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

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

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 490

RIN 1904–AB00

Alternative Fuel Transportation Program; Biodiesel Fuel Use Credit

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Final rule, completion of regulatory review.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001 (66 FR 7702), DOE temporarily delayed for 60 days (66 FR 8746, February 2, 2001) the effective date of the final rule entitled ''Alternative Fuel Transportation Program; Biodiesel Fuel Use Credit'' published in the **Federal Register** on January 11, 2001 (66 FR 2207). DOE has now completed its review of that regulation, and does not intend to initiate any further rulemaking action to modify its provisions.

DATES: The effective date of the rule amending 10 CFR part 490 published at 66 FR 2207, January 11, 2001, and delayed at 66 FR 8746, February 2, 2001, is confirmed as April 13, 2001.

FOR FURTHER INFORMATION CONTACT: David Rodgers, Office of Energy Efficiency and Renewable Energy, (202) 586–9118, *david.rodgers@hq.doe.gov*.

Issued in Washington, DC on April 24, 2001.

Spencer Abraham,

Secretary of Energy.

[FR Doc. 01–10771 Filed 5–1–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–147–AD; Amendment 39–12207; AD 2001–09–02]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 777–200 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 777–200 series airplanes, that requires replacement of certain existing bushings of the aft trunnion of the outer cylinder of the main landing gear (MLG) with new bushings, and replacement of grease in an undercut on the aft trunnion, if necessary. The actions specified by this AD are intended to prevent stress corrosion cracking and consequent fracture of the aft trunnion of the outer cylinder of the MLG, which could result in collapse of the MLG. This action is intended to address the identified unsafe condition.

DATES: Effective June 6, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 6, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. 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: Stan Wood, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2772; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 777–200 series airplanes was published in the **Federal Register** on December 29, 2000 (65 FR 82959). That action proposed to require replacement of certain existing bushings of the aft trunnion of the outer cylinder of the main landing gear (MLG) with new bushings, and replacement of grease in an undercut on the aft trunnion, 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 comments received.

Request To Delete Airplane With Line Number (L/N) 1

One commenter requests that the Boeing Model 777 series airplane having L/N 1 be removed from the applicability section of the proposed rule. The commenter states that the main landing gear on that airplane was reworked prior to airplane delivery, and the outer cylinders with the final configuration of the aft trunnion were installed. The commenter adds that this rework was done at the manufacturer per Boeing Production Revision Record 61571, part G95. Such rework meets the intent of Boeing Service Bulletin 777–32–0003, dated October 9, 1997, which was specified in the applicability section of the proposed rule.

The FAA concurs with the commenter. The FAA has determined that this airplane was retained by the manufacturer until delivery to an operator at the end of the year 2000. The following changes have been made to the final rule: The applicability and cost impact sections have been revised accordingly; paragraph (a)(3) of the final rule has been revised to remove the reference to the airplane having L/N 1; and Note 3, which specified, ''For the purposes of this AD, the airplane having L/N 1 is considered to have the configuration of a Group 1 airplane,'' has been removed.

Revised Service Information

The same commenter states that, subsequent to issuance of the proposed rule, Boeing Alert Service Bulletin 777–32A0025, Revision 1, dated March 8, 2001, was submitted to the FAA for approval. (The original issue of the

service bulletin was referenced in the proposal as the appropriate source of service information for accomplishment of the specified actions.) The commenter adds that the revised bulletin contains additional inspection requirements for operators that used a specific corrosion-inhibiting compound when incorporating the referenced service bulletin. The commenter notes that when the final rule is released it should reference the revised service bulletin.

The FAA concurs with the commenter. Since the issuance of the proposed rule, the FAA has approved Revision 1 of the service bulletin. The service bulletin was revised in order to delete a certain corrosion-inhibiting compound specified in the original issue that, in certain conditions, has been found to promote corrosion. Documentation received from the manufacturer shows that compound was used on only 3 of the 25 airplanes affected by this final rule, and those airplanes are scheduled to be reworked using the revised service bulletin. The final rule has been revised to require accomplishment of the specified actions per Revision 1 only. A new Note 3 has been added to the final rule to give credit for airplanes that applied the correct corrosion-inhibiting compound per the original service bulletin.

Conclusion

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

Cost Impact

There are approximately 25 airplanes of the affected design in the worldwide fleet. The FAA estimates that 11 airplanes of U.S. registry will be affected by this AD, that it will take approximately 36 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $13,228 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $169,268, or $15,388 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:

2001–09–02 Boeing: Amendment 39–12207. Docket 2000–NM–147–AD.

Applicability: Model 777–200 series airplanes; line numbers (L/N) 2 through 29 inclusive, except L/N's 10, 14, and 18; certificated in any category; except those on which the outer cylinder of the main landing gear (MLG) has been replaced in accordance with Boeing Service Bulletin 777–32–0003, dated October 9, 1997.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent stress corrosion cracking and consequent fracture of the aft trunnion of the outer cylinder of the MLG, which could result in collapse of the MLG, accomplish the following:

Replacement of Bushings

(a) Within 5 years and 300 days since date of manufacture of the airplane, or within 1 year after the effective date of this AD, whichever occurs later, replace bushings in the aft trunnion of the outer cylinder with new bushings by doing paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this AD; as applicable; in accordance with Boeing Alert Service Bulletin 777–32A0025, Revision 1, dated March 8, 2001.

(1) Remove bushings in the aft trunnion of the outer cylinder of the MLG.

(2) Perform a one-time detailed visual inspection of the aft trunnion area for corrosion or other damage.

(3) For airplanes listed in Group 1 of the service bulletin: Replace grease in the undercut of the aft trunnion with corrosion-inhibiting compound.

(4) Install new bushings with corrosion-inhibiting compound.

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

Corrective Action

(b) If any corrosion or other damage is found during the inspection required by paragraph (a)(2) of this AD: Prior to further flight, repair in accordance with Boeing Alert Service Bulletin 777–32A0025, Revision 1, dated March 8, 2001; except, where the service bulletin specifies to contact Boeing for instructions, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification

Office (ACO), FAA; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

Note 3: Prior accomplishment of paragraphs (a) and (b) of this AD, as specified in Boeing Alert Service Bulletin 777–32A0025, dated April 6, 2000; using BMS 3–27 or Cor-Ban 27L corrosion-inhibiting compound; is acceptable for compliance with the applicable actions required by this AD.

Alternative Methods of Compliance

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

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

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

Incorporation by Reference

(e) Except as provided by paragraph (b) of this AD: The actions shall be done in accordance with Boeing Alert Service Bulletin 777–32A0025, Revision 1, dated March 8, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. 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.

Effective Date

(f) This amendment becomes effective on June 6, 2001.

Issued in Renton, Washington, on April 20, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10465 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–115–AD; Amendment 39–12215; AD 2001–09–10]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes Equipped With Pratt & Whitney Model PW4400 Series Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all McDonnell Douglas Model MD–11 series airplanes equipped with Pratt & Whitney Model PW4400 series engines, that currently requires revising the Airplane Flight Manual (AFM) to advise the flight crew of applicable operational limits. This amendment corrects a typographical error in one paragraph of the existing AD that resulted in a reference to an incorrect engine fan blade which is not subject to the requirements of that paragraph. The actions specified in this AD are intended to ensure that the flight crew is informed of applicable limitations in airplane performance, and to prevent reduced acceleration and climb performance relative to performance data in the AFM, which could result in the airplane overrunning the end of the runway during takeoff or landing, or impacting obstacles or terrain. This action is intended to address the identified unsafe condition.

DATES: Effective May 17, 2001.

Comments for inclusion in the Rules Docket must be received on or before July 2, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–115–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–115–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

Information pertaining to this amendment may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Philip C. Kush, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5263; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: On April 3, 2001, the FAA issued AD 2001–07–08, amendment 39–12173 (66 FR 18527, April 10, 2001), applicable to all McDonnell Douglas Model MD–11 series airplanes equipped with Pratt & Whitney Model PW4400 series engines. That AD requires revising the Airplane Flight Manual (AFM) to advise the flight crew of applicable operational limits. That action was prompted by the FAA's finding that the operational limits specified in the Limitations Section of the AFM for McDonnell Douglas Model MD–11 series airplanes equipped with Pratt & Whitney Model PW4400 series engines do not adequately list the performance correction sections in the AFM; and reports that Pratt & Whitney Model PW4400 series engines with certain early-production fan blades (Phase 0/1, FB2B), as installed on certain McDonnell Douglas Model MD–11 series airplanes, do not produce the amount of thrust indicated in the AFM. The actions required by that AD are intended to ensure that the flight crew is informed of applicable limitations in airplane performance, and to prevent reduced acceleration and climb performance relative to performance data in the AFM, which could result in the airplane overrunning the end of the runway during takeoff or landing, or impacting obstacles or terrain.

Actions Since Issuance of Previous Rule

Since the issuance of AD 2001–07–08, the FAA has found a typographical error in paragraph (b) of that AD. Paragraph (b) requires a revision of the Performance Section of the AFM to address a shortfall in the amount of thrust produced by certain engines equipped with certain early-production fan blades. That paragraph states that it applies to ''airplanes with Pratt & Whitney Model PW4460 or PW4462 engines with FB2C [fan blades]

installed.'' (Though the existing AD referred to the subject parts as ''fans,'' the correct term in this case is ''fan blades.'') Although FB2C fan blades do exist, these fan blades are not subject to the unsafe condition addressed by paragraph (b) of AD 2001–07–08. The correct model number for the fan blades subject to paragraph (b) is ''FB2B.'' (The preamble of AD 2001–07–08 correctly identifies the affected fan blades subject to the unsafe condition, where it states, ''Pratt & Whitney Model PW4400 series engines with certain early-production fan blades (Phase 0/1, FB2B) '' do not produce the amount of thrust indicated in the AFM.'')

The FAA finds that this typographical error could result in airplanes subject to the thrust-shortfall condition not being subject to the AFM revision required by paragraph (b) of the existing AD. For operators of McDonnell Douglas Model MD–11 series airplanes with Pratt & Whitney Model PW4460 or PW4462 engines with FB2B fan blades installed, failure to incorporate the AFM revision in paragraph (b) of the existing AD could lead to reduced acceleration and climb performance relative to performance data in the AFM, which could result in the airplane overrunning the end of the runway during takeoff or landing, or impacting obstacles or terrain.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, this AD supersedes AD 2001–07–08 to continue to require revising the AFM to advise the flight crew of applicable operational limits. This new AD revises paragraph (b) of the existing AD to refer to the correct fan blades. Except for this change in the applicability of paragraph (b) of this AD, all requirements remain the same as those in the existing AD.

Determination of Rule's Effective Date

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

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–115–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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 39–12173 (66 FR 18527, April 10, 2001), and by adding a new airworthiness directive (AD), amendment 39–12215, to read as follows:

2001–09–10 McDonnell Douglas: Amendment 39–12215. Docket 2001–NM–115–AD. Supersedes AD 2001–07–08, Amendment 39–12173.

Applicability: All Model MD–11 series airplanes equipped with Pratt & Whitney Model PW4400 series engines, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To ensure that the flight crew is informed of limitations in airplane performance, and to prevent reduced acceleration and climb performance relative to performance data in the Airplane Flight Manual (AFM), which could result in the airplane overrunning the end of the runway during takeoff or landing, or impacting obstacles or terrain, accomplish the following:

Restatement of Requirements of AD 2001–07–08

AFM Revision: Limitations Section

(a) Within 30 days after April 25, 2001 (the effective date of AD 2001–07–08, amendment 39–12173), revise Section 1, Limitations, of the FAA-approved AFM to include the following information under Subsection 3, Operational Limits. This may be accomplished by inserting a copy of this AD into the AFM.

''Required Performance Corrections in Section 4A or 4B must be applied as applicable.''

New Requirements of this AD

AFM Revision: Performance Section 4A or 4B

(b) For airplanes with Pratt & Whitney Model PW4460 or PW4462 engines with FB2B fan blades installed: Within 30 days after the effective date of this AD, revise the Performance Section of the FAA-approved AFM to include the following information under Section 4A or 4B, as applicable. This may be accomplished by inserting a copy of this AD into the AFM.

''When operating with one PW4460 engine, one PW4462 engine (operated at PW4460 thrust rating), or one PW4462 engine installed, apply the following performance corrections:

Weight must be reduced by:

Takeoff—1.3%
Enroute—2.5%
Landing—1.3%

When operating with more than one PW4460 engine and/or PW4462 engine (operated at PW4460 thrust rating), or more than one PW4462 engine installed, apply the following performance corrections:

Weight must be reduced by:

Takeoff—2.5%
Enroute—2.5%
Landing—2.5%.''

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Effective Date

(e) This amendment becomes effective on May 17, 2001.

Issued in Renton, Washington, on April 24, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10723 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–124–AD; Amendment 39–12206; AD 2001–09–01]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757–200 and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757–200 and –300 series airplanes, that requires repetitive clearing of the drain passage at the aft end of the main landing gear (MLG) truck beam to ensure moisture and contaminants within the truck beam can properly drain; and, for certain airplanes, an internal inspection of the truck beam to detect discrepancies, and follow-on actions. This amendment is prompted by reports of fracture of MLG truck beams. The actions specified by this AD are intended to prevent stress corrosion cracking, leading to fracture of a MLG truck beam during ground operations, which could result in either reduced controllability of the airplane or a fire.

DATES: Effective June 6, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 6, 2001.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. 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: Dennis Stremick, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2776; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain 757–200 and –300 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on September 18, 2000 (65 FR 56268). That action proposed to require repetitive clearing of the drain passage at the aft end of the main landing gear (MLG) truck beam to ensure moisture and contaminants within the truck beam can properly drain. That action also proposed to expand the applicability, and, for certain airplanes, add a new inspection and follow-on actions.

Comments

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

Reference Revised Service Bulletins

One commenter asks that the FAA revise the supplemental NPRM to reference Revision 1 of Boeing Alert Service Bulletins 757–32A0135 and 757–32A0138, both dated November 30, 2000. The proposed rule referenced Boeing Alert Service Bulletins 757–32A0135 (for Model 757–200 series airplanes) and 757–32A0138 (for Model 757–300 series airplanes), both dated June 8, 2000, as the appropriate sources of service information for certain proposed actions. The commenter states that the service bulletins have been revised for clarification, based on questions received from operators.

We concur with the commenter's request. Since the issuance of the proposed rule, the FAA has reviewed and approved Revision 1 of the service bulletins. Revision 1 clarifies certain instructions and revises the effectivity listing to show changes in airplane operators. (No additional airplanes are added to the effectivity listing of Revision 1.) Therefore, we have revised the applicability statement and paragraphs (a) and (b) of this final rule to reference Revision 1 of the service bulletins as the appropriate source of service information for the actions required by those paragraphs. We also have revised Notes 2 and 3 to state that accomplishment of the actions required by this AD in accordance with the original issue of the service bulletins is acceptable for compliance with paragraphs (a) and (b) of this final rule.

Change Certain Wording in Paragraphs (a) and (b)

Two commenters ask that the wording in paragraphs (a) and (b) of the proposed rule, which specifies ''* * * since the date of manufacture of the MLG * * *,'' be changed to read ''* * * since the date of delivery of the airplane or since

date of installation for new replacement truck beams installed after airplane delivery * * *.'' The commenters state that exposure to a typical service environment does not occur until after the airplane is delivered. This is because the airplane is maintained in a controlled environment and the landing gear is not exposed to the harsh conditions of in-service landing gear, so no degradation of protective finishes would be expected prior to delivery.

One commenter notes that the landing gear manufacturing date will normally precede airplane delivery by several months (and could be much longer for replacement truck beams), and the manufacturer does not typically provide the landing gear date of manufacture to the operators. If the date of manufacture is used as the basis for determining the inspection threshold, the manufacturer will be required to research and compile the data for distribution to operators. Operators could be required to comply months earlier than intended, as the service bulletins referenced in the proposed rule specify airplane age, which is normally based on delivery date. Specifying the airplane delivery date, or date of installation of new replacement truck beams as the basis for determining the compliance threshold will simplify determination of the threshold for each affected airplane. The operators will already have delivery or installation dates in their records, and will not have to rely on the manufacturer to provide additional information.

We concur with the commenters' requests. We agree that exposure to a typical service environment does not occur until after the airplane is delivered to the original operator, because the airplane is maintained in a controlled environment and the landing gear is not exposed to the harsh conditions of in-service landing gear, as the commenter states. Additionally, specifying a compliance time of within a certain number of years since the date of airplane delivery or since the date of installation of new replacement truck beams will allow operators easy access to the data necessary for determining when the clearing procedure should be done. Paragraphs (a) and (b) of the final rule have been changed accordingly.

Change Various Sections

One commenter asks for the following changes:

1. Replace the term ''MLG,'' as specified in paragraphs (a) and (b) of the proposed rule, with ''MLG truck beam'' throughout the proposed rule. The commenter states that this would specify the exact component affected by the proposal and allow additional compliance time for units having the MLG truck beam replaced with an overhauled unit separately from the MLG assembly.

We concur. The term ''MLG'' has been changed throughout the final rule to the term, ''MLG truck beam.'' Specifying the component instead of the entire MLG assembly allows additional time for compliance when the existing MLG truck beam is replaced with a new or overhauled truck beam, apart from the MLG assembly.

2. Replace the phrase ''Overhaul of the MLG truck beam prior to the effective date of this AD * * *,'' as specified in Note 3 of the proposed rule, with ''Overhaul of the MLG truck beam prior to the compliance time of this AD * * *.'' This is to allow credit to be taken for MLG assemblies overhauled and installed within the AD compliance time.

We partially concur with the commenter. We do not concur that the phrase ''Overhaul of the MLG truck beam prior to the effective date of this AD,'' as specified in Note 3 of the final rule, be replaced with ''Overhaul of the MLG truck beam prior to the compliance time of this AD.'' Note 3 gives operators credit for overhaul of the MLG truck beam prior to the effective date of the AD, in accordance with the original service bulletin. However, we do concur that the commenter be given credit for MLG assemblies overhauled and installed within the AD compliance time. However, the FAA notes that operators are always given credit for work accomplished previously if the work is performed in accordance with the existing AD by means of the phrase in the compliance section of the AD that states, ''Required as indicated, unless accomplished previously.''

Another commenter asks that Note 3 of the proposed rule be removed or clarified to state that previously overhauled truck beams comply with the rule based on prior accomplishment of the applicable service bulletins. The commenter states that Note 3 could be interpreted as being applicable to all truck beams that were overhauled per Boeing Model 757 Component Maintenance Manual (CMM) 32–11–56, which is specified in the service bulletins referenced in the proposed rule.

We concur with the commenter that Note 3 of the final rule needs further clarification, however, including the original service bulletin in the note already gives credit for previously overhauled truck beams that comply with the rule based on prior accomplishment. Prior accomplishment of the overhaul of the MLG truck beam, as referenced in the note, does include overhaul of the truck beam per the CMM because it is referenced in the service bulletin as a source for doing the overhaul of the truck beam. Also, we have added the internal inspection specified in paragraph (b) of the final rule to further clarify the intent of Note 3.

3. Remove the phrase ''* * * in accordance with Boeing Alert Service Bulletin 757–32A0135, dated June 8, 2000 * * *'' from Note 3 of the proposed rule to avoid confusion, since the referenced service bulletin does not specify any additional actions beyond the current overhaul procedures.

We do not concur. As stated in issue 2. above, Note 3 gives operators credit for overhaul of the MLG truck beam prior to the effective date of the AD, in accordance with the original service bulletin. The actions required by this AD must be performed in accordance with FAA-approved procedures and the referenced service bulletin contains such procedures. We cannot leave the note open so that the operator can use any procedure they might have available because not all maintenance procedures are FAA-approved.

4. Give credit for paragraph (b) of the proposed rule, within the referenced compliance time, if an airplane within Group 1 has an MLG assembly replaced with either a new MLG assembly or an overhauled MLG assembly incorporating a new MLG truck beam.

We concur that if an airplane within Group 1 has a MLG assembly replaced with either a new MLG assembly or an overhauled MLG assembly incorporating a new MLG truck beam, that airplane is in compliance with this AD. As stated in our response to issue 1. above, the term ''MLG'' has been changed throughout the final rule to the term ''MLG truck beam,'' which clarifies this information.

Extend Compliance Times

One commenter asks that the repetitive interval for the clearing procedure of the aft drain hole, as specified in paragraph (a) of the proposed rule, be changed from 6 months to 18 months, even if the drain hole is found clogged. The commenter states that unless there is conclusive evidence that it is more likely that a blocked drain hole that is cleared will be more likely to block again, this requirement cannot be justified and should be reviewed.

We do not concur. If the clogging of the drain passage was caused by incorrect application of corrosion inhibiting compound, the clogging is

likely to reoccur sooner than for a drain passage that is not blocked. The repetitive interval for the clearing procedure for an aft drain hole that is found clogged will remain at every 6 months.

A second commenter asks that the compliance time specified in paragraph (b) of the proposed rule be extended. The commenter states that it is presently operating under an approved 24-month ''C'' check (heavy maintenance) program. The proposed rule specifies a compliance period of 6 months to inspect all affected MLG, if the date of manufacture is over 8 years. The commenter has 44 MLG (22 airplanes) which fall into this category and considers that compliance time to be overly aggressive. The commenter adds that the inspection is better performed in a heavy maintenance environment, and 6 months would not allow them the scheduling opportunity to perform internal inspections on all the affected MLG. The commenter also notes that, in the unlikely event that a truck assembly requires replacement, options for accomplishment of the replacement are extremely limited considering shipping, turn time, limited parts availability, and a compliance time of 6 months, to perform the internal inspections and any replacement necessary. These conditions cause an undue burden on the operators.

We do not concur. In developing an appropriate compliance time for this action, we considered not only the degree of urgency associated with addressing the subject unsafe condition, but the manufacturer's recommendation as to an appropriate compliance time, and the practical aspect of accomplishing the required inspection and corrective action within an interval of time that parallels the normal scheduled maintenance for the majority of affected operators. We have determined that within 8 years since the date of airplane delivery (for MLG truck beams that have not been overhauled), or since the date of installation of new truck beams (per response to a previous comment), or within 6 months after the effective date of this AD; whichever occurs latest, represents an appropriate compliance time allowable for the inspection and corrective action to be accomplished during scheduled maintenance intervals. But under the provisions of paragraph (c) of the final rule, we may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

A third commenter states that a time limit of 30 days for overhaul or replacement of the MLG truck beam should be allowed if any discrepancy is detected. The commenter notes that a small airline does not have the resources to perform an immediate overhaul or replacement of the affected part.

We do not concur. As stated in the proposal, there have been several reports of fracture of the MLG truck beam due to stress corrosion cracking, which can lead to fracture of the truck beam. This unsafe condition could result in either reduced controllability of the airplane or a fire. In consideration of the end-level effect of the unsafe condition on the airplane, if not immediately addressed, the FAA has determined that the compliance time of prior to further flight for overhaul or replacement of the truck beam if any discrepancy is detected, as specified in paragraph (b) of the final rule, must remain. This compliance time is necessary to maintain an adequate level of safety within the transport airplane fleet.

Revise Applicability

One commenter asks that the applicability of the proposed rule be revised to specify the truck beam part number and serial number, instead of the airplane serial number. The commenter states that the only link between the components and the airplane that are affected by the proposal is the configuration of the airplane at delivery. The commenter adds that identification by the part number and serial number will eliminate the possibility that unsafe truck beams will not be included in the applicability of the rule.

We do not concur. The applicability of this AD identifies Model 757–200 and –300 series airplanes, as listed in the referenced service bulletins, which specify the airplane line numbers. The manufacturer has verified that the truck beams specified in this AD are installed on airplanes listed in the effectivity section of Revision 1 of the service bulletins, so no change to the applicability of this AD is necessary in this regard.

Clarify Terminating Action

Two commenters ask for the following changes:

One commenter asks that the installation of new or overhauled truck beams terminate the repetitive clearing of the drain hole specified in paragraph (a) of the proposed rule. The commenter states that the manufacturer considers overhaul of the truck beams to be sufficient for termination of the repetitive clearing procedures specified in the service bulletin. The commenter adds that while the requirements of an AD are binding, and the statements in a service bulletin are merely recommendations, the FAA should consider including the content of the manufacturer's recommendation in the final rule.

The commenter also notes that this condition is a result of insufficient corrosion protection, which is due to improper plating of the parts during manufacture and/or improper application of primer, grease, or corrosion-preventive compounds during assembly. The potential for a corrosion problem on the truck beams that were improperly manufactured is increased as a result of the fact that the improperly applied grease or corrosion-preventive compounds may block the drain hole. But the commenter adds that the manufacturer and the suppliers have improved their processes and the unsafe condition has been eliminated in later deliveries, as indicated by the fact that the service bulletins referenced in the proposed rule are applicable to airplanes having line numbers 1 through 874 only.

The FAA agrees that clarification is necessary. The current CMM referenced in the service bulletins contains an error that specifies the application of too much corrosion inhibiting compound on the interior of the MLG truck beam. If the CMM is used to apply the corrosion inhibiting compound, the unsafe condition may still exist on later deliveries of Model 757–200 and –300 series airplanes.

Another commenter asks that the FAA determine whether operators with truck beams that were overhauled and installed prior to the effective date of the proposed rule should do the repetitive drain hole clearing and detailed internal inspection per the proposed rule. A second commenter asks if the overhaul or replacement of the truck beams is terminating action for the repetitive clearing procedures of the aft drain hole, or if it is corrective action as specified in paragraph (b) of the proposed rule.

We do not concur. For airplanes with truck beams that were overhauled and installed prior to the effective date of the final rule, as well as all other affected airplanes, the repetitive drain hole clearing and detailed internal inspection procedures must continue to be done indefinitely. The corrective action of either applying corrosion preventive compound, or overhaul or replacement of the truck beam, does not terminate the repetitive clearing procedures of the aft drain hole.

Reference Maintenance Planning Document (MPD)

One commenter requests that the repetitive clearing procedure of the aft drain hole be addressed by an MPD revision because Boeing Service Letter 757–SL–32–060, dated March 31, 1999, specifies the possible addition of the clearing instructions for the drain hole to the MPD. The commenter notes that once the corrective actions have been accomplished per the service bulletins, the unsafe condition in the proposed rule is eliminated. The commenter adds that any further maintenance after the initial clearing of the drain hole should be limited to the procedures contained in the MPD, as the requirements in that document should be adequate to maintain all airplane systems.

We do not concur. The repetitive clearing procedures of the aft drain hole are not specified in the MPD, so further maintenance cannot be done per that document.

Conclusion

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

Cost Impact

There are approximately 874 airplanes of the affected design in the worldwide fleet. The FAA estimates that 350 Model 757–200 series airplanes of U.S. registry will be affected by this AD.

It will take approximately 1 work hour per airplane to accomplish the inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspections required by this AD on U.S. operators is estimated to be $21,000, or $60 per airplane, per inspection cycle.

For Group 1 airplanes, as listed in Boeing Alert Service Bulletin 757–32A0135: It will take approximately 28 work hours per airplane to accomplish the internal inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection required by this AD is estimated to be $1,680 per airplane.

The cost impact figures discussed above are 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.

Currently, there are no Model 757–300 series airplanes on the U.S. Register. But should an affected airplane be imported and placed on the U.S. Register in the future, it will require approximately 1 work hour to accomplish the inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this inspection will be $60 per airplane, per inspection cycle.

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:

2001–09–01 Boeing: Amendment 39–12206. Docket 99–NM–124–AD.

Applicability: Model 757–200 series airplanes as listed in Boeing Alert Service Bulletin 757–32A0135, Revision 1; and Model 757–300 series airplanes as listed in Boeing Alert Service Bulletin 757–32A0138, Revision 1; both dated November 30, 2000; 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 (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent stress corrosion cracking, leading to fracture of a main landing gear (MLG) truck beam during ground operations, which could result in either reduced controllability of the airplane or a fire, accomplish the following:

Repetitive Clearing Procedure

(a) Within 4 years since the last overhaul of the MLG truck beam, since the date of airplane delivery (for MLG truck beams that have not been overhauled), or since the date of installation of new truck beams; or within 90 days after the effective date of this AD; whichever occurs latest: Insert a wooden probe, or similar non-metallic object, into the aft drain hole of the MLG truck beam, to clear the drain passage and ensure it can properly drain, in accordance with Boeing Alert Service Bulletin 757–32A0135, Revision 1 (for Model 757–200 series airplanes), or 757–32A0138, Revision 1 (for Model 757–300 series airplanes), both dated November 30, 2000, as applicable.

(1) If the aft drain hole is found unclogged, repeat the clearing procedure thereafter at intervals not to exceed 18 months.

(2) If the aft drain hole is found clogged, repeat the clearing procedure thereafter at intervals not to exceed 6 months.

Note 2: Accomplishment of the clearance of the drain passage prior to the effective date of this AD in accordance with Boeing Service Letter 757–SL–32–060, dated March 31, 1999; Boeing Alert Service Bulletin 757–32A0135 (for Model 757–200 series airplanes), or 757–32A0138 (for Model 757–300 series airplanes), both dated June 8, 2000; as applicable; is considered acceptable for compliance with the requirements specified in paragraph (a) of this AD.

