATION CONTACT: Warren McBroom, Immigration and Naturalization Service, 425 I Street, NW, Suite 6100, Washington, DC 20536, telephone (202) 514–2895.

Dated: November 19, 2001.

James W. Ziglar,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 01–29884 Filed 11–30–01; 8:45 am]

BILLING CODE 4410–10–M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. RM 97–5C]

Copyright Restoration of Works in Accordance With the Uruguay Round Agreements Act; Notification Pertaining to Notices of Intent To Enforce Restored Copyrights

AGENCY: Copyright Office, Library of Congress.

ACTION: Notification of request to retract prior filings of notices of intent to enforce restored copyrights.

SUMMARY: This notice gives public notice that the Copyright Office has received a notification of a request to retract the filing of certain notices of intent to enforce restored copyrights under the Uruguay Round Agreements Act.

EFFECTIVE DATE: December 3, 2001.

FOR FURTHER INFORMATION CONTACT: Charlotte Douglass, Principal Legal Advisor to the General Counsel, or Marilyn Kretsinger, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION: Under the Uruguay Round Agreements Act, the Copyright Office is charged with publishing in the **Federal Register** any notices of intent to enforce restored copyrights timely filed with the Office. Notices filed with the Office must be filed within 24 months after a work initially becomes eligible. See 17 U.S.C. 104A(d)(2)(A). At this time, only works the source country of which is a foreign member of the World Trade Organization or the Berne Convention are eligible for restoration. 17 U.S.C. 104A(h)(3). On or shortly after January 1, 1996, the effective date of the Uruguay Round Agreements Act, the great majority of these countries fulfilled the conditions for eligibility. For those reasons, the time for filing notices of intent from the overwhelming majority of countries has now expired. Thus, typically, the Office does not receive new NIEs that are timely.

The URAA also prescribes conditions under which NIEs may be corrected. In 1997, the Copyright Office adopted an interim regulation under which corrections of errors in Notices of Intent to Enforce restored copyright may be filed. 62 FR 55736 (1997). In accordance with that regulation, the Office has published in the **Federal Register** lists of certain Correction Notices which reflect information erroneously listed on or omitted from original NIEs. 37 CFR 201.34. Any timely filed original or correction NIEs are published within four months after receipt on the next scheduled publication date. 17 U.S.C. 104A(e)(1)(B).

The Office now publishes a list of NIEs that is neither of original nor Correction NIEs but a judicially required statement which is the result of an action related to ownership of certain restored copyrights. The Office publishes this notice consistent with the intent of the URAA that makes the Copyright Office responsible for providing public notice of significant facts regarding, inter alia, the ownership of restored copyrights.

In a letter dated August 30, 2001, responding to an Amended Final Judgment in *Alameda Films, S.A.* v. *H. Jackson Shirley III,* No. H–99–0734, slip op. at 4 (S.D. Tex. Aug. 1, 2001), Mr. Shirley notified the U.S. Copyright Office that the Authors Rights Restoration Corporation retracts all filings in the U.S. Copyright Office in any way related to the eighty-one films listed in Exhibit ''A'' of the district court's order. This case has been appealed to the fifth circuit, No. 01–20869, docketed August 24, 2001.

The titles from Exhibit A are as follows:

U.S. copyright owner	Film title	Translated title
Alameda Films, S.A	El Baron del Terror	The Baron of Terror.
Alameda Films, S.A	El Grito de la Muerte	Cry of Death.
Alameda Films, S.A	El Hombre y El Monstruo	The Man and the Monster.
Alameda Films, S.A	La Cabeza Viviente	The Living Head.

U.S. copyright owner	Film title	Translated title
Cima Films, S.A. de C.V	Dios Los Cria	Made By God.
Cima Films, S.A. de C.V	Juan Armenta el Repatriado	Juan Armenta the Repatriated.
Cima Films, S.A. de C.V	La Ley del Monte	The Law of the Mountain.
Cima Films, S.A. de C.V	La Valentina	The Valentina.
Cinematografica Filmex, S.A. de C.V	Tacos Al Carbon	Tacos Al Carbon.
Cinematografica Filmex, S.A. de C.V	Diamantes, Oro y Amor	Diamonds, Gold and Love.
Cinematografica Jalisco, S.A. de C.V	El Desconocido	The Unknown.
Cinematografica Sol, S.A. de C.V	Carceria Humana	Human Hunter.
Cinematografica Sol, S.A. de C.V	En Peligro de Muerte	In Danger of Dying.
Cinematografica Sol, S.A. de C.V	El Ansia de Matar	The Longing of Kill. The Longing of Death. Eager to Kill.
Cinematografica Sol, S.A. de C.V	El Hombre Violento	The Violent Man.
Cineproducciones Internacionales, S.A. de C.V	El Trinquetero	The Cheater.
Cineproducciones Internacionales, S.A. de C.V	El Sargento Perez	The Sargent Perez.
Cineproducciones Internacionales, S.A. de C.V	El Arte de Enganar	The Art of Fooling.
Cineproducciones Internacionales, S.A. de C.V	El Deseo En Otono	The Autumn Desire.
Cinevision, S.A. de C.V	La Gatita	The Pussy Cat.
Cumbre Films, S.A. de C.V	Acorralado	Corralled.
Cinematografica Sol, S.A. de C.V	El Hombre Violento	The Violent Man.
Cineproducciones Internacionales, S.A. de C.V	El Trinquetero	The Cheater.
Cineproducciones Internacionales, S.A. de C.V	El Sargento Perez	The Sargent Perez.
Cineproducciones Internacionales, S.A. de C.V	El Arte de Enganar	The Art of Fooling.
Cineproducciones Internacionales, S.A. de C.V	El Deseo En Otono	The Autumn Desire.
Cinevision, S.A. de C.V	La Gatita	The Pussy Cat.
Cumbre Films, S.A. de C.V	Acorralado	Corralled.
Cumbre Films, S.A. de C.V	El Cuatrero	The Cattle Thief.
Cumbre Films, S.A. de C.V	El Diablo El Santo, y El Tonto	The Devil, the Saint, and the Idiot.
Cumbre Films, S.A. de C.V	El Embustero	The Lying.
Cumbre Films, S.A. de C.V	El Macho	The Macho Man.
Cumbre Films, S.A. de C.V	Entre Compadres Tu Veas	Seen Between Godfathers.
Cumbre Films, S.A. de C.V	Por Tu Maldito Amor	For Your Dammed Love.
Cumbre Films, S.A. de C.V	Sinverguenza Pero Honrado	Brazen But Honest.
Cumbre Films, S.A. de C.V	Mi Querido Viejo	My Dear Old Man.
Cumbre Films, S.A. de C.V	Matar O Morir	To Kill Or To Die.
Cumbre Films, S.A. de C.V	El Sinverguenza	The Scoundrel.
Diana Films Internacionales, S.A. de C.V	Cartas Marcadas	Marked Cards.
Diana Films Internacionales, S.A. de C.V	Duro Pero Seguro	Hard But Sure.
Diana Films Internacionales, S.A. de C.V	La Presidenta Municipal	The Town President.
Filmadora Mexicana, S.A. de C.V	Medianoche	Middle Night.
Filmadora Mexicana, S.A. de C.V	La Esquina de Mi Barrio	My Neighborhood Corner.
Filmadora Mexicana, S.A. de C.V	Duena y Senora	Owner and Lady.
Filmadora Mexicana, S.A. de C.V	La Casa Chica	The Other House.
Gazcon Films, S.A. de C.V	Dos de Abajo	Two From Below.
Gazcon Films, S.A. de C.V	Perro Callerjero I	Wild Dog I.
Grupo Galindo, S.A. de C.V	El Rey de Los Albures	The King of Double Meaning.
Grupo Galindo, S.A. de C.V	Amaneci en Tus Brazos	I Woke Up In Your Arms.
Grupo Galindo, S.A. de C.V	Carabina 30–30	30–30 Carbine.
F. Mier, S.A	Vivo O Muerto	Dead Or Alive.
F. Mier, S.A	La Hermana Blanca	The White Sister.
F. Mier, S.A	El Nino Perdido	The Lost Boy.
Oro Films, S.A. de C.V	El Martir de Calvario	The Martyr Of The Calvary.
Oro Films, S.A. de C.V	El Hombre Sin Rostro	The Man Without A Face.
Oro Films, S.A. de C.V	El Aviso y Inoportuno	The Unexpected Announcement.
Oro Films, S.A. de C.V	Vivillo Desde Chiquillo	Smart Since Childhood.
Oro Films, S.A. de C.V	Casa De Vecindad	House Of The Neighborhood.
Peliculas y Videos Internacionale, S.A. de C.V	Ay Amor Como Me Has Puesto	Oh Love, What Has Become Of Me.
Peliculas y Videos Internacionale, S.A. de C.V	El Cielo y la Tierra	The Sky and the Earth.
Peliculas y Videos Internacionale, S.A. de C.V	El Tesoro del Rey Salomon	The Treasure Of King Solomon.
Peliculas y Videos Internacionale, S.A. de C.V	Esposa O Amante	Wife Or Lover.
Peliculas y Videos Internacionale, S.A. de C.V	Lagrimas de Amor	Tears Of Love.
Procinema, S.A. de C.V	Un Par a Todo Dar	A Great Pair.
Producciones Galubi, S.A. de C.V	El Bronco	The Bronco.
Producciones Galubi, S.A. de C.V	La Golfa Del Barrio	The Woman.
Producciones Galubi, S.A. de C.V	El Hijo del Palenque	Palenque's Son.
Producciones Galubi, S.A. de C.V	Santos vs. Los Asesinos De Ortros Mundos	Santo Versus the Assassins from Other Worlds.
Producciones Galubi, S.A. de C.V	El Agente Viajero	The Traveling Agent.
Producciones Matouk, S.A. de C.V	Las Aventuras de Juliancito	The Adventures of Juliancito.
Producciones Matouk, S.A. de C.V	Chico Ramos	Young Ramos.
Producciones Matouk, S.A. de C.V	Primera Comunion	First Communion.
Producciones Rosas Priego, S.A. de C.V	Quinceanera	She's Fifteen.
Producciones Rosas Priego, S.A. de C.V	Azahares Rojos	Red Blossom.
Producciones Rosas Priego, S.A. de C.V	Cricifijo de Piedra	The Stone Cross.

U.S. copyright owner	Film title	Translated title
Producciones Rosas Priego, S.A. de C.V	El Aguila Negra	The Black Eagle.
Producciones Torrente, S.A. de C.V	Narcoterror	Narcoterror.
Producciones Torrente, S.A. de C.V	Pandilla de Criminales	Gang Of Criminals.
Producciones Torrente, S.A. de C.V	Ladrones de Tumbas	Thieves Of The Tombs.
Producciones Virgo, S.A. de C.V	Andante	Walker.
Producciones Virgo, S.A. de C.V	El Sexo Sentido	The Sex Sense.
Producciones Virgo, S.A. de C.V	No Hay Cruces en el Mar	There Are No Crosses In The Sea.
Producciones Virgo, S.A. de C.V	El Sexo Me da Risa	Sex Makes Me Laugh.
Secine, S.A. de C.V	El Gallo de Oro	The Golden Rooster.
Video Universal, S.A. de C.V	Thaimi, La Hija del Pescador	Thaima, Daughter of the Fisherman.
Video Universal, S.A.′ de C.V	La Tortola del Ajusco	The Turtledove Of Ajusco.
Video Universal, S.A. de C.V	El Fantastico Mundo de los Hippies	The Fantastic World of the Hippies.
Video Universal, S.A. de C.V	El Reino de los Gangsters	Reign of the Gangsters.

Dated: November 28, 2001.

Marilyn J. Kretsinger,

Assistant General Counsel.

[FR Doc. 01–29900 Filed 11–30–01; 8:45 am]

BILLING CODE 1410–30–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency proposes to request use of NA Form 14116, Customer Request for Information and Order, a web-based form to be completed by members of the public who wish to either request printed order forms for copies of genealogical records or to obtain information about NARA's archival holdings or services. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before February 1, 2002 to be assured of consideration.

ADDRESSES: Comments should be sent to: Paperwork Reduction Act Comments (NHP), Room 4400, National Archives and Records Administration, 8601 Adelphi Rd, College Park, MD 20740–6001; or faxed to 301–713–6913; or electronically mailed to *tamee.fechhelm@nara.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301–713–6730, or fax number 301–713–6913.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways, including the use of information technology, to minimize the burden of the collection of information on respondents. The comments that are submitted will be summarized and included in the NARA request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA is soliciting comments concerning the following information collection:

Title: Customer Request for Information and Order Forms.

OMB number: 3095—New.

Agency form number: NA Form 14116.

Type of review: Regular.

Affected public: Individuals and households.

Estimated number of respondents: 130,000.

Estimated time per response: 5 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 10,833 hours.

Abstract: The form is a web-based form to be completed by members of the public who wish to either request printed order forms for copies of genealogical records or to obtain information about NARA's archival holdings or services. Customers who request printed forms indicate the type and quantity of form wanted. Those who need information about NARA's archival holdings choose a subject heading to help describe their request. The form entails no burden other than that necessary to identify the customer, the date, the customer's address, and the nature of the request. This information is used only to facilitate answering the request and is not retained after the request is completed. The information is not used for any subsequent purpose.

Dated: November 27, 2001.

L. Reynolds Cahoon,

Assistant Archivist for Human Resources and Information Services.

[FR Doc. 01–29819 Filed 11–30–01; 8:45 am]

BILLING CODE 7515–01–U

NATIONAL SCIENCE FOUNDATION

Proposal Review; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces its intent to hold proposal review meetings throughout the year. The purpose of these meetings is to provide advice and recommendations concerning proposals submitted to the NSF for financial support. The agenda for each of these meetings is to review and evaluate proposals as part of the selection process for awards. The majority of these meetings will take place at NSF, 4201 Wilson Blvd., Arlington, Virginia 22230.

All of these meetings will be closed to the public. The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act. NSF will continue to review the agenda and merits of each meeting for overall compliance of the Federal Advisory Committee Act.

These closed proposal review meetings will no longer be announced

on an individual basis in the **Federal Register**. NSF intends to publish a notice similar to this on a quarterly basis. For an advance listing of the closed proposal review meetings that include the names of the proposal review panel and the time, date, place, and any information on changes, corrections, or cancellations, please visit the NSF Web-site: *www.nsf.gov/home/pubinfo/advisory.htm.* This information may also be requested by telephoning 703/292–8182.

Dated: November 27, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–29880 Filed 11–30–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Deployment of the NRC's Redesigned Public Web Site

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The Nuclear Regulatory Commission (NRC) plans to deploy its newly redesigned public Web site in a phased approach between now and the end of the year. The redesign gives the Web site a new and consistent look and feel. It is organized by content and topic rather than by NRC organizational structure, uses top-down logic going from the general to specific topics, makes navigation easy, gives greater visibility to frequently accessed information, uses plain language where possible, and complies with Section 508 of the Rehabilitation Act. As a result of the events of September 11, 2001, the NRC shut down its public Web site on October 11 and is conducting a thorough review of the original scope of the redesigned site. This review includes all of the content available at the NRC public Web site prior to October 11. As reviews are completed, NRC will restore content incrementally in the redesigned format.