Internal Inspection

(b) For Group 1 airplanes as listed in Boeing Alert Service Bulletin 757–32A0135, Revision 1, dated November 30, 2000: Within 8 years since the date of airplane delivery (for MLG truck beams that have not been overhauled), or since the date of installation of new truck beams; or within 6 months after the effective date of this AD; whichever occurs latest: Perform an internal inspection of the truck beam protective finish (plating and primer) to detect discrepancies (flaked, cracked, missing finish, or corrosion), as illustrated in Figure 2 of the alert service bulletin.

Corrective Action

(1) If no discrepancy is detected, prior to further flight, apply corrosion preventive compound in accordance with the Accomplishment Instructions of the alert service bulletin.

(2) If any discrepancy is detected, prior to further flight, overhaul or replace the truck beam, as applicable, in accordance with the Accomplishment Instructions of the alert service bulletin.

Note 3: Accomplishment of the internal inspection and overhaul of the MLG truck beam, as applicable, prior to the effective date of this AD, in accordance with Boeing Alert Service Bulletin 757–32A0135, dated June 8, 2000, is considered acceptable for compliance with the requirements specified in paragraph (b) of this AD.

Alternative Methods of Compliance

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

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

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

Incorporation by Reference

(e) The actions shall be done in accordance with Boeing Alert Service Bulletin 757–32A0135, Revision 1, dated November 30, 2000; or Boeing Alert Service Bulletin 757–32A0138, Revision 1, dated November 30, 2000; 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. 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.

Effective Date

(f) This amendment becomes effective on June 6, 2001.

Issued in Renton, Washington, on April 20, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10466 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–200–AD; Amendment 39–12208; AD 2001–09–03]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Model A330 series airplanes. This action requires repetitive inspections of the spars, rib, and stringers in the vertical stabilizer spar box for failure of the bonds to the skin, and repair, if necessary. It also requires modification of the vertical stabilizer spar box by installation of fasteners to reinforce the bonds to the skin, which terminates the repetitive inspections. This action is prompted by issuance of mandatory continuing airworthiness information. This action is necessary to prevent failure of the bonds of the vertical stabilizer spar box to the skin, which could lead to reduced structural integrity of the spar box. It is intended to address the identified unsafe condition.

DATES: Effective May 17, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 17, 2001.

Comments for inclusion in the Rules Docket must be received on or before June 1, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket Number 2000–NM–200–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9–anm–iarcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–200–AD in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

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

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

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A330 series airplanes. The DGAC advises that there have been findings of localized failure of bonding of the spars, rib, and stringers to the skin on several vertical stabilizer spar boxes. This failure results from contamination of the bonding surface during the production process. This condition, if not corrected, could result in failure of the bonds of the vertical stabilizer spar box to the skin, which could lead to reduced structural integrity of the spar box.

Explanation of Relevant Service Information

Airbus has issued two service bulletins pertinent to this unsafe condition. Airbus Service Bulletin A330–55A3025, Revision 01, dated September 15, 2000, describes procedures for initial and repetitive ultrasonic inspections of the spars, rib, and stringers of the vertical stabilizer spar box for failure of the bonds to the skin; and for repair of localized areas of this debonding.

Airbus Service Bulletin A330–55A3026, dated June 23, 2000, describes procedures for installation of fasteners

to reinforce those areas which are susceptible to failure of the bond between the spars, rib, and stringers of the vertical stabilizer spar box and the skin. Accomplishment of the installation eliminates the need for the repetitive inspections.

Accomplishment of the actions specified in these service bulletins is intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 2000–427–126(B), dated October 4, 2000, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

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

Explanation of Requirements of the Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design that may be registered in the United States at some time in the future, this AD is being issued to prevent failure of the bonds of the vertical stabilizer spar box to the skin, resulting in reduced structural integrity of the spar box. This AD requires accomplishment of the actions specified in the service bulletins described previously.

Cost Impact

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

Should an affected airplane be imported and placed on the U.S. Register in the future, it would take approximately 2 to 70 work hours per airplane, depending on its serial number, to accomplish the required inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection is estimated to be between $120 and $4,200 per airplane, per inspection cycle.

In addition, it would take approximately 20 to 822 work hours per airplane, depending on its serial number, to accomplish the required terminating action at an average labor rate of $60 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the terminating action is estimated to be between $1,200 to $49,320 per airplane.

Determination of Rule's Effective Date

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

Comments Invited

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

Submit comments using the following format:

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

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

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

Regulatory Impact

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action, and it 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.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2001–09–03 Airbus Industrie: Amendment 39–12208. Docket 2000–NM–200–AD.

Applicability: Model A330 series airplanes, certificated in any category; with serial numbers as listed in Airbus Service Bulletin A330–55A3026, dated June 23, 2000, or A330–55A3025, Revision 01, dated September 15, 2000.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the bonds of the spars, the rib, and the stringers of the vertical stabilizer spar box to the skin, which could lead to reduction in the structural integrity of the spar box, accomplish the following:

Inspections

(a) Within 650 flight cycles from the previous inspection performed prior to the effective date of this AD, in accordance with Airbus All Operators Telex (AOT) A330–55A3025, dated April 19, 2000, or 60 days after the effective date of this AD, whichever occurs later: Perform an ultrasonic inspection of the spars, the rib, and the stringers of the vertical stabilizer spar box for failure of the bonds to the skin, in accordance with Airbus Service Bulletin A330–55A3025, Revision 01, dated September 15, 2000. Repeat the ultrasonic inspection at intervals not to exceed 650 flight cycles until the accomplishment of paragraph (c) of this AD.

Note 2: The ultrasonic inspection need not include those areas of the spars, the rib, and the stringers of the vertical stabilizer spar box which have previously been repaired or modified.

Repairs

(b) Perform applicable repairs, as shown in Table 1, as follows:

TABLE 1.—REPAIRS

If, during any inspection required by paragraph (a)—	Then—
(1) No failure of the bonds is detected.	No repair is required.
(2) A single area of failed bonding is detected, and it is smaller than 300 mm^2.	No repair is required.
(3) A single area of failed bonding is detected, and it is at least 300 mm^2 but less than 2,000 mm^2.	Prior to further flight, perform a local repair per Airbus Service Bulletin A330–55A3025, Revision 01, dated September 15, 2000.
(4) A single area of failed bonding is detected, and it is at least 2,000 mm^2, or multiple areas of failed bonding are detected at one specific component.	Prior to further flight, perform a repair per Airbus Service Bulletin A330–55A3025, Revision 01, dated September 15, 2000.

Terminating Action

(c) Within 5 years of the date of manufacture of the airplane: Install fasteners to the spars, the rib, and the stringers of the vertical stabilizer spar box, in accordance with Airbus Service Bulletin A330–55A3026, dated June 23, 2000. Accomplishment of the installation terminates the repetitive inspection required by paragraph (a) of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(f) The actions shall be done in accordance with Airbus Service Bulletin A330–55A3025, Revision 01, dated September 15, 2000, and Airbus Service Bulletin A330–55A3026, dated June 23, 2000; 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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in French airworthiness directive 2000–427–126(B), dated October 4, 2000.

Effective Date

(g) This amendment becomes effective on May 17, 2001.

Issued in Renton, Washington, on April 20, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10464 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Monensin, Sulfadimethoxine, and Ormetoprim; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is updating the animal drug regulations for medicated feeds to correctly reflect previously approved assay limits for Type A medicated articles containing monensin, or sulfadimethoxine and ormetoprim in combination. This action is being taken to improve the accuracy of the agency's regulations.

DATES: This rule is effective May 2, 2001.

FOR FURTHER INFORMATION CONTACT: Mary G. Leadbetter, Center for Veterinary Medicine (HFV–143), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–6964.

SUPPLEMENTARY INFORMATION: FDA has found that the April 1, 2000, edition of Title 21, Parts 500 to 599 of the Code of Federal Regulations (CFR) does not reflect revised assay limits for Type A medicated articles containing monensin, or sulfadimethoxine and ormetoprim in combination, that were approved in the new animal drug applications for these drugs. At this time, FDA is amending the regulations to correct these errors in 21 CFR 558.4.

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

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

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

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

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

§ 558.4 [Amended]

2. Section 558.4 *Requirement of a medicated feed mill license* is amended in paragraph (d) in the ''Category I'' table in the entry for ''Monensin'' in the ''Assay limits percent type A'' column by removing ''90–110'' and adding in its place ''85–115''; and in the ''Category II'' table in both paired entries for ''Sulfadimethoxine'' and ''Ormetoprim'' in the ''Assay limits percent type A'' column by removing ''95–115'' and in its place adding ''90–110''.

Dated: April 20, 2001.

Claire M. Lathers,

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

[FR Doc. 01–10874 Filed 5–1–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–01–056]

Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY.

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge regulations which govern the operation of the Atlantic Beach Bridge, at mile 0.4, across the Reynolds Channel in New York. This deviation from the regulations allows the bridge owner to need not open the bridge for the passage of vessel traffic from 8 a.m., on May 15, 2001 through 8 a.m., on May 17, 2001. This action is necessary to facilitate necessary maintenance at the bridge. Vessels that can pass under the bridge without an opening may do so at all times.

DATES: This deviation is effective from May 15, 2001 through May 17, 2001.

FOR FURTHER INFORMATION CONTACT: Joe Schmied, Project Officer, First Coast Guard District, at (212) 668–7165.

SUPPLEMENTARY INFORMATION:

The Atlantic Beach Bridge, mile 0.4, across the Reynolds Channel has a vertical clearance of 25 feet at mean high water, and 30 feet at mean low water in the closed position. The existing operating regulations are listed at 33 CFR 117.799(e).

The bridge owner, the Nassau County Bridge Authority, requested a temporary deviation from the operating regulations to facilitate replacement of the power operating controls at the bridge.

This deviation to the operating regulations will allow the owner of the Atlantic Beach Bridge to need not open the bridge for the passage of vessel traffic from 8 a.m., on May 15, 2001 through 8 a.m., on May 17, 2001. Vessels that can pass under the bridge without an opening may do so at all times.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: April 19, 2001.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 01–10969 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

United States Coast Guard

33 CFR Part 164

[USCG–2000–8300]

RIN 2115–AG03

Exemption of Public Vessels Equipped with Electronic Charting and Navigation Systems From Paper Chart Requirements

AGENCY: United States Coast Guard, DOT.

ACTION: Direct final rule.

SUMMARY: The Coast Guard amends its regulations to exclude public vessels owned, leased, or operated by the U.S. Government from certain requirements for navigational charts and publications. The amendments allow public vessels to use electronic charting and navigation systems providing reliable navigation information displays. Amending these regulations provides a platform for the Coast Guard to acquire more information and evaluate these systems as alternatives leading towards the goal of a fully integrated electronic charting and navigation technology into the commercial sector. The Coast Guard is currently preparing an Advanced Notice of Proposed Rulemaking to amend the same regulations allowing commercial vessels to use electronic charting systems.

DATES: This rule is effective July 31, 2001, unless a written adverse comment, or written notice of intent to submit an adverse comment, reaches the Docket Management Facility on or before July 2, 2001. If an adverse comment, or notice of intent to submit an adverse comment, is received, the Coast Guard will withdraw this direct final rule and publish a timely notice of withdrawal in the **Federal Register**.

ADDRESSES: You may mail your comments to the Docket Management Facility, (USCG–2000–8300) U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington DC 20590–0001, or deliver them to room PL–401 on the Plaza level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and documents, as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions regarding this rule, contact David Beach, Office of Vessel Traffic Management, Coast Guard, telephone 202–267–6623. For questions on viewing, or submitting material to, the docket, contact Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking [USCG 2000–8300] and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing to the Docket Management Facility at the address under **ADDRESSES**. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail and would like to know they were received, please enclose a stamped, self-addressed postcard or envelope. The Coast Guard will consider all comments and material received during the comment period.

Regulatory Information

The Coast Guard is publishing a direct final rule, the procedures for which appear in 33 CFR 1.05–55, because it anticipates no adverse comment. If no adverse comment or written notice of intent to submit an adverse comment is received within the specified comment period, this rule will become effective as stated in the **DATES** section. In that case, approximately 30 days before the effective date, the Coast Guard will publish a document in the **Federal Register** stating that no adverse comment was received and confirming that this rule will become effective as scheduled. However, if the Coast Guard receives a written adverse comment or written notice of intent to submit an adverse comment, it will publish a document in the **Federal Register** announcing withdrawal of all or part of this direct final rule. If an adverse comment applies to only part of this rule and it is possible to remove that part without defeating the purpose of this rule, the Coast Guard may adopt as final those parts of this rule on which no adverse comment was received. The part of this rule that was the subject of an adverse comment will be withdrawn. If the Coast Guard decides to proceed with a rulemaking following receipt of an adverse comment, the Coast Guard will publish a separate Notice of Proposed Rulemaking (NPRM) and provide a new opportunity for comment.

A comment is considered ''adverse'' if the comment explains why this rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or why it would be ineffective or unacceptable without a change. The Coast Guard is also, at present, drafting a similar advanced notice of proposed rulemaking to allow commercial vessels to use electronic navigation systems. We encourage public participation when that rulemaking is published in the near future.

Background and Purpose

This rulemaking would exclude public vessels from the chart and publication requirements in 33 CFR 164.11, 33 CFR 164.30, and 33 CFR 164.33. This exclusion would only apply to public vessels equipped with an electronic charting and navigation system that meets the standards approved by the Federal agency exercising operational control of the vessel.

The United States based the navigation and safety regulations found in Title 33 Code of Federal Regulations on Chapter 5 of the International Convention for Safety of Life at Sea (SOLAS). SOLAS exempts ships of war from its safety of navigation provisions. Nevertheless, at the time the Coast Guard drafted the existing navigation safety regulations, exemptions for U.S. warships or other vessels being utilized in exclusive, noncommercial government service were not addressed. Further chart carriage requirements were not considered because electronic charting did not exist and no alternatives to paper documents were contemplated.

The intent of the rule is to enable Federal agencies to utilize electronic charting and navigation systems as an alternative to requiring paper nautical charts and publications, when the public vessel is equipped with an electronic system and backup.

The Coast Guard realizes that electronic charting and navigation systems are increasingly predominant in the maritime industry. As a result, commercial shipping industries have expressed their desire to incorporate this new technology into their operations.

Today, commercial shipping companies that wish to use an electronic charting and navigation system as their primary means of navigation on international voyages must meet an International Maritime Organization (IMO) standard. The term ''ECDIS'' (Electronic Chart Display and Information System) describes the IMO compliant system which specifies technical system requirements including the use of S–57 Vector format ENC (Electronic Navigation Chart) chart data produced under the authority of a government hydrographic office.

Currently, the Coast Guard, the National Oceanographic and Atmospheric Agency (NOAA) and the National Imagery and Mapping Agency (NIMA) are working together to develop electronic chart portfolios and evaluate how these charts interrelate with commercially available electronic charting and navigation systems. The Coast Guard is also evaluating commercially available electronic charting and navigation systems with the expectation that it may assist in establishing interim regulatory standards for electronic charting pending the wider availability of IMO and International Hydrographic Organization (IHO) compliant electronic charts. This rule allows the Coast Guard to gather and analyze operational data related to using these systems as installed on a variety of vessels.

The Coast Guard realizes the expense that commercial shipping companies will incur in attempting to meet the IMO ECDIS standard. Our evaluation is an attempt to afford the commercial industries a provisional measure that may allow marine industries to use current electronic charting and navigation systems with the intention that commercial and public vessels eventually meet the IMO ECDIS standard.

Public vessel operations already include the additional precautions necessary to ensure the safety of navigation during these evaluations and trials (i.e. navigation standards, greater available vessel manning and navigation details set when public vessels enter ports). The Coast Guard will also use the lessons learned, findings, and other experiences acquired through our evaluation of electronic charting and navigation systems to develop the regulation allowing the use of an electronic charting and navigation system by commercial vessels.

The Coast Guard is taking a leadership position with assisting commercial shippers in exploring the use of electronic charting and navigation systems as their primary means of navigation in U.S. waters. The information we acquire from use of such systems on public vessels will support the goal of fully integrated electronic charting and navigation technology into the commercial shipping sector.

Discussion of Rule

At present, sections 33 CFR 164.11 entitled ''Navigation under way; General'', 33 CFR 164.30 entitled ''Charts, Publications, and Equipment, General'', and 33 CFR 164.33 entitled ''Charts and Publications'' require that all vessels have printed marine charts that are published by National Ocean Service, the U.S. Army Corps of Engineers, or a river authority, and plot each fix on those charts. The charts must be currently corrected at a large enough scale, and have enough detail to make safe navigation of the area possible. This proposed rule would amend the ''Applicability'' section (33 CFR 164.01) to offer an alternative to certain U.S. public vessels from the printed nautical charts and publications requirement. The alternative means of compliance would only apply to vessels using an electronic charting and navigation system, which is approved by the Federal agency exercising operational control of the vessel.

Regulatory Evaluation

This direct final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The rule has not been reviewed by the Office of Management and Budget under this Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040; February 26, l979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

This direct final rule would exclude public vessels from certain requirements for paper navigational charts and publications that are found in 33 CFR Part 164 (Sections 164.11, 164.30, and 164.33). Agencies will be allowed the flexibility of using either electronic charts or the currently required paper charts. Consequently, this rule would not impose any mandatory costs on the agencies it involves.

This direct final rule would apply to warships and other vessels owned or operated by the United States Government and used only in government noncommercial service when equipped with an approved electronic system.

The Coast Guard does not expect using electronic charts and navigation systems in place of paper charts to adversely impact maritime safety.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this rule will have a significant economic impact on 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 expects that this rule would have a minimal economic impact on small entities. The Coast Guard does not believe that vessels affected by this rule are owned or operated by small entities, but by the federal government. In addition, the acceptable paper charts currently authorized are not printed or produced by small entities. Therefore, the Coast Guard believes that few, if any, small entities would be affected either directly or indirectly by this rule.

Therefore, 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. Comments submitted in response to this finding will be evaluated under the criteria in the ''Regulatory Information'' section of this preamble.

Collection of Information

This rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 13132, and has determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment. This rulemaking only applies to Federal Government owned or operated public vessels. Therefore, since States may not regulate such vessels, a Federal Assessment is unnecessary.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34)(d) of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. The Coast Guard believes this rule would have no significant effect on the environment or any effect on regulations involving the environment. The Coast Guard does recognize this rule may even have a positive effect on the environment by minimizing the risk of environmental harm resulting from vessel groundings. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 164

Marine safety, Navigation.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 164 as follows:

PART 164—NAVIGATION SAFETY REGULATIONS

1. The Authority citation for part 164 continues to read as follows:

Authority: 33 U.S.C. 1223, 1231; 46 U.S.C. 2103, 3703; 49 CFR 1.46. Sec. 164.13 also issued under 46 U.S.C. 8502. Sec. 164.61 also issued under 46 U.S.C. 6101.

2. In § 164.01, revise paragraph (a), and add paragraph (c) to read as follows:

§ 164.01 Applicability.

(a) This part (except as specifically limited by this section) applies to each self-propelled vessel of 1600 or more gross tons (except as provided in paragraph (c) of this section, or for foreign vessels described in § 164.02) when it is operating in the navigable waters of the United States except the St. Lawrence Seaway.

(b) * * *

(c) Provisions of §§ 164.11(a)(2) and (c), 164.30, and 164.33 do not apply to warships or other vessels owned, leased, or operated by the United States Government and used only in government noncommercial service when these vessels are equipped with electronic navigation systems that have met the applicable agency regulations regarding navigation safety.

Dated: January 19, 2001.

R.C. North,

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

[FR Doc. 01–10834 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Diego 01–006]

RIN 2115–AA97

Security Zone; San Diego Bay

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone

in the navigable waters of San Diego Bay, San Diego, CA. There were previously only two aircraft carriers home-ported at Naval Air Station North Island; however, a third aircraft carrier has been designated to homeport at Naval Air Station North Island. The establishment of this temporary security zone is needed to ensure the physical protection of this third aircraft carrier at Naval Air Station North Island.

DATES: This temporary regulation is effective May 2, 2001 through October 29, 2001.

ADDRESSES: Coast Guard Marine Safety Office, 2716 North Harbor Drive, San Diego, CA, 92101–1064, (619) 683–6495.

FOR FURTHER INFORMATION CONTACT: Lieutenant Kathleen Garza, USCG, c/o U.S. Coast Guard Captain of the Port, telephone (619) 683–6495.

SUPPLEMENTARY INFORMATION:

Regulatory Information

A supplemental notice of proposed rulemaking (SNPRM) for a permanent rulemaking of this regulation is in process. However, under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for making this regulation effective immediately. Publishing a NPRM and delaying the effective date would be contrary to the interest of national security. Due to the recent terrorist attack on a U.S. Navy vessel, the Navy has a heightened level of concern with regards to all its vessels and their crews. As a result, the Navy has determined a need for increased security measures for their vessels and crewmembers while berthed at U.S. Naval Air Station North Island. To accomplish this goal, a temporary security zone is needed to protect vessels while they are berthed at U.S. Naval Air Station North Island. Due to the need to protect these vessels and their crews, delaying the effective date would be contrary to national security. At the same time, we are inviting public comments on the security zone via the publication of a SNPRM. This temporary regulation will be removed once comments on the SNPRM are analyzed and a Final Rule is published.

Background and Purpose

The Coast Guard is establishing the temporary security zone, to accommodate the home-porting of a new aircraft carrier at Naval Air Station North Island. There were previously only two aircraft carriers home-ported at Naval Air Station North Island; however, a third aircraft carrier has been designated to homeport at Naval Air Station North Island.

The establishment of this temporary security zone is needed to accommodate the home-porting of this third aircraft carrier. The modification and expansion of this security zone will prevent recreational and commercial craft from interfering with military operations involving all naval vessels home-ported at Naval Air Station, North Island, and it will protect transiting recreational and commercial vessels, and their respective crews, from the navigational hazards posed by such military operations. In addition, the Navy has been reviewing all aspects of its anti-terrorism and force protection posture in response to the attack on the USS COLE. The establishment of this temporary security zone will safeguard vessels and waterside facilities from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature. Entry into, transit through, or anchoring within this security zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Air Force, U.S. Pacific Fleet, the Commander, Naval Base San Diego, or the Commanding Officer, Naval Air Station North Island.

Vessels or persons violating this section would be subject to the penalties set forth in 50 U.S.C. 192 and 18 U.S.C. 3571: seizure and forfeiture of the vessel, a monetary penalty of not more than $250,000, and imprisonment for not more than 10 years.

The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

Regulatory Evaluation

This temporary regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This regulation will have minimal additional impact on vessel traffic because it is only a slight modification and expansion of the existing security zone codified at 33 CFR 165.1105.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this temporary rule would not have a significant economic impact on a substantial number of small entities because vessel traffic would be allowed to pass through the zone with the permission 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 may better evaluate its effects on them and participate in the rulemaking process.

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 temporary regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Federalism

The Coast Guard has analyzed this temporary regulation under Executive Order 13132 and determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial 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.

Environment

The Coast Guard has considered the environmental impact of this temporary regulation and concluded that, under Figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.1C, it will have no significant environmental impact and it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist will be available for inspection and copying in the docket to be maintained at the address listed in **ADDRESSES.**

List of Subjects in 33 CFR Part 165

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

Regulation

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

1. The authority citation for 33 CFR 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, and 160.5; 49 CFR 1.46.

2. A new section 165.T11–038 is added to read as follows:

§ 165.T11–038 Security Zone: San Diego Bay, CA.

(a) Location. The following area is a security zone: on the waters along the northern shoreline of Naval Air Station North Island, the area enclosed by the following points: Beginning at 32°42′53.0″ N, 117°11′45.0″ W (Point A); thence running northerly to 32°42′55.5″ N, 117°11′45.0″ W (Point B); thence running easterly to 32°42′55.5″ N, 117°11′30.5″ W (Point C); thence running southeasterly to 32°42′40.0″ N, 117°11′06.5″ W (Point D); thence running southerly to 32°42′37.5″ N, 117° 11′07.0″ W (Point E); thence running southerly to 32°42′28.5″ N, 117°11′11.0″ W (Point F); thence running southeasterly to 32°42′22.0″ N, 117°10′48.0″ W (Point G); thence running southerly to 32°42′13.0″ N, 117°10′51.0″ W (Point H); thence running generally northwesterly along the shoreline of Naval Air Station North Island to the place of beginning.

(b) Effective Dates. This temporary regulation is effective May 2, 2001 through October 29, 2001.

(c) Regulations. In accordance with the general regulations in section 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port or the Commanding Officer, Naval Base, San Diego.

(d) The U.S. Navy may assist the U.S. Coast Guard in the patrol and enforcement of this security zone.

Dated: April 6, 2001.

S.P. Metruck,

Commmander, U.S. Coast Guard Captain of the Port, San Diego.

[FR Doc. 01–10715 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Diego 01–007]

RIN 2115–AA97

Security Zone; San Diego Bay

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone around the Naval Amphibious Base, Coronado, California, at the request of the U.S. Navy. This security zone will be established inside an already existing restricted area defined by the U.S. Navy maintained buoys. The establishment of this security zone is needed to ensure the physical protection of naval vessels and its activities at Naval Base, Coronado.

DATES: This temporary regulation is effective May 2, 2001 through October 29, 2001.

ADDRESSES: U.S. Coast Guard Marine Safety Office, 2716 North Harbor Drive, San Diego, CA 92101–1064, (619) 683–6495.

FOR FURTHER INFORMATION CONTACT: Lieutenant Kathleen Garza, USCG, c/o U.S. Coast Guard Captain of the Port, telephone (619) 683–6495.

SUPPLEMENTARY INFORMATION:

Regulatory Information

A notice of proposed rulemaking (NPRM) for a permanent rulemaking of this regulation will be published soon. However, under 5 U.S.C. 553(b)(B), the Coast Guard finds good cause exists for making this temporary regulation effective immediately. Publishing a NPRM and delaying the effective date would be contrary to the interest of national security. Due to the recent terrorist attack on a U.S. Navy vessel, the Navy has a heightened level of concern with regards to all its vessels and their crews. As a result, the Navy has determined a need for increased security measures for their vessels and crewmembers while berthed at Naval Amphibious Base Coronado, Coronado, CA. To accomplish this goal, a temporary security zone is needed to protect vessels while they are berthed at Naval Amphibious Base, Coronado. Due to the need to protect these vessels and their crews, delaying the effective date would be contrary to national security. At the same time, we will invite public comment on the security zone via the publication of an NPRM. This temporary regulation will be removed once comments on the NPRM are analyzed and a Final Rule is published.

Background and Purpose

The Coast Guard is establishing a temporary security zone around the Naval Amphibious Base, Coronado, California, at the request of the U.S. Navy. The security zone will consist of the waters of San Diego Bay around the perimeter of the Naval Amphibious Base, extending approximately 100 yards out. Currently, there is a restricted area around the Naval Amphibious Base, which is located at 33 CFR section 334.860. The Navy believes that this

restricted area, by itself, is insufficient to adequately safeguard its vessels and the military operations involving the base. The Navy has been reviewing all aspects of its anti-terrorism and force protection posture in response to the attack on the USS COLE. The creation of this security zone will safeguard vessels moored at the Naval Amphibious Base and waterside facilities from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature. The creation of this security zone will also prevent recreational and commercial craft from interfering with military operations involving naval vessels and it will protect transiting recreational and commercial vessels, and their respective crews, from the navigational hazards posed by such military operations. Entry into, transit through, or anchoring within this security zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Base San Diego, or the Commanding Officer, Naval Station, San Diego.

Vessels or persons violating this section would be subject to the penalties set forth in 50 U.S.C. 192 and 18 U.S.C. 3571: seizure and forfeiture of the vessel, a monetary penalty of not more than $250,000, and imprisonment for not more than 10 years.

The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

Regulatory Evaluation

This temporary regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This regulation will have minimal additional impact on vessel traffic because the security zone is located inside an already existing restricted area defined by U.S. Navy maintained buoys and codified at 33 CFR § 334.860.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities because vessel traffic would be allowed to pass through the zone with the permission 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 may better evaluate its effects on them and participate in the rulemaking process.

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 regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Federalism

The Coast Guard has analyzed this temporary regulation under Executive Order 13132 and has determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial 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.

Environment

The Coast Guard has considered the environmental impact of this temporary regulation and concluded that, under Figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.1C, it will have no significant environmental impact and it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist will be available for inspection and copying in the docket to be maintained at the address listed in **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping 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 33 CFR 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, and 160.5; 49 CFR 1.46.

2. A new section 165T11–035 is added to read as follows:

§ 165.T11–035 Security Zone: San Diego, CA.

(a) Location. The following area is a security zone: the waters of San Diego Bay, inside the United States Navy maintained buoys around Naval Amphibious Base Coronado to the pierline 100 yards out, enclosed by lines connecting the following points: Beginning at 32°40′30.0″ N, 117°10′03.0″ W (Point A); thence running northeasterly to 32°40′54.0″ N, 117°09′35.5″ W (Point B); thence running northeasterly to 32°40′55.0″ N, 117°09′27.0″ W (Point C); thence running southeasterly to 32°40′43.0″ N, 117°09′09.0″ W (Point D); thence running southerly to 32°40′39.0″ N, 117°09′08.0″ W (Point E); thence running southwesterly to 32°40′30.0″ N, 117°09′12.9″ W (Point F); thence running a short distance to 32°40′29.0″ N, 117°09′14.0″ W (Point G); thence running southwesterly to 32°40′26.0″ N, 117°09′17.0″ W (Point H); thence running northwesterly to the shoreline to 32°40′31.0″ N, 117°09′22.5″ W (Point I).