ADDRESSES: NRC's newly redesigned Web site will be made available at *www.nrc.gov.* For updates on the planned deployment, see the redesign notice at *www.nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Walter Oliu, Office of the Chief Information Officer, Mail Stop T–6 E7, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone (301) 415–7823, or e-mail *nrcweb@nrc.gov.*

SUPPLEMENTARY INFORMATION: As a result of a public meeting to discuss NRC interactions with stakeholders on nuclear material and waste activities, the Commission directed the NRC staff to improve NRC's Web site by (1) reviewing other major Web sites as models for possible improvements to the NRC site; (2) soliciting the views of stakeholders, including members of the general public, researchers, and representatives of the library community; (3) implementing goals for the public site to support NRC's Strategic Plan; and (4) ensuring that the public site is compliant with the Americans With Disabilities Act.

The NRC staff established the following objectives for the external Web site to support the goals of NRC's Strategic Plan: (1) Increase public confidence in the NRC by providing information that enhances the ability of stakeholders to participate effectively in the regulatory process; provide information that enhances the public's understanding of NRC's mission, goals, and performance; make it easy to find desired information; ensure the timeliness and accuracy of information at the site; and (2) make doing business with the NRC more efficient and effective by providing easy access to necessary information and tools for conducting business electronically via the Web.

The NRC formed two groups to provide agencywide input to the redesign effort: a Web Redesign Working Group, composed of staff who currently maintain the NRC's content at our public Web site, and a Web Redesign Steering Committee, composed of senior managers and chaired first by a representative from the Office of Nuclear Reactor Regulation and later by a representative from the Office of Public Affairs.

The NRC staff contracted for a usability analysis of the existing Web site. Stakeholders, including representatives of public interest groups, librarians, licensees, State officials, members of the international nuclear regulatory community, and NRC staff who frequently interact with the public were involved in this process through several focus groups, a usability test at NRC's Regulatory Information Conference, and a Web survey. An expert evaluation of how well NRC's current Web site follows best practices and considers human factors, and how accessible it is to individuals with disabilities (in compliance with Section 508 of the Rehabilitation Act) was also done. In addition, the staff compared NRC's Web site with other highly rated government sites and confirmed that there were significant opportunities to improve the current site's structure and organization, navigability, style, understandability, and accessibility. The recommendations included:

- Create a ''common look and feel'' for the entire NRC Web site (enforce standards);
- Organize by content and topic rather than by NRC organizational structure;
- Use top-down logic going from the general to the specific;
- Make navigation consistent (links to top-level pages, within-page navigational devices, and links to external non-NRC sites); and
- Comply with Section 508 of the Rehabilitation Act (test pages on multiple platforms and with browsers favored by people with disabilities).

The results of these assessments formed the basis for developing a prototype for the redesigned Web site. The prototype contained improvements adopted from all the recommendations listed above and was reviewed by the NRC Web staff, the Web Redesign Working Group, and the Web Redesign Steering Committee. In addition, NRC collected and evaluated comments on the prototype from stakeholders who were involved in the initial usability study, as well as others. The agency obtained OMB clearance to collect comments from stakeholders. The NRC staff as a whole was also provided an opportunity to comment.

An analysis of the feedback on the prototype indicated that users were more satisfied with the prototype than with NRC's existing public Web site. Many suggestions for further improvements were adopted and implemented for the redesigned site.

As a result of the events of September 11, 2001, the NRC shut down its public Web site on October 11 and is conducting a thorough review of the original scope of the redesigned site. This review includes all document collections available at the NRC public Web site prior to October 11 (over 50,000 pages and nearly all of the other content, over 1,000 pages). As reviews are completed, NRC will restore content incrementally in the redesigned format. Updates on the redesign will be posted at the Web site (*www.nrc.gov*) as the deployment proceeds.

Dated at Rockville, Maryland this 27th day of November 2001.

For the Nuclear Regulatory Commission.

Stuart Reiter,

Chief Information Officer.

[FR Doc. 01–29874 Filed 11–30–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25299/File No. 812–12572]

Mutual of America Life Insurance Company, et al.

November 26, 2001.

AGENCY: Securities and Exchange Commission (''SEC'' or ''Commission'').

ACTION: Notice of an application for an order pursuant to section 11(a) of the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: Mutual of America Life Insurance Company (''Mutual of America''), Mutual of America Separate Account No. 2 (the ''Annuity Account'') and Mutual of America Separate Account No. 3 (the ''VUL Account,'' and together with the Annuity Account, ''Mutual Accounts'').

SUMMARY OF APPLICATION: Applicants seek an order approving the terms of a proposed offer of exchange of interests in the Mutual Accounts for interests issued by The American Life Insurance Company of New York (''American Life'').

FILING DATE: The application was filed on July 13, 2001.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on December 21, 2001, and be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requester's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants, Deborah S. Becker, Esq., Senior Vice President and Associate General Counsel, Mutual of America, 320 Park Avenue, New York, New York 10022.

FOR FURTHER INFORMATION CONTACT: Kenneth C. Fang, Attorney, or Keith E. Carpenter, Branch Chief, at (202) 942–0670, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the Public Reference Branch of the Commission, 450 Fifth Street, NW., Washington DC 20549–0102 (tel. (202) 942–8090).

Applicants' Representations

1. Mutual of America is a mutual life insurance company organized under the laws of the State of New York in 1945, having its home office at 320 Park Avenue, New York, New York 10022. Mutual of America is authorized to sell individual and group life insurance policies, variable annuity contracts and variable universal life policies in 50 states and the District of Columbia.

2. The Annuity Account is a separate account of Mutual of America established for the purpose of providing an investment medium for variable contracts, including individual annuities. It is registered under the Act as a unit investment trust (File No 811–4679), and three registration statements on Form N–4 filed pursuant to the Securities Act of 1933 (''1933 Act'') are in effect for sales of interests under group and individual variable accumulation annuity contracts (File Nos. 2–90201, 33–5609 and 33–11023). One registration statement (File No. 2–90201) covers several forms of contract, including Individual Retirement Annuity (''IRA'') Contracts and Flexible Premium Deferred Annuity (''FPA'') Contracts. The IRA and FPA Contracts issued by Mutual of America are herein referred to as the ''Contracts.''

3. The VUL Account is a separate account of Mutual of America established for the purpose of providing an investment medium for variable contracts, including individual life policies. It is registered under the Act as a unit investment trust (File No. 811–9487), and a registration statement on Form S–6 filed pursuant to the 1933 Act is in effect for sales of interests under individual variable universal life insurance policies (the ''Policies'') (File No. 333–83413).

4. The Mutual Accounts currently hold assets in their respective seventeen subaccounts (''investment funds''), each of which invests in shares of a corresponding mutual fund portfolio (collectively, the ''Underlying Funds''). Each of the Underlying Funds is a series of a management investment company registered under the Act and its shares are registered for sale under the 1933 Act.

5. Mutual of America serves as the principal underwriter of the Contracts and the Policies, and also is the principal underwriter for the Mutual of America Investment Corporation. It is a broker-dealer registered under the Securities and Exchange Act of 1934 and is a member of the National Association of Securities Dealers, Inc.

6. Mutual of America intends to make offers of exchange to the holders (''Owners'') of variable annuity and life insurance products that were issued by American Life at a time when American Life was an indirectly wholly-owned subsidiary of Mutual of America. American Life is a stock life insurance company organized under the laws of the State of New York in 1955, with headquarters at 435 Hudson Street, New York, New York 10014, and substantial operations at 300 Distillery Commons, Louisville, Kentucky 40206.

7. The American Separate Account No. 2 (the ''American Annuity Account'') is a separate account of American Life established for the purpose of providing an investment medium for variable contracts, including individual annuities. The American Annuity Account is registered under the Act as a unit investment trust (File No. 811–7904), and a registration statement on Form N–4 filed pursuant to the 1933 Act is in effect for sales of interests under IRA Contracts and FPA Contracts, which are variable individual accumulation annuity contracts (File No. 33–66406). The American IRA and American FPA Contracts issued by American Life are herein referred to as the ''American Contracts.''

8. The American Separate Account No. 3 (the ''American VUL Account'') is a separate account of American Life established for the purpose of providing an investment medium for variable contracts, including individual life policies. The American VUL Account is registered under the Act as a unit investment trust (File No. 811–8368), and a registration statement on Form S–6 filed pursuant to the 1933 Act is in effect for sales of interests under individual variable universal life insurance policies (the ''American Policies'') (File No. 33–75280).

9. The American Annuity Account and American VUL Account are herein called the ''American Accounts.'' The American Accounts each have seventeen investment funds that invest in shares of corresponding Underlying Funds.

10. American Life ceased selling the American Contracts and Policies as of April 1, 2000. In reliance on the Commission's no-action position in *Great-West Life & Annuity Insurance Co.* (publicly available October 23, 1990), American Life in 2001 did not file updating amendments to the registration statements covering the American Contracts and the American Policies.

11. On March 16, 2001, Mutual of America sold to a third party all of the

outstanding common stock of a holding company, which owned all of the outstanding common stock of American Life. For accounting purposes, the sale was effective as of February 28, 2001. Under an Indemnity Reinsurance Agreement, dated as of February 28, 2001, between Mutual of America and American Life (the ''Indemnity Agreement''), Mutual of America has indemnity reinsured American Life's general account liabilities under the American Contracts and Policies. Under an Administrative Services Agreement, dated as of February 28, 2001, between Mutual of America and American Life (the ''Servicing Agreement''), Mutual of America provides all administrative services for the American Contracts and America Policies, including administrative services with respect to the American Accounts. Under an Amendment, dated as of February 28, 2001, to the Distribution and Administration Agreement between Mutual of America and American Life, Mutual of America is the principal underwriter of the American Contracts and Policies for new contributions and premiums paid by existing Owners (the ''Distribution Agreement''). Mutual of America entered into the Servicing Agreement, the Indemnity Agreement and the Distribution Agreement to facilitate the sale of American Life to a third party.

12. American Life and Mutual of America entered into a reinsurance and assumption agreement, which was effective April 1, 2000 (the ''assumption agreement''), relating to various individual annuity contracts and individual life policies, including the then outstanding American Contracts and Policies. In the assumption agreement, American Life ceded all of its obligations, rights and liabilities under the American Contracts and Policies to Mutual of America on an assumption reinsurance basis, and Mutual of America agreed to assume all such obligations, rights and liabilities transferred to it, subject to compliance with applicable state insurance laws and regulations.

13. Under the insurance laws and regulations of some states, Owners had the right to opt out of the proposed assumption reinsurance of their contracts by Mutual of America, and in some states Owners were required to affirmatively consent to the assumption reinsurance. In addition, the New York State Insurance Department has administratively prohibited the assumption reinsurance of variable annuity contracts and variable life insurance policies issued in New York when contractholders are no longer New York residents. Upon effectiveness of the assumption agreement, a substantial portion of the American Contracts and Policies were transferred to Mutual of America, which replaced American Life as the issuer of such Contracts and Policies. Mutual of America, however, was not able to assumption reinsure American Contracts and Policies when an Owner: (a) Was required under applicable state insurance law to give affirmative consent to Mutual of America's assumption reinsurance and did not provide such consent; (b) had the right under applicable state insurance law to opt out of Mutual of America's assumption reinsurance and timely exercised such right; or (c) was a resident of the State of New York when the American Contract or Policy was issued and subsequently moved to another state.

14. On November 4, 1999, Mutual of America, the Mutual Accounts, American Life and the American Accounts (the ''Initial Applicants'') filed with the Commission an application for an order pursuant to Section 17(b), Section 17(d) and Rule 17d–1 thereunder, and Section 11(a) of the Act, in connection with the assumption agreement and the reinsurance transactions contemplated thereunder. Among other things, the application requested an order to permit the offers of exchange when Owners had opt out rights or the consent of Owners was required in connection with the assumption reinsurance of American Contracts and Policies by Mutual of America. The Initial Applicants filed an amended and restated application on February 16, 2000 (the ''Initial Application''), and the Commission issued an Order granting the requested exemptions to the Initial Applicants on March 13, 2000, Inv. Co. Act Rel. No. 24336, File No. 812–11840 (the ''Initial Order'').

15. At the time of the Initial Application, Mutual of America and American Life contemplated that they would make additional offers of exchange only through requests for consent to assumption by Owners whose American Contracts and Policies were not assumption reinsured effective April 1, 2000. Accordingly, the exemptive relief that was requested in the Initial Application and granted in the Initial Order with respect to offers of exchange contemplated that such offers would be made in connection with assumption reinsurance transactions, either before or after the sale of American Life by Mutual of America.

16. Mutual of America intends to make offers of exchange to Owners, pursuant to which Owners would exchange their American Contracts and Policies for Contracts and Policies, respectively. A reduction in the number of Owners, or their elimination, would reduce or eliminate, respectively, the cost to Mutual of America of providing administrative services for the American Contracts and Policies and the American Accounts, as required under the Servicing Agreement, and for reinsuring American Life's general account liabilities, pursuant to the Indemnity Agreement. It would be less expensive for Mutual of America to provide administrative services only to owners of its Contracts and Policies rather than to provide such services for both Contracts and Policies and American Contracts and Policies. The exchanges also would benefit Owners, because owners of Contracts and Policies may utilize Mutual of America's regional service offices and may use Mutual of America's toll-free telephone number and Internet web site for transactions as well as to obtain contract information, while Owners must send transaction requests in writing to the New York administrative office that is servicing the American Contracts and Policies and may use a toll free number only to obtain information. American Life will not issue additional contracts or policies through the American Accounts, and therefore the Accounts are expected to decline in asset size and number of Owners over a period of time.

17. The terms of the Contracts and Policies are identical to the American Contracts and Policies except for the identity of the issuing company and depositor of the separate account, the funding separate account, and the right of owners of Contracts and Policies to participate in the divisible surplus of Mutual of America, a mutual company. In addition, when Mutual of America issues policies in exchange for American Policies, it will waive the suicide clause and will not require medical underwriting. As a consequence, Owners will not be subject to new incontestability periods under their Policies for suicide or medical conditions.

18. The Underlying Funds, the current administrative charges and the maximum permitted administrative charges, the mortality and expense risk charges, and the rates for the cost of insurance charges in the case of the Policies are identical under the Contracts and Policies and the American Contracts and Policies, respectively. The unit values for the investment funds of the Annuity Account and the American Annuity

Account are identical, and the unit values for the investment funds of the VUL Account and the American VUL Account also are identical.

19. Mutual of America will send offers of exchange to Owners who, after being contacted by a Mutual of America representative, indicate their interest in receiving the exchange materials. The materials will include a current prospectus and any supplements thereto for the Contract or Policy, as appropriate. Owners who wish to accept the offers of exchange will complete and return the exchange materials to Mutual of America, which will review them for completeness. When an Owner's exchange materials are incomplete, a representative of Mutual of America will contact the Owner to attempt to obtain any missing information or signatures.

20. Applicants expect that Owners will have no adverse tax consequences from the exchanges. Exchanges of American IRA Contracts will be non-taxable direct transfers under the Internal Revenue Code, as amended (the ''Code''), and exchanges of American FPA Contracts and American VUL Policies will be tax-free exchanges under Section 1035 of the Code.

21. In certain limited circumstances, a Policy may be treated differently for tax purposes than the American Policy being exchanged. Prior to making offers of exchange to Owners, Mutual of America will review the amount of insurance coverage under each American Policy, the initial premium to be paid under the Policy issued in exchange and the Policy's scheduled premiums to ascertain whether the Policy (a) Would be a modified endowment contract (''MEC'') under the Code when the American Policy is not an MEC, (b) would be unable to accept additional premiums, because such payments would cause the Policy to not be treated as life insurance under the Code when premiums could be paid under the American Policy, (c) would become an MEC upon the payment of additional scheduled premiums, when payment of such premiums under the American Policy would not cause that Policy to become an MEC, or (d) would fail to continue to qualify as life insurance as defined in the Code. As part of any exchange offer made in such situation, Mutual of America will notify the Owner in writing of the potential change in tax treatment that would result from the issuance of a Policy in exchange for the Owner's American Policy. Mutual of America may suggest an increase in the face amount of the insurance coverage under the Policy in an amount sufficient so that the situations in (a)–(d), as the case may be, would not apply to the Policy, and Mutual of America will not issue a Policy if it would not be deemed life insurance under the Code.

22. When an Owner's exchange materials are complete, Mutual of America will provide the surrender request to American Life, which will redeem the shares of the Underlying Funds held by the American Accounts that are attributable to the American Contract or Policy exchanged and arrange for the withdrawal of any funds held in American Life's general account. An Owner's account balance as of the close of business on the date of surrender of the American Contract or Policy, without the imposition of any sales charge, as of the close of business on the purchase order date. The applicable Mutual Account will purchase shares of the Underlying Funds, and/or Mutual of America will allocate amounts to its General Account,[1] based on the allocation instruction set forth on the purchaser's application and the amount transferred to Mutual of America from American Life.

23. Because Mutual of America is providing all administrative services for the American Contracts and Policies and the American Accounts and has indemnity reinsured American Life's general account portion of the American Contracts and Policies, Mutual of America will implement the surrender of an American Contract or Policy and issue its Contract or Policy on the same day. As a result, the redemption order given to the Underlying Funds by Mutual of America, as servicer for American Life and the American Accounts, and the purchase order given to the Underlying Funds by Mutual of America, as issuer of the Contract or Policy, will be placed with the Underlying Funds on the same day. Assuming that the Owner selects the same investment allocations in the Mutual of America application as the Owner has selected under the American Contract or Policy, the Underlying Funds will be able to offset the redemption and purchase orders, and therefore the exchange will have no impact on the Underlying Funds' portfolio securities. The Underlying Funds are not parties to the exchange offers, and the terms of the Participation Agreements pursuant to which they sell shares to and redeem shares from the American Accounts and Mutual Accounts are not affected by the exchanges.

24. Applicants anticipate that some Owners will retain their American Contracts and Policies, which will remain unchanged. Mutual of America will continue to provide administrative services to these Owners pursuant to the Servicing Agreement, and will indemnity reinsure the general account portion of such Contracts and Policies pursuant to the Indemnity Agreement. As previously noted, the American Accounts are expected to decline in asset size and number of Owners over a period of time. Depending on the number of Owners who remain in each of the American Accounts, either one or both of the American Accounts may be deregistered pursuant to Section 8(f) of the Act, immediately following the exchanges made in response to the offers or at some future date.

Applicants Legal Analysis

1. Section 11(a) of the Act makes it unlawful for a registered open-end investment company or its principal underwriter to offer securities of an investment company in exchange for other securities of the same or another investment company, unless the exchange either is based on the respective net asset values of the securities or the terms of the offer have received prior approval of the Commission. Section 11(c) provides that in the case of a unit investment trust, the prohibition of Section 11(a) is applicable irrespective of the basis of exchange.

2. The exchange offers to be made to Owners by Mutual of America relate to contracts that participate in the American Accounts and the Mutual Accounts, which are registered unit investment trusts. Therefore, the offers of exchange fall within the prohibitions of Section 11(a) and (c).[2]

[1] The transfer of general account amounts under American Contracts and Policies to Contracts and Policies issued in exchange will be without charge or expense to the Owners.

[2] In *Alexander Hamilton Funds* (available July 20, 1994), the Commission stated that the legislative history of Section 11(a) shows ''Congress primarily intended to deter switching between affiliated investment funds,'' rather than offers by unaffiliated investment companies, so long as offers are at relative net asset values. It noted, however, that ''there may be circumstances when Section 11(a) would apply to exchange offers between unaffiliated funds,'' explaining in footnote 4: ''For example, Section 11 would apply if two unaffiliated fund complexes agree, formally or informally, to offer a waiver of sales load or some other incentive for an exchange of shares from one fund family to the other.'' Mutual of America has an economic incentive to issue Contracts and Policies in place of American Contracts and Policies in order to reduce or eliminate the costs of administering the American Contracts and Policies and the American Accounts and of indemnity reinsuring the general account portion of the American Contracts and Policies. In addition, Owners may not place orders

Continued

3. The Commission in the Initial Order granted exemptions for exchange offers made in the context of opt-out rights and affirmative consent for assumption reinsurance transactions. Those exemptions are not applicable to the proposed exchange offers, solely because the proposed offers will not involve any assumption reinsurance transactions.

4. Applicants request an order pursuant to Section 11(a) approving the terms of Mutual of America's proposed offers of exchange to Owners of American Contracts and Policies.

5. Applicants submit that the terms of the proposed exchange offers are fair to Owners and should be approved by the Commission. Since no sales or other charges will be assessed in connection with the exchanges made pursuant to the offers, the sales charge abuse to which Section 11(a) is directed will not be present.[3] The only change resulting from the exchange of American Contracts and Policies for Mutual of America's Contracts and Policies is in the identity of the issuing insurance company and depositor of the separate account, the funding separate account, and the right of owners of Contracts and Policies to participate in Mutual of America's divisible surplus. In addition, the unit values of the investment funds in the Annuity Account are identical to those of the American Annuity Account, and the unit values of the investment funds in the VUL Account are identical to those of the American VUL Account. Applicants believe as well that the exchanges of American IRA Contracts will be tax-free direct transfers and that the exchanges of American FPA Contracts and American Policies will come within the provisions of Section 1035 of the Code, so that there will be no adverse tax consequences for Owners as a result of the exchanges. As part of the exchange offers, Mutual of America will disclose to each Owner when the tax treatment for the Policy would be different than that of the American Policy in that the Policy would be an MEC, would not be able to accept additional premiums because such payments would cause the Policy to not be treated as life insurance, would become an MEC upon the payment of additional scheduled premiums or would not qualify as life insurance under the Code. Mutual of America will not issue a Policy if it would not be deemed life insurance under the Code. Mutual of America has substantial assets and surplus to assure the performance of its obligations under the Contracts and Policies, and it currently performs all administrative services for the American Contracts and Policies pursuant to the Servicing Agreement.

6. Owners will receive current prospectuses for the Contracts or Policies, as applicable. The exchanges of interests will be made on the basis of relative net asset values. The provisions of the Contracts and Policies will be identical to the provisions of the American Contracts and American Policies, respectively, except for the addition of the right to participate in Mutual of America's divisible surplus. Owners will have investment funds available in the Mutual Accounts with the same Underlying Funds as available in the America Accounts.

7. Applicants note that the Commission has previously approved offers of exchange in circumstances when Rule 11a–2 would not apply because the insurance companies were not affiliated or might not be affiliated at the time certain exchange offers for variable annuities were made or consummated relating to assumption reinsurance transactions.[4] In *Family Life Insurance Company, et al.,* the applicants noted that the offers of exchange for the variable annuity contracts involved would satisfy all of the conditions of Rule 11a–2 if made prior to the sale of the ceding company. Applicants state that the terms of their proposed exchange offers would satisfy all of the conditions of Rule 11a–2 applicable to affiliated companies if they had been made prior to the sale of American Life by Mutual of America and that the offers satisfy the standards of the Commission for determining that the terms of an exchange offer are fair to contract holders. Applicants further state that the terms of the proposed exchange offers are identical to the exchange offers approved by the Commission in the Initial Order except that the proposed offers would not be made in connection with assumption reinsurance transactions.

Conclusion

On the basis of the precedents cited and the showing by Applicants that the terms of the exchange offers involved are fair, Applicants submit that the requested relief should be granted.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

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BILLING CODE 8010–01–M

via a toll free telephone number of Internet web site, while holders of Contracts and Policies may place orders using Mutual of America's toll free telephone number or its web site, which may provide an incentive to Owners to make the exchanges.

[3] The Commission's Report on the ''Public Policy Implications of Investment Company Growth,'' H.R. Rep. No. 2337 (1966) at p. 331, stated:

Section 11(a) was specifically designed to prevent the practices of ''switching'' and ''reloading'' whereby the holders of securities were induced to exchange their certificates for new certificates on which a new load would be payable.

[4] *Family Life Insurance Company, et al.,* Inv. Co. Act Rel. Nos. 18179 (June 3, 1991) (notice) and 18217 (July 2, 1991) (order), involved exchange offers under assumption reinsurance between affiliates in contemplation of the sale of the ceding company; and *The Lincoln National Life Insurance Company, et al.,* Inv. Co. Act Rel. Nos. 22189 (Aug. 29, 1996) (notice) and 22251 (Sept. 26, 1996) (order); *AUSA Life Insurance Company, Inc. et al.,* Inv. Co. Act Rel. Nos. 20518 (Aug. 31, 1994) (notice) and 20587 (Sept. 28, 1994) (order); and *Pacific Corinthian Life Insurance Company, et al.,* Inv. Co. Act Rel. Nos. 18925 (Sept 2. 1992) (notice) and 18975 (Sept. 24, 1992) (order), involved exchange offers under variable annuity assumption reinsurance transactions between non-affiliates when Rule 11a–2 would have been available if the insurance companies had been affiliated.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45094; File No. SR–ISE–00–17]

Self Regulatory Organizations; International Securities Exchange LLC; Order Granting Approval to Proposed Rule Change and Amendments No. 1 and No. 2 by the International Securities Exchange LLC Relating to Its Arbitration Program

November 21, 2001.

I. Introduction

On November 20, 2000, the International Securities Exchange LLC (''ISE'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to make certain changes to its arbitration rules. These changes were intended to reflect and facilitate ISE's regulatory services agreement with NASD Regulation, Inc. (''NASDR'') pursuant to which, among other things, NASDR provides services related to arbitration proceedings to involving ISE members.[3] On March 5, 2001, the Exchange filed Amendment

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission notes that although the regulatory services agreement at issue is between ISE and NASDR, the actual administration of arbitrations on behalf of ISE members pursuant to the agreement will be performed by a recently-created NASD subsidiary, NASD Dispute Resolution, which performs all arbitration and mediation services for NASD members.

No. 1 to the proposed rule change,[4] and on July 16, 2001, the Exchange filed Amendment No. 2 to the proposed rule change.[5]

The proposed rule change was published for comment in the **Federal Register** on July 26, 2001.[6] The Commission received no comments on the proposal. This order approves the proposed rule change, as amended.

II. Description of the Proposal

In its proposed rule change, the ISE proposed amendments to Chapter 18, Arbitration, of the ISE Rules. Specifically, the ISE proposes to repeal Rules 1800 through 1835 and create new Rule 1800, which will state that the NASD Code of Arbitration, as the same may be in effect from time to time, shall govern Exchange arbitrations. The proposed rule also states that the Exchange shall retain jurisdiction over its members for failure to honor arbitration awards and any right, action or determination by the Exchange which it would otherwise be authorized to adopt, administer or enforce is in no way limited or precluded by incorporation of the NASD Code of Arbitration.

The Exchange has contracted with NASDR to perform arbitrations under ISE's rules. Accordingly, the Exchange proposes to eliminate all of the arbitration rules currently contained in Chapter 18 of the ISE Rules and incorporate the NASD Code of Arbitration by reference.[7] The proposed rule also specifies that potential violations of ISE rules identified during an arbitration hearing may be referred to the ISE for investigation, and that disciplinary action may be brought by the ISE as a result thereof. Finally, a member or person associated with a member will be subject to discipline by the ISE if it fails to honor an award made as a result of an arbitration initiated under ISE Rules.[8]

III. Discussion

After careful review, the Commission finds that implementation of the proposed rule change is consistent with the requirements of section 6 of the Act[9] and the rules and regulations thereunder applicable to a national securities exchange.[10] Specifically, the Commission believes that the proposal is consistent with section 6(b)(5) of the Act.[11] Section 6(b)(5) requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to facilitate transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest.[12] Section 6(b)(5) also requires that those rules not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. In particular, the Commission believes that the proposed rule change eliminating the ISE's arbitration program and referring cases to NASDR for arbitration will help protect investors and the public interest by ensuring that there is a fair arbitration forum available for all ISE arbitration claims.

The proposed rule change submitted by the ISE would eliminate all of the arbitration rules currently contained in Chapter 18 of the ISE Rules and create new ISE Rule 1800, essentially incorporating the NASD Code of Arbitration by reference, by stating that the NASD Code of Arbitration, as the same may be in effect from time to time, shall govern Exchange arbitrations. The Commission believes that it is consistent with the Act to allow NASDR to administer ISE arbitrations, as the ISE has made the business decision to enter into an agreement with NASDR to provide a forum for its arbitrations for a flat annual fee, rather than to absorb the ongoing costs and administrative burden of continuing to manage its own arbitrations.

Procedurally, the Commission believes that the proposed rule change should ensure that all arbitration cases otherwise subject to ISE's arbitration process will be administered under the NASDR arbitration program by virtue of ISE members being deemed ''members'' of the NASD for purposes of arbitrating any claims involving the securities business of any members of ISE, except for narrowly enumerated exceptions. The proposed rule change accomplishes this by subjecting ISE members to the NASD Code of Arbitration for ''[a]ny dispute, claim or controversy arising out of or in connection with the business of any member of the Exchange, or arising out of the employment or termination of employment of associated person(s) with any member may be arbitrated under this Rule 1800 except that (1) a dispute, claim, or controversy alleging employment discrimination (including a sexual harassment claim) in violation of a statute may only be arbitrated if the parties have agreed to arbitrate it after the dispute arose; and (2) any type of dispute, claim, or controversy that is not permitted to be arbitrated under the NASD Code of Arbitration, such as class action claims, shall not be eligible for arbitration under this Rule 1800.''[13] In effect, the proposed rule change requires that ISE members abide by the NASD's Code of Arbitration as if they were members of the NASD for purposes of arbitration.

In addition, the Commission believes that the proposed rule change provides for enforcement of arbitration awards and discipline of members, as appropriate, in a manner consistent with the Act, because ISE will continue to have ultimate responsibility for the enforcement and disciplining of its members regarding arbitration. An ISE member's refusal to submit to arbitration pursuant to the NASD Code of Arbitration or failure to pay an arbitration award rendered pursuant to the NASD Code of Arbitration would constitute a violation of section (b) of new ISE Rule 1800, which subjects ISE members to NASD jurisdiction, as well as section (e) which reserves ISE's right to discipline its members.