(b) Effective Date. This temporary regulation is effective May 2, 2001 through October 29, 2001.

(c) Regulation. In accordance with the general regulations in section 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port or the Commanding Officer, Naval Base, San Diego.

(d) The U.S. Navy may assist the U.S. Coast Guard in the patrol and enforcement of this security zone.

Dated: April 6, 2001.

S.P. Metruck,

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

[FR Doc. 01–10714 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Diego 01–009]

RIN 2115–AA97

Security Zone; San Diego Bay

AGENCY: Coast Guard, DOT

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone around the Naval Supply Center Pier at Naval Base, San Diego, at the request of the U.S. Navy. The establishment of this security zone is needed to ensure the physical protection of naval vessels moored at the Naval Supply Center Pier.

DATES: This temporary regulation is effective May 2, 2001 through October 29, 2001.

ADDRESSES: Coast Guard Marine Safety Office, 2716 North Harbor Drive, San Diego, CA, 92101–1064, (619) 683–6495.

FOR FURTHER INFORMATION CONTACT: Lieutenant Kathleen Garza, USCG, c/o U.S. Coast Guard Captain of the Port, telephone (619) 683–6495.

SUPPLEMENTARY INFORMATION:

Regulatory Information

A notice of proposed rulemaking (NPRM) for a permanent rulemaking of this regulation will be published soon. However, under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for making this regulation effective immediately. Publishing a NPRM and delaying the effective date would be contrary to the interest of national security. Due to the recent terrorist attack on a U.S. Navy vessel, the Navy has a heightened level of concern with regards to all its vessels and their crews. As a result, the Navy has determined a need for increased security measures for their vessels and crewmembers while berthed at Naval Supply Center Pier, Naval Base, San Diego. To accomplish this goal, a temporary security zone is needed to protect vessels while they are berthed at Naval Supply Center Pier, Naval Base, San Diego. Due to the need to protect these vessels and their crews, delaying the effective date would be contrary to national security. At the same time, we will invite public comments on the security zone via the publication of a NPRM. This temporary regulation will be removed once comments on the NPRM are analyzed and a Final Rule is published.

Background and Purpose

The Coast Guard is establishing a temporary security zone around the Naval Supply Center Pier at Naval Base, San Diego. The security zone consists of the waters of San Diego Bay extending approximately 100 feet out from the north, west, and south sides of the Naval Supply Center Pier.

Currently, there is a restricted area around the Naval Supply Center Pier, 33 CFR 334.870(d). The Navy believes that this restricted area, by itself, is insufficient to adequately safeguard its vessels. The Navy has been reviewing all aspects of its anti-terrorism and force protection posture in response to the attack on the U.S.S. *Cole*. The creation of this security zone will safeguard vessels moored at the Naval Supply Center Pier and waterside facilities from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature. The creation of this security zone will also prevent recreational and commercial craft from interfering with military operations involving naval vessels and it will protect transiting recreational and commercial vessels, and their respective crews, from the navigational hazards posed by such military operations. Entry into, transit through, or anchoring within this security zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Base San Diego, or the Commanding Officer, Naval Station, San Diego.

Vessels or persons violating this section would be subject to the penalties set forth in 50 U.S.C. 192 and 18 U.S.C. 3571: seizure and forfeiture of the vessel, a monetary penalty of not more than $250,000, and imprisonment for not more than 10 years.

The U. S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U. S. Navy.

Regulatory Evaluation

This temporary regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This proposal will have minimal additional impact on vessel traffic because it is already a restricted area codified at 33 CFR 334.870(d) with existing regulations against vessel activity in the same area.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities because vessel traffic would be allowed to pass through the zone with the permission 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 may better evaluate its effects on them and participate in the rulemaking process.

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 temporary regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Federalism

The Coast Guard has analyzed this temporary regulation under Executive Order 13132 and has determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial 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.

Environment

The Coast Guard has considered the environmental impact of this temporary regulation and concluded that, under Figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.1C, it will have no significant environmental impact and it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist will be available for inspection and copying in the docket to be maintained at the address listed in **ADDRESSES.**

List of Subjects in 33 CFR Part 165

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

Regulation

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 33 CFR 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, and 160.5; 49 CFR 1.46.

2. A new section 165.T11–037 is added to read as follows:

§ 165.T11–037 Security Zone: San Diego, CA.

(a) *Location.* The following area is a security zone: the waters of San Diego Bay extending approximately 100 feet from the north, west, and south sides of the Naval Supply Center Pier enclosed by lines connecting the following points: Beginning at 32°42′50″ N, 117°10′25″ W (Point A); to 32°42′50″ N, 117°10′38″ W (Point B); to 32°42′54″ N, 117°10′38″ W (Point C); to 32°42′54″ N, 117°10′25″ W (Point D).

(b) *Effective Dates.* This temporary regulation is effective May 2, 2001 through October 29, 2001.

(c) In accordance with the general regulations in section 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port or the Commanding Officer, Naval Base, San Diego. Section 165.33 also contains other general requirements.

(d) The U.S. Navy may assist the U.S. Coast Guard in the patrol and enforcement of this security zone.

Dated: April 6, 2001.

S.P. Metruck,

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

[FR Doc. 01–10713 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Diego 01–008]

RIN 2115–AA97

Security Zone; San Diego Bay

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary security zone at Naval Base, San Diego, California, at the request of the U.S. Navy. The temporary security zone will expand across the mouth of Chollas Creek. This security zone is needed to ensure the physical protection of naval vessels moored at Naval Base, San Diego.

DATES: This temporary regulation is effective May 2, 2001 through October 29, 2001.

ADDRESSES: Coast Guard Marine Safety Office, 2716 North Harbor Drive, San Diego, CA, 92101–1064, (619) 683–6495.

FOR FURTHER INFORMATION CONTACT: Lieutenant Kathleen Garza, USCG, c/o U.S. Coast Guard Captain of the Port, telephone (619) 683–6495.

SUPPLEMENTARY INFORMATION:

Regulatory Information

A notice of proposed rulemaking (NPRM) for a permanent rulemaking of this regulation is in process. However, under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for making this regulation effective immediately. Publishing a NPRM and delaying the effective date would be contrary to the interest of national security. Due to the recent terrorist attack on a U.S. Navy vessel, the Navy has a heightened level of concern with regards to all its vessels and their crews. As a result, the Navy has determined a need for increased security measures for their vessels and crewmembers while berthed at Naval Base, San Diego. To accomplish this goal, a temporary security zone is needed to protect vessels while they are berthed at U.S. Naval Base, San Diego. Due to the need to protect these vessels and their crews, delaying the effective date would be contrary to national security. At the same time, we are inviting public comment on the security zone via the publication of an NPRM. This temporary regulation will be removed once comments to the NPRM are analyzed and a Final Rule is published.

Background and Purpose

The Coast Guard is establishing this temporary security zone, to enclose the mouth of Chollas Creek so that unauthorized vessels or persons cannot transit into Chollas Creek.

This temporary security zone is needed to ensure the physical protection of naval vessels moored in the area. This security zone will also prevent recreational and commercial craft from interfering with military operations involving all naval vessels home-ported at Naval Base, San Diego and it will protect transiting recreational and commercial vessels, and their respective crews, from the navigational hazards posed by such military operations. In addition, the Navy has been reviewing all aspects of its anti-terrorism and force protection posture in response to the attack on the USS *Cole.* The modification and expansion of this security zone will safeguard vessels and waterside facilities from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature. Entry into, transit through, or anchoring within this security zone is prohibited unless authorized by the Captain of the Port, the Commander, Naval Base San Diego, or the Commanding Officer, Naval Station, San Diego.

Vessels or persons violating this section would be subject to the penalties set forth in 50 U.S.C. 192 and 18 U.S.C. 3571: seizure and forfeiture of the vessel, a monetary penalty of not more than $250,000, and imprisonment for not more than 10 years.

The U.S. Coast Guard may be assisted in the patrol and enforcement of this security zone by the U.S. Navy.

Regulatory Evaluation

This temporary regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This regulation will have minimal additional impact on vessel traffic because it is only a slight modification and expansion of the existing security zone codified at 33 CFR 165.1102.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities because vessel traffic would be allowed to pass through the zone with the permission 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 may better evaluate its effects on them and participate in the rulemaking process.

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 temporary regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

Federalism

The Coast Guard has analyzed this temporary regulation under Executive Order 13132 and has determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments,

because it does not have a substantial 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.

Environment

The Coast Guard has considered the environmental impact of this temporary regulation and concluded that, under Figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.1C, it will have no significant environmental impact and it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist will be available for inspection and copying in the docket to be maintained at the address listed in **ADDRESSES.**

List of Subjects in 33 CFR Part 165

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

Regulation

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 33 CFR 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, and 160.5; 49 CFR 1.46.

2. Add section 165.T11–036 to read as follows:

§ 165.T11–036 Security Zone: San Diego Bay, CA.

(a) *Location.* The following area is a security zone: the water area within Naval Station, San Diego enclosed by the following points: Beginning at 32°41′16.5″ N, 117°08′01″ W (Point A); thence running southwesterly to 32°41′06″ N, 117°08′09.3″ W (Point B); thence running southeasterly along the U.S. Pierhead Line to 32°39′36.9″ N, 117°07′23.5″ W (Point C); thence running easterly to 32°39′38.5″ N, 117°07′06.5″ W (Point D); thence running generally northwesterly along the shoreline of the Naval Station to the place of beginning.

(b) *Effective Dates.* This temporary regulation is effective May 2, 2001 through October 29, 2001.

(c) *Regulations.* In accordance with the general regulations in section 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port or the Commanding Officer, Naval Base, San Diego.

(d) The U.S. Navy may assist the U.S. Coast Guard in the patrol and enforcement of this security zone.

Dated: April 6, 2001.

S.P. Metruck,

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

[FR Doc. 01–10712 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AJ99

Review of Benefit Claims Decisions

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document concerns the Department of Veterans Affairs' (VA) adjudication regulations. We are adding new provisions to allow any claimants who file a timely Notice of Disagreement to obtain a de novo review of their claims at the Veterans Service Center level before deciding whether to proceed with the traditional appeal process. This is intended to provide a more efficient means for resolving disagreements concerning claims.

DATES: *Effective Date:* June 1, 2001.

FOR FURTHER INFORMATION CONTACT: Bill Russo, Attorney-Advisor, Compensation and Pension Service, or John Bisset, Jr., Consultant, Compensation and Pension Service, Regulations Staff, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273–7210 and (202) 273–7213, respectively.

SUPPLEMENTARY INFORMATION: On February 18, 2000, VA published in the **Federal Register** (65 FR 8329–8330), a proposed rule which would establish provisions at 38 CFR 3.2600 to allow any claimants who file a timely Notice of Disagreement to obtain a de novo review (a new and complete review with no deference given to the decision being reviewed) by Veterans Service Center personnel before deciding whether to proceed with the traditional appeal process. We received written comments from American Veterans of WWII, Korea and Vietnam (AMVETS), Florida Department of Veterans' Affairs, National Organization of Veterans Advocates, Paralyzed Veterans of America, Veterans of Foreign Wars (Department of Maine), three VA employees and two concerned private individuals.

Potential Changes to the Traditional Appeal Process

We proposed to establish a new de novo review procedure that would be available to any claimant who files a Notice of Disagreement with a decision on a claim governed by 38 CFR part 3. We did not, and do not, intend the new de novo review procedure to change the procedures or rights involved with appealing such claims decisions to the Board of Veterans' Appeals. We intend it to be an additional, optional procedure to be conducted, if at all, between a claimant's filing a Notice of Disagreement and VA's issuance of a Statement of the Case. If de novo review under § 3.2600 is not requested with the Notice of Disagreement or after the Notice of Disagreement is filed but within 60 days after VA mails notice of the right of such review to the claimant, then the appeal will proceed in accordance with the traditional appeal process. However, a claimant may not pursue de novo review and the traditional appeal simultaneously. A traditional appeal is suspended until de novo review is complete. Otherwise, there would be a risk of duplicative development and inconsistent decisions made in the same claim.

Two commenters stated that the proposed regulations are unclear as to whether they change existing procedures regarding filing and processing of the Notice of Disagreement and the issuance of the Statement of the Case.

The final rule does not modify the procedures of the traditional appeal process. To make this clear, we are amending the proposed rule in two respects. At the end of § 3.2600(b), we are adding language that provides that if a claimant fails to timely request de novo review under § 3.2600, VA will proceed with the traditional appellate process by issuing a Statement of the Case. For clarity, we are also adding a sentence to § 3.2600(b) to preclude any extension of the time limit. Section 3.109(b) allows for a good cause extension of time limits within which a claimant is required to act to perfect a claim or challenge an adverse VA decision. Since the de novo review process is an optional procedure, not a required one, § 3.109(b) does not apply to the period during which a claimant may request the de novo review process. Moreover, VA believes that a 60-day time limit, without the possibility of extension, is a reasonable amount of time for a claimant to decide whether to opt for the de novo review process.

In addition, we are using the last sentence of the proposed § 3.2600(b) to begin a new § 3.2600(f). This new paragraph provides that review under § 3.2600 does not limit the appeal rights of a claimant, and, if the claimant does not withdraw his or her Notice of Disagreement as a result of this review process, VA will proceed with the traditional appellate process by issuing a Statement of the Case.

One commenter suggested that the proposed § 3.2600 be amended to make clear that claimants who have filed a Notice of Disagreement may present additional evidence.

This final rule does not modify existing procedures for submission of evidence. Under current regulations, any claimant may present additional evidence after filing a Notice of Disagreement (38 CFR 19.37, 20.304 and 20.1304). Furthermore, § 3.2600(c) allows the reviewer to obtain additional evidence. We therefore make no change based on this comment.

Two commenters expressed concern that this rulemaking would limit the right of a claimant to have a hearing at some point following this new review process.

This final rule doesn't place any limitations on existing rights: 38 CFR 3.103(c) states, ''Upon request, a claimant is entitled to a hearing at any time on any issue involved in a claim within the purview of part 3 of this chapter, subject to the limitations described in § 20.1304 of this chapter with respect to hearings in claims which have been certified to the Board of Veterans['] Appeals for appellate review.'' In fact, proposed § 3.2600(b) specified that review under § 3.2600 ''does not limit the appellate rights of a claimant.'' For these reasons, we make no change based on these comments.

Management and Personnel Matters

One commenter predicted that implementation of the de novo review process that VA proposed would increase the backlog of pending claims because VA would assign its most productive adjudicators to this new review process. This same commenter predicted that implementation of this review process will cause a decline in the quality of VA claims decisions, for this same reason, and because there would be insufficient oversight of decisions made during this review process. Another commenter expressed concern that no benefit would be gained from the de novo review process unless Veterans Service Centers are authorized to hire additional personnel to conduct the de novo review.

VA believes that there is no evidence that implementation of the de novo review process will increase the backlog of pending claims. In addition, VA believes that any increase in the backlog of pending claims which might occur as the de novo review program begins, will be offset by a greater long-term reduction in pending appeals. At the twelve VA Veterans Service Centers that have participated in the pilot test of the Decision Review Officer program since December 1997, there has been a significant decline in the number of substantive appeals filed. VA also believes that there will be no decline in the quality of VA decisions due to the de novo review program. There has been no such decline at the twelve pilot Service Centers. Moreover, decisions rendered under the de novo review process will be subject to VA Central Office oversight under VA's Systematic Technical Advisory Review (STAR), just like other Service Center decisions. VA believes there will be significant efficiency benefits gained through the de novo review program: We believe it will reduce the number of cases that go to the Board of Veterans' Appeals, which will in turn reduce the number of claims which must be readjudicated on remand from the Board of Veterans' Appeals. We therefore make no changes based on these comments.

One commenter suggested that the Decision Review Officers should be placed outside the chain of command of the Veterans Service Center Manager and report directly to the Director of their VA Regional Office to ensure that the Decision Review Officer is independent.

VA believes that it is not necessary to remove the Decision Review Officers from the chain of command of the Veterans Service Center Manager in order for them to function independently. Under the final rule, a Service Center Manager has no authority, other than the existing clear and unmistakable error authority under § 3.105(a) or the difference of opinion authority under § 3.105(b) (which must be approved by VA Central Office), to overturn a Decision Review Officer's decision. We therefore make no change based on this comment.

This same commenter suggested that attorneys perform de novo reviews under § 3.2600, since attorneys are most familiar with the statutes, regulations and adjudication manual provisions regarding veterans benefits.

VA believes that other staff besides attorneys are qualified to serve as Decision Review Officers. For example, staff which are currently working as Hearing Officers or Master Rating Specialists have extensive knowledge of statutes, regulations and adjudication manual provisions regarding veterans benefits, and are well qualified to serve as Decision Review Officers. We therefore make no change based on this comment.

Representation for Claimants

Two commenters urged that the de novo review process include a claimant's duly appointed representative, and that the proposed § 3.2600 be amended for that purpose.

Nothing in this final rule excludes or discourages the participation of claimants' representatives. Furthermore, § 3.103(e) states, ''Subject to the provisions of §§ 14.626 through 14.637 of this title [concerning recognition of veterans service organizations and accreditation of individual representatives], claimants are entitled to representation of their choice at every stage in the prosecution of a claim.'' Therefore, we believe that VA regulations make it clear that a claimant is allowed to have representation during this new review process, and we make no change based on these comments.

Timing of VA Notice of Right to De Novo Review

One commenter said that the proposed regulation fails to make it clear when the VA will send the claimant notice of the right to the de novo review.

Based on this comment, we have specified in § 3.2600(b) that VA will send the notice ''upon receipt of the Notice of Disagreement.''

Timing of Claimant's Request for De Novo Review

Two commenters said the proposed rule was unclear as to whether a request for a de novo review, filed at the same time as the Notice of Disagreement, would be considered valid.

VA concurs. We have amended § 3.2600(b) to provide that a claimant may request review under § 3.2600 with his or her Notice of Disagreement or after the Notice of Disagreement is filed but not later than 60 days after VA mails notice of the right to de novo review.

Time Limits for VA Action

One commenter suggested that this rulemaking include a provision to require VA to respond to a Notice of Disagreement within 30 days. We believe the intent of the comment is to require, by regulation, that VA furnish notice of the right to a review under § 3.2600 within 30 days of the receipt of the Notice of Disagreement. This

commenter felt that this would improve VA's accountability to claimants.

VA believes that it would be inadvisable to set a deadline for VA to furnish this notice. Instances arise where VA must ask the claimant to clarify some aspect of the Notice of Disagreement. This would make it impracticable for VA to furnish the notice within a specified time period. We therefore make no change based on this comment.

One commenter suggested that this rulemaking strictly limit the time VA has to conclude the de novo review, for example, within 30–60 days.

We believe that it would be inadvisable to set time limits on the review process. Due to factors such as VA's workload or illness of the claimant, there may be unavoidable delays in scheduling an informal conference or obtaining additional relevant evidence. We therefore make no change based on this comment.

Clear and Unmistakable Error

One commenter stated the rulemaking is unclear as to whether the reviewer will have independent authority to revise decisions based on clear and unmistakable error, or whether the Veterans Service Center Manager must approve such decisions.

Section 3.2600(e) clearly authorizes the reviewer to reverse or revise prior decisions based on clear and unmistakable error under § 3.105(a) without obtaining the approval of any other VA official. We therefore make no change to § 3.2600 based on this comment. However, VA has amended § 3.104 to make clear that not only § 3.105 but also new § 3.2600 are valid bases for revision of decisions on the same factual basis as the initial decision by the agency of original jurisdiction.

One commenter stated the rulemaking is unfair because it gives the reviewer authority to revise decisions based on clear and unmistakable error in a manner unfavorable to the claimant, without any prior notice to the claimant. This same commenter stated that the rulemaking should be amended to allow a claimant to obtain de novo review of a clear and unmistakable error. This commenter also stated that the potential for clear and unmistakable error review of prior, final decisions may be a disincentive to seeking a review under § 3.2600.

As stated in § 3.2600(e), the reviewer will have the same clear and unmistakable error authority as any other VA adjudicator under § 3.105(a). However, we note that § 3.103(b) and § 3.105(e) and (f) do already require advanced notice of proposed reductions or terminations of benefits. With respect to clear and unmistakable error claims filed by claimants, under § 3.2600, if such claims are denied, the claimant may file a Notice of Disagreement, and will then be notified of his or her right to the de novo review process, just as with any other claim governed by 38 CFR part 3. The potential for clear and unmistakable error review is not unique to the de novo review process under § 3.2600. It applies to any claim filed subsequent to a final VA decision. We therefore make no change based on this comment.

Date of Implementation

One commenter said that the proposed regulations fail to make it clear which claimants will be eligible for the de novo review (i.e. those with appeals pending on the effective date of the regulation, or those filing claims on or after the effective date).

To clarify this issue, we have added to proposed § 3.2600 a new paragraph (g), which states: ''This section applies to all claims in which a Notice of Disagreement is filed on or after June 1, 2001.'' This will provide claimants with a date certain on which the de novo review will be available. We believe that including claims which are pending at various stages of the appellate process would be administratively difficult because the de novo review is designed to occur prior to the traditional appellate process.

Other Comments

One commenter suggested that VA conduct de novo review in every claim in which a Notice of Disagreement is filed, unless claimants specifically state they do not want to go through this review process.

As was stated in proposed § 3.2600(b), ''This [de novo] review does not limit the appellate rights of a claimant.'' We believe the suggestion made by this commenter would interfere with the traditional appeal process by requiring claimants who want only the traditional process (and not the de novo process) to file an extra document which makes that statement. We also believe that the de novo review process should be optional for claimants, not mandatory. We therefore make no change based on this comment.

One commenter suggested that a favorable decision resulting from the de novo review process need not contain a citation to the pertinent laws.

We believe that requiring all decisions issued under the de novo review process to contain the items listed in § 3.2600(d) will provide more consistent, uniform decisions. This will benefit both claimants and the Board of Veterans' Appeals (if the claim is ultimately appealed there). We therefore make no change based on this suggestion.

One commenter urged that VA allow claimants whose cases have been remanded to the Veterans Service Center by the Board of Veterans' Appeals to obtain review under § 3.2600 at that stage.

Nothing in this final rule modifies the post-remand VA claims process. We note, however, that no existing regulations or policies prohibit a Veterans Service Center from assigning whatever staff they deem appropriate (including the Decision Review Officer) to review a case following a remand by the Board of Veterans' Appeals. Review by a Decision Review Officer following remand from the Board would not, however, be made under § 3.2600 procedures because, as we stated above, the de novo review under § 3.2600 is designed to occur prior to the traditional appellate process. We therefore make no change based on this suggestion.

One commenter suggested that the proposed § 3.2600 be revised to give the reviewer authority to grant entitlement to non-service connected pension on an extra-schedular basis under 38 CFR 3.321(b)(2).

This final rule is not intended to modify the procedure or authority established by § 3.321(b)(2), which authorizes only Adjudication Officers to grant pension on an extra-schedular basis if schedular percentage standards are not met. That procedure and authority is intended to function as a rare exception to the general requirement in § 4.17 that a claimant must meet certain minimum disability rating percentage criteria to be entitled to pension benefits. VA believes that the Adjudication Officer (now called Veterans Service Center Manager in certain VA Regional Offices) is capable of deciding all such claims. We therefore make no change based on this comment.

One commenter suggested that VA should discuss the applicability of the U.S. Court of Appeals for the Federal Circuit decisions in *Hayre* v. *West,* 188 F.3d 1327 (Fed. Cir. 1999), and *Brown* v. *West,* 203 F.3d 1378 (Fed. Cir. 2000), but did not elaborate.

These cases have no applicability to the subject of this rulemaking, which is de novo review of certain appealed decisions, so we make no change based on this comment. We note, however, that the de novo review process will be available in any claim for which a Notice of Disagreement has been filed on or after the effective date of this

regulation, including claims for an earlier effective date (e.g., *Hayre*) and clear and unmistakable error (e.g., *Brown*).

Finally, we are making one other change from the proposed rule. We proposed to add a new subpart D to part 3 and a new § 3.2100, which would have governed the scope of applicability of provisions in subpart D. After the proposed rule was published, VA published another final rule that added subpart D and new § 3.2100. Accordingly, we do not include either subpart D or § 3.2100 in this final rule.

Executive Order 12866

The Office of Management and Budget has reviewed this final rule under Executive Order 12866.

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 (in section 202) 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 final rule will have no consequential effect on State, local, or tribal governments.

Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of this final rule would 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. The final rule does not directly affect any small entities. Only VA beneficiaries are directly affected. Therefore, pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance program numbers are 64.100, 64.101, 64.104, 64.105, 64.106, 64.109, 64.110, and 64.127.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: February 15, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

§ 3.104 Amended

2. In § 3.104, paragraph (a), the second sentence is amended by removing ''§ 3.105'' and adding, in its place, ''§ 3.105'' and adding, in its place, ''§ 3.105 and § 3.2600''.

§ 3.105 Amended

3. In § 3.105, paragraph (b) is amended by adding, as the last sentence, ''However, a decision may be revised under § 3.2600 without being recommended to Central Office.''

Subpart D—Universal Adjudication Rules That Apply to Benefit Claims Governed by Part 3 of this Title

4. The authority citation for part 3, subpart D continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

5. A new undesignated center heading and § 3.2600 are added to subpart D to read as follows:

Revisions

§ 3.2600 Review of benefit claims decisions.

(a) A claimant who has filed a timely Notice of Disagreement with a decision of an agency of original jurisdiction on a benefit claim has a right to a review of that decision under this section. The review will be conducted by an Adjudication Officer, Veterans Service Center Manager, or Decision Review Officer, at VA's discretion. An individual who did not participate in the decision being reviewed will conduct this review. Only a decision that has not yet become final (by appellate decision or failure to timely appeal) may be reviewed. Review under this section will encompass only decisions with which the claimant has expressed disagreement in the Notice of Disagreement. The reviewer will consider all evidence of record and applicable law, and will give no deference to the decision being reviewed.

(b) Unless the claimant has requested review under this section with his or her Notice of Disagreement, VA will, upon receipt of the Notice of Disagreement, notify the claimant in writing of his or her right to a review under this section. To obtain such a review, the claimant must request it not later than 60 days after the date VA mails the notice. This 60-day time limit may not be extended. If the claimant fails to request review under this section not later than 60 days after the date VA mails the notice, VA will proceed with the traditional appellate process by issuing a Statement of the Case. A claimant may not have more than one review under this section of the same decision.

(c) The reviewer may conduct whatever development he or she considers necessary to resolve any disagreements in the Notice of Disagreement, consistent with applicable law. This may include an attempt to obtain additional evidence or the holding of an informal conference with the claimant. Upon the request of the claimant, the reviewer will conduct a hearing under § 3.103(c).

(d) The reviewer may grant a benefit sought in the claim notwithstanding § 3.105(b), but, except as provided in paragraph (e) of this section, may not revise the decision in a manner that is less advantageous to the claimant than the decision under review. A review decision made under this section will include a summary of the evidence, a citation to pertinent laws, a discussion of how those laws affect the decision, and a summary of the reasons for the decision.

(e) Notwithstanding any other provisions of this section, the reviewer may reverse or revise (even if disadvantageous to the claimant) prior decisions of an agency of original jurisdiction (including the decision being reviewed or any prior decision that has become final due to failure to timely appeal) on the grounds of clear and unmistakable error (see § 3.105(a)).

(f) Review under this section does not limit the appeal rights of a claimant. Unless a claimant withdraws his or her Notice of Disagreement as a result of this review process, VA will proceed with the traditional appellate process by issuing a Statement of the Case.

(g) This section applies to all claims in which a Notice of Disagreement is filed on or after June 1, 2001.

(Authority: 38 U.S.C. 5109A and 7105(d))

[FR Doc. 01–11028 Filed 5–1–01; 8:45 am]

BILLING CODE 8320–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 153–0195a; FRL–6958–1]

Revisions to the California State Implementation Plan, Butte County Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions are rules from the Butte County Air Quality Management District (BCAQMD) portion of the California State Implementation Plan (SIP). Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), we are approving or rescinding local rules that address general permitting requirements for stationary sources in the BCAQMD.

DATES: These revisions are effective on July 2, 2001 without further notice, unless EPA receives adverse comments by June 1, 2001. If EPA receives such comment, it will publish a timely withdrawal **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Mail comments to Gerardo Rios, Permits Office Chief (AIR–3), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

You can inspect copies of the submitted rule revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted rule revisions at the following locations:

Permits Office (AIR–3), Air Division, Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814.

Butte County Air Quality Management District, 2525 Dominic Drive, Suite J, Chico, CA 95928.

A courtesy copy of the rules may be available via the Internet at *http://www.arb.ca.gov/drdb/drdbltxt.htm.* However, these versions of the rules may be different than the versions submitted to EPA for approval. Readers are cautioned to verify that the adoption date of the rule listed is the same as the rule submitted to EPA for approval. The official submittal is only available at the agency addresses listed above.