As stated above, by virtue of ISE's agreement with NASDR to perform arbitrations for ISE members, as well as the proposed amendments to ISE's arbitration rules contained herein, the ISE proposes to incorporate by reference the NASD Code of Arbitration. Accordingly, the ISE has submitted to the Commission a letter requesting an

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[4] *See* Letter from Katherine Simmons, Vice President and Associate General Counsel, ISE, to Nancy J. Sanow, Assistant Director, Division of Market Regulation, Commission, dated March 5, 2001 (''Amendment No. 1''). In Amendment No. 1, the ISE added paragraphs (a) and (b), which are jurisdictional provisions currently contained in ISE Rule 1800, to the proposed rule text.

[5] *See* Letter from Jennifer M. Lamie, Assistant General Counsel, ISE, to Nancy J. Sanow, Assistant Director, Division of Market Regulation, Commission, dated July 16, 2001 (''Amendment No. 2''). Amendment No. 2 replaced the initial filing and Amendment No. 1 in their entirety. In Amendment No. 2, the ISE made minor changes to the order of the subsections under ISE rule 1800, amended the language of its proposed jurisdictional provisions, and added subsection (c), which governs predispute arbitration agreements.

[6] *See* Securities Exchange Act Release No. 44572 (July 18, 2001), 66 FR 39069 (July 26, 2001).

[7] The ISE represents that, as of this date, no cases have been opened under the Exchange's existing arbitration rules.

[8] NASDR performs arbitrations for the Philadelphia Stock Exchange. *See* Securities Exchange Act Release No. 40517 (October 1, 1998), 63 FR 54177 (October 8, 1998). Because there have not been any arbitrations initiated under ISE rules, the proposed rule does not contain language found in the Phlx rules to address pending arbitrations.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

[12] In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] *See* proposed ISE Rule 1800(b) (''Jurisdiction'').

exemption pursuant to Section 36 of the Act from the rule filing procedures of Section 19(b) of the Act and Rule 19b–4 thereunder,[14] with respect to the arbitration and margin rules of other self-regulatory organizations it has incorporated by reference, in accordance with the section 36 exemptive request filing procedures published by the Commission.[15] According to the ISE, the purpose of this request is to avoid having to file duplicative proposed rule changes with the Commission pursuant to section 19(b) and Rule 19b–4 each time the NASD changes its Code of Arbitration. In its letter, the ISE also represents that its proposed incorporations by reference are regulatory in nature and are intended to be a comprehensive integration of the relevant rules of the other exchange into the ISE rules, and that the ISE agrees to provide written notice to its members whenever the Commission publishes for comment a proposed rule change to the NASD Code of Arbitration.

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[16] that the proposed rule change (SR–ISE–00–17), as amended, is hereby approved.

For the Commission, by the Division of market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–29828 Filed 11–30–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45087; File No. SR–ISE–2001–29]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the International Securities Exchange LLC Relating to Changes to the Exchange's Delisting Criteria

November 20, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 19, 2001, the International Securities Exchange LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the ISE. The proposed rule change has been filed by the ISE as a ''non-controversial'' rule change under Rule 19b–4(f)(6) under the Act.[3] The Commission is publishing this notice to solicit comments on the proposed change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE proposes to amend ISE Rule 503, Withdrawal of Approval of Underlying Securities, governing the circumstances under which the Exchange may not continue to add new options series for underlying securities.

The text of the proposed rule change is available at the ISE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the ISE included statements concerning the purpose of and statutory basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

ISE Rule 503, Withdrawal of Approval of Underlying Securities, contains certain criteria with respect to the securities underlying options classes traded on the Exchange. The rule restricts the Exchange from adding additional series of an options class in the event that the underlying security fails to meet these criteria. These criteria currently are uniform across all of the options exchanges. However, due to the complexity of the requirements, it has become apparent that the options exchanges do not always interpret and apply these rules in a consistent manner.

ISE Rule 503 currently provides that the Exchange may not list additional series if, among other things, the underlying security has not closed above $5 for the majority of business days during the preceding six calendar months as measured by the highest closing price reported in any market in which the underlying security traded. ISE Rule 503 further provides that new series may not be added unless the closing price from the preceding day was at least $5. However, there is an exception to these two $5 criteria that permits the Exchange to add additional series, so long as the underlying security has closed above $3 for the majority of business days during the preceding six calendar months and the underlying price is at least $3 at the time the new series are authorized, in addition to certain other criteria being satisfied, provided that if this exception were relied upon to add any new series during the preceding calendar months, each of the $3 requirements becomes a $4 requirement.

The ISE represents that the application of the current requirements and exceptions in ISE Rule 503 creates unnecessary confusion and administrative burdens on the Exchange, and often results in disputes between the exchanges, as inconsistent application of the criteria can competitively disadvantage an exchange that interprets the requirements differently. Accordingly, the ISE proposes to amend ISE Rule 503 to simplify the criteria used to determine whether new options series may be added with respect to particular options classes, and to clarify when new options series may not be added by the Exchange. The Exchange believes its proposal is consistent with a similar proposal by the Chicago Board Options Exchange (''CBOE'').[4]

Under the ISE proposal, the $5 criteria described above, as well as the $3 and $4 exceptions, would be replaced by a single $3 requirement. None of the other requirements currently contained in Rule 503 (such as the number of shares that must be held by non-insiders, number of holders and trading volume) would be changed. The new proposed requirement specifies the following: (1) New series may not be added for the next day unless, in addition to satisfying the other requirements of the rule, the underlying security closed at or above $3 on the previous trading day; and (2) new series may not be added intra-day unless, in addition to satisfying the other requirements of the rule, including that the underlying security

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[14] *See* Letter from Michael Simon, Senior Vice President and General Counsel, ISE, to Jonathan G. Katz, Secretary, Commission, dated October 29, 2001.

[15] *See* Securities Exchange Act Release No. 39624 (February 5, 1998), 63 FR 8101 (February 18, 1998).

[16] 15 U.S.C. 78s(b)(2).

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] *See* Securities Exchange Act Release No. 44964 (October 19, 2001), 66 FR 54559 (October 29, 2001) (order approving File No. SR–CBOE–2001–29).

closed at or above $3 on the previous trading day, the last reported trade in the underlying security at the time the Exchange determines to add the new series is at or above $3. When determining the closing price and last reported trade for an underlying security, the Exchange will look to the primary market in which the underlying security trades.

The Exchange believes this proposal is reasonably designed to assure that options are not listed on securities that lack sufficient liquidity needed to maintain fair and orderly markets, while removing unnecessarily complex requirements. In addition, the ISE does not believe that it is necessary or desirable to restrict the ability of investors to trade options on securities trading between $3 and $5. In determining to list any number of new options series under the new less restrictive standard, the Exchange will ensure that its own systems and those of the Options Price Reporting Authority can handle any increased capacity requirements.

2. Statutory Basis

The ISE believes that the proposed rule change is consistent with section 6 of the Act,[5] general, and with section 6(b)(5) of the Act,[6] specifically, in that is designated to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change, as amended: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days after the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change,[7] or such shorter time as designated by the Commission, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6)[9] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The ISE seeks to have the proposed rule change, as amended, become operative immediately. The Commission, consistent with the protection of investors and the public interest, has determined to make the proposed rule change, as amended, operative as of November 19, 2001.[10] The Commission notes that the proposed rule change, as amended, is substantially similar in all material respects to the rule of another exchange that the Commission has already noticed for public comment and approved[11] and, therefore, the proposed rule change raises no new issues of regulatory concern.

At any time within 60 days of the filing of the proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[12]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the ISE.

All submissions should refer to File No. SR–ISE–2001–29 and should be submitted by December 24, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–29829 Filed 11–30–01; 8:45 am]

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[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(5).

[7] *See* letter from Michael Simon, Senior Vice President and General Counsel, ISE, to Nancy Sanow, Assistant Director, Division of Market Regulation, Commission, dated October 8, 2001.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[11] *See supra* note 4.

[12] *See* Section 19(b)(3)(C) of the Act, 15 U.S.C. 78(b)(3)(C).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45096; File No. SR–NYSE–2001–28]

Self-Regulatory Organizations; the New York Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change To Administer NYSE Rule 91.10 Pursuant to the NYSE's Minor Rule Violation Plan

November 21, 2001.

On August 21, 2001, the New York Stock Exchange, Inc. (''NYSE'' ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b-4 thereunder,[2] a proposed rule change to administer NYSE Rule 91.10, Taking or Supplying Securities Named in Order pursuant to the NYSE's Minor Rule Violation Plan (''Plan''). NYSE Rule 91.10 requires that whenever a specialist has elected to take or supply for his or her account the securities named in an order entrusted to the specialist, he or she must summon a representative of the firm that entered

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

the order to confirm, in written format, the acceptance or rejections of such transaction.

The proposal was published for comment in the **Federal Register** on September 7, 2001.[3] The Commission received no comments on the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange[4] and, in particular, the requirements of section 6 of the Act[5] and the rules and regulations thereunder. The Commission finds specifically that the proposed rule change is consistent with section 6(b)(6) of the Act[6] in that it will provide a procedure whereby member organizations can be appropriately disciplined in those instances when a rule violation is minor in nature, but a sanction more serious than an admonition letter is appropriate. Additionally, the Commission finds the proposed rule change is consistent with the requirements of sections 6(b)(7)[7] and 6(d)(1)[8] of the Act. Section 6(b)(7) requires the rules of an exchange to be in accordance with the provisions of section 6(d) of the Act, and, in general, to provide a fair procedure for the disciplining of members and persons associated with members. Section 6(d)(1) requires an exchange to bring specific charges, notify such member or person of, and give him an opportunity to defend against, such charges, and keep a record, in any proceeding to determine whether a member or person associated with a member should be disciplined. Finally, the Commission finds the proposal is consistent with Rule 19d-1(c)(2)[9] that governs minor rule violation plans.

In approving this proposal, the Commission in no way minimizes the importance of compliance with this rule, and all other rules subject to the imposition of fines under the Plan. The Commission believes that the violation of any self-regulatory organization's rules, as well as Commission rules, is a serious matter. However, in an effort to provide the Exchange with greater flexibility in addressing certain violations, the Plan provides a reasonable means to address the rule violations that do not rise to the level of requiring formal disciplinary proceedings. The Commission expects that the NYSE will continue to conduct surveillance with due diligence, and make a determination based on its findings whether fines of more or less than the recommended amount are appropriate for violations of rules under the Plan, on a case by case basis, or if a violation requires formal disciplinary action.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[10] that the proposed rule change (SR–NYSE–2001–28) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–29827 Filed 11–30–01; 8:45 am]

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[3] *See* Securities Exchange Act Release No. 44752 (August 29, 2001), 66 FR 46853.

[4] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(6).

[7] 15 U.S.C. 78f(b)(7).

[8] 15 U.S.C. 78f(d)(1).

[9] 17 CFR 240.19d–1(c)(2).

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Economic Injury Disaster #9N60]

State of Florida

Franklin County and the contiguous counties of Gulf, Liberty and Wakulla in the State of Florida constitute an economic injury disaster loan area as a result of a Florida Red Tide. The Florida Red Tide was confirmed on October 16, 2001 in the waters of Apalachicola Bay, which includes the coast of Franklin County. Eligible small businesses and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance as a result of this disaster until the close of business on August 21, 2002 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

The number assigned for economic injury for the State of Florida is 9N6000.

(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: November 21, 2001.

John Whitmore,

Acting Administrator.

[FR Doc. 01–29807 Filed 11–30–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Senior Executive Service; Performance Review Board Members

ACTION: Notice of members of the FY 2001 Performance Review Board.

SUMMARY: Section 4314(c)(4) of Title 5, U.S.C. requires each agency to publish notification of the appointment of individuals who may serve as members of that Agency's Performance Review Boards (PRB). The following have been designated to serve on the FY 2001 Performance Review Board for the U.S. Small Business Administration:

1. Susan W. Wiles, Counselor to the Administrator;
2. Alfredo Armendariz, Associate Deputy Administrator for Government Contracting and Business Development;
3. Kaaren Johnson Street, Associate Deputy Administrator for Entrepreneurial Development;
4. Michael L. Barrera, National Ombudsman;
5. Thomas Dumaresq, Acting Associate Deputy Administrator for Management and Administration;
6. Janet Tasker, Associate Administrator for Lender Oversight;
7. Judith Roussel, District Director (Chicago);
8. Jane Butler, Associate Administrator for Financial Assistance;
9. Aubrey Rogers, District Director (New York);
10. Robert Moffitt, Associate Administrator for Surety Guarantees;
11. Nancy Q. Raum, Assistant Administrator for Human Resources;
12. Richard Spence, Assistant Administrator for Congressional and Legislative Affairs;
13. Patrick J. Rhode, Associate Administrator for Communications and Public Liaison;
14. Calvin Jenkins, Acting Associate Administrator for Field Operations;
15. Jeanne Sclater, Acting Associate Deputy Administrator for Capital Access, and
16. Eric Benderson, Associate General Counsel for Litigation.

Dated: November 23, 2001.

Hector V. Barreto,

Administrator.

[FR Doc. 01–29833 Filed 11–30–01; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information

collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Pub.L. 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995. SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer and at the following addresses:

(OMB)
Office of Management and Budget, Attn: Desk Officer for SSA, New Executive Office Building, Room 10230, 725 17th St., NW., Washington, DC 20503
(SSA)
Social Security Administration, DCFAM, Attn: Reports Clearance Officer 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235

I. The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410–965–4145, or by writing to him at the address listed above.

1. Information Collections Conducted by State Disability Determination Services (DDS) on Behalf of SSA—0960–0555. The State DDSs collect certain information to administer SSA's disability program. The information collected is as follows: (1) Medical evidence of record (MER)—DDSs use MER information to determine a person's physical and/or mental status prior to making a disability determination; (2) consultative exam (CE) medical evidence—DDSs use CE medical evidence to make disability determinations when the claimant's own medical sources cannot or will not provide the information; (3) CE claimant forms—The DDSs request that claimants complete an authorization form for the release of consultative exam information to a personal physician and to complete an appointment form to confirm scheduled CE appointments; (4) CE provider information—DDSs use the CE provider information to verify medical providers' credentials and licenses before hiring them to conduct CEs; (5) activities of daily living (ADL)—this information and other medical evidence are part of the evidentiary documentation used by the DDS's in evaluating a person's disability; and (6) pain information—this information is used by the DDSs to assess the effects of symptoms on functionality for determining disability. The respondents are medical providers, other sources of MER and disability claimants.

(1) MER (Respondents—Medical Providers and Other Sources)

Number of Responses: 6,052,494
Frequency of Response: Unknown
Average Burden Per Response: 15 minutes
Estimate Annual Burden: 1,513,124

(2) CE Medical Evidence (Respondents—Medical Providers)

Number of Responses: 1,640,269
Frequency of Response: Unknown
Average Burden Per Response: 30 minutes
Estimated Annual Burden: 820,135 hours

(3) CE Forms (Respondents—Claimants)

	Appointment form	Medical release
Number of Respondents:.	820,134	1,640,269.
Frequency of Response:.	1	1.
Average Burden Per Response:.	5 minutes	5 minutes.
Estimated Annual Burden:.	68,345 hours	136,689 hours.

(4) CE Providers (Respondents—Medical Providers)

Number of Responses: 3,000
Frequency of Response: 1
Average Burden: 20 minutes
Estimated Annual Burden: 1,000 hours

(5) ADL (Respondents—Claimants)

Number of Responses: 2,000,000
Frequency of Response: 1
Average Burden Per Response: 15 minutes
Estimated Annual Burden: 500,000 hours

(6) Pain (Respondents—Claimants)

Number of Responses: 1,000,000
Frequency of Response: 1
Average Burden Per Response: 15 minutes
Estimated Average Burden: 250,000 hours

2. Application for U.S. Benefits Under the Canada-U.S. International Agreement—0960–0371. The information collected on Form SSA–1294 is used to determine entitlement to benefits. The respondents are individuals who live in Canada and file for U.S. Social Security Benefits.

Number of Respondents: 1,000
Frequency of Response: 1
Average Burden Per Response: 15 minutes
Estimated Annual Burden: 250 hours

3. Disability Hearing Officer's Report of Disability Hearing (DC)—0960–0507. The information collected on form SSA–1204–BK is used by the Disability Hearing Officer (DHO) to conduct and document disability hearings, and to provide a structured format that concerns all conceivable issues relating supplemental security income claims for disabled children. The completed form SSA–1204–BK will aid the DHO in preparing the disability decision and will provide a record of what transpired at the hearing.

The respondents are DHO's in the State Disability Determination Services.

Number of Respondents: 100,000
Frequency of Response: 1
Average Burden Per Response: 60 minutes
Estimated Annual Burden: 100,000 hours

4. Statement of Death by Funeral Director—0960–0142. The Social Security Administration (SSA) uses the information on form SSA–721 to make timely and accurate decisions based on a report of death. The respondents are funeral directors with knowledge of the fact of death.

Number of Respondents: 1,059,400
Frequency of Response: 1
Average Burden Per Response: 4 minutes
Estimated Annual Burden: 70,627 hours

5. Statement Regarding Marriage—0960–0017. Form SSA–753 elicits information from third parties to verify the applicant's statements about intent, cohabitation, and holding out to the public as married, which are the basic tenets of a common-law marriage. The responses are used by SSA to determine if a valid marital relationship exists and to make an accurate determination regarding entitlement to spouse/widow(er) benefits. The respondents are individuals who are familiar with and can provide confirmation of an applicant's common-law marriage.

Number of Respondents: 40,000
Frequency of Response: 1
Average Burden Per Response: 9 minutes

Estimated Annual Burden: 6,000

6. Quarterly Statistical Report on Recipients and Payments Under State-Administered Assistance Programs for Aged, Blind, and Disabled (Individuals and Couples) Recipients—0960–0130. The information collected on Form SSA–9741 is used by States to provide statistical data on recipients and assistance payments under the SSI State-administered State Supplementation Programs. The data are needed to complement information available for the programs administered by SSA and to fully explain the impact of the public income support programs on the needy, aged, blind, and disabled. The respondents are State agencies who administer supplementary payment programs under SSI.

Number of Respondents: 30
Frequency of Response: 4
Average Burden Per Response: 60 minutes
Estimated Annual Burden: 2 hours

II. The information collections listed below have been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him at the address listed above.

1. Modified Benefits Formula Questionnaire, Employer—0960–0477. Form SSA–58 is used by SSA to verify or disprove a claimant's allegation regarding a pension based on non-covered employment after 1956. It also shows whether that claimant was eligible for the pension before 1986. The respondents are persons who are eligible (after 1985) for both Social Security benefits and a pension from their employer, based on work not covered by SSA.

Number of Respondents: 30,000
Frequency of Response: 1
Average Burden Per Response: 20 minutes
Estimated Annual Burden: 10,000 hours

2. Application for Survivors Benefits—0960–0062. The information collected on Form SSA–24 is needed to satisfy the ''Jointly Prescribed Application'' of title 38 U.S.C. 5105. The provision requires that survivors who file with SSA or the VA shall be deemed to have filed with both agencies, and that each agency's forms must request information to constitute an application for both SSA and VA benefits. The respondents are survivors of military service veterans filing for Social Security benefits.

Number of Respondents: 3,200
Frequency of Response: 1
Average Burden Per Response: 15 minutes
Estimated Annual Burden: 800 hours

3. Medical Report (Individual With Childhood Impairment)—0960–0102. The information on Form SSA–3827–BK is needed to determine the claimant's physical and mental status prior to making a childhood disability determination. The respondents are medical sources.

Number of Respondents: 12,000
Frequency of Response: 1
Average Burden Per Response: 30 minutes
Estimated Annual Burden: 6,000 hours

4. Work Activity Report (Self-Employed)—0960–0598. Form SSA–820–F4 is used to determine whether work an individual performs in self-employment is at the substantial gainful activity (SGA) level. An individual's entitlement to benefits ends if he/she demonstrates an ability to perform SGA. The respondents are social security disability beneficiaries and Supplemental Security Income recipients.

Number of Respondents: 100,000
Frequency of Response: 1
Average Burden Per Response: 30 minutes
Estimated Annual Burden: 50,000 hours

5. Agreement to Sell Property—0960–0127. Form SSA–8060–U3 is used by SSA to document and ensure that individuals or couples who are otherwise eligible for Supplemental Security Income (SSI) payments, but who own in excess of the statutory limit, may receive conditional benefit payments if they agree to dispose of the excess resources and repay any overpayments with the proceeds of the disposition. The form is also used to ensure that the individuals understand their obligations under the agreement. The respondents are individuals (or couples) who are receiving (or will receive) conditional SSI payments.

Number of Respondents: 20,000
Frequency of Response: 1
Average Burden Per Response: 10 minutes
Estimated Annual Burden: 3,333 hours

6. Reconsideration Disability Report—0960–0144. SSA uses the information collected on Form SSA–3441 to determine if the claimant's medical or vocational situation changed after the initial disability determination, when the claimant requests a reconsideration of a denied disability claim. The form also elicits additional sources of medical and vocational evidence that were not considered in the initial determination. The respondents are disability beneficiaries who request a reconsideration of their claim.

Number of Respondents: 400,000
Frequency of Response: 1
Average Burden Per Response: 30 minutes
Estimated Average Burden: 200,000 hours

7. Electronic Benefit Verification Information—0960–0595. SSA provides verification of benefits, when requested, to individuals receiving title II and/or title XVI benefits. In order to provide to the public an easy and convenient means of requesting benefit information, SSA has developed an electronic request form that will allow persons to request the information through the Internet. The information collected on the electronic screens will be used by SSA to process the request for a benefit verification statement. To ensure appropriate confidentiality, the statement will be mailed to the recipient/beneficiary address shown in SSA's records. The respondents are title II and XVI recipients/beneficiaries who request benefit verification information using the Internet.

Number of Respondents: 133,920
Frequency of Response: 1
Average Burden Per Response: ½ minute
Estimated Average Burden: 1,116 hours

8. Statement by School Official About Student's Attendance; Statement to U.S. Social Security Administration By School Outside the United States About Student's Attendance—0960–0090. The information collected on Forms SSA–1371 and SSA–1371–FC is used by SSA to verify a student's alleged full-time attendance at an educational institution, in order to determine the student's eligibility for Social Security student benefits. The respondents are school officials who provide the information on these forms.

Number of Respondents: 5,000
Frequency of Response: 1
Average Burden Per Response: 10 minutes
Estimated Average Burden: 833 hours

9. Report of Continuing Disability Interview—0960–0072. SSA periodically reviews the cases of individuals who receive Social Security benefits and Supplemental Security Income (SSI) to determine if disability continues. During a review, SSA uses Form SSA–454–BK to collect information on disability. The information on the form is used to update the record of the disabled individual on recent medical treatment, vocational and educational experiences,

work activity, and evaluations of potential for return to work. Based on this information and other evidence, SSA makes a determination on whether disability continues or has ended, and if so, when disability ended. The respondents are individuals who receive Social Security or SSI disability benefits, or their representatives.

Number of Respondents: 852,000
Frequency of Response: 1
Average Burden Per Response: 30 minutes
Estimated Annual Burden: 426,000 hours

Dated: November 26, 2001.

Nicholas E. Tagliareni,

Director, Center for Publications Management, Social Security Administration.

[FR Doc. 01–29848 Filed 11–30–01; 8:45 am]

BILLING CODE 4191–02–U

DEPARTMENT OF STATE

[Public Notice 3849]

Culturally Significant Objects Imported for Exhibition Determinations: ''Korean Ceramics From the Fitzwilliam Museum, Cambridge''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985, 22 U.S.C. 2459], the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681 *et seq.*], Delegation of Authority No. 234 of October 1, 1999 [64 FR 56014], and Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended, I hereby determine that the objects to be included in the exhibit ''Korean Ceramics from the Fitzwilliam Museum, Cambridge,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with a foreign lender. I also determine that the temporary exhibition or display of the exhibit objects at The Metropolitan Museum of Art, of New York, NY, from on or about November 5, 2002, to on or about April 6, 2003, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Julianne Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6529). The address is U.S. Department of State, SA–44, 301 4th Street, SW, Room 700, Washington, DC 20547–0001.

Dated: November 28, 2001.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–29999 Filed 11–30–01; 8:45 am]

BILLING CODE 4710–08–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Public Comment With Respect to the Annual National Trade Estimate Report on Foreign Trade Barriers

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: Pursuant to section 303 of the Trade and Tariff Act of 1984, as amended, USTR is required to publish annually the National Trade Estimate Report on Foreign Trade Barriers (NTE). With this notice, the Trade Policy Staff Committee (TPSC) is requesting interested parties to assist it in identifying significant barriers to U.S. exports of goods, services and overseas direct investment for inclusion in the NTE. Particularly important are impediments materially affecting the actual and potential financial performance of an industry sector. The TPSC invites written comments that provide views relevant to the issues to be examined in preparing the NTE. Due to the disruption of postal service at the Office of the United States Trade Representative, the Department of Commerce will receive comments in response to this Notice. Commenters should review carefully the written comments section of this Notice for special procedures for filing comments this year.

DATES: Public comments are due not later than Monday, December 17, 2001.

ADDRESSES: *Paper submissions:* NTE Comments, Office of Trade and Economic Analysis, Room H–2815, U.S. Department of Commerce, Washington, DC 20230.

Submissions by electronic mail: ntecomments@ita.doc.gov.

FOR FURTHER INFORMATION CONTACT: Procedural questions about transmitting comments or viewing public submissions should be directed to Ms. Marva Thompson (202–482–2185) or Mr. Howard Schreier (202–482–4180), U.S. Department of Commerce. Questions regarding the report or its subject matter should be directed to Ms. Gloria Blue, Office of Policy Coordination, Office of the United States Trade Representative (202–395–3475).

SUPPLEMENTARY INFORMATION: Last year's report may be found on USTR's Internet homepage (*www.ustr.gov*) under the section on Reports. In order to ensure compliance with the statutory mandate for reporting foreign trade barriers that are significant, we will focus particularly on those restrictions where there has been active private sector interest.

The information submitted should relate to one or more of the following ten categories of foreign trade barriers:

(1) Import policies (*e.g.*, tariffs and other import charges, quantitative restrictions, import licensing, and customs barriers);

(2) Standards, testing, labeling, and certification (including unnecessarily restrictive application of phytosanitary standards, refusal to accept U.S. manufacturers' self-certification of conformance to foreign product standards, and environmental restrictions);

(3) Government procurement (*e.g.*, ''buy national'' policies and closed bidding);

(4) Export subsidies (*e.g.*, export financing on preferential terms and agricultural export subsidies that displace U.S. exports in third country markets);

(5) Lack of intellectual property protection (*e.g.*, inadequate patent, copyright, and trademark regimes);

(6) Services barriers (*e.g.*, limits on the range of financial services offered by foreign financial institutions, regulation of international data flows, restrictions on the use of data processing, quotas on imports of foreign films, and barriers to the provision of services by professionals (*e.g.*, lawyers, doctors, accountants, engineers, nurses, etc.));

(7) Investment barriers (*e.g.*, limitations on foreign equity participation and on access to foreign government-funded R&D consortia, local content, technology transfer and export performance requirements, and restrictions on repatriation of earnings, capital, fees and royalties);

(8) Anticompetitive practices with trade effects tolerated by foreign governments (including anticompetitive activities of both state-owned and private firms that apply to services or to goods and that restrict the sale of U.S. products to any firm, not just to foreign firms that perpetuate the practices);

(9) Trade restrictions affecting electronic commerce (*e.g.*, tariff and non-tariff measures, burdensome and discriminatory regulations and

standards, and discriminatory taxation); and

(10) Other barriers (*i.e.*, barriers that encompass more than one category, *e.g.* bribery and corruption, or that affect a single sector).

As in the case of last year's NTE, we are asking that particular emphasis be placed on any practices that may violate U.S. trade agreements. We are also interested in receiving any new or updated information pertinent to the barriers covered in last year's report as well as new information. Please note that the information not used in the NTE will be maintained for use in future negotiations.

It is MOST IMPORTANT that your submission contain estimates of the potential increase in exports that would result from the removal of the barrier, as well as a clear discussion of the method(s) by which the estimates were computed. Estimates should fall within the following value ranges: less than $5 million; $5 to $25 million; $25 million to $50 million; $50 million to $100 million; $100 million to $500 million; or over $500 million. Such assessments enhance USTR's ability to conduct meaningful comparative analyses of a barrier's effect over a range of industries.

Please note that interested parties discussing barriers in more than one country should provide a separate submission (*i.e.*, one that is self-contained) for each country.

Written Comments: U.S. Government agencies in the Washington, DC area and the Office of the United States Trade Representative, in particular, continue to apply restrictions causing disruptions and delays in receiving mail from the U.S. Postal Service and other commercial express delivery services.

In order to ensure the most timely receipt and consideration of comments submitted in response to this Notice, the following guidelines and special procedures have been established:

(1) All comments will be received at the U.S. Department of Commerce rather than the Office of the United States Trade Representative;

(2) The Department of Commerce has arranged to accept non-confidential, public submissions by electronic mail (e-mail). An automatic reply confirming receipt of e-mail submissions will be sent. E-mail submissions in Microsoft Word or Corel WordPerfect are preferred. If a word processing application other than those two is used, please advise us in your submission of the specific application used;

(3) In order to facilitate prompt processing of submissions, the Department of Commerce strongly urges and prefers e-mail submission of non-confidential, public comments.

(4) To ensure security, submissions containing business confidential information should not be sent by e-mail, but via the U.S. Postal Service or commercial express delivery (see paragraph 6 and 7 below for special requirements applying to such submissions). If a submission contains business confidential information, a non-confidential public version must also be submitted along with the business confidential version.