FOR FURTHER INFORMATION CONTACT: David Wampler, Permits Office, (Air–3), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105; (415) 744–1256.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to EPA.

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I. The State's Submittal

A. What Rules Did the State Submit?

Table 1 lists the rules we are approving with the dates that they were adopted or rescinded by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted or rescinded	Submitted
BCAQMD	403	Permit to Operate	11/09/93	06/16/95
BCAQMD	422	Required Information	09/18/90	03/26/96
BCAQMD	424	State Implementation Plan	08/06/85	03/26/96
BCAQMD	1105	Request for Designated Non-Major Source Status	02/15/96	05/10/96
BCAQMD	4–3	Permit Fee	08/20/85 Rescinded	05/10/96
BCAQMD	4.5A	Standards for Granting Applications	08/06/85 Rescinded	05/10/96
BCAQMD	4.5B	Conditional Approval	08/06/85 Rescinded	05/10/96
BCAQMD	4.6	State Ambient Air Quality Standards	07/26/83 Rescinded	05/10/96
BCAQMD	4–6A	State Implementation Plan	07/26/83 Rescinded	05/10/96
BCAQMD	4.9	Action on Applications	08/06/85 Rescinded	05/10/96
BCAQMD	4–11	Appeals	08/20/85 Rescinded	05/10/96

On July 31, 1995, the submittal of Rule 403 was found to meet the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review. On May 15, 1996, the submittal of Rules 422 and 424 were found to meet the completeness criteria. On July 19, 1996, the submittal of Rule 1105 and the recision submittals of Rules 4–3, 4.5A, 4.5B, 4–6, 4–6A, 4.9, and 4–11 were found to meet the completeness criteria.

Rules 4–3 and 4–11 were previously submitted on April 11, 1983 and approved on November 18, 1983. Rules 4.5A and 4.5B were previously submitted on February 25, 1980 and approved on May 27, 1982. Rules 4–6 and 4–6A were previously submitted on August 6, 1982 and approved on June 1, 1983. Rule 4.9 was previously submitted on July 10, 1980 and approved on May 27, 1982.

B. Are There Other Versions of These Rules?

On February 3, 1987, EPA approved into the SIP versions of Rules 403 and 422. Today's action will approve the only revision to these rules since our 1987 action.

On June 1, 1983, EPA approved into the SIP Rule 4.6. This rule is not required in the SIP, because it only relates to non-SIP Rule 4–5.

On June 1, 1983, EPA approved into the SIP Rule 4.6A. Submitted Rule 424 revises and recodifies SIP-approved Rule 4.6A. There are no other versions of Rules 424 or 4.6A that have been submitted to us since our 1983 approval of Rule 4.6A. Today's action will rescind Rule 4.6A and replace it with Rule 424.

There is currently no version of Rule 1105 in the SIP, nor has there been earlier versions of 1105 submitted for SIP-approval.

On November 18, 1983, EPA approved into the SIP Rule 4–3. Rule 4–3 is submitted for recision without replacement, because the collection of local fees by BCAQMD is inappropriate for EPA to enforce in the SIP.

On May 27, 1982, EPA approved into the SIP Rules 4.5A, 4.5B, and 4.9. BCAQMD revised and recodified these rules with new Rules 420, 421, and 423, respectively, which were approved into the SIP on February 3, 1987.

On November 18, 1983, EPA approved into the SIP Rule 4–11. BCAQMD revised and recodified this rule with new Rule 425, which was SIP-approved on February 3, 1987. BCAQMD has not revised this rule since that time.

C. What Are the Changes in the Submitted Rules?

Rule 403 includes the following significant additions to the current SIP Rule 403:

- Any equipment in existence prior to June 15, 1982 emitting a controlled pollutant must obtain a permit to operate.
- Equipment subject to Title V of the CAA of 1990 must obtain a Title V permit.

Rule 422 includes the following significant additions to the current SIP Rule 422:

- The APCO may require information that will disclose the nature, extent, quantity, or degree of air contaminants that may be discharged into the atmosphere.

Rule 424 includes the following change to the current SIP Rule 4–6A:

- The rule references Rule 430 instead of Rule 4.5.

Rule 1105 is a new rule that includes the following provisions:

- The owner or operator of a specified stationary source, that would otherwise be a major source, would be allowed under Rule 1105 to request and accept federally-enforceable limits such that the annual potential to emit would be below major-source thresholds in order to allow the source to be considered a ''designated non-major source.''
- The limits to the potential to emit must be approved by EPA and must be permanent, quantifiable, and practically-enforceable.
- A designated non-major source would not be subject to the permitting requirements of Rule 1101, Title V—Federal Operating Permits or of Title V of the Clean Air Act of 1990.

The TSD has more information about these rules.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating the Rules?

All of the Rules in today's action except Rule 1105 describe administrative provisions and definitions that support the New Source Review permitting rules found in other BCAQMD requirements. In combination with the other requirements, these rules must be enforceable (see section 110(a) of the CAA) and must not relax existing requirements (see sections 110(l) and 193). In general, EPA evaluated these rules and has determined that each rule is consistent with the CAA, EPA regulations and EPA policy.

Rule 1105 was evaluated using EPA policy describing options sources have for limiting their potential under section 112 and Title V of the CAA. This policy is generally described in EPA's 1995 ''Transition Policy''—a January 25, 1995 policy memorandum entitled, ''Options for Limiting the Potential to Emit of a Stationary Source Under section 112 and Title V of the Clean Air Act'' from John Seitz, Director of EPA's Office of Air Quality Planning and Standards, to EPA's Regional Air Division Directors.

B. Do the Rules Meet the Evaluation Criteria?

We believe these rules and recisions are consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. The TSD has more information on our evaluation.

C. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules and recisions because we believe they fulfill all relevant requirements. We do not think anyone will object to this, so we are finalizing the approval without proposing it in advance. However, in the Proposed rule section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by June 1, 2001, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on July 2, 2001. This will incorporate these rules into or rescind rules from the federally enforceable SIP.

III. Background Information

Why Were These Rules Submitted?

Sections 172 and 173 of the CAA require that permits be obtained for affected sources, major sources, and any sources required by parts C and D of the CAA. CARB submitted revised and updated administrative rules to support this permitting requirement, and submitted for recision redundant administrative rules that were already replaced with revised SIP rules. CARB also submitted a rule that allows a source to be not considered a major source.

IV. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and

responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

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

List of Subjects in 40 CFR Part 52

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

Dated: February 9, 2001.

Laura Yoshii,

Acting Regional Administrator, Region IX.

Part 52, chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(54)(viii)(C), (c)(86)(ii)(B), (c)(124)(xii)(B), (c)(138)(i)(B), (c)(168)(i)(A)(*4*), (c)(222)(i)(E), (c)(230)(i)(E), and (c)(231)(i)(D) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(54) * * *

(viii) * * *

(C) Previously approved on May 27, 1982 in paragraph (viii)(B) of this section and now deleted Rules 4.5A and 4.5B.

* * * * *

(86) * * *

(ii) * * *

(B) Previously approved on May 27, 1982 in paragraph (ii)(A) of this section and now deleted Rule 4.9.

* * * * *

(124) * * *

(xii) * * *

(B) Previously approved on June 1, 1983 in paragraph (xii)(A) of this section and now deleted Rules 4–6 and 4–6A.

* * * * *

(138) * * *

(i) * * *

(B) Previously approved on November 18, 1983 in paragraph (i)(A) of this section and now deleted without replacement Rules 4–3 and Rule 4–11.

* * * * *

(168) * * *

(i) * * *

(A) * * *

(*4*) Rule 424, adopted on August 6, 1985.

* * * * *

(222) * * *

(i) * * *

(E) Butte County Air Quality Management District.

(*1*) Rule 403, adopted on November 9, 1993.

* * * * *

(230) * * *

(i) * * *

(E) Butte County Air Quality Management District.

(*1*) Rule 422, adopted on September 18, 1990.

* * * * *

(231) * * *

(i) * * *

(D) Butte County Air Quality Management District.

(*1*) Rule 1105, adopted on February 15, 1996.

* * * * *

[FR Doc. 01–10649 Filed 5–1–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL–6968–6]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or Agency) today is granting a petition submitted by BMW Manufacturing Corporation, Greer, South Carolina (BMW), to exclude (or ''delist'') a certain hazardous waste from the lists of hazardous wastes. BMW will generate the petitioned waste by treating wastewater from BMW's automobile assembly plant when aluminum is one of the metals used to manufacture automobile bodies. The waste so generated is a wastewater treatment sludge that meets the definition of F019. BMW petitioned EPA to grant a ''generator-specific'' delisting because BMW believes that its F019 waste does

not meet the criteria for which this type of waste was listed. EPA reviewed all of the waste-specific information provided by BMW, performed calculations, and determined that the waste could be disposed in a landfill without harming human health and the environment. This action responds to BMW's petition to delist this waste on a generator-specific basis from the hazardous waste lists, and to public comments on the proposed rule. EPA took into account all public comments on the proposed rule before setting the final delisting levels. Final delisting levels in the waste leachate are based on the EPA Composite Model for Leachate Migration with Transformation Products as used in EPA, Region 6's Delisting Risk Assessment Software. Today's rule also sets limits on the total concentration of each hazardous constituent in the waste. In accordance with the conditions specified in this final rule, BMW's petitioned waste is excluded from the requirements of hazardous waste regulations under Subtitle C of the Resource Conservation and Recovery Act (RCRA).

EFFECTIVE DATE: This rule is effective on May 2, 2001.

ADDRESSES: The RCRA regulatory docket for this final rule is located at the EPA Library, U.S. Environmental Protection Agency, Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays.

The reference number for this docket is R4–00–01–BMWF. The public may copy material from any regulatory docket at no cost for the first 100 pages, and at a cost of $0.15 per page for additional copies. For copying at the South Carolina Department of Health and Environmental Control, please see below.

FOR FURTHER INFORMATION CONTACT: For general and technical information concerning this final rule, please contact Judy Sophianopoulos, RCRA Enforcement and Compliance Branch (Mail Code 4WD–RCRA), U.S. Environmental Protection Agency, Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, (404) 562–8604, or call, toll free (800) 241–1754, and leave a message, with your name and phone number, for Ms. Sophianopoulos to return your call. Questions may also be e-mailed to Ms. Sophianopoulos at *sophianopoulos.judy@epa.gov.* You may also contact Cindy Carter, Appalachia III District, South Carolina Department of Health and Environmental Control (SCDHEC), 975C North Church Street, Spartanburg, South Carolina. If you wish to copy documents at SCDHEC, please contact Ms. Carter for copying procedures and costs.

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline:

I. Background
A. What Is a Delisting Petition?
B. What Laws and Regulations Give EPA the Authority to Delist Wastes?
C. What is the History of this Rulemaking?
II. Summary of Delisting Petition Submitted by BMW Manufacturing Corporation, Greer, South Carolina (BMW)
A. What Waste Did BMW Petition EPA to Delist?
B. What Information Did BMW Submit to Support This Petition?
III. EPA's Evaluation and Final Rule
A. What Decision Is EPA Finalizing and Why?
B. What Are the Terms of This Exclusion?
C. When Is the Delisting Effective?
D. How Does This Action Affect the States?
IV. Public Comments Received on the Proposed Exclusion
A. Who Submitted Comments on the Proposed Rule?
B. Comments and Responses From EPA
V. Regulatory Impact
VI. Congressional Review Act
VII. Executive Order 12875

I. Background

A. What Is a Delisting Petition?

A delisting petition is a request made by a hazardous waste generator to exclude one or more of his/her wastes from the lists of RCRA-regulated hazardous wastes in §§ 261.31, 261.32, and 261.33 of Title 40 of the Code of Federal Regulations (40 CFR 261.31, 261.32, and 261.33). The regulatory requirements for a delisting petition are in 40 CFR 260.20 and 260.22. EPA, Region 6 has prepared a guidance manual, *Region 6 Guidance Manual for the Petitioner,*[1] which is recommended by EPA Headquarters in Washington, DC and all EPA Regions.

B. What Laws and Regulations Give EPA the Authority To Delist Wastes?

On January 16, 1981, as part of its final and interim final regulations implementing section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and specific sources. This list has been amended several times, and is published in 40 CFR 261.31 and 261.32. These wastes are listed as hazardous because they exhibit one or more of the characteristics of hazardous wastes identified in subpart C of part 261 (i.e., ignitability, corrosivity, reactivity, and toxicity) or meet the criteria for listing contained in § 261.11 (a)(2) or (a)(3). Discarded commercial chemical product wastes which meet the listing criteria are listed in § 261.33(e) and (f).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be. For this reason, §§ 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste.

To have their wastes excluded, petitioners must show, first, that wastes generated at their facilities do not meet any of the criteria for which the wastes were listed. See § 260.22(a) and the background documents for the listed wastes. Second, the Administrator must determine, where he/she has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. Accordingly, a petitioner also must demonstrate that the waste does not exhibit any of the hazardous waste characteristics (i.e., ignitability, reactivity, corrosivity, and toxicity), and must present sufficient information for the EPA to determine whether the waste contains any other toxicants at hazardous levels. See § 260.22(a), 42 U.S.C. 6921(f), and the background documents for the listed wastes. Although wastes which are ''delisted'' (i.e., excluded) have been evaluated to determine whether or not they exhibit any of the characteristics of hazardous waste, generators remain obligated under RCRA to determine whether or not their wastes continue to be nonhazardous based on the hazardous waste characteristics (i.e., characteristics which may be promulgated subsequent to a delisting decision.)

In addition, residues from the treatment, storage, or disposal of listed hazardous wastes and mixtures containing listed hazardous wastes are also considered hazardous wastes. See 40 CFR 261.3 (a)(2)(iv) and (c)(2)(i), referred to as the ''mixture'' and ''derived-from'' rules, respectively. Such wastes are also eligible for exclusion and remain hazardous wastes until excluded. On December 6, 1991, the U.S. Court of Appeals for the District of

[1] This manual may be down-loaded from Region 6's Web Site at the following URL address: http://www.epa.gov/earth1r6/6pd/rcra_c/pd-o/dlistpdf.htm

Columbia vacated the ''mixture/derived-from'' rules and remanded them to the EPA on procedural grounds. *Shell Oil Co.* v. *EPA,* 950 F.2d 741 (D.C. Cir. 1991). On March 3, 1992, EPA reinstated the mixture and derived-from rules, and solicited comments on other ways to regulate waste mixtures and residues (57 FR 7628). These rules became final on October 30, 1992 (57 FR 49278), and should be consulted for more information regarding waste mixtures and solid wastes derived from treatment, storage, or disposal of a hazardous waste. The mixture and derived-from rules are codified in 40 CFR 261.3 (b)(2) and (c)(2)(i). EPA plans to address waste mixtures and residues when the final portion of the Hazardous Waste Identification Rule (HWIR) is promulgated.

On October 10, 1995, the Administrator delegated to the Regional Administrators the authority to evaluate and approve or deny petitions submitted in accordance with §§ 260.20 and 260.22 by generators within their Regions (National Delegation of Authority 8–19) in States not yet authorized to administer a delisting program in lieu of the Federal program. On March 11, 1996, the Regional Administrator of EPA, Region 4, redelegated delisting authority to the Director of the Waste Management Division (Regional Delegation of Authority 8–19).

C. What Is the History of This Rulemaking?

BMW manufactures BMW automobiles, and is seeking a delisting for the sludge that will be generated by treating wastewater from its manufacturing operations, when aluminum will be used to replace some of the steel in the automobile bodies. Wastewater treatment sludge does not meet a hazardous waste listing definition when steel-only automobile bodies are manufactured. However, the wastewater treatment sludge generated at automobile manufacturing plants where aluminum is used as a component of automobile bodies, meets the listing definition of F019 in § 261.31.[2]

BMW petitioned EPA, Region 4, on June 2, 2000, to exclude this F019 waste on a generator-specific basis from the lists of hazardous wastes in 40 CFR part 261, subpart D.

The hazardous constituents of concern for which F019 was listed are hexavalent chromium and cyanide (complexed). BMW petitioned the EPA to exclude its F019 waste because BMW does not use either of these constituents in the manufacturing process. Therefore, BMW does not believe that the waste meets the criteria of the listing.

BMW claims that its F019 waste will not be hazardous because the constituents of concern for which F019 is listed will be present only at low concentrations and will not leach out of the waste at significant concentrations. BMW also believes that this waste will not be hazardous for any other reason (i.e., there will be no additional constituents or factors that could cause the waste to be hazardous). Review of this petition included consideration of the original listing criteria, as well as the additional factors required by the Hazardous and Solid Waste Amendments (HSWA) of 1984. See section 222 of HSWA, 42 U.S.C. 6921(f), and 40 CFR 260.22(d)(2)–(4). As a result of the EPA's evaluation of BMW's petition, the Agency proposed to grant a delisting to BMW, on February 12, 2001. See 66 FR 9781–9798, February 12, 2001, for details. Today's rulemaking addresses public comments received on the proposed rule and finalizes the proposed decision to grant BMW's petition for delisting.

II. Summary of Delisting Petition Submitted by BMW Manufacturing Corporation, Greer, South Carolina (BMW)

A. What Waste Did BMW Petition EPA To Delist?

BMW petitioned EPA, Region 4, on June 2, 2000, to exclude a maximum annual weight of 2,400 tons (2,850 cubic yards) of its F019 waste, on a generator-specific basis, from the lists of hazardous wastes in 40 CFR part 261, subpart D. BMW manufactures BMW automobiles, and is seeking a delisting for the sludge that will be generated by treating wastewater from its manufacturing operations, when aluminum will be used to replace some of the steel in the automobile bodies. Wastewater treatment sludge does not meet a hazardous waste listing definition when steel-only automobile bodies are manufactured. However, the wastewater treatment sludge generated at automobile manufacturing plants where aluminum is used as a component of automobile bodies meets the listing definition of F019 in § 261.31.

B. What Information Did BMW Submit To Support This Petition?

In support of its petition, BMW submitted: (1) Descriptions of its manufacturing and wastewater treatment processes, the generation point of the petitioned waste, and the manufacturing steps that will contribute to its generation; (2) Material Safety Data Sheets (MSDSs) for materials used to manufacture automobiles and to treat wastewater; (3) the minimum and maximum annual amounts of wastewater treatment sludge generated from 1996 through 1999, and an estimate of the maximum annual amount expected to be generated in the future; (4) results of analysis for metals, cyanide, sulfide, fluoride, and volatile organic compounds in the currently generated waste at the BMW plants in Greer, South Carolina, and Dingolfing, Germany; (5) results of the analysis of leachate from these wastes, obtained by means of the Toxicity Characteristic Leaching Procedure ((TCLP), SW–846 Method 1311[3]); (6) results of the determinations for the hazardous characteristics of ignitability, corrosivity, and reactivity in these wastes; (7) results of determinations of dry weight percent, bulk density, and free liquids in these wastes; and (8) results of the analysis of the waste currently generated at the plant in Greer, South Carolina, by means of the Multiple Extraction Procedure (MEP), SW–846 Method 1320, in order to evaluate the long-term resistance of the waste to leaching in a landfill.

The hazardous constituents of concern for which F019 was listed are hexavalent chromium and cyanide (complexed). BMW petitioned the EPA to exclude its F019 waste because BMW does not believe that the waste meets the criteria of the listing.

BMW submitted to the EPA analytical data from its Greer, South Carolina plant and from the BMW plant in Dingolfing, Germany. Four composite samples of wastewater treatment sludge, from approximately 60 batches of wastewater, were collected from each plant over a three-week period. Based on this information, EPA identified the following constituents of concern: barium, cadmium, chromium, cyanide, lead, and nickel. The maximum reported concentrations of the toxicity characteristic (TC) metals barium, cadmium, chromium, and lead in the

[2] ''Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.''

[3] ''SW–846'' means EPA Publication SW–846, ''Test Methods for Evaluating Solid Waste, Physical/Chemical Methods.'' Methods in this publication are referred to in today's proposed rule as ''SW–846,'' followed by the appropriate method number.

TCLP extracts of the samples were below the TC regulatory levels. The maximum reported concentration of total cyanide in unextracted waste was 3.35 milligrams per kilogram (mg/kg), which is greater than the generic exclusion level of 1.8 mg/kg for high temperature metal recovery (HTMR) residues in 40 CFR 261.3(c)(2)(ii)(C)(1), and less than 590 mg/kg, the Land Disposal Restrictions (LDR) Universal Treatment Standards (UTS) level, in section 268.48. Chromium was undetected in the TCLP extract of any sample. The maximum reported concentration of chromium in unextracted samples was 100 mg/kg for the German plant and 222 mg/kg for the Greer, South Carolina plant. The maximum concentration of nickel in the TCLP extract of any sample was 0.73 milligrams per liter (mg/l) for the German plant and 6.25 mg/l for the Greer, South Carolina plant. The maximum reported concentration of nickel in unextracted samples was 6,500 mg/kg for the German plant and 1,700 mg/kg for the Greer, South Carolina plant. See the proposed rule, 66 FR 9781–9798, February 12, 2001, for details on BMW's analytical data, production process, and generation process for the petitioned waste. EPA does not generally verify submitted test data before proposing delisting decisions. The sworn affidavit submitted with this petition binds the petitioner to present truthful and accurate results. The Agency, however, has maintained a spot-check sampling and analysis program to verify the representative nature of data for some percentage of the submitted petitions. A spot-check visit to a selected facility may be initiated before or after granting a delisting. Section 3007 of RCRA gives EPA the authority to conduct inspections to determine if a delisted waste is meeting the delisting conditions.

III. EPA's Evaluation and Final Rule

A. What Decision Is EPA Finalizing and Why?

For reasons stated in both the proposal and this final rule, EPA believes that BMW's petitioned waste should be excluded from hazardous waste control. EPA, therefore, is granting a final generator-specific exclusion to BMW, of Greer, South Carolina, for a maximum annual generation rate of 2,850 cubic yards of the waste described in its petition as EPA Hazardous Waste Number F019. This waste is required to undergo verification testing before being considered as excluded from Subtitle C regulation. Requirements for waste to be land disposed have been included in this exclusion. The exclusion applies only to the waste as described in BMW's petition, dated June 2000.

Although management of the waste covered by this petition is relieved from Subtitle C jurisdiction, the generator of the delisted waste must either treat, store, or dispose of the waste in an on-site facility, or ensure that the waste is delivered to an off-site storage, treatment, or disposal facility, either of which is permitted, licensed or registered by a State to manage municipal or industrial solid waste. Alternatively, the delisted waste may be delivered to a facility that beneficially uses or reuses, or legitimately recycles or reclaims the waste, or treats the waste prior to such beneficial use, reuse, recycling, or reclamation. See 40 CFR part 260, appendix I. BMW's preferred method of waste management for its delisted waste is recycling, rather than land disposal. Nonhazardous waste management is subject to all applicable federal, state, and local regulations.

B. What Are the Terms of This Exclusion?

In the rule proposed on February 12, 2001, EPA requested public comment on which of the following possible methods should be used to evaluate BMW's delisting petition and set delisting levels for the petitioned waste (see 66 FR 9781–9798, February 12, 2001):

(1) Delisting levels based on the EPA Composite Model for Landfills (EPACML), modified for delisting; (2) delisting levels based on the EPA Composite Model for Leachate Migration with Transformation Products (EPACMTP model) as used in EPA, Region 6's Delisting Risk Assessment Software (DRAS); (3) use of the Multiple Extraction Procedure (MEP), SW–846 Method 1320, to evaluate the long-term resistance of the waste to leaching in a landfill; (4) setting limits on total concentrations of constituents in the waste that are more conservative than results of calculations of constituent release from waste in a landfill to surface water and air, and release during waste transport; and (5) setting delisting levels at the Land Disposal Restrictions (LDR) Universal Treatment Standards (UTS) levels in 40 CFR 268.48. See the proposed rule, 66 FR 9781–9798, February 12, 2001, for details of calculating delisting levels using these methods.

After considering all public comments on the proposed rule, and the MEP analysis of the petitioned waste which indicated long-term resistance to leaching (see 66 FR 9793–9794, February 12, 2001), EPA is granting BMW, in today's final rule, an exclusion from the lists of hazardous wastes in subpart D of 40 CFR part 261 for its petitioned waste when disposed in a Subtitle D[4] landfill. BMW must meet all of the following delisting conditions in order for this exclusion to be valid: (1) Delisting levels in mg/l in the TCLP extract of the waste based on the DRAS EPACMTP model of 100.0[5] for Barium, 1.0 for Cadmium, 5.0 for Chromium, 33.6 for Cyanide, 5.0 for Lead, and 70.3 for Nickel; (2) the total concentration of cyanide (total, not amenable) in the waste, not the waste leachate, must not exceed 200 mg/kg; (3) the total concentrations, in mg/kg, of metals in the waste, not the waste leachate, must not exceed 2,000 for Barium, 500 for Cadmium, 1,000 for Chromium, 2,000 for Lead, and 20,000 for Nickel.

Delisting levels and risk levels calculated by DRAS, using the EPACMTP model, are presented in Table 1 below.[6] DRAS found that the major pathway for human exposure to this waste is groundwater ingestion, and calculated delisting and risk levels based on that pathway. For details, see the following **Federal Registers**: 65 FR 75637–75651, December 4, 2000; 65 FR 58015–58031, September 27, 2000; and the proposed rule for BMW's petitioned waste, 66 FR 9792–9793, February 12, 2001.

[4] The term, ''Subtitle D landfill,'' refers to a landfill that is licensed to land dispose nonhazardous wastes, that is, wastes that are not RCRA hazardous wastes. A Subtitle D landfill is subject to federal standards in 40 CFR parts 257 and 258 and to state and local regulations for nonhazardous wastes and nonhazardous waste landfills.

[5] Delisting levels cannot exceed the Toxicity Characteristic (TC) regulatory levels. Therefore, although the DRAS EPACMTP calculates higher concentrations (see the proposed rule, 66 FR 9793, February 12, 2001, and Table 1, below), the delisting levels in the final rule are set at the TC levels for barium, cadmium, chromium, and lead. In order for the waste to be delisted, concentrations in the TCLP extract of the waste must be less than the TC levels. See the regulatory definition of a TC waste in 40 CFR 261.24.

[6] Table 1 is identical to Table 3B of the proposed rule (66 FR 9793, February 12, 2001), except that typographical errors for the entries for lead and chromium have been corrected in response to verbal comments by BMW. Specifically, the DRAS-calculated delisting level for chromium was corrected to read ''5.39×10^{5}*,'' instead of ''$5.39 \times 10^{\text{minus;}5}$,'' and the DAF for lead was corrected to read ''1.24×10^{4},'' instead of ''1.24×10^{-4}.'' The acronym, ''DAF,'' in Table 1, means the Dilution Attenuation Factor calculated by DRAS. The ''*'' in Table 1 means that the DRAS-calculated delisting level exceeds the Toxicity Characteristic regulatory level. See Footnote 5 above.

TABLE 1.—DELISTING AND RISK LEVELS CALCULATED BY DRAS WITH EPACMTP MODEL FOR BMW PETITIONED WASTE

Constituent	Delisting level (mg/l TCLP)	DAF	DRAS-calculated risk for maximum concentration of carcinogen in waste	DRAS-calculated hazard quotient for maximum concentration of non-carcinogen in waste
Barium	182*	69.2		4.87×10^{-2}
Cadmium	1.4*	74.6	1.62×10^{-13}	3.57×10^{-2}
Chromium	5.39×10^{5}*	9,580		5.8×10^{-7}
Cyanide	33.6	44.8		1.49×10^{-3}
Lead	187*	1.24×10^{4}		Not Calculable; No Reference Dose for Lead
Nickel	70.3	93.5		8.9×10^{2}
Total Hazard Quotient for All Waste Constituents				0.187
Total Carcinogenic Risk for the Waste (due to Cadmium)			1.62×10^{-13}	

EPA believes that the limits on total concentrations in conditions (2) and (3) above are protective of human health and the environment, and that they are appropriate, given that the delisted waste is not subject to regulation as a hazardous waste. EPA also believes that these limits are realistic, attainable values for wastewater treatment sludges that contain metals and cyanide. The limit for cyanide was chosen so that the waste could not exhibit the reactivity characteristic for cyanide by exceeding the interim guidance for reactive cyanide of 250 mg/kg of releasable hydrogen cyanide (SW–846, Chapter Seven, section 7.3.3.)

After taking into account all public comments on the proposed rule, EPA is retaining in today's final rule to exclude BMW's petitioned waste Conditions (2) through (7) in Table 1, appendix IX of part 261 of the proposed rule (66 FR 9796–9798, February 12, 2001). In response to public comments, EPA is changing Condition (1) for BMW's waste in Appendix IX, by replacing the proposed delisting levels in the TCLP leachate with the leachate delisting levels in the first condition of today's Preamble, section III.B: delisting levels, in mg/l in the TCLP extract of the waste, of 100.0[7] for Barium, 1.0 for Cadmium, 5.0 for Chromium, 33.6 for Cyanide, 5.0 for Lead, and 70.3 for Nickel. The limits on total concentrations in today's final rule are the same as proposed in Condition (1) of Table 1, appendix IX, part 261: The total concentration of cyanide (total, not amenable) in the waste, not the waste leachate, must not exceed 200 mg/kg; the total concentrations, in mg/kg, of metals in the waste, not the waste leachate, must not exceed 2,000 for Barium, 500 for Cadmium, 1,000 for Chromium, 2,000 for Lead, and 20,000 for Nickel.