(5) Business-confidential submissions must be accompanied by a justification as to why the information contained in the submission should be treated confidentially. In addition, any submissions containing business confidential information must be clearly marked ''Confidential'' at the top and bottom of the cover page (or letter) and of each succeeding page of the submission. The version that does not contain confidential information should also be clearly marked, at the top and bottom of each page, ''public version'' or ''non-confidential.''

(6) When comments are submitted using the U.S. Postal Service or commercial couriers, it is strongly recommended that submitters notify the Department of Commerce by e-mail as to the date of transmittal and method of delivery (U.S. Postal Service or name of courier company). this will facilitate tracking in the event of delivery irregularities.

(7) All submissions must be in English and should conform to the information requirements of 15 CFR 2003. If submissions are made via U.S. Postal Service or commercial express delivery, a party must provide five copies of its submission and the submission should be accompanied by a computer disk containing a machine-readable version. The disk should have a label identifying the software used, the submitter and the title of the submission. In addition, business confidential and public or non-confidential submissions should be submitted on separate disks which are clearly marked ''business confidential'' or ''non-confidential'', as appropriate.

Submissions must be received at the Department of Commerce no later than Monday, December 17, 2001.

Written comments submitted in connection with this request, except for information granted ''business confidential'' status pursuant to 15 CFR 2003.6, will be available for public inspection shortly after the filing deadline in the Foreign Trade Reference Room (room 2233) in the U.S. Department of Commerce. The Department of Commerce is located at 14th St. and Constitution Ave., NW. in Washington, DC. Hours of operation for the Foreign Trade Reference Room are from 9 am to 4 pm, Monday through Friday. Questions regarding the operation of the Reference Room should be directed to Ms. Marva Thompson at 202–482–2185.

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

[FR Doc. 01–29979 Filed 11–29–01; 1:06 pm]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2001–10524]

Information Collection Under Review by the Office of Management and Budget (OMB): 2115–0514

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the Coast Guard has forwarded one Information Collection Report (ICR) abstracted below to OMB for review and comment. Our ICR describes the information we seek to collect from the public. Review and comment by OMB ensure that we impose only paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before January 2, 2002.

ADDRESSES: You may send comments by mail to (1) the Docket Management System (DMS), U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street S.W., Washington, DC 20590–0001; and (2) the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB), 725 17th Street N.W., Washington, DC 20503, to the attention of the Desk Officer for the USCG.

Copies of the complete ICRs are available for inspection and copying in public dockets. A copy of this complete ICR is available in docket USCG 2001–10524 of the Docket Management Facility between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays; for inspection and printing on the Internet at *http://dms.dot.gov;* and for inspection from the Commandant (G–CIM–2), U.S. Coast Guard, room 6106, 2100 Second Street SW., Washington, DC, between 10 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–5149, for questions on the docket.

SUPPLEMENTARY INFORMATION

Regulatory History

This request constitutes the 30-day notice required by OMB. The Coast Guard has already published [66 FR 47055 (September 10, 2001) the 60-day notice required by OMB. That notice elicited no comments.

Request for Comments

The Coast Guard invites comments on the proposed collection of information to determine whether the collection is necessary for the proper performance of the functions of the Department. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the Department's estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of the collections; and (4) ways to minimize the burden of collection on respondents, including the use of automated collection techniques or other forms of information technology.

Comments, to DMS or OIRA, must contain the OMB Control Number of the ICR addressed. Comments to DMS must contain the docket number of this request, USCG 2001–10524. Comments to OIRA are best assured of having their full effect if OIRA receives them 30 or fewer days after the publication of this request.

Information Collection Requests

Title: Submission of Continuous-Discharge Book, Revised Merchant Mariner's Application, Report of Entry-Level Physical, Report of Other Physical, Report of New Sea Service, and Report of Chemical Testing.

OMB Control Number: 2115–0514.

Type of Request: Extension of a currently approved collection.

Affected Public: Merchant Mariners.

Forms: CG–719A, CG–719B, CG–719K, CG–719S, CG 719P and CG–719K/E

Abstract: The Coast Guard needs this various information to evaluate the competency, character, and physical fitness of individuals applying for Coast Guard Licenses, Certificates of Registry, and Merchant Mariners' Documents.

Annual Estimated Burden Hours: The estimated burden is 21,359 hours a year.

Dated: November 21, 2001.

V.S. Crea,

Director of Information and Technology.

[FR Doc. 01–29886 Filed 11–30–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Prepare an Environmental Impact Statement and To Conduct Environmental Scoping for Improvements to the Gary/Chicago Airport in Gary, IN

AGENCY: Federal Aviation Administration, DOT.

ACTION: Corrected notice to prepare an Environmental Impact Statement and to hold a public scoping meeting.

SUMMARY: Previous notices to prepare an Environmental Impact Statement and to conduct a public scoping meting for the Gary/Chicago Airport were published in the **Federal Register** on November 07, 2001 (page 56369) and on November 16, 2001 (page 57770). Due both to the anticipated high level of interest in matters pertaining to the Gary/Chicago Airport, and a desire to fully accommodate persons, agencies and other potentially interested entities, the Federal Aviation Administration (FAA) is issuing this corrected notice to advise the public that an Environmental Impact Statement or other appropriate environmental documentation will be prepared to assess certain improvements to the Gary/Chicago Airport. This corrected notice changes the comment receipt date from December 27, 2001 to January 29, 2002 and also changes the scoping meeting date from December 13, 2001 to January 15, 2002. The environmental review will assess various improvements associated with the existing air carrier Runway 12–30, including railroad relocation and improved runway safety areas; an extension of the existing air carrier Runway 12–30; expansion of the existing terminal site; and analysis of sites for new passenger terminal and air cargo areas. A public scoping process will be held in order that all significant issues related to the proposed actions are identified.

FOR FURTHER INFORMATION CONTACT: Michael W. MacMullen, Airports Environmental Program Manager, Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018. Mr. MacMullen can be contacted at (847) 294–7522 (voice), (847) 294–7046 (facsimile).

SUPPLEMENTARY INFORMATION: At the request of the Gary/Chicago Airport Authority, the FAA is preparing an Environmental Impact Statement or other appropriate environmental documentation. The review will address specific improvements of Gary/Chicago Airport as identified during the 2001 Airport Master Plan process and shown on the 2001 Airport Layout Plan. The following improvements have been grouped in four categories and are identified as ripe for review and decision: Improvements associated with Existing Runway 12–30, the primary air carrier runway at the airport, relocate E.J. & E. Railroad, acquire land northwest of airport to allow for modifications to runway safety area, relocate airside perimeter roadway, relocate Runway 12–30 navaids, improve Runway Safety Area for Runway 12, relocate Runway 12 threshold to remove prior displacement, and acquire land southeast of airport, located within or immediately adjacent to runway protection zone; Extension of Runway 12–30, including acquire land or rights northwest of existing runway, relocate/bury power lines, relocate airside perimeter roadway, extend Runway 12–30 (1,900 feet by 150 feet), relocate Runway 12–30 navaids, displace Runway 30 threshold using declared distance standards, extend parallel taxiway A to new end of Runway 12, construct deicing hold pads on Taxiway A at Runway 12 and Runway 30, and develop two high-speed exit taxiways; Expansion of existing passenger terminal to accommodate projected demands; and analysis of sites adjacent to extended runway for aviation related development, including new passenger terminal and air cargo areas.

The purpose and need for these improvements will be reviewed in the environmental documentation. All reasonable alternatives will be considered including the no-action alternative.

Copies of a scoping document with additional detail can be obtained by contacting the FAA informational contact person identified above. Federal, State, and local agencies and other interested parties are invited to make comments and suggestions to ensure that the full range of issues related to these proposed actions are addressed and all significant issues identified. The FAA informational contact person identified above should receive these comments and suggestions by January 29, 2002.

Public Scoping Meeting: To facilitate receipt of comments, two public scoping meetings will be held on January 15,

2002 at the Gary/Chicago Airport, 6001 Industrial Highway, Gary, Indiana. The first meeting will be held between 10 am and 2 pm Central Standard Time for Federal, State, and local agencies in the administrative offices. The second meeting will be held from 3 PM to 7 PM Central Standard Time for other interested parties in the passenger terminal facility.

Issued in Des Plaines, Illinois on November 19, 2001.

Philip M. Smithmeyer,

Manager, Chicago Airports District Office, Great Lakes Region.

[FR Doc. 01–29888 Filed 11–30–01; 8:45 am]

BILLING CODE 4910–33–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Security Advisory Committee; Meeting

AGENCY: Federal Aviation Administration, DOT.

SUMMARY: Notice is hereby given of a meeting of the Aviation Security Advisory Committee.

DATES: The meeting will be held December 18, 2001, from 10 a.m. to 1 p.m.

ADDRESSES: The meeting will be held at the Capitol Holiday Inn, 550 C Street, SW, Discovery II Room, Washington, DC 20024, telephone 202–479–4000.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 11), notice is hereby given of a meeting of the Aviation Security Advisory Committee to be held December 18, 2001, at the Capitol Holiday Inn, 550 C Street, SW., Discovery II Room, Washington, DC. The agenda for the meeting will include: Regulatory/Legislative Initiatives, Enforcement Policy, and Status of Rapid Response Team Recommendations. The meeting is open to the public but attendance is limited to space available. Members of the public may address the committee only with the written permission of the chair, which should be arranged in advance. The chair may entertain public comment if, in its judgment, doing so will not disrupt the orderly progress of the meeting and will not be unfair to any other person. Members of the public are welcome to present written material to the committee at any time. Persons wishing to present statements or obtain information should contact the Office of the Associate Administrator for Civil Aviation Security, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202–267–7622.

Issued in Washington, DC, on November 28, 2001.

Lynne Osmus,

Deputy Associate Administrator for Civil Aviation Security.

[FR Doc. 01–29889 Filed 11–30–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Final Report of RTCA Future Flight Data Collection Committee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Final Report of RTCA Future Flight Data Collection Committee.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting on the Final Report of RTCA Future Flight Data Collection Committee.

DATES: The meeting will be held December 4, 2001, starting at 1 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc. 1828 L Street, NW., Suite 805, Washington, DC, 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC, 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. Appendix 2), notice is hereby given for the Final Report of the Future Flight Data Collection Committee, being reviewed at an RTCA Policy Board meeting. The agenda will include:

- December 4:
  - Opening Session (Welcome and Introductory Remarks)
  - Consider Document for Publication: *Future Flight Data Collection Committee Final Report*
  - Closing Session (Other Business, Adjourn)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on November 26, 2001.

Janice L. Peters,

FAA Special Assistant, RTCA Advisory Committee.

[FR Doc. 01–29821 Filed 11–30–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Association of American Railroads

[Docket Number FRA–2001–10654]

The Association of American Railroads (AAR) has petitioned, on behalf of its member railroads, for a permanent waiver of compliance from the requirements of the 49 CFR Federal Track Safety Standards part 213.143, *Frog Guard Rails and Guard Faces; Gage.* This requirement prescribes a minimum and maximum value for guard check and guard face gages, respectively. Guard check gage is the distance between the gage line of a frog and the guard line of its guard rail or guarding face. Allowable minimum guard check dimensions vary with track classification, *i.e.,* train speed. FRA minimum safety standards permit a variation of 4-feet 6 ⅛-inches in Class 1 track, 4-feet 6 ¼-inches in Class 2 track, 4-feet 6 ⅜-inches in Class 3 and 4 track, and 4-feet 6 ½-inches in Class 5 and above track.

The AAR petition seeks relief from the guard check requirements for Class 5 track for a particular type of frog design called a ''heavy-point'' frog. The AAR seeks a waiver for its member railroads permitting application of the minimum guard check for Class 3 and 4 track to Class 5 track when through gage plates are used to control the movement of a ''heavy-point'' frog relative to its guard rails.

The heavy-point frog is a unique design, which has a thicker frog point. The AAR states that it offers safety benefits over a traditional frog because there is more insert mass to reduce metal fatigue from impact loading,

greater durability, reduced susceptibility to point rollover, and better ability to guide the wheel flange toward the proper flangeway. Heavy-point frog insert design characteristics gradually widen to 31⁄32-inch (0.9688) overall, resulting in the heavy-point frog insert point being thicker at the actual 5⁄8-inch (0.6250) frog point gage lines. The gage line is actually 11⁄32 (0.3438) thicker than a traditional 5⁄8-inch (0.6250) RBM frog point. Heavy-point frogs reduce standard guard check distance from 4-feet 65⁄8 (54.6250) inches to 4-feet 629⁄64 inches (54.4531) which does not comply with minimum safety standards for Class 5 track.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.,* Waiver Petition Docket Number FRA–2001–10654) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room PL–401, Washington, DC, 20590–0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.—5:00 p.m.) at above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

Issued in Washington, DC, on November 27, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01–29882 Filed 11–30–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub-No. 183)]

Salt Lake City Corporation—Adverse Abandonment—in Salt Lake City, UT

On November 13, 2001, Salt Lake City Corporation (City) filed an adverse application under 49 U.S.C. 10903 requesting that the Surface Transportation Board (Board) authorize the abandonment by Union Pacific Railroad Company (UP) of a portion of a line of railroad known as the 900 South Line extending from milepost 781.0 to milepost 782.32 in Salt Lake City, UT, a distance of 1.32 miles. The line traverses United States Postal Service ZIP Codes 84101 and 84104 and includes no stations.

The City filed the adverse abandonment application to prevent UP from reactivating the line. At issue is a Franchise Agreement, dated March 20, 1989, between the City and UP, which the City submits obligates UP to remove its track on the line and to take the necessary steps to permit that removal. The City views UP's use of the line as ''creating conflicts'' with the City's plans for the area. If the line is reactivated, the City states that trains will run through a minority community and cross a major thoroughfare, posing safety risks and creating environmental justice violations.

In a decision served in this proceeding on October 5, 2001, the City was granted a waiver from many of the filing requirements of the Board's abandonment regulations at 49 CFR 1152 that were not relevant to its adverse abandonment application. Specifically, the City was granted waiver from 49 CFR 1152.10–14 and 1152.24(e)(1), pertaining to System Diagram Maps, from 49 CFR 1152.20(a)(3), pertaining to posting notice requirements, and from 49 CFR 1152.24(f) and 1152.29(e)(2), pertaining to abandonment consummation notice. However, the City was required to comply with 49 CFR 1152.20(a)(2), which pertains to service requirements, and 49 CFR 1152.20(a)(4), which pertains to publishing requirements. Also, the Board did not waive the environmental regulations at 49 CFR 1105, 49 CFR 1152.20(c), and 49 CFR 1152.22(f).

The City states that the line does not contain federally granted rights-of-way. Any documentation in the City's possession will be made available promptly to those requesting it. The City's entire abandonment case in chief was filed with the application, except for its Environmental and Historic Report filed on October 22, 2001, and errata thereto filed on October 31, 2001.

The City states that the interests of railroad employees will not be adversely affected because there have been no freight operations for the past 2 years.

Any interested person may file written comments concerning the proposed abandonment or protests (including protestant's entire opposition case) by December 28, 2001. All interested persons should be aware that, following any abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 U.S.C. 10905 (49 CFR 1152.28) or for a trail use condition under 16 U.S.C. 1247(d) (49 CFR 1152.29) must be filed by December 28, 2001. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27). The due date for applicant's reply is January 14, 2002.

Persons opposing the proposed adverse abandonment who wish to participate actively and fully in the process should file a protest. Persons who may oppose the abandonment but who do not wish to participate fully in the process by submitting verified statements of witnesses containing detailed evidence should file comments. Parties seeking information concerning the filing of protests should refer to 49 CFR 1152.25.

All filings in response to this notice must refer to STB Docket No. AB–33 (Sub-No. 183) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001; and (2) Charles A. Spitulnik, McLeod, Watkinson & Miller, One Massachusetts Ave., NW, Suite 800, Washington, DC 20001. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, every document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152.

The October 5 decision noted that the City had requested waiver from the environmental requirements of 49 CFR 1152.22(f), arguing that its proposal has no environmental impact because there has been no traffic for 2 years and, in effect, qualifies for treatment under 49

CFR 1105.6(c). However, the October 5 decision indicated that the City should make that showing in its application, rather than seeking a waiver. As noted, on October 22, 2001, the City filed a Combined Environmental and Historic Report and, on October 31, 2001, filed errata thereto. Questions concerning environmental issues may be directed to the Section of Environmental Analysis (SEA) at (202) 565–1552. [TDD for the hearing impaired is available at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact SEA. EAs in these abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: November 27, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–29883 Filed 11–30–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Proposed Extension of Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OCC is soliciting comment concerning its information collection titled, ''(MA)—Loans in Areas Having Special Flood Hazards (12 CFR 22).''

DATES: You should submit written comments by February 1, 2002.

ADDRESSES: You should direct written comments to the Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 1–5, Attention: 1557–0202, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by facsimile transmission to (202) 874–4448, or by electronic mail to *regs.comments@occ.treas.gov.* You can inspect and photocopy the comments at the OCC's Public Information Room, 250 E Street, SW., Washington, DC 20219. You can make an appointment to inspect the comments by calling (202) 874–5043.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from Jessie Dunaway, OCC Clearance Officer, or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: (MA)–Loans in Areas Having Special Flood Hazards (12 CFR 22).

OMB Number: 1557–0202.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection. The OCC requests only that OMB extend its approval of the information collection. This regulation requires national banks to make disclosures and keep records regarding whether a property securing a loan is located in a special flood hazard area.

This information collection is required by section 303(a) and title V of the Riegle Community Development and Regulatory Improvement Act, Pub. L. 103–325, title V, 108 Stat. 2160, the National Flood Insurance Reform Act of 1994 amendments to the National Flood Insurance Act of 1968 (42 U.S.C. 4104a and 4104b), the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a and 4106(b)), and by OCC regulations implementing those statutes. The information collection requirements are contained in 12 CFR part 22.

Section 22.6 requires a national bank to use and maintain a copy of the Standard Flood Hazard Determination Form developed by the Federal Emergency Management Agency (FEMA).

Section 22.7 requires a national bank or its loan servicer, if a borrower has not obtained flood insurance, to notify the borrower to obtain adequate flood insurance coverage or the bank or servicer will purchase flood insurance on the borrower's behalf.

Section 22.9 requires a national bank making a loan secured by a building or a mobile home to advise the borrower and the loan servicer that the property is, or is not, located in a special flood hazard area, if flood insurance is available under the National Flood Insurance Program, and if Federal disaster relief may be available in the event of flooding. The bank must maintain a record of the borrower and loan servicer's receipts of these notices.

Section 22.10 requires a national bank making a loan secured by a building or a mobile home located in a special flood hazard area to notify FEMA of the identify of the servicer, and of any change in servicers.

These information collection requirements ensure bank compliance with applicable Federal law, further bank safety and soundness, provide protections for banks and the public, and further public policy interests.

Type of Review: Extension of OMB approval.

Affected Public: Businesses or other for-profit (national banks).

Estimated Number of Respondents: 2,600.

Estimated Total Annual Responses: 262,600.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 67,600 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: November 26, 2001.

Mark J. Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. 01–29897 Filed 11–30–01; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Name Change—Commercial Union Insurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 14 to the Treasury Department Circular 570; 2001 Revision, published July 2, 2001, at 66 FR 35024.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6507.

SUPPLEMENTARY INFORMATION: Commercial Union Insurance Company, a Massachusetts corporation, has formally changed its name to OneBeacon America Insurance Company, effective August 31, 2001. The Company was last listed as an acceptable surety Federal bonds at 66 FR 30533, July 2, 2001.

A Certificate of Authority as an acceptable surety on Federal bonds, dated today, is hereby issued under Sections 9304 to 9308 of Title 31 of the United States Code, to OneBeacon America Insurance Company, Boston, Massachusetts. This new Certificate replaces the Certificate of Authority issued to the Company under its former name. The underwriting limitation of $28,750,000 established for the Company as of July 2, 2001, remains unchanged until June 30, 2002.

Certificates of Authority expire on June 30, each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the Company remains qualified (31 CFR, part 223). A list of qualified companies is published annually as of July 1, in the Department Circular 570, which outlines details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 2001 Revision, at page 35050 to reflect this change.

The Circular may be viewed and downloaded through the Internet (*http://www.fms.treas.gov/c570/index.html*). A hard copy may be purchased from Government Printing Office (GPO), Subscription Service, Washington, DC, telephone (202) 512–1800. When ordering the Circular from GPO, use the following stock number: 769–004–04067–1.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F04, Hyattsville, MD 20782.

Dated: November 19, 2001.

Wanda J. Rogers,

Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 01–29816 Filed 11–30–01; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Name Change—CGU Insurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury

ACTION: Notice.

SUMMARY: This is Supplement No. 13 to the Treasury Department Circular 570; 2001 Revision, published July 2, 2001, at 66 FR 35024.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6507.

SUPPLEMENTARY INFORMATION: CGU Insurance Company, a Pennsylvania corporation, has formally changed its name to OneBeacon Insurance Company, effective August 28, 2001. The company was last listed as an acceptable surety on Federal bonds at 66 FR 35031, July 2, 2001.

A Certificate of Authority as an acceptable surety on Federal bonds, dated today, is hereby issued under Sections 9304 to 9308 of Title 31 of the United States Code, to OneBeacon Insurance Company, Philadelphia, Pennsylvania. This new Certificate replaces the Certificate of Authority issued to the Company under its former name. The underwriting limitation of $112,260,000 established for the Company as of July 2, 2001, remains unchanged until June 30, 2002.

Certificates of Authority expire on June 30, each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the Company remains qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1, in the Department Circular 570, which outlines details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 2001 Revision, at page 35050 to reflect this change.

The Circular may be viewed and downloaded through the Internet (*http://www.fms.treas.gov/c570/index.html).* A hard copy may be purchased from the Government Printing Office (GPO), Subscription Service, Washington, DC, telephone (202) 512–1800. When ordering the Circular from GPO, use the following stock number: 769–004–04067–1.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F04, Hyattasville, MD 20782.

Dated: November 19, 2001.

Wanda J. Rogers,

Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 01–29815 Filed 11–30–01; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds; Name Change—General Accident Insurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 15 to the Treasury Department Circular 570; 2001 Revision, published July 2, 2001, at 66 FR 35024.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6507.

SUPPLEMENTARY INFORMATION: General Accident Insurance Company, a Pennsylvania corporation, has formally changed its name to Pennsylvania General Insurance Company, effective August 28, 2001. The Company was last listed as an acceptable surety on Federal bonds at 66 FR 35039, July 2, 2001.

A Certificate of Authority as an acceptable surety on Federal bonds, dated today, is hereby issued under Sections 9304 to 9308 of Title 31 of the United States Code, to Pennsylvania General Insurance Company, Philadelphia, Pennsylvania. This new Certificate replaces the Certificate of Authority issued to the Company under

its former name. The underwriting limitation of $9,791,000 established for the Company as of July 2, 2001, remains unchanged until June 30, 2002.

Certificates of Authority expire on June 30, each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the Company remains qualified (31 CFR, part 223). A list of qualified companies is published annually as of July 1, in the Department Circular 570, which outlines details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 2001 Revision, at page 35051 to reflect this change.

The Circular may be viewed and downloaded through the Internet (*http://www.fms.treas.gov/c570/index.html*). A hard copy may be purchased from the Government Printing Office (GPO), Subscription Service, Washington, DC, telephone (202) 512–1800. When ordering the Circular from GPO, use the following stock number: 769–004–04067–1.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F04, Hyattsville, MD 20782.

Dated: November 19, 2001.

Wanda J. Rogers,

Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 01–29817 Filed 11–30–01; 8:45 am]

BILLING CODE 4810–35–M

Corrections

Federal Register

Vol. 66, No. 232

Monday, December 3, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

Semiannual Regulatory Agenda

Correction

In the proposed rule documents printed as a part of the Unified Agenda of Federal Regulatory and Deregulatory Actions, Parts II through LXII, in (today's issue) the issue of Monday, December 3, 2001, pages 61125–62905, the time on all file lines appeared as 8:45am. They should be corrected to read 9:45am.

[FR Docs. C1–28099; C1–27113; C1–26030; C1–23849; C1–23850; C1–28100; C1–27742; C1–25307; C1–26703; C1–26704; C1–25308; C1–27114; C1–27743; C1–27115; C1–25309; C1–27116; C1–23851; C1–25310; C1–23852; C1–26031; C1–26705; C1–25311; C1–25312; C1–23853; C1–26032; C1–23864; C1–23854; C1–23855; C1–23856; C1–25313; C1–28101; C1–23857; C1–23858; C1–25314; C1–26033; C1–28070; C1–23859; C1–23860; C1–25315; C1–23861; C1–23862; C1–23863; C1–26034; C1–25316; C1–23865; C1–23866; C1–23867; C1–23868; C1–23869; C1–23870; C1–23871; C1–25317; C1–23872; C1–25318; C1–23873; C1–23874; C1–25319; C1–25320; C1–23875; C1–26035; C1–23876 Filed 11–30–01; 5:00 pm]

BILLING CODE 1505–01–D

Reader Aids

Federal Register

Vol. 66, No. 232

Monday, December 3, 2001

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FEDERAL REGISTER PAGES AND DATE, DECEMBER

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT DECEMBER 3, 2001

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Montana; correction; published 11-1-01
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Mixture and derived-from rules; treatment, storage, or disposal; published 12-3-01
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Medical devices; additional pass-through categories; establishment; published 11-2-01
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Radioactive wastes, high-level; disposal in geologic repositories:
Yucca Mountain, NV; published 11-2-01
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Restored annual leave use due to response to national emergency resulting from terrorist attacks; published 11-2-01
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Vessel transfer to foreign registry upon revocation fishery endorsement; denial; published 11-2-01
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Salmon; comments due by 12-4-01; published 10-5-01 [FR 01-25038]
Northeastern United States fisheries—
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ENVIRONMENTAL PROTECTION AGENCY
Air pollution control:
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District of Columbia; comments due by 12-3-01; published 11-1-01 [FR 01-27376]
ENVIRONMENTAL PROTECTION AGENCY
Air quality implementation plans; approval and

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at *http://www.nara.gov/fedreg/plawcurr.html*.

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/nara005.html. Some laws may not yet be available.

H.R. 768/P.L. 107–72
Need-Based Educational Aid Act of 2001 (Nov. 20, 2001; 115 Stat. 648)

H.R. 2620/P.L. 107–73
Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Nov. 26, 2001; 115 Stat. 651)

H.R. 1042/P.L. 107–74
To prevent the elimination of certain reports. (Nov. 28, 2001; 115 Stat. 701)

H.R. 1552/P.L. 107–75
Internet Tax Nondiscrimination Act (Nov. 28, 2001; 115 Stat. 703)

H.R. 2330/P.L. 107–76
Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (Nov. 28, 2001; 115 Stat. 704)

H.R. 2500/P.L. 107–77
Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Nov. 28, 2001; 115 Stat. 748)

H.R. 2924/P.L. 107–78
To provide authority to the Federal Power Marketing Administration to reduce vandalism and destruction of property, and for other purposes. (Nov. 28, 2001; 115 Stat. 808)