C. When Is the Delisting Effective?

This rule is effective on May 2, 2001. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here, because this rule reduces the existing requirements for persons generating hazardous wastes. In light of the unnecessary hardship and expense that would be imposed on this petitioner by an effective date six months after publication and the fact that a six-month deadline is not necessary to achieve the purpose of section 3010, EPA believes that this exclusion should be effective immediately upon final publication.

These reasons also provide a basis for making this rule effective immediately, upon final publication, under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

D. How Does This Action Affect the States?

The final exclusion being granted today is issued under the Federal (RCRA) delisting program. States, however, are allowed to impose their own non-RCRA regulatory requirements that are more stringent than EPA's, pursuant to section 3009 of RCRA. These more stringent requirements may include a provision which prohibits a Federally-issued exclusion from taking effect in the States. Because a petitioner's waste may be regulated under a dual system (i.e., both Federal (RCRA) and State (non-RCRA) programs, petitioners are urged to contact State regulatory authorities to determine the current status of their wastes under the State laws.

Furthermore, some States are authorized to administer a delisting program in lieu of the Federal program, i.e., to make their own delisting decisions. Therefore, this exclusion does not apply in those authorized States. If the petitioned waste will be transported to and managed in any State with delisting authorization, BMW must obtain delisting authorization from that State before the waste may be managed as nonhazardous in that State.

IV. Public Comments Received on the Proposed Exclusion

A. Who Submitted Comments on the Proposed Rule?

EPA received public comments on the proposed rule published in 66 FR 9781–9798, February 12, 2001, from (1) BMW Manufacturing Corporation, Greer, South Carolina (BMW), the petitioner, (2) Alliance of Automobile Manufacturers, Washington, DC, (3) Nissan North America, Inc., Smyrna, Tennessee, and (4) The Aluminum Association, Washington, DC. EPA commends and appreciates the thoughtful comments submitted by all of the commenters.

B. Comments and Responses From EPA

Comment: BMW stated that the Land Disposal Restrictions (LDR) should not be used to establish delisting levels, because there is no scientific or regulatory basis for their use. BMW also stated, in support of this position, that EPA had decided not to establish delisting levels based on LDR, in

[7] Delisted wastes cannot exhibit a hazardous waste characteristic. Therefore, when delisting levels are set at the Toxicity Characteristic (TC) regulatory levels, the TCLP extract of the petitioned waste must have concentrations less than the TC levels in order to meet conditions for delisitng. Although the DRAS EPACMTP calculates higher concentrations (see the proposed rule, 66 FR 9793, February 12, 2001, and Table 1, section III.B. of today's preamble), the delisting levels in the final rule are set at the TC levels for barium, cadmium, chromium, and lead.

response to public comments on a previously proposed rule to delist F019 waste (64 FR 55443, October 13, 1999).

Response: EPA has decided not to set delisting levels based on LDR for BMW's petitioned waste, and the final delisting levels in appendix IX of part 261 established in today's final rule are not based on LDR. The analytical data submitted by BMW indicate that the petitioned waste, when generated, would meet LDR treatment standards. See the proposed rule, 66 FR 9790–9792, February 12, 2001, and today's preamble, section II.B.

Comment: BMW disagrees with EPA's proposed method of setting delisting levels based on total concentrations, because there is no scientific correlation between total concentrations of metals and environmental impact. BMW stated that EPA modeling and testing demonstrate that harmful concentrations of constituents will not leach from the petitioned waste.

Response: BMW brings up some significant issues in this comment and makes some good points. However, EPA feels that the proposed limits on total concentrations are reasonable, given that the delisted waste will not be subject to regulation as a hazardous waste under RCRA Subtitle C. These limits will provide added reassurance to the public that management of the waste as nonhazardous will be protective of human health and the environment.

Comment: BMW disagrees with EPA's proposal to base delisting levels on the EPACML model (66 FR 9792–9793, 9797, February 12, 2001). BMW stated that if the new EPACMTP model ''is truly based on improved science, the concentration limits calculated by the model should be the basis for establishing delisting levels.''

Response: EPA agrees with the points made in this comment, and today's final rule uses the DRAS EPACMTP as the basis for the delisting levels in the TCLP extract of the waste. As stated in today's preamble, section III.B., concentrations in the TCLP extract of the waste (in mg/l) are limited to 100.0 [8] for Barium, 1.0 for Cadmium, 5.0 for Chromium, 33.6 for Cyanide, 5.0 for Lead, and 70.3 for Nickel.

[8] Delisted wastes cannot exhibit a hazardous waste characteristic. Therefore, when delisting levels are set at the Toxicity Characteristic (TC) regulatory levels, the TCLP extract of the petitioned waste must have concentrations less than the TC levels in order to meet conditions for delisting. Although the DRAS EPACMTP calculates higher concentrations (see the proposed rule, 66 FR 9793, February 12, 2001, and Table 1, section III.B. of today's preamble), the delisting levels in the final rule are set at the TC levels for barium, cadmium, chromium, and lead.

Comment: The Alliance of Automobile Manufacturers (Alliance) stated that it strongly supports the proposed delisting, and agrees with EPA that fate and transport models are useful tools to evaluate delisting petitions. However, the Alliance believes that the F019 listing itself should be revised to exclude wastewater treatment sludges from automotive industry conversion coating on aluminum when hexavalent chromium and cyanides are not used in the process.

Response: Today's final rule is site-specific and waste-specific; it applies only to BMW's plant in Greer, South Carolina, and only to the petitioned waste. An exclusion of general applicability would require a separate rule-making, with more extensive data collection and risk analysis. EPA understands the Alliance's concern about the need for each auto company to submit a delisting petition, but is unable to address this concern at the present time.

Comment: The Alliance disagrees with EPA's proposed use of (1) the MEP to evaluate BMW's delisting petition; (2) establishing delisting levels based on total concentrations; and (3) establishing delisting levels based on LDR treatment standards.

Response: (1) EPA used MEP analysis of the petitioned waste as a measure of the long-term resistance of the waste to leaching (see 66 FR 9789, 9793–9794, February 12, 2001), which is an important consideration for waste to be disposed in a Subtitle D (nonhazardous waste) landfill. (2) The Alliance brings up some significant issues in this comment and makes some good points. However, EPA feels that the proposed limits on total concentrations are reasonable, given that the delisted waste will not be subject to regulation as a hazardous waste under RCRA Subtitle C. These limits will provide added reassurance to the public that management of the waste as nonhazardous will be protective of human health and the environment. (3) EPA has decided not to set delisting levels based on LDR for BMW's petitioned waste, and the final delisting levels in appendix IX of part 261 established in today's final rule are not based on LDR. The analytical data submitted by BMW indicate that the petitioned waste, when generated, would meet LDR treatment standards. See the proposed rule, 66 FR 9790–9792, February 12, 2001, and today's preamble, section II.B.

Comment: The Alliance commented on the use of the EPACMTP and DRAS by saying that their use should be the subject of a separate rulemaking because they raise complex issues that EPA should not try to resolve in this delisting.

Response: Use of the EPACMTP and DRAS has been described in detail in 65 FR 75637–75651, December 4, 2000, and 65 FR 58015–58031, September 27, 2000. The December 4, 2000 **Federal Register** discusses the key enhancements of the EPACMTP and the details are provided in the background documents to the proposed 1995 Hazardous Waste Identification Rule (HWIR) (60 FR 66344, December 21, 1995). The background documents are available through the RCRA HWIR FR proposal docket (60 FR 66344, December 21, 1995). For every delisting petition submitted to EPA, EPA proposes and requests comment on all available methods for evaluating the petition and setting delisting levels, including the EPACMTP and DRAS. Thus, these models, and future improvements, will be proposed for comment in every delisting rulemaking.

Comment: Nissan North America, Inc. (Nissan) stated that none of the following methods proposed by EPA is appropriate for evaluating BMW's petition and setting delisting levels for the petitioned waste: (1) Use of the MEP; (2) setting limits on total concentrations; and (3) setting delisting levels at the LDR UTS levels in 40 CFR 268.48.

Response: (1) EPA used MEP analysis of the petitioned waste as a measure of the long-term resistance of the waste to leaching (see 66 FR 9789, 9793–9794, February 12, 2001), which is an important consideration for waste to be disposed in a Subtitle D (nonhazardous waste) landfill. (2) Nissan's points are well taken, but EPA feels that the proposed limits on total concentrations are reasonable, given that the delisted waste will not be subject to regulation as a hazardous waste under RCRA Subtitle C. These limits will provide added reassurance to the public that management of the waste as nonhazardous will be protective of human health and the environment. (3) EPA has decided not to set delisting levels based on LDR for BMW's petitioned waste, and the final delisting levels in appendix IX of part 261 established in today's final rule are not based on LDR. The analytical data submitted by BMW indicate that the petitioned waste, when generated, would meet LDR treatment standards. See the proposed rule, 66 FR 9790–9792, February 12, 2001, and today's preamble, section II.B.

Comment: The Aluminum Association (TAA) stated that the restrictions imposed in the proposed

rule (66 FR 9781–9798, February 12, 2001) may have an impact on future delistings submitted by aluminum industry customers that use aluminum parts in the manufacture of automobiles.

Response: TAA's concern is understandable, but today's final rule is site-specific and waste-specific. It applies only to BMW's plant in Greer, South Carolina, and only to the petitioned waste. EPA evaluates every delisting petition on its own merits, in accordance with 40 CFR 260.20 and 260.22, and every proposed and final rule on delisting is site-specific and waste-specific.

Comment: TAA expressed support for the proposed delisting and the determination that BMW's petitioned waste is nonhazardous. TAA also expressed support for all of the comments on the proposal submitted by the Alliance of Automobile Manufacturers (Alliance): (1) The F019 listing definition needs to be changed so that conversion coating processes are excluded when they don't use the constituents of concern that were the basis of the original listing; (2) BMW's waste should not be evaluated by means of the MEP; (3) limits for total concentrations in BMW's waste should not be set; (4) delisting levels for BMW's waste should not be based on the LDR UTS; and (5) EPA should use a separate notice and comment rulemaking for use of the EPACMTP and DRAS.

Response: (1) Today's final rule is site-specific and waste-specific; it applies only to BMW's plant in Greer, South Carolina, and only to the petitioned waste. An exclusion of general applicability would require a separate rule-making, with more extensive data collection and risk analysis. EPA understands the concern of TAA and the Alliance about the need for each auto company to submit a delisting petition, but is unable to address this concern at the present time. (2) EPA used MEP analysis of the petitioned waste as a measure of the long-term resistance of the waste to leaching (see 66 FR 9789, 9793–9794, February 12, 2001), which is an important consideration for waste to be disposed in a Subtitle D (nonhazardous waste) landfill. (3) EPA feels that the proposed limits on total concentrations are reasonable, given that the delisted waste will not be subject to regulation as a hazardous waste under RCRA Subtitle C. These limits will provide added reassurance to the public that management of the waste as nonhazardous will be protective of human health and the environment. (4) EPA has decided not to set delisting levels based on LDR for BMW's petitioned waste, and the final delisting levels in appendix IX of part 261 established in today's final rule are not based on LDR. The analytical data submitted by BMW indicate that the petitioned waste, when generated, would meet LDR treatment standards. See the proposed rule, 66 FR 9790–9792, February 12, 2001, and today's preamble, section II.B. (5) Use of the EPACMTP and DRAS has been described in detail in 65 FR 75637–75651, December 4, 2000 and 65 FR 58015–58031, September 27, 2000. The December 4, 2000 **Federal Register** discusses the key enhancements of the EPACMTP and the details are provided in the background documents to the proposed 1995 Hazardous Waste Identification Rule (HWIR) (60 FR 66344, December 21, 1995). The background documents are available through the RCRA HWIR FR proposal docket (60 FR 66344, December 21, 1995). For every delisting petition submitted to EPA, EPA proposes and requests comment on all available methods for evaluating the petition and setting delisting levels, including the EPACMTP and DRAS. Thus, these models, and future improvements, will be proposed for comment in every delisting rulemaking.

V. Regulatory Impact

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a rule of general applicability and therefore is not a ''regulatory action'' subject to review by the Office of Management and Budget. Because this action is a rule of particular applicability relating to a facility, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202, 204, and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Because the rule will affect only one facility, it will not significantly or uniquely affect small governments, as specified in section 203 of UMRA, or communities of tribal governments, as specified in Executive Order 13084 (63 FR 27655, May 10, 1998). For the same reason, this rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This rule does not involve technical standards; thus, the requirements of section 12(c) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order.

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

VI. Congressional Review Act

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

VII. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting

elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. 6921(f).

Dated: April 10, 2001.

Richard D. Green,

Director, Waste Management Division.

For the reasons set out in the preamble, 40 CFR part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. In Table 1 of appendix IX, part 261 add the following wastestream in alphabetical order by facility to read as follows:

Appendix IX to Part 261—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
*	*	*
BMW Manufacturing Corporation ..	Greer, South Carolina	Wastewater treatment sludge (EPA Hazardous Waste No. F019) that BMW Manufacturing Corporation (BMW) generates by treating wastewater from automobile assembly plant located on Highway 101 South in Greer, South Carolina. This is a conditional exclusion for up to 2,850 cubic yards of waste (hereinafter referred to as ''BMW Sludge'') that will be generated each year and disposed in a Subtitle D landfill after May 2, 2001. With prior approval by the EPA, following a public comment period, BMW may also beneficially reuse the sludge. BMW must demonstrate that the following conditions are met for the exclusion to be valid. (1) *Delisting Levels:* All leachable concentrations for these metals must be less than the following levels (ppm): Barium—100.0; Cadmium—1.0; Chromium—5.0; and Lead—5.0. All leachable concentrations for cyanide and nickel must not exceed the following levels (ppm): Cyanide—33.6; and Nickel—70.3. These metal and cyanide concentrations must be measured in the waste leachate obtained by the method specified in 40 CFR 261.24, except that for cyanide, deionized water must be the leaching medium. The total concentration of cyanide (total, not amenable) in the waste, not the waste leachate, must not exceed 200 mg/kg. Cyanide concentrations in waste or leachate must be measured by the method specified in 40 CFR 268.40, Note 7. The total concentrations of metals in the waste, not the waste leachate, must not exceed the following levels (ppm): Barium—2,000; Cadmium—500; Chromium—1,000; Lead—2,000; and Nickel—20,000. (2) *Verification Testing Requirements:* Sample collection and analyses, including quality control procedures, must be performed according to SW–846 methodologies, where specified by regulations in 40 CFR parts 260–270. Otherwise, methods must meet Performance Based Measurement System Criteria in which the Data Quality Objectives are to demonstrate that representative samples of the BMW Sludge meet the delisting levels in Condition (1). (A) *Initial Verification Testing:* BMW must conduct verification sampling initially when test runs of aluminum vehicle parts are run and again when production of vehicles with aluminum body parts commences. For verification sampling during the test runs, BMW must collect and analyze a minimum of four composite samples of the dewatered sludge that is generated from wastewater treated during the time of the test runs. For verification sampling at the initiation of the production of vehicle models with aluminum parts, BMW must collect a minimum of four composite samples from the first roll-off box of sludge generated after production of automobiles with aluminum parts reaches 50 units per day. BMW must analyze for the constituents listed in Condition (1). If BMW chooses to beneficially reuse sludge, and the reuse has been approved by EPA, following a public comment period, verification testing of the sludge must consist of analyzing a minimum of four composite samples of the sludge for the constituents listed in Condition (1).

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(B) *Subsequent Verification Testing:* If the initial verification testing in Condition (2)(A) is successful for both the test runs and the commencement of production, i.e., delisting levels of Condition (1) are met for all of the composite samples, BMW must implement an annual testing program to demonstrate that constituent concentrations measured in the TCLP extract and total concentrations measured in the unextracted waste do not exceed the delisting levels established in Condition (1). (3) *Waste Holding and Handling:* BMW must store as hazardous all BMW Sludge generated until verification testing, as specified in Condition (2)(A), is completed and valid analyses demonstrate that Condition (1) is satisfied. If the levels of constituents measured in the composite samples of BMW Sludge do not exceed the levels set forth in Condition (1), then the BMW Sludge is non-hazardous and must be managed in accordance with all applicable solid waste regulations. If constituent levels in a composite sample exceed any of the delisting levels set forth in Condition (1), the batch of BMW Sludge generated during the time period corresponding to this sample must be managed and disposed of in accordance with Subtitle C of RCRA. (4) *Changes in Operating Conditions:* BMW must notify EPA in writing when significant changes in the manufacturing or wastewater treatment processes are implemented. EPA will determine whether these changes will result in additional constituents of concern. If so, EPA will notify BMW in writing that the BMW Sludge must be managed as hazardous waste F019 until BMW has demonstrated that the wastes meet the delisting levels set forth in Condition (1) and any levels established by EPA for the additional constituents of concern, and BMW has received written approval from EPA. If EPA determines that the changes do not result in additional constituents of concern, EPA will notify BMW, in writing, that BMW must verify that the BMW Sludge continues to meet Condition (1) delisting levels. (5) *Data Submittals:* Data obtained in accordance with Condition (2)(A) must be submitted to Jewell Grubbs, Chief, RCRA Enforcement and Compliance Branch, Mail Code: 4WD–RCRA, U.S. EPA, Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, Atlanta, Georgia 30303. This submission is due no later than 60 days after filling the first roll-off box of BMW Sludge to be disposed in accordance with delisting Conditions (1) through (7) for both the test runs and again for the commencement of production. Records of analytical data from Condition (2) must be compiled, summarized, and maintained by BMW for a minimum of three years, and must be furnished upon request by EPA or the State of South Carolina, and made available for inspection. Failure to submit the required data within the specified time period or maintain the required records for the specified time will be considered by EPA, at its discretion, sufficient basis to revoke the exclusion to the extent directed by EPA. All data must be accompanied by a signed copy of the certification statement in 40 CFR 260.22(i)(12).

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(6) *Reopener Language:* (A) If, at any time after disposal of the delisted waste, BMW possesses or is otherwise made aware of any environmental data (including but not limited to leachate data or groundwater monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified in the delisting verification testing is at a level higher than the delisting level allowed by EPA in granting the petition, BMW must report the data, in writing, to EPA within 10 days of first possessing or being made aware of that data. (B) If the testing of the waste, as required by Condition (2)(B), does not meet the delisting requirements of Condition (1), BMW must report the data, in writing, to EPA within 10 days of first possessing or being made aware of that data. (C) Based on the information described in paragraphs (6)(A) or (6)(B) and any other information received from any source, EPA will make a preliminary determination as to whether the reported information requires that EPA take action to protect human health or the environment. Further action may include suspending or revoking the exclusion, or other appropriate response necessary to protect human health and the environment. (D) If EPA determines that the reported information does require Agency action, EPA will notify the facility in writing of the action believed necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing BMW with an opportunity to present information as to why the proposed action is not necessary. BMW shall have 10 days from the date of EPA's notice to present such information. (E) Following the receipt of information from BMW, as described in paragraph (6)(D), or if no such information is received within 10 days, EPA will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment, given the information received in accordance with paragraphs (6)(A) or (6)(B). Any required action described in EPA's determination shall become effective immediately, unless EPA provides otherwise. (7) *Notification Requirements:* BMW must provide a one-time written notification to any State Regulatory Agency in a State to which or through which the delisted waste described above will be transported, at least 60 days prior to the commencement of such activities. Failure to provide such a notification will result in a violation of the delisting conditions and a possible revocation of the decision to delist.
*	*	* * * * *

[FR Doc. 01–10991 Filed 5–1–01; 8:45 am]
BILLING CODE 6560–50–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013–1013–01; I.D. 042701B]

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

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the shallow-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA), except for vessels fishing for pollock using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. This action is necessary because the second seasonal apportionment of the 2001 halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA has been caught.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), April 27, 2001, until 1200 hrs, A.l.t., June 10, 2001.

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

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

The Pacific halibut bycatch allowance for the GOA trawl shallow-water species fishery, which is defined at § 679.21(d)(3)(iii)(A), was established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001) for the second season, the period April 1, 2001, through June 10, 2001, as 100 metric tons.

In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS, has determined that the second seasonal apportionment of the 2001

Pacific halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA has been caught. Consequently, NMFS is prohibiting directed fishing for species included in the shallow-water species fishery by vessels using trawl gear in the GOA, except for vessels fishing for pollock using pelagic trawl gear in those portions of the GOA open to directed fishing for pollock. The species and species groups that comprise the shallow-water species fishery are: Pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and ''other species.''

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

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to prevent exceeding the second seasonal apportionment of the 2001 Pacific halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to prevent exceeding the second seasonal apportionment of the 2001 Pacific halibut bycatch allowance specified for the trawl shallow-water species fishery in the GOA constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

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

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

Dated: April 27, 2001.

Richard W. Surdi,

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

[FR Doc. 01–11002 Filed 4–27–01; 4:19 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 010112013–1013–01; I.D. 042701A]

Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/''Other Flatfish'' Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area

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

ACTION: Closure.

SUMMARY: NMFS is closing directed fishing for species in the rock sole/flathead sole/''other flatfish'' fishery category by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the second seasonal apportionment of the 2001 Pacific halibut bycatch allowance specified for the trawl rock sole/flathead sole/''other flatfish'' fishery category.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), April 27, 2001, until 1200 hrs, A.l.t., July 1, 2001.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586–7228.

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

The second seasonal apportionment of the 2001 halibut bycatch allowance specified for the BSAI trawl rock sole/flathead sole/''other flatfish'' fishery category, which is defined at § 679.21(e)(3)(iv)(B)(2), is 179 metric tons (66 FR 7276, January 22, 2001).

In accordance with § 679.21(e)(7)(v), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the second seasonal apportionment of the 2001 halibut bycatch allowance specified for the trawl rock sole/flathead sole/''other flatfish'' fishery in the BSAI has been caught. Consequently, the Regional Administrator is closing directed fishing for species in the rock sole/flathead sole/''other flatfish'' fishery category by vessels using trawl gear in the BSAI.

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

Classification

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

This action is required by 50 CFR 679.21 and is exempt from review under Executive Order 12866.

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

Dated: April 27, 2001.

Richard W. Surdi,

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

[FR Doc. 01–11003 Filed 4–27–01; 4:19 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 85
Wednesday, May 2, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

[Docket No. TB–00–23]

Tobacco Inspection—Growers Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of referendum.

SUMMARY: This document announces that a referendum will be conducted by mail during the period of June 4–8, 2001, for producers of flue-cured tobacco who sell their tobacco at auction in Fairmont-Fair Bluff, North Carolina, and Loris, South Carolina, to determine producer approval of the designation of the Fairmont-Fair Bluff and Loris tobacco markets as one consolidated auction market.

DATES: The referendum will be held June 4–8, 2001.

FOR FURTHER INFORMATION CONTACT: William Coats, Associate Deputy Administrator, Tobacco Programs, Agricultural Marketing Service, United States Department of Agriculture, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 205–0508.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a mail referendum on the designation of a consolidated auction market at Fairmont-Fair Bluff, North Carolina, and Loris, South Carolina. Fairmont-Fair Bluff, North Carolina, was designated on April 6, 1995, (7 CFR 29.8001) as a flue-cured tobacco auction market and Loris, South Carolina, was designated on August 16, 1941, under the Tobacco Inspection Act (7 U.S.C. 511 *et seq.*). Under this Act those markets have been receiving mandatory grading services from USDA.

On September 6, 2000, an application was made to the Secretary of Agriculture to consolidate the designated markets of Fairmont-Fair Bluff, North Carolina, and Loris, South Carolina. The application, filed by sales supervisors on those markets, was made pursuant to the regulations promulgated under the Tobacco Inspection Act (7 CFR part 29.1–29.3). On November 9, 2000, a public hearing was held in Tabor City, North Carolina, pursuant to the regulations. A Review Committee, established pursuant to 7 CFR 29.3(h)), has reviewed and considered the application, the testimony presented at the hearing, the exhibits received in evidence, and other available information. The Committee recommended to the Secretary that the application be granted and the Secretary approved the application on March 27, 2001.

Before a new market can be officially designated, a referendum must be held to determine that a two-thirds majority of producers favor the designation. It is hereby determined that the referendum will be held by mail during the period of June 4–8, 2001. The purpose of the referendum is to determine whether farmers who sold their tobacco on the designated markets at Fairmont-Fair Bluff and Loris are in favor of, or opposed to, the designation of the consolidated market for the 2001 and succeeding crop years. Accordingly, if a two-thirds majority of those tobacco producers voting in the referendum favor the consolidation, a new market will be designated as and will be called Fairmont-Fair Bluff-Loris.

To be eligible to vote in the referendum a tobacco producer must have sold flue-cured tobacco on either the Fairmont-Fair Bluff, North Carolina, or Loris, South Carolina, auction markets during the 2000 marketing season. Any farmer who believes he or she is eligible to vote in the referendum but has not received a mail ballot by June 4, 2001, should immediately contact William Coats at (202) 205–0508.

The referendum will be held in accordance with the provisions for referenda of the Tobacco Inspection Act, as amended (7 U.S.C. 511d), and the regulations for such referendum set forth in 7 CFR 29.74.

Dated: April 25, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–10894 Filed 5–1–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

[Docket No. FV01–981–1 PR]

Almonds Grown in California; Revision of Requirements Regarding Quality Control Program

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule invites comments on a revision to the administrative rules and regulations of the California almond marketing order (order) pertaining to the quality control program. The order regulates the handling of almonds grown in California, and is administered locally by the Almond Board of California (Board). Under the order, handlers receiving almonds from growers must have them inspected to determine the percentage of inedible almonds in each lot. Based on these inspections, handlers incur an inedible disposition obligation. They must satisfy this obligation by disposing of inedible almonds or almond material in outlets such as oil and animal feed. This rule would require at least 25 percent of each handler s disposition obligation to be satisfied by disposing of inedible almonds. Handlers with total annual inedible obligations of less than 1,000 pounds would be exempt from the 25 percent requirement. This rule would also implement a change requiring inedible obligation reports prepared by the Federal-State Inspection Service (inspection agency) to cover weekly rather than monthly periods, consistent with current practice. These proposed changes would help remove more inedible product from human consumption channels, and improve program administration.

DATES: Comments must be received by June 1, 2001.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–8938, or E-mail: *moab.docketclerk@usda.gov*. All

comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at *http://www.ams.usda.gov/fv/moab.html*.

FOR FURTHER INFORMATION CONTACT: Martin Engeler, Assistant Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Order No. 981, as amended (7 CFR part 981), regulating the handling of almonds grown in California, hereinafter referred to as the ''order.'' The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposed rule invites comments on revisions to the administrative rules and regulations pertaining to the quality control program under the California almond marketing order. The proposal would require that at least 25 percent of handlers inedible disposition obligations be satisfied by disposing of inedible almonds to accepted users of such product. Handlers with total annual inedible obligations of less than 1,000 pounds would be exempt from this requirement. The proposal would also require inedible obligation reports prepared by the inspection agency to cover weekly rather than monthly periods. The Board initially recommended adding the 25 percent disposition requirement at a July 12, 2000, meeting. The Department subsequently requested additional information regarding reporting requirements and additional inspection costs. At a meeting on December 6, 2000, the Board provided the requested information and added a recommendation to change the reporting requirement to require inedible obligation reports prepared by the inspection agency to cover weekly rather than monthly periods. Both proposals were unanimously recommended by the Board.

Section 981.42 of the order provides authority for a quality control program. Section 981.42(a) requires handlers to obtain incoming inspection on almonds received from growers to determine the percent of inedible kernels in each lot of any variety. This information is then reported to the Board. Section 981.42(a) further requires handlers to dispose of a quantity of almonds or almond product to satisfy an inedible disposition obligation as determined by the incoming inspection. This section also provides authority for the Board, with the approval of the Secretary, to establish rules and regulations necessary and incidental to the administration of the order's quality control provisions.

Twenty-Five Percent Requirement

Section 981.442 of the order's administrative rules and regulations specifies that the weight of inedible kernels in each lot of any variety of almonds in excess of 1 percent of the kernel weight received by a handler shall constitute that handler's disposition obligation. Handlers are required to satisfy the disposition obligation by delivering packer pickouts, kernels rejected in blanching, pieces of kernels, meal accumulated in manufacturing, or other material, to crushers, feed manufacturers, feeders, or dealers in nut wastes on record with the Board as accepted users of such product. Accepted users dispose of this material to non-human consumption outlets. Currently, any of the aforementioned almond material can be used by handlers to satisfy any or all of their inedible disposition obligation. This rule would require that at least 25 percent of handlers disposition obligations be satisfied with inedible kernels as defined under § 981.408 of the rules and regulations. Handlers with total annual inedible obligations of less than 1,000 pounds would be exempt from the 25 percent requirement.

The overall intent of the quality control program is to remove inedible almonds from product shipped to consumers. Inedible almonds are poor quality kernels or pieces of defective almonds that in some instances may contain aflatoxin. Removing inedible almonds from human consumption channels provides a better quality product to consumers.

When the quality control program was initially implemented, it was recognized that it was not commercially feasible for handlers to remove all inedible almonds during the course of processing. Thus, handlers were allowed to use other almond material besides inedible almonds to satisfy their inedible disposition obligation.

Over the years, changes have occurred in the industry. There has been a marked increase in the amount of almonds used in the manufacture of almond products. This has led to an increase in the amount of almond by-product material generated by handlers. Handlers can use this product to satisfy their disposition obligation. Because of the increased availability of this almond by-product material for use in satisfying the disposition obligation, handlers may be less diligent than in the past in removing inedible almonds from their finished product.

Changes in the marketplace have also created conditions allowing handlers to deliver product containing a higher level of inedible almonds to their customers. Buyers, especially those who process almonds into other products, accept almonds with a higher inedible content than in the past. They can purchase this type of product at reduced price levels and still meet their needs.

Although there is a market for this product, handlers shipping product with a higher inedible content is not consistent with the intent of the quality control program, which is to remove inedible almonds from human consumption channels.

Finally, improvements in technology have enabled the delivery of a relatively clean product from shellers to handlers. Almonds are typically shelled, then delivered to handlers. In some instances, this product can meet a customer s specifications without further handler processing to remove inedible almonds.

The intent of the quality control program is to remove inedible almonds from product prior to shipment. Because of the aforementioned factors, the Board believes the intent of the quality control program is not sufficiently achieved. Therefore, the Board recommended requiring that at least 25 percent of handlers disposition obligations be satisfied with inedible almonds. This proposed change is designed to ensure that handlers remove more inedible almonds from their product prior to shipment. It is expected that this change would result in a higher quality product shipped to consumers and more inedible almonds being removed from human consumption channels, thereby better effectuating the intent of the Board s quality control program.

Reporting Period Change

Section 981.442(a)(3) of the regulations requires the Federal-State Inspection Service (inspection agency) to prepare a report for each handler showing the weight of almonds received and the inedible content, and provide copies of the report to the Board and handler. Section 981.442(a)(3) currently requires this report from the inspection agency to cover a period of one day or a period not exceeding one month.

In carrying out the quality control program under the order, the almond industry utilizes the inspection agency to perform the required inspections. Prior to the 2000–2001 crop year, the inspection agency issued a report covering a period of one day, or a period not exceeding one month. At the beginning of the 2000–2001 crop year, the inspection agency began issuing a report covering weekly periods. This period has made it easier for the Board to collect and disseminate statistical information to handlers in a more timely manner. To bring the rules and regulations into conformity with current practices, the Board recommended revising § 981.442(a)(3) to require the inspection agency s report to the Board and handlers to cover weekly periods.

Additional Change

Finally, this proposal would add clarifying language to the regulations regarding the mechanics of crediting the disposition obligation. The proposed language would clarify that the handlers disposition obligations are credited upon satisfactory completion of ABC Form 8, and state who the responsible parties are for completing ABC Form 8.

Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 106 handlers of California almonds who are subject to regulation under the order and approximately 7,000 almond producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000.

Data for the most recently completed season indicate that about 63 percent of the handlers ship under $5,000,000 worth of almonds and 37 percent ship over $5,000,000 worth on an annual basis. In addition, based on production and grower price data reported by the National Agricultural Statistics Service, and the total number of almond growers, the average annual grower revenue was approximately $98,000. In view of the foregoing, it can be concluded that the majority of handlers and producers of California almonds may be classified as small entities, excluding receipts from other sources.

This proposed rule would revise the administrative rules and regulations pertaining to the quality control program under the California almond marketing order. Section 981.42 of the order provides authority for a quality control program. Section 981.42(a) requires almond handlers to obtain incoming inspection on almonds received from growers to determine the percent of inedible kernels in each lot of any variety. This information is reported to the Board by the inspection agency. Based on this incoming inspection, handlers incur an inedible disposition obligation. Handlers are then required to dispose of a quantity of almonds or almond material to accepted users of such product (basically, non-human consumption outlets) to satisfy their inedible disposition obligation. Section 981.42 also provides authority for the Board, with the approval of the Secretary, to establish rules and regulations necessary and incidental to the administration of the order's quality control provisions. Section 981.442 contains the rules and regulations used in administering the quality control program.

This proposed rule would require that at least 25 percent of a handler's inedible disposition obligation be satisfied by disposing of inedible almonds to the appropriate outlets. Currently, handlers may dispose of various types of almonds and almond products to satisfy the obligation. The purpose of this proposed 25 percent requirement is to help ensure the intent of the program is being met, which is to remove inedible almonds from human consumption channels. The rule would also modify language to specify a reporting period for the inspection agency to not exceed one week rather than one day or a period exceeding one month. This change would bring the rules and regulations into conformity with reporting procedures currently being followed.

There would be no additional cost to the industry to incorporate the revised reporting period into the regulations. However, there would be additional costs associated with implementing the requirement that at least 25 percent of each handler's total inedible dispositions be satisfied with inedible almonds. Inspection costs would increase slightly. Currently, § 981.442(a)(5) provides that the inspection agency must determine the almond content of each inedible disposition for each handler. That information is provided to the Board, and is credited against the appropriate handler's inedible disposition obligation after the disposition takes place. In order to implement the 25 percent requirement, it would be necessary for the inspection agency to determine not only the almond content of the dispositions, but also the amount of inedible product in the almond material. This would require additional analysis of samples by the inspection agency. The inspection agency charges a

per-ton fee and an hourly fee for inedible almond inspections. The per ton fee would not change. However, the number of hours required to implement the additional analysis would increase. It is estimated that the average total number of hours currently spent on inedible almond inspections could increase up to 20 percent; that is, from 1,116 hours to 1,339 hours. At the rate of $14 per hour, this would represent an estimated increase to the industry of approximately $3,122.

While there are additional costs to this proposal, there are also benefits. The intent of the quality control program under the order is to remove inedible almonds from human consumption channels and provide an improved quality product to consumers. It would be difficult to estimate the potential benefits of this proposed action in dollar terms. However, ensuring a good quality product to consumers leads to consumer satisfaction and repeat purchases, and contributes to orderly marketing.

Based on the foregoing, the Board believes that the costs of this proposal would be outweighed by the benefits. This proposal is beneficial to both the almond industry and consumers.

Handlers incurring total annual inedible obligations of less than 1,000 pounds would not be required to meet the 25 percent requirement. The approximately 30 handlers with such small obligations are allowed under current regulations to deliver their inedible material to Board staff in lieu of an accepted user. Almond Board staff is not trained to perform inedible analysis on almond product, and it would not be feasible for handlers with a 1,000 pound inedible obligation or less to incur additional costs for analyzing such small amounts of product. This exemption is also consistent with the RFA goal of ensuring that regulatory actions do not disproportionately impact smaller businesses. Thus, the exemption is in order.

One alternative to the proposals would be leave the regulations unchanged. With regard to the inspection reporting period changes, that was not considered viable because the current practices differ from those outlined in the marketing order regulations. Regarding the 25 percent inedible disposition requirement, leaving the program unchanged would not help ensure inedibles are removed from human consumption channels. Because of the significant amount of almond by-product material available to satisfy disposition obligations, it is believed that some handlers can satisfy their entire inedible obligation with this material. This proposal would help ensure inedibles are removed.

Another alternative would be to require 100 percent of handlers disposition obligations to be satisfied with inedible almonds. However, such a requirement would not be commercially feasible for handlers. The Board believes that setting a 25 percent requirement is a reasonable change to better reflect the intent of the program.

This proposed rule would not impose any additional reporting or recordkeeping requirements on either small or large almond handlers. The current information collection requirements referenced in this proposed rule have been previously approved by the Office of Management and Budget (OMB) under OMB No. 0581–0071. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

In addition, the Board's meetings were widely publicized throughout the almond industry and all interested persons were invited to attend the meeting and participate in Board deliberations. Like all Board meetings, the July 12, 2000, and December 6, 2000, meetings were public meetings and all entities, both large and small, were able to express their views on this issue. The Board itself is composed of ten members, of whom five are producers and five are handlers.

Also, the Board has a number of appointed committees to review certain issues and make recommendations to the Board. The Board's Quality Control Committee met on July 11, 2000, and on September 13, 2000, and discussed these issues. Those meetings were also public meetings and both large and small entities were able to participate and express their views. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty days is deemed appropriate because this rule would need to be in effect prior to the 2001–2002 crop year, which begins August 1, 2001. Also, California almond handlers are aware of these issues which were discussed at public meetings and were unanimously recommended by the Board. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 981 is proposed to be amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 981 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In § 981.442, paragraph (a)(5) and the last sentence in paragraph (a)(3) are revised to read as follows:

§ 981.442 Quality control.

(a) * * *

(3) * * * The report shall cover the handler's daily receipt or the handler's total receipts during a period not exceeding one week, and shall be submitted by the inspection agency to the Board and the handler.

* * * * *

(5) *Meeting the disposition obligation.* Each handler shall meet its disposition obligation by delivering packer pickouts, kernels rejected in blanching, pieces of kernels, meal accumulated in manufacturing, or other material, to crushers, feed manufacturers, feeders, or dealers in nut wastes on record with the Board as accepted users. Handlers shall notify the Board at least 72 hours prior to delivery: *Provided,* That the Board or its employees may lessen this notification time whenever it determines that the 72 hour requirement is impracticable. The Board may supervise deliveries at its option. In the case of a handler having an annual total obligation of less than 1,000 pounds, delivery may be to the Board in lieu of an accepted user, in which case the Board would certify the disposition lot and report the results to the USDA. For dispositions by handlers with mechanical sampling equipment, samples may be drawn by the handler in a manner acceptable to the Board and the inspection agency. For all other dispositions, samples shall be drawn by

or under supervision of the inspection agency. Upon approval by the Board and the inspection agency, sampling may be accomplished at the accepted user's destination. The edible and inedible almond meat content of each delivery shall be determined by the inspection agency and reported by the inspection agency to the Board and the handler. The handler's disposition obligation will be credited upon satisfactory completion of ABC Form 8. ABC Form 8, Part A, is filled out by the handler, and Part B by the accepted user. Deliveries containing less than 50 percent almond meat content shall not be credited against the disposition obligation. At least 25 percent of a handler's total crop year inedible disposition obligation shall be satisfied with dispositions consisting of inedible kernels as defined in § 981.408: *Provided,* That this 25 percent requirement shall not apply to handlers with total annual obligations of less than 1,000 pounds. Each handler's disposition obligation shall be satisfied when the almond meat content of the material delivered to accepted users equals the disposition obligation, but no later than August 31 succeeding the crop year in which the obligation was incurred.

* * * * *

Dated: April 25, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–10892 Filed 5–1–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–12–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Saab Model SAAB 2000 series airplanes. This proposal would require testing of certain components of the emergency pitch trim system (EPTS), and corrective action, if necessary. This action is necessary to prevent faulty activation of the emergency pitch trim actuator (EPTA), which could cause damage to the elevator front spar, resulting in reduced structural integrity of the elevator and a non-functioning EPTS. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by June 1, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–12–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9–anm–nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–12–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Saab Aircraft AB, SAAB Aircraft Product Support, S–581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–12–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–12–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority for Sweden, notified the FAA that an unsafe condition may exist on certain Saab Model SAAB 2000 series airplanes. The LFV advises that, in one case, it has been reported that wires to an emergency pitch trim actuator (EPTA) mode control relay were wired incorrectly in production. This condition, if not corrected, could result in faulty activation of the EPTA, causing damage to the elevator front spar and resulting in reduced structural integrity of the elevator and a non-functioning emergency pitch trim system (EPTS).

Explanation of Relevant Service Information

Saab has issued Service Bulletin 2000–27–046, dated November 30, 2000, which describes procedures for conducting a functional test of the EPTS, and checking and replacing the wiring, if necessary. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The LFV classified this service bulletin as mandatory and issued Swedish

airworthiness directive 1–162, dated November 30, 2000, in order to assure the continued airworthiness of these airplanes in Sweden.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

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

Cost Impact

The FAA estimates that 3 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed testing, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $360, or $120 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

SAAB Aircraft AB: Docket 2001–NM–12–AD.

Applicability: Model SAAB 2000 series airplanes, certificated in any category, serial numbers –004 through –063, inclusive.

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 faulty activation of the emergency pitch trim actuator (EPTA), which could cause damage to the elevator front spar, resulting in reduced structural integrity of the elevator and a non-functioning emergency pitch trim system (EPTS), accomplish the following:

Testing and Corrective Actions

(a) Within 400 flight hours from the effective date of this AD, perform a functional test of the EPTS in accordance with Saab Service Bulletin 2000–27–046, dated November 30, 2000. If the left or right EPTA is not working according to the functional test, before further flight, check the wiring and perform all applicable follow-on corrective actions, in accordance with paragraph 2. C. of Saab Service Bulletin 2000–27–046, dated November 30, 2000.

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 2: 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.

Note 3: The subject of this AD is addressed in Swedish airworthiness directive 1–162, dated November 30, 2000.

Issued in Renton, Washington, on April 26, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10941 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–412–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B2 and B4; A310; and A300 B4–600, B4–600R, and F4–600R (Collectively Called A300–600) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A300 B2 and B4; A310; and A300 B4–600, B4–600R, and F4–600R (collectively called A300–600) series airplanes. This proposal would require modification of certain components related to the fuel level sensors. This action is necessary to prevent the possibility of overheating of the fuel level sensors, which could lead to the risk of explosion in the fuel tank. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by June 1, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–412–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–412–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–412–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–412–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for, notified the FAA that an unsafe condition may exist on certain Airbus Model A300 B2 and B4; A310; and A300 B4–600, B4–600R, and F4–600R (collectively called A300–600) series airplanes. The DGAC advises that investigations by the manufacturer have revealed that, if a 115V alternating current (AC) short circuit occurs outside of the fuel tanks, in the wiring that is routed with the fuel level sensor harnesses, the sensing element in the fuel level sensors could overheat. This overheating of the sensors could cause possible ignition of the fuel tank vapors, resulting in an explosion inside of the fuel tank.

Explanation of Relevant Service Information

Airbus has issued Service Bulletin A300–28–0078, dated September 27, 2000, which describes procedures for installing new fused fuel level sensors and new harness connectors in the wing inner and outer fuel tanks and the center fuel tank on Model A300 B2 and B4 series airplanes. Airbus has also issued Service Bulletins A310–28–2141, including Appendix 01; and A300–28–6063; both dated September 27, 2000; which describe procedures for installing fused adapters for the fuel level sensors between the aircraft external wiring harness and the in-tank wiring at the fuel tank wall connectors in Model A310 and A300–600 series airplanes. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The DGAC classified these service bulletins as mandatory and issued French airworthiness directive 2000–481–324(B), dated November 29, 2000, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

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

Cost Impact

The FAA estimates that 157 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately the number of work hours per airplane specified in the table below to accomplish the proposed modifications, and that the average

labor rate is $60 per work hour. Approximate required parts costs and costs per airplane are listed in the table below:

Approximate Cost per Airplane

Airplane model	Work hours	Parts cost	Approximate cost per airplane
A300 B2, Post Modification 03082S4068	8	$18,241	$18,721
A300 B2, Pre Modification 03082S4068	8	16,690	17,170
A300 B4, Post Modification 01664S2368	16	24,512	25,472
A300 B4, Pre Modification 01664S2368	16	22,811	23,771
A310–200	10	11,972	12,572
A310–300	12	16,125	16,845
A300–600	2	3,805	3,925

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 2000–NM–412–AD.

Applicability: Model A300 B2 and B4 series airplanes; Model A310 series airplanes, except those on which Airbus Modification 12201 has been embodied in production; and Model A300 B4–600, B4–600R, and F4–600R (collectively called A300–600) series airplanes, except those on which Airbus Modification 12202 has been embodied in production; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent the possibility of overheating of the fuel level sensors, which could lead to the risk of explosion in the fuel tank, accomplish the following:

Modification

(a) Within 18 months after the effective date of this AD, modify the electrical connectors to the fuel sensors by the installation of new connectors and new sensors, or fused adapters for the sensors, as applicable, in accordance with the applicable service bulletin listed in the following table:

TABLE 1.—APPLICABLE SERVICE BULLETINS

Airbus model series airplane	Airbus service bulletin No.	Service bulletin date
(1) A300 B2 and B4	A300–28–0078	September 27, 2000.
(2) A310	A310–28–2141	September 27, 2000.
(3) A300–600	A300–28–6063	September 27, 2000.

Spare Parts

(b) As of the effective date of this AD, no person shall install on any airplane a part with any of the identifying numbers listed in the following table:

TABLE 2.—PROHIBITED SPARE PARTS

Airbus model series airplane	Part	Part No.
(1) A300 B2 and B4	Sensor	718–054–1
(2) A300 B2 and B4	Sensor	718–557
(3) A300 B2 and B4	Sensor	718–055–1
(4) A300 B2 and B4	Connector	852510R8T33SN02
(5) A310	Connector	E0052R10B6SNE
(6) A310	Connector	E0052R12B10SNE
(7) A310	Connector	E0052R14B19SNE
(8) A300–600	Connector	E0052R14B19SNE

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, 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 2: 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

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

Note 3: The subject of this AD is addressed in French airworthiness directive 2000–481–324(B), dated November 29, 2000.

Issued in Renton, Washington, on April 25, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10940 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–53–AD]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. TFE731–2, –3, and –4 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration (FAA) proposes to supersede two existing airworthiness directives (ADs), applicable to Honeywell International Inc. (formerly AlliedSignal Inc. and Garrett Turbine Engine Co.) TFE731–2, –3, and –4 series turbofan engines. Those AD's currently require removing certain fan rotor discs from service in accordance with a drawdown schedule, and establishing new fan rotor disc life limits. This proposal would require stricter life limits for certain fan rotor discs. This proposal is prompted by the availability of an improved fan rotor disc and by a reduction in the probability of fan rotor disc failure by terminating the life of the older, high-stressed, fan rotor disc. The actions specified in the proposed AD are intended to prevent failure of the fan disc due to fatigue cracking in the dovetail slots, which could result in in-flight engine shutdown, uncontained engine failure, and damage to the airplane.

DATES: Comments must be received by July 2, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–53–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9-ane-adcomment@faa.gov''. Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The service information referenced in the proposed rule may be obtained from Honeywell Engines and Systems (formerly AlliedSignal Inc. and Garrett Turbine Engine Co.) Technical Publications and Distribution, M/S 2101–201, P.O. Box 52170, Phoenix, AZ 85072–2170; telephone: (602) 365–2493 (General Aviation), (602) 365–5535 (Commercial Aviation), fax: (602) 365–5577 (General Aviation), (602) 365–2832 (Commercial Aviation). This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood CA 90712–4137; telephone: (562) 627–5246; fax: (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NE–53–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–53–AD, 12 New

England Executive Park, Burlington, MA 01803–5299.

Discussion

On May 22, 1986, the FAA issued AD 86–11–05, Amendment 39–5325 (51 FR 2025, June 4, 1986), and on August 26, 1996, the FAA issued AD 96–18–13, Amendment 39–9737 (61 FR 47806, September 11, 1996). These AD's require removing certain fan rotor discs from service in accordance with drawdown schedules based on the fan rotor disc's accumulated cycles-since-new (CSN). These AD's also establish new fan rotor disc life cycle limits at 4,100 CSN or 4,600 CSN, depending on the respective disc part number. That action was prompted after additional analyses revealed that stress levels in the dovetail slots of the affected fan rotor discs were higher than initially calculated. The requirements of that AD are intended to prevent failure of the fan disc due to fatigue cracking in the dovetail slots, resulting in in-flight engine shutdown, uncontained engine failure, and damage to the airplane. In addition, to further reduce the probability of a fatigue failure and separation of in-service fan rotor discs, the FAA issued AD 96–05–03, Amendment 39–9529 (61 FR 10881, March 18, 1996) and AD 96–04–01, Amendment 39–9512 (61 FR 7690, February 29, 1996), which require initial and repetitive eddy current inspections of the dovetail slots. Within the past ten years, 400 fan discs have been removed from service for unacceptable eddy current inspection indications. Service experience has shown that the crack detection capability of this eddy current inspection procedure remains between 80–90 percent. Since AD 86–11–05, AD 96–18–13, AD 96–05–03, and AD 96–04–01 were issued, the FAA has determined that approximately 1,400 affected fan rotor discs remain in service, and has concluded that an accelerated removal schedule of affected fan rotor discs at next access or prior to December 31, 2002, is necessary to further reduce the probability of fan rotor disc failures.

Manufacturer's Service Information

The FAA has reviewed and approved the technical contents of Honeywell International Inc. Alert Service Bulletin TFE731–A72–3668, dated October 25, 2000, that describes fan rotor disc replacement procedures, and references other documents for instructions on replacement, with the redesigned fan rotor discs.

FAA's Determination of an Unsafe Condition and Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other Honeywell International Inc. (formerly AlliedSignal Inc. and Garrett Turbine Engine Co.) TFE731–2, –3, and –4 series turbofan engines of this same type design, the proposed AD would require replacing fan rotor discs part numbers (P/N's) 3072162–All, 3072816–All, 3073436–All, 3073539–All, and 3074529–All (where All denotes all dash numbers).

Economic impact

There are approximately 1,400 engines with affected discs in the worldwide fleet. The FAA estimates that 1,100 engines installed on aircraft of U.S. registry would be affected by this proposed AD. The FAA also estimates that it would take approximately one work hour per engine to accomplish the proposed action during a normally scheduled fan rotor disc removal period, and approximately six work hours per engine to accomplish the proposed action during an unscheduled fan rotor disc removal period, and that the average labor rate is $60 per work hour. Required parts would cost approximately $20,400 per engine. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $22,509,000.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–5325 (51 FR 2025, June 4, 1986) and Amendment 39–9737, (61 FR 47806, September 11, 1996) and by adding a new airworthiness directive, to read as follows:

Honeywell International Inc.: Docket No. 2000–NE–53–AD. Supersedes AD 86–11–05, Amendment 39–5325 and AD 96–18–13, Amendment 39–9737.

Applicability: This airworthiness directive (AD) is applicable to Honeywell International Inc. (formerly AlliedSignal Inc. and Garrett Turbine Engine Co.) TFE731–2, –3, and –4 series turbofan engines, with fan rotor discs part numbers (P/N's) 3072162–All, 3072816–All, 3073436–All, 3073539–All, and 3074529–All (where All denotes all dash numbers). These engines are installed on, but not limited to, Avions Marcel Dassault Falcon 10, 50, and 100 series; Learjet 31, 35, 36, and 55 series; Lockheed-Georgia 1329–23 and –25 series; Israel Aircraft Industries 1124 series and 1125 Westwind series; Cessna Model 650, Citations III, VI, and VII; Raytheon British Aerospace HS–125 series; and Sabreliner NA–265–65 airplanes.

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

Compliance

Compliance with this AD is required as indicated, unless already done.

To prevent failure of the fan disc due to fatigue cracking in the dovetail slots, which could result in in-flight engine shutdown,

uncontained engine failure, and damage to the airplane, do the following:

(a) Remove fan rotor discs P/N's 3072162–All, 3072816–All, 3073436–All, 3073539–All, and 3074529–All (where All denotes all dash numbers), and replace with serviceable fan rotor discs at next access to the fan rotor disc, at the next scheduled fan rotor disc inspection, or prior to December 31, 2002, whichever occurs earliest. Fan rotor disc replacement information is available in Honeywell International Inc. Alert Service Bulletin TFE731–A72–3668, dated October 25, 2000.

Definitions

(b) For the purpose of this AD, the following definitions apply:

(1) Access to the fan rotor disc is whenever the fan shaft is unstretched.

(2) A serviceable disc is a disc that does not have a P/N listed in this AD.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the LAACO.

Special Flight Permits

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

Issued in Burlington, Massachusetts, on April 24, 2001.

Donald E. Plouffe,

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

[FR Doc. 01–10890 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–61–AD]

RIN 2120–AA64

Airworthiness Directives; GE Aircraft Engines CT7 Series Turboprop Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration (FAA) proposes to adopt a new airworthiness directive (AD) that is applicable to GE Aircraft Engines (GE) CT7 series turboprop engines. This proposal would require removal of stage 2 turbine aft cooling plates of a certain part number (P/N) and installation of cooling plates of a new design. This proposal is prompted by a report of a stage 2 turbine aft cooling plate cracking, resulting in an uncontained engine failure. The actions specified by the proposed AD are intended to prevent stage 2 turbine aft cooling plate cracking, which could result in uncontained engine failure, and damage to the airplane.

DATES: Comments must be received by July 2, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–61–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: *9-ane-adcomment@faa.gov.* Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Barbara Caufield, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone: (781) 238–7146; fax: (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NE–61–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–61–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

In July 1999, the FAA was made aware of an uncontained failure of a GE CT7–5 turboprop engine, caused by a cracked stage 2 turbine aft cooling plate. In February 2000, GE identified and reported the root cause of the cooling plate failure to the FAA. The failure was due to micro-cracking at the cooling air holes and a reduction in material properties, caused during manufacture by an excessive electro-discharge machining (EDM) recast layer in the air holes followed by inadequate abrasive flow. GE has identified those cooling plates manufactured by this method, as P/N 6064T07P02, having the serial number (SN) prefix of GFF. GE also has reported that a few unaffected stage 2 turbine aft cooling plates, P/N 6064T07P02 having a SN prefix other than GFF, are installed mainly on engines in foreign military service. This condition, if not corrected, could cause cracking of the stage 2 turbine aft cooling plate, resulting in an uncontained engine failure, and damage to the airplane.

FAA's Determination of an Unsafe Condition and Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other GE CT7 series turboprop engines of the same type design, the proposed AD would require replacing affected stage 2 turbine aft cooling plates with new design aft cooling plates, P/N 6064T07P05, having cooling holes made by conventional drilling methods.

Economic Impact

There are approximately 564 engines of the affected design in the worldwide fleet. The FAA estimates that 180 engines installed on airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 0.5 work hour per engine to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required aft cooling plates would cost approximately $15,282 per engine. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $2,756,160. The manufacturer has stated that it may provide the new design aft cooling plate at no cost to operators, and that if the aft cooling plate is replaced at the next engine or hot section module overhaul shop visit, no additional labor costs will be incurred.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

GE Aircraft Engines: Docket No. 2000–NE–61–AD.

Applicability: This airworthiness directive (AD) is applicable to GE Aircraft Engines (GE) CT7 Models CT7–5A2, –5A3, –7A, and –7A1 turboprop engines, installed on but not limited to Construcciones Aeronauticas, SA CN–235 series and SAAB Aircraft AB SF340 series airplanes.

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

Compliance

Compliance is required at the next overall of the engine or hot section module, or within 8,000 cycles after the effective date of this AD, whichever occurs first, unless already done.

To prevent stage 2 turbine aft cooling plate cracking, which could result in an uncontained engine failure and damage to the airplane, do the following:

(a) Replace stage 2 aft cooling plate P/N 6064T07P02 with stage 2 aft cooling plate P/N 6064T07P05.

(b) After the effective date of this AD, do not install any stage 2 aft cooling plate P/N 6064T07P02.

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

Special Flight Permits

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

Issued in Burlington, Massachusetts, on April 24, 2001.

Donald E. Plouffe,

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

[FR Doc. 01–10889 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 164

[USCG–2001–8826]

RIN 2115–AG09

Electronic Chart Display and Information Systems for Commercial Vessels

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its regulations to allow commercial vessels to use as their primary means of navigation in U.S. waters an electronic charting and navigation system that meets the Electronic Charting Display and Information System (ECDIS) standard of the International Maritime Organization (IMO). Allowing commercial vessels to use modern electronic charting technology may reduce the potential for human error by providing a continuous update of a vessel's position for the mariner. To obtain information needed to amend this rule, the Coast Guard asks for comments from the public on the questions listed in this document.

DATES: Comments and related material must reach the Docket Management Facility on or before July 2, 2001.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility (USCG 2001–8826), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366–9329.

(3) By fax to the Docket Management Facility at (202) 493–2251.

(4) Electronically through the Web Site for the Docket Management System at http://dms.dot.gov.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this proposed rule, contact David Beach, Office of Vessel Traffic Management, Coast Guard, telephone 202–267–6623. For questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address and identify the docket number for this rulemaking (USCG 2001–8826). Please indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. The Coast Guard may change this proposed rule in view of the comments received.

Public Meeting

As of now, the Coast Guard does not plan to hold a public meeting. But you may submit a request for a public meeting to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that a public meeting would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

Currently, self-propelled vessels 1600 gross tons and over (with some exceptions) are required to use printed charts and publications and manually plot their position while navigating in U.S. waters. The existing regulations require a vessel to maintain current paper charts and publications for the area to be transited. Paper charts and publications requiring labor-intensive corrections cannot be updated as expediently as an electronic charting system. Rapid improvements in electronic technology and communications may offer viable options to replace these traditional methods and tools of navigation.

Existing computer applications can eliminate paper documents and reduce the time needed to obtain updated navigation information. Today, computer technology can instantly assimilate data from multiple satellite sources and allow continuous information updates to a vessel's navigation and positioning. The Coast Guard realizes that updating or correcting printed navigation material (i.e. charts and publications) requires a considerable expenditure of time and effort for the commercial shipping industry.

The International Maritime Organization (IMO) has adopted Electronic Charting Display Information Systems (ECDIS) standards for vessels on international voyages, and electronic charting systems are commercially available for even the smallest vessels. The Coast Guard is considering the feasibility of allowing commercial vessels the option to use ECDIS as their primary means of navigation in the navigable waters of the United States.