Last List November 23, 2001

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–044–00001–6)	6.50	[4]Jan. 1, 2001
3 (1997 Compilation and Parts 100 and 101)	(869–044–00002–4)	36.00	[1] Jan. 1, 2001
4	(869–044–00003–2)	9.00	Jan. 1, 2001
5 Parts:			
1–699	(869–044–00004–1)	53.00	Jan. 1, 2001
700–1199	(869–044–00005–9)	44.00	Jan. 1, 2001
1200–End, 6 (6 Reserved)	(869–044–00006–7)	55.00	Jan. 1, 2001
7 Parts:			
1–26	(869–044–00007–5)	40.00	[4]Jan. 1, 2001
27–52	(869–044–00008–3)	45.00	Jan. 1, 2001
53–209	(869–044–00009–1)	34.00	Jan. 1, 2001
210–299	(869–044–00010–5)	56.00	Jan. 1, 2001
300–399	(869–044–00011–3)	38.00	Jan. 1, 2001
400–699	(869–044–00012–1)	53.00	Jan. 1, 2001
700–899	(869–044–00013–0)	50.00	Jan. 1, 2001
900–999	(869–044–00014–8)	54.00	Jan. 1, 2001
1000–1199	(869–044–00015–6)	24.00	Jan. 1, 2001
1200–1599	(869–044–00016–4)	55.00	Jan. 1, 2001
1600–1899	(869–044–00017–2)	57.00	Jan. 1, 2001
1900–1939	(869–044–00018–1)	21.00	[4]Jan. 1, 2001
1940–1949	(869–044–00019–9)	37.00	[4]Jan. 1, 2001
1950–1999	(869–044–00020–2)	45.00	Jan. 1, 2001
2000–End	(869–044–00021–1)	43.00	Jan. 1, 2001
8	(869–044–00022–9)	54.00	Jan. 1, 2001
9 Parts:			
1–199	(869–044–00023–7)	55.00	Jan. 1, 2001
200–End	(869–044–00024–5)	53.00	Jan. 1, 2001
10 Parts:			
1–50	(869–044–00025–3)	55.00	Jan. 1, 2001
51–199	(869–044–00026–1)	52.00	Jan. 1, 2001
200–499	(869–044–00027–0)	53.00	Jan. 1, 2001
500–End	(869–044–00028–8)	55.00	Jan. 1, 2001
11	(869–044–00029–6)	31.00	Jan. 1, 2001
12 Parts:			
1–199	(869–044–00030–0)	27.00	Jan. 1, 2001
200–219	(869–044–00031–8)	32.00	Jan. 1, 2001
220–299	(869–044–00032–6)	54.00	Jan. 1, 2001
300–499	(869–044–00033–4)	41.00	Jan. 1, 2001
500–599	(869–044–00034–2)	38.00	Jan. 1, 2001
600–End	(869–044–00035–1)	57.00	Jan. 1, 2001
13	(869–044–00036–9)	45.00	Jan. 1, 2001
14 Parts:			
1–59	(869–044–00037–7)	57.00	Jan. 1, 2001
60–139	(869–044–00038–5)	55.00	Jan. 1, 2001
140–199	(869–044–00039–3)	26.00	Jan. 1, 2001
200–1199	(869–044–00040–7)	44.00	Jan. 1, 2001
1200–End	(869–044–00041–5)	37.00	Jan. 1, 2001
15 Parts:			
0–299	(869–044–00042–3)	36.00	Jan. 1, 2001
300–799	(869–044–00043–1)	54.00	Jan. 1, 2001
800–End	(869–044–00044–0)	40.00	Jan. 1, 2001
16 Parts:			
0–999	(869–044–00045–8)	45.00	Jan. 1, 2001
1000–End	(869–044–00046–6)	53.00	Jan. 1, 2001
17 Parts:			
1–199	(869–044–00048–2)	45.00	Apr. 1, 2001
200–239	(869–044–00049–1)	51.00	Apr. 1, 2001
240–End	(869–044–00050–4)	55.00	Apr. 1, 2001
18 Parts:			
1–399	(869–044–00051–2)	56.00	Apr. 1, 2001
400–End	(869–044–00052–1)	23.00	Apr. 1, 2001
19 Parts:			
1–140	(869–044–00053–9)	54.00	Apr. 1, 2001
141–199	(869–044–00054–7)	53.00	Apr. 1, 2001
200–End	(869–044–00055–5)	20.00	[5]Apr. 1, 2001
20 Parts:			
1–399	(869–044–00056–3)	45.00	Apr. 1, 2001
400–499	(869–044–00057–1)	57.00	Apr. 1, 2001
500–End	(869–044–00058–0)	57.00	Apr. 1, 2001
21 Parts:			
1–99	(869–044–00059–8)	37.00	Apr. 1, 2001
100–169	(869–044–00060–1)	44.00	Apr. 1, 2001
170–199	(869–044–00061–0)	45.00	Apr. 1, 2001
200–299	(869–044–00062–8)	16.00	Apr. 1, 2001
300–499	(869–044–00063–6)	27.00	Apr. 1, 2001
500–599	(869–044–00064–4)	44.00	Apr. 1, 2001
600–799	(869–044–00065–2)	15.00	Apr. 1, 2001
800–1299	(869–044–00066–1)	52.00	Apr. 1, 2001
1300–End	(869–044–00067–9)	20.00	Apr. 1, 2001
22 Parts:			
1–299	(869–044–00068–7)	56.00	Apr. 1, 2001
300–End	(869–044–00069–5)	42.00	Apr. 1, 2001
23	(869–044–00070–9)	40.00	Apr. 1, 2001
24 Parts:			
0–199	(869–044–00071–7)	53.00	Apr. 1, 2001
200–499	(869–044–00072–5)	45.00	Apr. 1, 2001
500–699	(869–044–00073–3)	27.00	Apr. 1, 2001
700–1699	(869–044–00074–1)	55.00	Apr. 1, 2001
1700–End	(869–044–00075–0)	28.00	Apr. 1, 2001
25	(869–044–00076–8)	57.00	Apr. 1, 2001
26 Parts:			
§§ 1.0-1–1.60	(869–044–00077–6)	43.00	Apr. 1, 2001
§§ 1.61–1.169	(869–044–00078–4)	57.00	Apr. 1, 2001
§§ 1.170–1.300	(869–044–00079–2)	52.00	Apr. 1, 2001
§§ 1.301–1.400	(869–044–00080–6)	41.00	Apr. 1, 2001
§§ 1.401–1.440	(869–042–00081–1)	47.00	Apr. 1, 2000
§§ 1.441-1.500	(869-044-00082-2)	45.00	Apr. 1, 2001
§§ 1.501–1.640	(869–044–00083–1)	44.00	Apr. 1, 2001
§§ 1.641–1.850	(869–044–00084–9)	53.00	Apr. 1, 2001
§§ 1.851–1.907	(869–044–00085–7)	54.00	Apr. 1, 2001
§§ 1.908–1.1000	(869–044–00086–5)	53.00	Apr. 1, 2001
§§ 1.1001–1.1400	(869–044–00087–3)	55.00	Apr. 1, 2001
§§ 1.1401–End	(869–044–00088–1)	58.00	Apr. 1, 2001
2–29	(869–044–00089–0)	54.00	Apr. 1, 2001
30–39	(869–044–00090–3)	37.00	Apr. 1, 2001
40–49	(869–044–00091–1)	25.00	Apr. 1, 2001
50–299	(869–044–00092–0)	23.00	Apr. 1, 2001
300–499	(869–044–00093–8)	54.00	Apr. 1, 2001
500–599	(869–044–00094–6)	12.00	[5]Apr. 1, 2001
600–End	(869–044–00095–4)	15.00	Apr. 1, 2001
27 Parts:			
1–199	(869–044–00096–2)	57.00	Apr. 1, 2001

Title	Stock Number	Price	Revision Date
200–End	(869–044–00097–1)	26.00	Apr. 1, 2001
28 Parts:			
0-42	(869–044–00098–9)	55.00	July 1, 2001
43-end	(869-044-00099-7)	50.00	July 1, 2001
29 Parts:			
0–99	(869–044–00100–4)	45.00	July 1, 2001
100–499	(869–044–00101–2)	14.00	[6]July 1, 2001
500–899	(869–044–00102–1)	47.00	[6]July 1, 2001
900–1899	(869–044–00103–9)	33.00	July 1, 2001
1900–1910 (§§ 1900 to 1910.999)	(869–044–00104–7)	55.00	July 1, 2001
1910 (§§ 1910.1000 to end)	(869–044–00105–5)	42.00	July 1, 2001
1911–1925	(869–044–00106–3)	20.00	[6]July 1, 2001
1926	(869–044–00107–1)	45.00	July 1, 2001
1927–End	(869–044–00108–0)	55.00	July 1, 2001
30 Parts:			
1–199	(869–044–00109–8)	52.00	July 1, 2001
200–699	(869–044–00110–1)	45.00	July 1, 2001
700–End	(869–044–00111–7)	53.00	July 1, 2001
31 Parts:			
0–199	(869–044–00112–8)	32.00	July 1, 2001
200–End	(869–044–00113–6)	56.00	July 1, 2001
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–044–00114–4)	51.00	[6]July 1, 2001
191–399	(869–044–00115–2)	57.00	July 1, 2001
400–629	(869–044–00116–8)	35.00	[6]July 1, 2001
630–699	(869–044–00117–9)	34.00	July 1, 2001
700–799	(869–044–00118–7)	42.00	July 1, 2001
800–End	(869–044–00119–5)	44.00	July 1, 2001
33 Parts:			
1–124	(869–044–00120–9)	45.00	July 1, 2001
125–199	(869–044–00121–7)	55.00	July 1, 2001
200–End	(869–044–00122–5)	45.00	July 1, 2001
34 Parts:			
1–299	(869–044–00123–3)	43.00	July 1, 2001
300–399	(869–044–00124–1)	40.00	July 1, 2001
400–End	(869–044–00125–0)	56.00	July 1, 2001
35	(869–044–00126–8)	10.00	[6]July 1, 2001
36 Parts			
1–199	(869–044–00127–6)	34.00	July 1, 2001
200–299	(869–044–00128–4)	33.00	July 1, 2001
300–End	(869–044–00129–2)	55.00	July 1, 2001
37	(869–044–00130–6)	45.00	July 1, 2001
38 Parts:			
0–17	(869–044–00131–4)	53.00	July 1, 2001
18–End	(869–044–00132–2)	55.00	July 1, 2001
39	(869–044–00133–1)	37.00	July 1, 2001
40 Parts:			
1–49	(869–044–00134–9)	54.00	July 1, 2001
50–51	(869–044–00135–7)	38.00	July 1, 2001
52 (52.01–52.1018)	(869–044–00136–5)	50.00	July 1, 2001
52 (52.1019–End)	(869–044–00137–3)	55.00	July 1, 2001
53–59	(869–044–00138–1)	28.00	July 1, 2001
60 (60.1–End)	(869–044–00139–0)	53.00	July 1, 2001
60 (Apps)	(869–044–00140–3)	51.00	July 1, 2001
61–62	(869–044–00141–1)	35.00	July 1, 2001
63 (63.1–63.599)	(869–044–00142–0)	53.00	July 1, 2001
63 (63.600–63.1199)	(869–044–00143–8)	44.00	July 1, 2001
63 (63.1200-End)	(869–044–00144–6)	56.00	July 1, 2001
64–71	(869–044–00145–4)	26.00	July 1, 2001
72–80	(869–044–00146–2)	55.00	July 1, 2001
81–85	(869–044–00147–1)	45.00	July 1, 2001
86 (86.1–86.599–99)	(869–044–00148–9)	52.00	July 1, 2001
86 (86.600–1–End)	(869–044–00149–7)	45.00	July 1, 2001
87–99	(869–044–00150–1)	54.00	July 1, 2001
100–135	(869–044–00151–9)	38.00	July 1, 2001
136–149	(869–044–00152–7)	55.00	July 1, 2001
150–189	(869–044–00153–5)	52.00	July 1, 2001
190–259	(869–044–00154–3)	34.00	July 1, 2001
260–265	(869–044–00155–1)	45.00	July 1, 2001
266–299	(869–044–00156–0)	45.00	July 1, 2001
300–399	(869–044–00157–8)	41.00	July 1, 2001
400–424	(869–044–00158–6)	51.00	July 1, 2001
425–699	(869–044–00159–4)	55.00	July 1, 2001
700–789	(869–044–00160–8)	55.00	July 1, 2001
790–End	(869–044–00161–6)	44.00	July 1, 2001
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–044–00162–4)	22.00	July 1, 2001
101	(869–044–00163–2)	45.00	July 1, 2001
102–200	(869–044–00164–1)	33.00	July 1, 2001
201–End	(869–044–00165–9)	24.00	July 1, 2001
42 Parts:			
1–399	(869–042–00162–1)	53.00	Oct. 1, 2000
400–429	(869–042–00163–0)	55.00	Oct. 1, 2000
430–End	(869–042–00164–8)	57.00	Oct. 1, 2000
43 Parts:			
1–999	(869–042–00165–6)	45.00	Oct. 1, 2000
1000–end	(869–042–00166–4)	55.00	Oct. 1, 2000
44	(869–042–00167–2)	45.00	Oct. 1, 2000
45 Parts:			
1–199	(869–042–00168–1)	50.00	Oct. 1, 2000
200–499	(869–044–00173–0)	31.00	Oct. 1, 2001
500–1199	(869–042–00170–2)	45.00	Oct. 1, 2000
1200–End	(869–044–00175–6)	55.00	Oct. 1, 2001
46 Parts:			
1–40	(869–042–00172–9)	42.00	Oct. 1, 2000
41–69	(869–042–00173–7)	34.00	Oct. 1, 2000
70–89	(869–042–00174–5)	13.00	Oct. 1, 2000
90–139	(869–042–00175–3)	41.00	Oct. 1, 2000
140–155	(869–044–00180–2)	24.00	Oct. 1, 2001
156–165	(869–042–00177–0)	31.00	Oct. 1, 2000
166–199	(869–042–00178–8)	42.00	Oct. 1, 2000
200–499	(869–044–00183–7)	36.00	Oct. 1, 2001
500–End	(869–044–00184–5)	23.00	Oct. 1, 2001
47 Parts:			
0–19	(869–042–00181–8)	54.00	Oct. 1, 2000
20–39	(869–042–00182–6)	41.00	Oct. 1, 2000
40–69	(869–042–00183–4)	41.00	Oct. 1, 2000
70–79	(869–042–00184–2)	54.00	Oct. 1, 2000
80–End	(869–042–00185–1)	54.00	Oct. 1, 2000
48 Chapters:			
1 (Parts 1–51)	(869–042–00186–9)	57.00	Oct. 1, 2000
1 (Parts 52–99)	(869–042–00187–7)	45.00	Oct. 1, 2000
2 (Parts 201–299)	(869–044–00192–6)	53.00	Oct. 1, 2001
3–6	(869–042–00189–3)	40.00	Oct. 1, 2000
7–14	(869–042–00190–7)	52.00	Oct. 1, 2000
15–28	(869–044–00195–1)	53.00	Oct. 1, 2001
29–End	(869–044–00196–9)	38.00	Oct. 1, 2001
49 Parts:			
1–99	(869–044–00197–7)	55.00	Oct. 1, 2001
100–185	(869–044–00202–7)	26.00	Oct. 1, 2001
186–199	(869–042–00195–8)	17.00	Oct. 1, 2000
200–399	(869–042–00196–6)	57.00	Oct. 1, 2000
400–999	(869–042–00197–4)	58.00	Oct. 1, 2000
1000–1199	(869–044–00202–7)	26.00	Oct. 1, 2001

Title	Stock Number	Price	Revision Date
1200–End	(869–042–00199–1)	21.00	Oct. 1, 2000
50 Parts:			
1–199	(869–042–00200–8)	55.00	Oct. 1, 2000
200–599	(869–042–00201–6)	35.00	Oct. 1, 2000
600–End	(869–042–00202–4)	55.00	Oct. 1, 2000
CFR Index and Findings Aids	(869–044–00047–4)	56.00	Jan. 1, 2001
Complete 2000 CFR set		1,094.00	2000
Microfiche CFR Edition:			
Subscription (mailed as issued)		298.00	2000
Individual copies		2.00	2000
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2000, through January 1, 2001. The CFR volume issued as of January 1, 2000 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2001. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2001. The CFR volume issued as of July 1, 2000 should be retained..

TABLE OF EFFECTIVE DATES AND TIME PERIODS—DECEMBER 2001

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
Dec 3	Dec 18	Jan 2	Jan 17	Feb 1	March 4
Dec 4	Dec 19	Jan 3	Jan 18	Feb 4	March 4
Dec 5	Dec 20	Jan 4	Jan 22	Feb 4	March 5
Dec 6	Dec 21	Jan 7	Jan 22	Feb 4	March 6
Dec 7	Dec 24	Jan 7	Jan 22	Feb 5	March 7
Dec 10	Dec 26	Jan 9	Jan 24	Feb 8	March 11
Dec 11	Dec 26	Jan 10	Jan 25	Feb 11	March 11
Dec 12	Dec 27	Jan 11	Jan 28	Feb 11	March 12
Dec 13	Dec 28	Jan 14	Jan 28	Feb 11	March 13
Dec 14	Dec 31	Jan 14	Jan 28	Feb 12	March 14
Dec 17	Jan 2	Jan 16	Jan 31	Feb 15	March 18
Dec 18	Jan 2	Jan 17	Feb 1	Feb 19	March 18
Dec 19	Jan 3	Jan 18	Feb 4	Feb 19	March 19
Dec 20	Jan 4	Jan 22	Feb 4	Feb 19	March 20
Dec 21	Jan 7	Jan 22	Feb 4	Feb 19	March 21
Dec 24	Jan 8	Jan 23	Feb 7	Feb 22	March 25
Dec 26	Jan 10	Jan 25	Feb 11	Feb 25	March 26
Dec 27	Jan 11	Jan 28	Feb 11	Feb 25	March 27
Dec 28	Jan 14	Jan 28	Feb 11	Feb 26	March 28
Dec 31	Jan 15	Jan 30	Feb 14	March 1	April 1