Under a separate rulemaking, the Coast Guard is publishing a Direct Final Rule allowing public vessels to use electronic charting and navigation systems as their primary means of navigation while transiting in the navigable waters of the United States. The Coast Guard is also planning to conduct an operational evaluation of certain electronic charting and navigation systems that are commercially available. This evaluation will assist the Coast Guard in determining if there are other charting and navigation systems incorporating electronic technology that are functionally equivalent to those required by IMO. If there are functionally equivalent systems that do not meet all of the IMO ECDIS requirements, the Coast Guard may attempt to readdress IMO acceptance of these systems at a later date.

Discussion of Proposed Rule

The Coast Guard is considering amending existing regulations to allow commercial vessels to use an IMO compliant ECDIS as their primary means of navigation in the navigable waters of the United States. Commercial vessels using an ECDIS that meets the IMO standard will have the option to be exempt from the paper chart requirement listed in 33 CFR 164.30 and the requirement for printed navigational publications found in 33 CFR 164.33. Vessels that choose to operate without an IMO compliant ECDIS would continue to navigate using corrected and up to date printed charts and publications in accordance with applicable regulations.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget under this Order has not reviewed the rule. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040, February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

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

Presently, the impact of the proposed rulemaking would have on small entities has not been determined. Any impact on small entities will be assessed in a preliminary Regulatory Flexibility Assessment. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES.** In your comment

explain how you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard would assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. The proposed rulemaking would provide small businesses or organizations an opportunity to comment and will provide a point of contact for any questions on the proposed rulemaking's provisions and its options for compliance. The Coast Guard will provide State's Small Business Development Centers (SBDC) with copies of the proposed rulemaking for further distribution. 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 proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. *et seq.*).

Questions

The Coast Guard requests your comments and any data or information that would answer the following questions, as well as comments on any other part of the current regulations that should be revised. In responding to a question, please explain your reasons for each answer so that we can carefully weigh the consequences and impact of any future requirements we may propose. In addition, please provide relevant data (data on operational incidents resulting in personal injury, property damage, or pollution would be particularly useful), if possible that would support the need for excluding commercial vessels from certain requirements regarding the carriage of paper navigational charts, and publications.

Usage

1. Should ECDIS systems be allowed as an alternative to paper charts for commercial vessels?
2. Which categories of self-propelled vessels (1600 or more gross tons) will install the optional ECDIS system as defined by IMO, as an alternative for the paper charts required by 33 CFR part 164?
3. How many self-propelled vessels of less than 1600 gross tons may install an ECDIS system?
4. If you are planning to install ECDIS, what factors led you to this decision?
5. If you are not planning to install ECDIS, what factors led you to this decision?
6. Are you considering ECDIS as a stand-alone unit, or as part of an Integrated Bridge System?

Costs

1. What is the cost for an ECDIS system (software/hardware)?
2. How much would you estimate it would cost to have an ECDIS system installed on your vessel?
3. Once the ECDIS system is installed, what kind of maintenance would the system need?
4. How much does the maintenance of the system cost and how often (annual, quarterly, monthly) would it need to be conducted?
5. What is the average operational life of the ECDIS system? Is there a projected time when the system should be replaced?
6. What does it cost to update electronic charts? How is the update information provided? How often is the update information provided?
7. How does the electronic chart service compare to your current service for paper charts?
8. What are the economic benefits to a company that would use ECDIS instead of existing paper charts? What other potential benefits can be provided by the use of ECDIS?
9. Are there other electronic charting and navigational systems that should be considered?
10. How many paper charts are purchased on average per year? How much do the charts cost? How much does it cost to have the paper charts updated and how often are they updated (annually, quarterly, monthly)?

Operations

1. What kind of training would be required to use an ECDIS system?
2. What would be the estimated time period for the training and what are the involved costs?
3. Who would be responsible for conducting the training?
4. What are the potential benefits of using an ECDIS system in lieu of paper charts on board a vessel?
5. IMO requires an acceptable backup for ECDIS systems. What is an acceptable backup system (A second, independent ECDIS system, an electronic charting system, manually updated and corrected paper charts)? If paper, how many charts and what scale do you recommend?
6. Which electronic navigation system components need to be backed up (i.e. power, positioning, communications)?
7. What means does an ECDIS use to provide voyage reconstruction for the purpose of marine casualty investigation and how long does the system retain this data?
8. Are there mediums to share and display this data?
9. Can ECDIS display charts and the navigation publications simultaneously?

Miscellaneous

1. Should we allow electronic versions of publications as well as charts?
2. How would any proposed regulation affect small entities?

Comments are not limited to the preceding questions and are invited on any aspect of this proposal or of implementing the electronic charting and navigation requirements for commercial vessels.

Dated: March 23, 2001.

R.C. North,

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

[FR Doc. 01–10835 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 153–0195b; FRL–6958–2]

Revisions to the California State Implementation Plan, Butte County Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve revisions to the Butte County Air Quality Management District (BCAQMD) State Implementation Plan (SIP) which concern the permitting of stationary sources of air emissions. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: Comments must be received in writing by June 1, 2001.

ADDRESSES: Comments must be submitted in writing to Gerardo Rios at the Region IX mailing address listed below. Copies of the rules and EPA's evaluation report are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Permits Office (AIR–3), Air Division, Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814.

Butte County Air Quality Management District, 2525 Dominic Drive, Suite J, Chico, CA 95928.

A courtesy copy of the rules may be available via the Internet at *http://www.arb.ca.gov/drdb/drdbltxt.htm.* However, these versions of the rules may be different than the versions submitted to EPA for approval. Readers are cautioned to verify that the adoption date of the rule listed is the same as the rule submitted to EPA for approval. The official submittal is only available at the agency addresses listed above.

FOR FURTHER INFORMATION CONTACT: David Wampler, Permits Office, (AIR–3), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105; (415) 744–1256.

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rules: BCAQMD 403, 422, 424, 1105, 4–3 (recision), 4.5A (recision), 4.5B (recision), 4–6 (recision), 4–6A (recision), 4.9 (recision), and 4–11 (recision). In the Rules and Regulations section of this **Federal Register,** we are approving action on these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: February 9, 2001.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. 01–10650 Filed 5–1–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[USCG 2001–8825]

RIN 2115–AG08

Vessel Documentation: Lease-Financing for Vessels Engaged in the Coastwise Trade

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its regulations on the documentation of vessels engaged in the coastwise trade. These proposals address statutory amendments eliminating certain barriers to seeking foreign financing by lease for U.S.-flag vessels. These proposals would clarify the information needed to determine the eligibility of a vessel financed in this manner for a coastwise endorsement.

DATES: Comments and related material must reach the Docket Management Facility on or before July 2, 2001.

Comments sent to the Office of Management and Budget (OMB) on collection of information must reach OMB on or before July 2, 2001.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility (USCG–2001–8825), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) By fax to the Docket Management Facility at 202–493–2251.

(4) Electronically through the Web Site for the Docket Management System at *http://dms.dot.gov.*

You must also mail comments on collection of information to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call Patricia Williams, Deputy Director, National Vessel Documentation Center, Coast Guard, telephone 304–271–2506. If you have questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (USCG–2001–8825) indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

In 1996, Congress amended the vessel documentation laws to promote lease financing of vessels engaged in the coastwise trade (section 1113(d) of Public Law 104–324, the Coast Guard Authorization Act of 1996) (''the 1996 Act'') (46 U.S.C. 12106(e)). Lease financing has become a very common way to finance capital assets in the maritime industry. Under lease financing, ownership of the vessel is in the name of the lessor, with a demise charter to the charterer of the vessel. (A demise or bareboat charter is an agreement in which the charterer assumes the responsibility for operating, crewing, and maintaining the vessel as if the charterer owned it.) Many vessel operators choose to acquire or build vessels through lease financing, instead of the traditional mortgage financing, because of possible cost benefits. But, until the 1996 Act, operators were prevented from obtaining this financing from U.S. companies that are less than 75 per cent U.S. owned because the leasing company had to be a U.S. citizen under section 2 of the Shipping Act, 1916, (46 U.S.C. app. 802), which requires at least 75 per cent U.S. ownership. This situation severely restricted the source of available capital.

Under section 1113(d) of the 1996 Act, Congress eliminated this technical impediment to vessel financing by adding a new paragraph (e) to 46 U.S.C. 12106. Under 46 U.S.C. 12106(e), Congress authorized the Secretary of Transportation (since delegated to the Commandant of the Coast Guard) to issue coastwise endorsements if (1) the vessel is eligible for documentation; (2) the owner, a parent entity of the owner, or subsidiary of a parent of the owner is primarily engaged in leasing or other financing transactions; (3) the vessel is under a demise charter to a person certifying that the person is a U.S. citizen for engaging in coastwise trade under section 2 of the Shipping Act, 1916; and (4) the demise charter is for at least 3 years.

According to the legislative history for the 1996 Act (see House Conference Report No. 104–854; Public Law 104–324, 1996 U.S. Code Congressional and Administrative News, p. 4323), Congress intended to broaden the sources of capital for owners of U.S. vessels engaged in the coastwise trade by creating new lease-financing options. At the same time, Congress did not intend to undermine the basic principle of U.S. maritime law that vessels operated in domestic trades must be built in shipyards in the U.S. and be operated and controlled by U.S. citizens, which is vital to U.S. military and economic security. In that report, Congress directed the Coast Guard to establish the necessary regulations to administer 46 U.S.C. 12106(e), including the filing of demise charters for vessels issued a coastwise endorsement under that provision.

The Coast Guard's National Vessel Documentation Center (NVDC) has received requests by owners and prospective owners of U.S. vessels wanting to avail themselves of the lease-finance provisions under 46 U.S.C. 12106(e). The NVDC began implementing the new statutory provisions on a case-by-case basis. Initially, the NVDC based its determinations of eligibility for a coastwise endorsement on (1) a letter submitted by the owner or owner's attorney explaining the nature of the business relationship and how that relationship satisfied the statutory provisions and (2) a copy of the demise charter. However, it became clear to the NVDC that verification of the lease-finance arrangement and, specifically, of whether the leasing entity was ''primarily engaged in leasing or other financing transactions,'' could not be readily ascertained. The NVDC concluded that the term ''leasing or other financing transactions'' in 46 U.S.C. 12106(e) was ambiguous.

To assist in clarifying the phrase ''leasing or other financing transactions,'' the NVDC looked to the Conference Report. On page 4326, the report states: ''Section 1113(d) of the Conference substitute adds a new subsection (e) to section 12106 which would permit a coastwise endorsement for non-U.S. citizen vessel ownership where (1) ownership is primarily a financial investment in the vessel without the ability and intent to control the vessel's operations by a person not primarily engaged in the direct operation or management of vessels and (2) where the owner has transferred to a qualified American citizen full possession, control and command of the U.S. built vessel in a demise charter and the demise charterer is considered the owner pro hac vice during the charter term. It is intended that banks, leasing companies, or other financial institutions qualify as owners of U.S. flag-vessels under this section even if they have a vessel owning and operating affiliate so long as the majority of the aggregate revenues of any such group are not derived from the operation or management of vessels by group members.''

In light of the Conference Report, the NVDC began requiring additional evidence that the arrangement, and all parties to it, meet the statutory requirements as envisioned by Congress. Specifically, the NVDC began requiring certifications, in the form of affidavits, and supporting documentation verifying the following:

(1) That the entity owning the vessel and seeking the coastwise endorsement is a bank, leasing company, or other financial entity organized under the laws of the United States or a State.

(2) That ownership of the vessel is primarily a financial investment without the ability and intent to control the vessel's operations by an entity not primarily engaged in the direct operation or management of vessels.

(3) That the owner will transfer, to a qualified U.S. citizen under 46 U.S.C. app. 802, full possession, control, and command of a U.S.-built vessel through a demise charter for a period of at least 3 years. The owner must verify that, for the purposes of the charter, the demise charterer is considered the owner during the term of the charter. The owner also must submit, to the NVDC, a copy of the charter.

(4) That the majority of the aggregate revenues of the entity, the parent entity, or a subsidiary of the parent entity is not derived from the operation or management of vessels.

(5) That the entity is not primarily engaged in the operation or management of commercial foreign-flag vessels used for the carriage of cargo unrelated to the vessel's owner or charterer.

During the year 2000, at least 15 business entities applied for a coastwise endorsement under the lease-finance provisions. Only one business entity has not been able to certify that they meet the above requirements.

Discussion of the Proposed Regulations

This rulemaking is intended to implement 46 U.S.C. 12106(e) on lease-financing. The proposed regulations are based on the current practice of the NVDC, as described above.

In § 67.3, Definitions, the definition of ''person'' would be revised and the definitions of new terms used in these amendments (''parent,'' ''primarily engaged in leasing or other financing transactions,'' and ''subsidiary'') would be added.

Proposed § 67.20 is new and would set out the requirements for qualifying for a coastwise endorsement under lease-financing.

Proposed § 67.147 is new and would list the items, in addition to those in § 67.141, that are needed to apply for a coastwise endorsement involving lease-financing.

Section 67.167, Requirement for exchange of Certificate of

Documentation, would be revised to identify when a Certificate of Documentation with a coastwise endorsement under lease-financing would become invalid.

Proposed § 67.179 is new and would apply to barges in the coastwise trade, which are exempt, under § 67.9(c), from the requirement that they be documented with a coastwise endorsement. The purpose for this requirement is to allow barges that can qualify to operate under lease-financing to do so without documentation so that they are on the same footing with other coastwise barges. This would reduce a potential burden, because there would be no need to obtain documents for barges at a cost of $113 or more per vessel, plus the cost of preparing the applications for documents.

We ask for your comments on these proposals and specifically on implementing the phrase ''leasing or other financing transactions'' in proposed § 67.20(a)(2) and 46 U.S.C. 12106(e)(1)(B).

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, l979). A draft Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is available in the docket as indicated under **ADDRESSES**.

This proposed rule, in §§ 67.147 and 67.179, would require vessel and barge owners and charterers opting to take advantage of the lease-financing provisions in 46 U.S.C. 12106(e) to submit certain documents to the NVDC. According to Coast Guard's data, there are 87 business entities that have applied under the lease-finance provisions since the passage of the 1996 Act. Therefore, we estimate that the number of entities opting to do the same in the future will be approximately 30 annually.

There are no mandatory costs associated with this rulemaking. The cost imposed on those who choose to take advantage of lease-financing would include the cost of preparing and submitting the required documents. Those costs would vary from applicant to applicant and would probably be the same both for vessels under proposed § 67.147 and barges under proposed § 67.179. For further information on those costs, see the section on ''Collection of Information'' in this preamble.

Small Entities

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

The proposed rule would affect vessel owners and charterers who choose to take advantage of the lease-financing option. This option reduces the burden on owners by allowing them to have access to the cheapest financing available anywhere in the world. Under the proposed rule, to take advantage of the lease-financing option, the vessel owner and charterer must submit affidavits and a copy of their demise charter to the NVDC. The estimated cost of preparing and submitting this material would be minimal and is discussed further under ''Collection of Information'' in this preamble. Companies would tend to choose lease-financing only if they expect its costs to be offset by increased profits.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES**. In your comment, explain why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult Patricia Williams, Deputy Director, National Vessel Documentation Center (NVDC), Coast Guard, telephone 304–271–2506.

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 proposed rule would call for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions. The title and description of the information collections, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection. This estimate applies to the documents to be submitted under proposed §§ 67.147 and 67.179. This collection would be added to the burden estimate under OMB Control Number OMB 2115–0110.

Title: Vessel Documentation: Lease-Financing for Vessels Engaged in the Coastwise Trade.

Summary of the Collection of Information: This proposed rulemaking would add new collection-of-information requirements, in proposed §§ 67.147 and 67.179, for vessel owners and charterers applying to engage in the coastwise trade under the lease-financing provisions of 46 U.S.C. 12106(e). These new requirements would require a change in previously approved OMB Collection 2115–0110.

Need for Information: The Coast Guard needs this information to determine whether an entity meets the statutory requirements.

Proposed Use of Information: The Coast Guard would use this information to determine whether an entity meets the statutory requirements.

Number of Respondents: Approximately, 30 entities a year, including charter amendments and sub-charters.

Frequency of Response: Whenever an entity seeks to qualify to engage in the coastwise trade under 46 U.S.C. 12106(e), a qualified entity amends the

charter, or the demise charterer sub-charters the vessel by demise charter.

Burden of Response: The burden resulting from this proposed rule would arise from the requirements in proposed §§ 67.147 and 67.179 that affidavits be prepared and submitted, along with a copy of the demise charter, to the NVDC. We estimate that it would take a total of 12 hours to prepare the affidavits and make the submissions. As for the per-hour cost to accomplish this administrative task, we estimate that it could be as low as $67 per hour. However, most, if not all, of the applicants so far, chose to use law firms to accomplish these tasks, even though the proposed rule would not require their use. Hourly cost for legal assistance could be substantially higher. To align our estimates more closely with industry practice, we used $167 per hour for a total of $2004 per application.

Estimate of Total Annual Burden: The total annual hour burden for industry is 12 hours per application × $167 per hour (the higher of the two figures discussed above) × 30 applications per year for a total of $60,120 per year.

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we have submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of the collection of information.

We ask for public comment on the proposed collection of information to help us determine how useful the information is; whether it can help us perform our functions better; whether it is readily available elsewhere; how accurate our estimate of the burden of collection is; how valid our methods for determining burden are; how we can improve the quality, usefulness, and clarity of the information; and how we can minimize the burden of collection.

If you submit comments on the collection of information, submit them both to OMB and to the Docket Management Facility where indicated under **ADDRESSES**, by the date under **DATES.**

You need not respond to a collection of information unless it displays a currently valid control number from OMB. Before the requirements for this collection of information become effective, we will publish notice in the **Federal Register** of OMB's decision to approve, modify, or disapprove the collection.

Federalism

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

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their regulatory actions not specifically required by law. 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

We have considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (34)(d), of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. This proposed rulemaking is administrative in nature and identifies the information necessary to apply for a coastwise endorsement under 46 U.S.C. 12106(e). A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 46 CFR Part 67

Reporting and recordkeeping requirements, Vessels.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 46 CFR part 67 as follows:

PART 67—DOCUMENTATION OF VESSELS

1. The authority citation for part 67 continues to read as follows:

Authority: 14 U.S.C. 664; 31 U.S.C. 9701; 42 U.S.C. 9118; 46 U.S.C. 2103, 2107, 2110, 12106, 12120, 12122; 46 U.S.C. app. 841a, 876; 49 CFR 1.45, 1.46.

2. In § 67.3, revise the definition for the term ''person;'' and add, in alphabetical order, definitions for the terms ''entity,'' ''parent,'' ''primarily engaged in leasing or financing,'' and ''subsidiary'' to read as follows:

§ 67.3 Definitions.

* * * * *

Entity means a corporation; partnership; limited liability partnership; limited liability company; association; joint venture; trust arrangement; and the government of the United States, a State, or a political subdivision of the United States or a State; and includes a trustee, beneficiary, receiver, or similar representative of any of them.

* * * * *

Parent means a person that owns or controls more than 50 per cent of another entity.

Person means an individual or an entity.

Primarily engaged in leasing or other financing transactions means that more than 50% of the aggregate revenue of an entity is derived from banking or similar financial transactions.

* * * * *

Subsidiary means any entity more than 50 per cent of which is directly or indirectly owned or controlled by another person.

* * * * *

3. Add § 67.20 to read as follows:

§ 67.20 Coastwise endorsement for a vessel that is owned by a lease-financing company and is under a demise charter.

(a) A vessel under a demise charter that is eligible for a coastwise endorsement under 46 U.S.C. 12106(e) may receive that endorsement if it meets the following:

(1) The vessel is eligible for documentation under 46 U.S.C. 12102.

(2) The vessel is considered built in the United States under § 67.97 and has not lost coastwise privileges under § 67.19(d).

(3) The entity that owns the vessel, a parent of that entity, or a subsidiary of a parent of that entity is primarily engaged in leasing or other financing transactions and not in vessel operations or management.

(4) The majority of the aggregate revenues of the entity that owns the

vessel, a parent of that entity, or a subsidiary of a parent of that entity is not derived from the operation or management of one or more vessels.

(5) The entity that owns the vessel, a parent of that entity, or a subsidiary of a parent of that entity is not primarily engaged in the operation or management of commercial, foreign-flag vessels used for the carriage of cargo for parties unrelated to the vessel's owner or charterer.

(6) The vessel is under a demise charter to a person that certifies to the Director, National Vessel Documentation Center, that the person is a citizen of the United States for engaging in the coastwise trade under 46 U.S.C. app. 802.

(7) The demise charter is for a period of at least 3 years, unless a shorter period is authorized by the Director, National Vessel Documentation Center, under circumstances such as—

(i) When the vessel's remaining life would not support a charter of 3 years; or

(ii) To preserve the use or possession of the vessel.

(b) To apply for a coastwise endorsement for a vessel under a demise charter, see § 67.147.

§ 67.35 [Amended]

4. In § 67.35, at the end of paragraph (c), add the words ''or the vessel qualifies under § 67.20''.

5. In § 67.36, revise paragraphs (c)(1) and (c)(2) to read as follows:

§ 67.36 Trust.

* * * * *

(c) * * *

(1) It meets the requirements of paragraph (a) of this section and at least 75 per cent of the equity interest in the trust is owned by citizens; or

(2) It meets the requirements of § 67.20.

6. In § 67.39, revise paragraphs (c)(1) and (c)(2) to read as follows:

§ 67.39 Corporation.

* * * * *

(c) * * *

(1) It meets the requirements of paragraph (a) of this section and at least 75 per cent of the stock interest in the corporation is owned by citizens; or

(2) It meets the requirements of § 67.20.

* * * * *

7. Add § 67.147 to read as follows:

§ 67.147 Application procedure: Coastwise endorsement for a vessel that is owned by a lease-financing company and is under a demise charter.

(a) In addition to the items under § 67.141, the entity owning the vessel (other than a barge under § 67.179) and seeking a coastwise endorsement under § 67.20 must submit the following to the National Vessel Documentation Center:

(1) A certification, in the form of an affidavit, and supporting documentation from an officer of the entity owning the vessel certifying the following:

(i) That the entity owning the vessel is a bank, leasing company, or other financial entity organized under the laws of the United States or a State.

(ii) That ownership of the vessel is primarily a financial investment without the ability and intent to control the vessel's operations and that the entity owning the vessel is not primarily engaged in the direct operation or management of the vessel.

(iii) That the entity owning the vessel will transfer to a qualified United States citizen under 46 U.S.C. app. 802 the full possession, control, and command of the vessel through a demise charter for a period of at least 3 years, unless a shorter period is authorized under § 67.20(a)(7). The certification must include a statement that the charterer will be deemed to be the owner *pro hac vice* for the term of the charter.

(iv) That the majority of the aggregate revenues of the entity that owns the vessel, a parent of that entity, or a subsidiary of a parent of that entity is not derived from the operation or management of one or more vessels.

(v) That the entity that owns the vessel, a parent of that entity, or a subsidiary of a parent of that entity is not primarily engaged in the operation or management of commercial, foreign-flag vessels used for the carriage of cargo unrelated to the vessel's owner or charterer.

(2) A copy of the charter, which must provide that the charterer is deemed to be the owner *pro hac vice* for the term of the charter.

(b) The charterer of a vessel under paragraph (a) of this section must provide detailed citizenship information in the format of form CG–1258, Application for Documentation, section G, citizenship. The citizenship information may be attached to the form CG–1258 that is submitted under § 67.141 and must be signed by, or on behalf of, the charterer.

(c) Whenever a charter under paragraph (a) of this section is amended, the vessel owner must file a copy of the amendment with the Director, National Vessel Documentation Center, within 10 days after the effective date of the amendment.

(d) Whenever the charterer of a vessel under paragraph (a) of this section demise charters the vessel to a sub-charterer—

(1) The charterer must file a copy of the sub-charter with the Director, National Vessel Documentation Center, within 10 days after the effective date of the sub-charter; and

(2) The sub-charterer must provide detailed citizenship information in the format of form CG–1258, Application for Documentation, section G, citizenship.

(e) A person that submits a false certification under this section is subject to penalty under 46 U.S.C. 12122.

8. In § 67.167, in paragraph (c)(8), remove the last ''or''; in paragraph (c)(9), remove the period and add, in its place, ''; or''; and add paragraph (c)(10) to read as follows:

§ 67.167 Requirement for exchange of Certificate of Documentation.

* * * * *

(c) * * *

(10) For a vessel under 46 U.S.C. 12106(e)—

(i) The demise charter expires or is transferred to another charterer;

(ii) The citizenship of the charterer or sub-charterer changes to the extent that they are no longer qualified for a coastwise endorsement;

(iii) The entity that owns the vessel, a parent of that entity, or a subsidiary of a parent of that entity is no longer primarily engaged in leasing or other financing transactions;

(iv) The majority of the aggregate revenues of the entity that owns the vessel, a parent of that entity, or a subsidiary of a parent of that entity is derived from operation or management of vessels; or

(v) The entity that owns the vessel, a parent of that entity, or a subsidiary of a parent of that entity becomes primarily engaged in operation or management of foreign-flag vessels used for the carriage of cargo unrelated to the vessel's owner or charterer.

* * * * *

9. Add § 67.179 to subpart M to read as follows:

§ 67.179 Application procedure: Coastwise operation of a barge that is owned by a lease-financing company and is under a demise charter.

(a) The entity owning a barge qualified to engage in coastwise trade under the lease-financing provisions of 46 U.S.C. 12106(e) must submit the following to the National Vessel Documentation Center:

(1) A certification, in the form of an affidavit, and supporting documentation from an officer of the entity owning the barge certifying the following:

(i) That the entity owning the barge is a bank, leasing company, or other financial entity organized under the laws of the United States or a State.

(ii) That ownership of the barge is primarily a financial investment without the ability and intent to control the barge's operations by a person not primarily engaged in the direct operation or management of the barge.

(iii) That the entity owning the barge will transfer to a qualified United States citizen under 46 U.S.C. app. 802 the full possession, control, and command of the U.S.-built barge through a demise charter for a period of at least 3 years, unless a shorter period is authorized under § 67.20(a)(7). The certification must include a statement that the charterer will be deemed to be the owner *pro hac vice* for term of the charter.

(iv) That the majority of the aggregate revenues of the entity that owns the barge, a parent of that entity, or a subsidiary of a parent of that entity is not derived from the operation or management of one or more vessels.

(v) That the entity that owns the barge, a parent of that entity, or a subsidiary of a parent of that entity is not primarily engaged in the operation or management of commercial, foreign-flag vessels used for the carriage of cargo for unrelated to the barge's owner or charterer.

(vi) That the barge is qualified to engage in the coastwise trade and that it is owned by an entity eligible to own vessels documented with a registry endorsement.

(2) A copy of the charter agreement, which must provide that the charterer will be deemed to be the owner *pro hac vice*.

(b) The charterer of the barge under paragraph (a) of this section must provide detailed citizenship information in the format of form CG–1258, Application for Documentation, section G, citizenship. The citizenship information must be signed by, or on behalf of, the charterer.

(c) Whenever a charter under paragraph (a) of this section is amended, the barge owner must file a copy of the amendment with the Director, National Vessel Documentation Center, within 10 days after the effective date of the amendment.

(d) Whenever the charterer of a barge under paragraph (a) of this section demise charters the barge to a sub-charterer—

(1) The charterer must file a copy of the sub-charter with the Director, National Vessel Documentation Center, within 10 days after the effective date of the sub-charter; and

(2) The sub-charterer must provide detailed citizenship information in the format of form CG–1258, Application for Documentation, section G, citizenship.

(e) A person that submits a false certification under this section is subject to penalty under 46 U.S.C. 12122.

Dated: February 13, 2001.

R.C. North,

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

[FR Doc. 01–11021 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–15–U

Notices

Federal Register

Vol. 66, No. 85

Wednesday, May 2, 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

Agricultural Marketing Service

[FV–01–328]

United States Standards for Grades of Frozen Celery

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) is soliciting comments on its proposal to create new United States Standards for Grades of Frozen Celery. USDA has received a petition from a grower of celery to create grade standards for frozen celery that will include a description of the product, style, sample unit size, grades, ascertaining the grade by sample, and ascertaining the grade by lot. This proposal will provide a common language for trade, a means of measuring value in the marketing of frozen celery, and provide guidance in the effective utilization of frozen celery.

DATES: Comments may be submitted on or before July 2, 2001.

ADDRESSES: Written comments may be submitted to: Karen L. Kaufman, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, STOP 0247,1400 Independence Avenue SW., Washington, DC 20250–0247; fax (202) 690–1087; or e-mail *karen.kaufman@usda.gov.*

Comments should reference the date and page of this issue of the **Federal Register**. All comments received will be made available for public inspection at the address listed above during regular business hours and on the Internet.

The draft of the United States Standards for Grades of Frozen Celery available either through the address cited above or by accessing AMS's Home Page on the Internet at: www.ams.usda.gov/standards/frozveg.htm. Any comments received, regarding this proposed standard will also be posted on that site.

FOR FURTHER INFORMATION CONTACT: Karen L. Kaufman at (202) 720–5021 or e-mail at karen.kaufman@usda.gov.

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *'' AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables no longer appear in the Code of Federal Regulations but are maintained by USDA/AMS/Fruit and Vegetable Programs.

AMS is proposing to establish the U.S. Standards for Grades of Frozen Celery using the procedures that appear in Part 36 of Title 7 of the Code of Federal Regulations (7 CFR Part 36).

Proposed by the Petitioner

The petitioner, a grower of celery, requested that USDA develop a standard for frozen celery to be used by the industry. The petitioner provided information on style, sample size and description to AMS to develop the standard. AMS visited the petitioner's facility to collect information on grades of frozen celery and how to ascertain the grade of a sample and of a lot.

AMS prepared a discussion draft of the frozen celery standard, and distributed copies for input to the petitioner, the American Frozen Food Institute (AFFI), and the National Food Processors Association (NFPA). Input from the above groups was used to develop the proposed standard.

Proposed by Fruit and Vegetable Programs, AMS

Based on the results of the information gathered, AMS is proposing to establish a standard for frozen celery following the standard format for U.S. Grade Standards. AMS is proposing to define ''frozen celery'' and establish ''sliced'' and ''diced as the style designations. The proposal will also define the quality factors that affect frozen celery and determine sample unit sizes for this commodity.

This proposal will establish the grade levels ''A'', ''B'' and ''Substandard'' and assign the corresponding score points for each level. The proposed tolerance for each quality factor as defined for each grade level will be established.

The grade of a sample unit of frozen celery will be ascertained by considering the factors of varietal characteristics and flavor and odor which are not scored; the ratings for the factors of color, defects, and character, which are scored; the total score; and the limiting rules which apply. This proposal will provide a common language for trade, a means of measuring value in the marketing of frozen celery, and provide guidance in the effective utilization of frozen celery. The official grade of a lot of frozen celery covered by these standards will be determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Products Thereof, and Certain Other Processed Foods Products (§ 52.1 to 52.83).

This notice provides for a 60 day comment period for interested parties to comment on changes to the standards.

Authority: 7 U.S.C. 1621–1627.

Dated: April 25, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–10893 Filed 5–1–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Availability of an Environmental Assessment; Ashley, Dixie, Fishlake, Manti-La Sal, Uinta, and Wasatch-Cache National Forest's; Utah Counties: Beaver, Box Elder, Cache, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, and Weber; Wyoming Counties: Sweetwater and Uinta; Colorado Counties: Mesa and Montrose

AGENCY: USDA Forest Service.

ACTION: Notice of availability of an environmental assessment.

SUMMARY: The Utah Fire Amendment Project was initiated October 13, 1998 with the published public notification of proposed Forest Plan amendments in the newspaper of general circulation for each National Forest. The responsible officials are the Forest Supervisors for the Ashley, Dixie, Fishlake, Manti-La Sal, Uinta, and Wasatch-Cache National Forest's. In accordance with planning regulations issued November 9, 2000 at 36 CFR § 219.35 the responsible official's have decided to proceed under the 1982 regulations in effect prior to November 9, 2000. In addition, the responsible official's have decided to proceed under the administrative appeal and review procedures of 36 CFR § 217 in effect prior to November 9, 2000.

DATES: Effective as of May 2, 2001.

FOR FURTHER INFORMATION CONTACT: David Hatfield, Manti-La Sal National Forest, 599 West Price River Drive, Price, UT 84501, (435) 637–2817.

Dated: April 19, 2001.

Pam Gardiner,

Forest Supervisor, Wasatch-Cache National Forest.

[FR Doc. 01–10875 Filed 5–1–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Availability of the Luna Lake Trail Relocation Environmental Assessment, Including a Proposed Non-Significant Amendment to the 1997 Revision to the Routt National Forest Land and Resource Management Plan, Garfield, Grand, Jackson, Moffat, Rio Blanco, and Routt Counties, CO

AGENCY: U.S. Forest Service, U.S.D.A.

ACTION: Notice of availability of an environmental assessment.

SUMMARY: An environmental assessment of the proposed relocation of approximately three miles of the Luna Lake Trail in the Mt. Zirkel Wilderness that was heavily impacted by the Routt Divide Blowdown event in October 1997 is available upon request. The analysis includes a proposed non-significant amendment to the 1997 Revision to Routt National Forest Land and Resource Management Plan to reallocate acres in management area prescriptions in the project area. The amendment is necessary to reflect the change in recreational use patterns and social encounters that would result from trail relocation. This notice is provided pursuant to National Forest System Land and Resource Management Planning regulations (36 CFR 219.35, 65 FR 67579, November 9, 2000).

DATES: Public scoping on this proposed project was initiated on August 8, 1999. A pre-decisional Environmental Assessment was issued on August 2, 2000. The official public comment period ended on September 11, 2000.

ADDRESSES: Send requests for documents to: Forest Supervisor, Medicine Bow-Routt National Forests and Thunder Basin National Grassland, 2468 Jackson Street, Laramie, WY 82070–6535.

FOR FURTHER INFORMATION CONTACT: Ed Patalik, Recreation Planner, Hahns Peak-Bears Ears Ranger District, 925 Weiss Drive, Steamboat Springs, CO 80487–9315. Phone: (970) 870–2245 Electronic mail: epatalik@fs.fed.us

SUPPLEMENTARY INFORMATION: Public scoping for this project was initiated with an article in the *Steamboat TODAY* newspaper, Steamboat Springs, Colorado, on August 8, 1999.

On April 7, 2000, a letter describing this proposed project and the non-significant amendment to the 1997 Revision to the Routt National Forest Land and Resource Management Plan was mailed to over 1,800 individuals and organizations on the Routt Forest Plan and Routt Divide Blowdown mailing lists. This mailing was followed with another article about the proposed project in the *Steamboat TODAY* newspaper on April 14, 2000.

A pre-decisional Environmental Assessment was made available for review and public comment invited in legal notices published in the *Steamboat TODAY* newspaper on August 2, 2000, and in the *Laramie Daily Boomerang*, Laramie, Wyoming on August 9, 2000. The official public comment period ended on September 11, 2000.

Dated: April 17, 2001.

Mary H. Peterson,

Forest Supervisor.

[FR Doc. 01–10536 Filed 5–1–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Availability of Funding and Requests for Proposals for Guaranteed Loans Under the Section 538 Guaranteed Rural Rental Housing Program; Correction

AGENCY: Rural Housing Service (RHS), USDA.

ACTION: Correction.

SUMMARY: The Rural Housing Service (RHS) corrects a notice published December 26, 2000 (65 FR 81650). This action is taken to correct the authorized purposes of section 538 guaranteed loans by eliminating the requirement that acquisition loans result in the creation of new units.

Accordingly, the notice published December 26, 2000, (65 FR 81650–81656), is corrected as follows:

On page 81650 in the third column, Item I, ''Purpose and Program Summary,'' the fourth sentence should read ''Qualified lenders will be authorized to originate, underwrite, and close loans for multi-family housing projects requiring new construction or acquisition with rehabilitation of at least $15,000 per unit.''

Dated: April 17, 2001.

James C. Alsop,

Acting Administrator, Rural Housing Service.

[FR Doc. 01–10900 Filed 5–1–01; 8:45 am]

BILLING CODE 3410–XV–U

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–809]

Certain Circular Welded Non-Alloy Steel Pipe From the Republic of Korea; Preliminary Results of Changed Circumstances Review

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

ACTION: Notice of preliminary results of changed circumstances antidumping duty administrative review.

SUMMARY: On February 27, 2001, the Department of Commerce published a notice of initiation in the above-named case. As a result of this review, the Department of Commerce preliminarily finds for the purposes of this proceeding that Hyundai Steel Company is the successor-in-interest to Hyundai Pipe Company, Ltd.

EFFECTIVE DATE: May 2, 2001.

FOR FURTHER INFORMATION CONTACT: Suresh Maniam or Sibel Oyman, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0176 and (202) 482–1174, respectively.

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. In addition, unless otherwise indicated, all citations to the Department of Commerce's (''Department'') regulations are to 19 CFR Part 351 (2000).

SUPPLEMENTARY INFORMATION:

Background

On February 27, 2001, the Department published a notice of initiation of this changed circumstances review (*see Notice of Initiation of Changed Circumstances Antidumping Duty Administrative Review*, 66 FR 12460). On March 20, 2001, the Department conducted a verification of Hyundai Steel Company (''Hyundai Hysco'') at its headquarters in Seoul (*see Memorandum to the File*, ''Verification of Hyundai Hysco in the Changed Circumstance Review of Oil Country Tubular Goods and Circular Welded Non-Alloy Steel Pipe from South Korea,'' dated April 13, 2001) (public version on file in the Department's Central Records Unit, in Room B–099).

Scope of the Review

The merchandise subject to this review is circular welded non-alloy steel pipe and tube, of circular cross-section, not more than 406.4mm (16 inches) in outside diameter, regardless of wall thickness, surface finish (black, galvanized, or painted), or end finish (plain end, beveled end, threaded, or threaded and coupled). These pipes and tubes are generally known as standard pipes and tubes and are intended for the low-pressure conveyance of water, steam, natural gas, air, and other liquids and gases in plumbing and heating systems, air-conditioning units, automatic sprinkler systems, and other related uses. Standard pipe may also be used for light load-bearing applications, such as for fence tubing, and as structural pipe tubing used for framing and as support members for reconstruction or load-bearing purposes in the construction, shipbuilding, trucking, farm equipment, and other related industries. Unfinished conduit pipe is also included in this order.

All carbon-steel pipes and tubes within the physical description outlined above are included within the scope of this review except line pipe, oil country tubular goods, boiler tubing, mechanical tubing, pipe and tube hollows for redraws, finished scaffolding, and finished conduit. In accordance with the Department's *Final Negative Determination of Scope Inquiry on Certain Circular Welded Non-Alloy Steel Pipe and Tube from Brazil, the Republic of Korea, Mexico, and Venezuela*, 61 FR 11608, (March 21, 1996), pipe certified to the API 5L line-pipe specification and pipe certified to both the API 5L line-pipe specifications and the less-stringent ASTM A–53 standard-pipe specifications, which falls within the physical parameters as outlined above, and entered as line pipe of a kind used for oil and gas pipelines is outside of the scope of the antidumping duty order.

Imports of these products are currently classifiable under the following Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings: 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, and 7306.30.50.90. Although the HTSUS subheadings are provided for convenience and Customs Service purposes, our written description of the scope of this proceeding is dispositive.

Preliminary Results

In making successor-in-interest determinations, the Department examines several factors including, but not limited to, changes in: (1) Management; (2) production facilities; (3) supplier relationships; and (4) customer base. *See, e.g., Brass Sheet and Strip from Canada; Final Results of Antidumping Duty Administrative Review*, 57 FR 20460, 20461 (May 13, 1992). While no single factor, or combination of factors, will necessarily prove dispositive, the Department will generally consider the new company to be the successor to its predecessor company if the resulting operations are essentially the same as the predecessor company. *See e.g., Id. and Industrial Phosphoric Acid from Israel; Final Results of Changed Circumstances Review*, 59 FR 6944, 6945 (February 14, 1994). Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as its predecessor, the Department will assign the new company the cash-deposit rate of its predecessor.

Based on the information submitted by Hyundai Hysco during the initiation stages of this changed circumstances review and the information examined during verification, we preliminarily determine that Hyundai Hysco is the successor-in-interest to Hyundai Pipe Company (''HDP''). We find that the company's organizational structure, senior management, production facilities, supplier relationships, and customers have remained essentially unchanged. Furthermore, HDP has provided sufficient internal and public documentation of its name change. Based on all the evidence reviewed, we find that Hyundai Hysco operates as the same business entity as HDP. Thus, we preliminarily determine that Hyundai Hysco should receive the same antidumping duty cash-deposit rate (*i.e.*, a 2.64 percent antidumping duty cash-deposit rate) with respect to the subject merchandise as HDP, its predecessor company.

Public Comment

Any interested party may request a hearing within 10 days of publication of this notice. Any hearing, if requested, will be held no later than 28 days after the date of publication of this notice, or the first workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 14 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to the issues raised in those comments, may be filed not later than 21 days after the date of publication of this notice. All written

comments shall be submitted in accordance with 19 CFR 351.303. Persons interested in attending the hearing, if one is requested, should contact the Department for the date and time of the hearing. The Department will publish the final results of this changed circumstances review, including the results of its analysis of issues raised in any written comments.

We are issuing and publishing this determination and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and sections 351.216 and 351.222 of the Department's regulations. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of Assistant Secretary for Import Administration.

Dated: April 26, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–11019 Filed 5–1–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council

AGENCY: National Marine Sanctuary System (NMSS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS or Sanctuary) is seeking applicants for the following six vacant seats on its Sanctuary Advisory Council (Council): Hawaii County, Honolulu County, Kauai County, Maui County, Education and Research. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the conservation and management of marine resources; and the length of residence in the area affected by the Sanctuary. Applicants who are chosen as members should expect to serve two-year terms, pursuant to the Council's Charter.

DATES: Applications are due by June 1, 2001.

ADDRESSES: Application kits may be obtained from Kellie Cheung at the Hawaiian Islands Humpback Whale National Marine Sanctuary, 6700 Kalanianaole Hwy, Suite 104, Honolulu, Hawaii 96825. Completed applications should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Kellie Cheung at (808) 397–2651, or Kellie.Cheung@noaa.gov.

SUPPLEMENTARY INFORMATION: The HIHWNMS Advisory Council was established in March 1996 (the current Council has served since July 1998) to assure continued public participation in the management of the Sanctuary. Since its establishment, the Council has played a vital role in the decisions affecting the Sanctuary surrounding the main Hawaiian Islands.

The Council's twenty-three voting members represent a variety of local user groups, as well as the general public, plus ten local, state and federal governmental jurisdictions.

The Council is supported by three working groups: The Research Subcommittee chaired by the Research Representative, the Education Subcommittee chaired by the Education Representative, and the Conservation Subcommittee chaired by the Conservation Representative, each respectively dealing with matters concerning research, education and resource protection.

The Council represents the coordination link between the Sanctuary and the state and federal management agencies, user groups, researchers, educators, policy makers, and other various groups that help to focus efforts and attention on the humpback whale and its habitat around the main Hawaiian Islands.

The Council functions in an advisory capacity to the Sanctuary Manager and is instrumental in helping to develop policies and program goals, and to identify education, outreach, research, long-term monitoring, resource protection and revenue enhancement priorities. The Council works in concert with the Sanctuary Manager by keeping him or her informed about issues of concern throughout the Sanctuary, offering recommendations on specific issues, and aiding the Manager in achieving the goals of the Sanctuary program within the context of Hawaii's marine programs and policies.

Authority: 16 U.S.C. Section 1431 *et seq.* (Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: April 26, 2001.

Ted I. Lillestolen,

Deputy Assistant Administrator for Oceans and Coastal Zone Management.

[FR Doc. 01–10982 Filed 5–1–01; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Thunder Bay National Marine Sanctuary and Underwater Preserve Advisory Council

AGENCY: Office of National Marine sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The Thunder Bay National Marine Sanctuary and Underwater Preserve (Sanctuary/Preserve) is seeking applications for the following seats on the new Advisory Council: Recreation member and alternate, Tourism member and alternate, Business/Economic Development member and alternate, Fishing (recreational, charter and/or commercial) member and alternate, Diving member and alternate, Education (elementary, junior high, high school) member and alternate, Education (higher education) member and alternate, Maritime History & Interpretation member and alternate, and Citizen-At-Large 2 members and alternates.

Applicants are chosen based upon their particular expertise and experiences in relation to the seat for which they are applying; community and professional affiliations; and the length of residence in the area affected by the Sanctuary/Preserve.

Applicants who are chosen as members should expect to serve 2 to 3 year terms pursuant to the Council's Charter. Applicants should be available to attend approximately 4 to 6 meetings annually.

DATES: Applications are due by June 1, 2001.

ADDRESSES: Application kits may be obtained from Ellen Brody, NOAA/Thunder Bay National Marine Sanctuary and Underwater Preserve, 2205 Commonwealth Blvd., Ann Arbor, MI 48105–2945. Applications are also available on-line at: *http://www.glerl.noaa.gov/glsr/thunderbay.* All completed applications should be sent to the above Ann Arbor address.

FOR FURTHER INFORMATION CONTACT: Ellen Brody, NOAA/Thunder Bay National Marine Sanctuary and Underwater Preserve, 2205 Commonwealth Blvd., Ann Arbor, MI 48105–2945, (734) 741–2270 Phone, (734) 741–2176 FAX, ellen.brody@noaa.gov.

SUPPLEMENTARY INFORMATION: The first Thunder Bay Sanctuary Advisory Council was established in 1997. Their mission was to provide advice and recommendations to NOAA and the State throughout the designation process for the Sanctuary/Preserve.

The Sanctuary/Preserve was officially designated October 7, 2000. The new Sanctuary Advisory Council will provide advice and recommendations to the Sanctuary/Preserve Manager and the Joint Management Committee (a State/Federal body to oversee major policy, management and budget issues concerning the Sanctuary/Preserve) regarding the management and operation of the Thunder Bay Sanctuary/Preserve.

The Advisory Council will be composed of 15 local residents. In addition to the above competitive seats, the following entities will appoint a representative to sit on the Council: Alpena County Board of Commissioners, Alpena City Council, Alpena Township Board of Trustees, Sanborn Township Board of Trustees, Thunder Bay Underwater Preserve Council.

The Sanctuary/Preserve was established to manage and protect Thunder Bay's historic collection of an estimated 116 shipwrecks. NOAA and the State of Michigan are equal partners in the management of the Sanctuary/Preserve. Both NOAA and the State will mutually agree upon the selection of the Advisory Council members.

Authority: 16 U.S.C. Sections 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: April 26, 2001.

Ted I. Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 01–10983 Filed 5–1–01; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042601E]

Endangered Species; Permits

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

ACTION: Receipt of an application for a research permit (1304).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement under the Endangered Species Act (ESA): NMFS has received an application for a scientific research permit from Dr. William C. Coles, of the Department of Planning and Natural Resources, Division of Fish and Wildlife, United State Virgin Islands.

DATES: Comments or requests for a public hearing on any of the new applications or modification requests must be received at the appropriate address or fax number no later than 5 p.m. eastern standard time on June 1, 2001.

ADDRESSES: Written comments on the new application should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the application. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review in the indicated office, by appointment:

For permit 1304: Endangered Species Division, F/PR3, 1315 East West Highway, Silver Spring, MD 20910 (phone:301–713–1401, fax: 301–713–0376).

FOR FURTHER INFORMATION CONTACT: Terri Jordan, Silver Spring, MD (phone: 301–713–1401, fax: 301–713–0376, e-mail: Terri.Jordan@noaa.gov)

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Scientific research and/or enhancement permits are issued under Section 10(a)(1)(A) of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species are covered in this notice:

Sea turtles

Threatened and endangered Green turtle (*Chelonia mydas*)

Endangered Hawksbill turtle (*Eretmochelys imbricata*)

Endangered Leatherback turtle (*Dermochelys coriacea*)

Threatened and endangered Olive ridley turtle (*Lepidochelys olivacea*)

New Applications Received

Application 1304

The applicant requests a permit to take endangered and threatened sea turtles in the U.S. Virgin Islands for scientific research. The applicant proposes to capture, handle, tag, collection of biological samples and release green, hawksbill, leatherback and olive ridley turtles.

Dated: April 26, 2001.

Phil Williams,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–11017 Filed 5–1–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 041701B]

Endangered Species; Permits

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

ACTION: Receipt of request to modify a scientific research permit 1227; issuance of modification #1 to permit 1236 and modification #1 to permit 1254.

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement under the Endangered Species Act (ESA): NMFS has received a request to modify permit (1227) from Dr. Peter Dutton, of NMFS-SWFSC; NMFS has issued modification #1 to permit 1236 to Dr. John A. Musick, PhD., of the College of William and Mary (1236) and NMFs has issued modification #1 to permit 1254 to

Dynegy Northest Generation, Inc. (1254).

DATES: Comments or requests for a public hearing on the modification request must be received at the appropriate address or fax number no later than 5 p.m. eastern standard time on June 1, 2001.

ADDRESSES: Written comments on any of the new applications or modification requests should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the application or modification request. Comments will not be accepted if submitted via e-mail or the Internet. The applications and related documents are available for review in the indicated office, by appointment:

Endangered Species Division, F/PR3, 1315 East West Highway, Silver Spring, MD 20910 (phone:301–713–1401, fax: 301–713–0376).

FOR FURTHER INFORMATION CONTACT: Terri Jordan, Silver Spring, MD (phone: 301–713–1401, fax: 301–713–0376, e-mail: Terri.Jordan@noaa.gov)

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Scientific research and/or enhancement permits are issued under Section 10(a)(1)(A) of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species are covered in this notice:

Sea turtles

Threatened and endangered Green turtle (*Chelonia mydas*)

Endangered Hawksbill turtle (*Eretmochelys imbricata*)

Endangered Kemp's ridley turtle (*Lepidochelys kempii*)

Endangered Leatherback turtle (*Dermochelys coriacea*)

Threatened Loggerhead turtle (*Caretta caretta*)

Threatened and endangered Olive ridley turtle (*Lepidochelys olivacea*)

Fish

Endangered Shortnose Sturgeon (*Acipenser brevirostrum*)

Modification Requests Received

Permit #1227

The applicant requests a modification to permit 1227. Permit 1227 authorizes the capture of up to five leatherback turtles in breakaway hoop nets for the purpose of collecting genetic samples and attaching satellite transmitters to the animals. Modification #1 would increase the authorized annual take from five animals to 100 animals. All of the animals would be measured, flipper tagged, PIT tagged, have a tissue sample collected and then be released. Up to 20 of these animals would have satellite transmitters attached to them via a harness.

Permits and Modified Permits Issued

Permit #1236

Notice was published on April 14, 2000 (65 FR 20138), that Dr. John A. Musick, PhD., of the College of William and Mary applied for a scientific research. Permit ι1236 was issued on October 10, 2000. During the review of permit #1236 part of the proposed permit was separated from the package for additional comment and review. This portion is now being issued as modification #1 to permit 1236. Modification #1 authorizes the take of listed sea turtles in the coastal waters of the Chesapeake Bay. Research conducted in the Chesapeake Bay will study inter-nesting movements of sea turtles in Virginia via satellite telemetry. The study will capture, handle, tag (PIT, flipper, satellite, radio and acoustic), collect biological samples (via humeral bone biopsy, blood samples and laparoscopy) and release loggerhead, green , Kemp's ridley, and leatherback turtles. Modification #1 to permit 1236 was issued on April 10, 2001, authorizing take of listed species. Permit 1236 expires June 30, 2005.

Permit #1254

Notice was published on February 8, 2001 (66 FR 8560), that Mr. Martin Daley, of Dynegy Northeast Generation (DNG) applied for a modification to 1254. For modification #1, DNG requested the removal of Central Hudson Gas and Electric (CHGE) from the permit as a result of the completed sale of the Roseton and Danskammer Point power plants from CHGE to DNG. Modification #1 to Permit 1254 was issued on April 13, 2001, authorizing take of listed species. Permit 1254 expires August 31, 2005.

Dated: April 26, 2001.

Phil Williams,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–11018 Filed 5–1–01; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

April 26, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: May 4, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 75671, published on December 4, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 26, 2001.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 28, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on May 4, 2001, you are directed to adjust the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
339/639	1,452,969 dozen.
342/642	660,793 dozen.
433	24,540 dozen.
442	82,693 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–10950 Filed 5–1–01; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Department of Defense, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, Office of the Deputy Under Secretary of Defense for Installations, Office of Economic Adjustment.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of Economic Adjustment announces the proposed extension of a currently approved collection 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 the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed 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 collection 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 July 2, 2001.

ADDRESSES: Interested parties should submit written comments and recommendations on the proposed information collection to the Office of Economic Adjustment, ATTN: Ms. Katie Smith, 400 Army Navy Drive, Suite 200, Arlington, VA 22202–2884; E-mail comments submitted via the Internet should be addressed to: Katie.Smith@osd.mil.

FOR FURTHER INFORMATION CONTACT: To request further information on this proposed information collection, or to obtain a copy of the proposal and associated collection instrument, please write to the above address or call Ms. Katie Smith at (703) 604–2400.

Title, Associated Form, and OMB Number: Base Realignment and Closure (BRAC) Military Base Reuse Status, DD Form 2740, OMB Control Number 0790–0003.

Needs and Uses: Through the Office of Economic Adjustment (OEA), DOD funds are provided to communities for economic adjustment planning in response to closures of military installations. A measure of program evaluation is the monitoring of civilian job creation and type of redevelopment at the former military installations. The respondents to the semi-annual survey will generally include a single point of contact at the local level who is responsible for overseeing redevelopment efforts. If this data is not collected, OEA would have no accurate, timely information regarding the civilian reuse of former military bases. A key function of the economic adjustment program is to encourage private sector use of lands and buildings to generate jobs as military activity diminishes and to serve as a clearinghouse for reuse data.

Affected Public: Business or Other For-Profit; Federal Government; State, Local, or Tribal Government.

Annual Burden Hours: 150.

Number of Annual Respondents: 75.

Annual Responses to Respondent: 2.

Average Burden per Response: 1 hour.

Frequency: Semi-annual.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

This information collection is authorized by the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990, Public Law 101–510, 10 U.S.C. 2391, and Executive Order 12788.

Dated: April 26, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–10898 Filed 5–1–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice. The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Form Number, and OMB Number: Intercontinental Ballistic Missile Hardened Intersite Cable System Right-of-Way Landowner/Tenant Questionnaire; AF Form 3951; OMB Number 0701–0141.

Type of Request: Extension.

Number of Respondents: 4,000.

Responses Per Respondent: 1.

Annual Responses: 4,000.

Average Burden Per Response: 15 minutes.

Annual Burden Hours: 1,000.

Needs and Uses: The information collection requirement is used to report changes in ownership/lease information, conditions of missile cable route and associated appurtenances, and projected building/exacavation projects. The information collected is used to ensure system integrity and to maintain a close contact public relations program with involved personnel and agencies. Respondents are landowners and tenants. This form collects updated

landowner/tenant information as well as data on local property conditions that could adversely affect the Hardened Intersite Cable System (HICS).

Affected Public: Individuals or Households; Farms; State, Local or Tribal Government.

Frequency: Biennially.

Respondents's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10326, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: April 26, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–10896 Filed 5–1–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Notice of Advisory Committee Meeting Date Change

AGENCY: Department of Defense.

ACTION: Notice of advisory committee meeting date change.

SUMMARY: The Defense Science Board (DBS) Task Force on Systems Technology for the Future U.S. Strategic Posture closed meeting scheduled for May 16–17, 2001, has been changed to May 30–31, 2001. The meeting will be held at Strategic Analysis Inc., 3601 Wilson Boulevard, Suite 600, Arlington, VA.

Dated: April 25, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–10895 Filed 5–1–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

National Imagery and Mapping Agency

Privacy Act of 1974; System of Records

AGENCY: National Imagery and Mapping Agency, DoD.

ACTION: Notice to Amend Systems of Records.

SUMMARY: The National Imagery and Mapping Agency (NIMA) is amending its Address Directory as it appears in the NIMA inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on June 1, 2001 unless comments are received which result in a contrary determination.

ADDRESSES: Comments should be sent to the Office of General Counsel, National Imagery and Mapping Agency, Mail Stop D–10, 4600 Sangamore Road, Bethesda, MD 20816–5003.

FOR FURTHER INFORMATION CONTACT: Mr. Tom Willess, Associate General Counsel, at (301) 227–2953.

SUPPLEMENTARY INFORMATION: The National Imagery and Mapping Agency systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: April 26, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

National Imagery and Mapping Agency Official Mailing Addresses

National Imagery and Mapping Agency, 4600 Sangamore Road, Bethesda, MD 20816–5003.

National Imagery and Mapping Agency, 3200 South Second Street, St. Louis, MO 63118–3399.

National Imagery and Mapping Agency, 1210 Sunrise Valley Drive, Reston, VA 22091–3414.

NIMA College, 5825 21st Street, Suite 106, Ft. Belvoir, VA 22060–5921.

[FR Doc. 01–10897 Filed 5–01–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board Meeting

The C2 Database Panel Meeting will meet at Langley Air Force Base (AFB), VA on May 3, 2001 from 8 a.m. to 5 p.m.

The purpose of the meeting is to receive briefings and discuss the direction of the study. The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the HQ USAF Scientific Advisory Board Secretariat at (703) 697–8404.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–10876 Filed 5–1–01; 8:45 am]

BILLING CODE 5001–05–U

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board Meeting

The C2 Database Panel Group Meeting will meet in San Francisco, CA and Hickam AFB, Hawaii on May 14–18, 2001 from 8 a.m. to 5 p.m.

The purpose of the meeting is to receive briefings and discuss the direction of the study. The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the HQ USAF Scientific Advisory Board Secretariat at (703) 697–8404.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–10877 Filed 5–1–01; 8:45 am]

BILLING CODE 5001–01–U

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board Meeting

The Commercial Space Panel Chairs Meeting will meet in Washington, DC on May 9, 2001 from 8 a.m. to 5 p.m.

The purpose of the meeting is to receive briefings and discuss the direction of the study. The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the HQ USAF Scientific Advisory Board Secretariat at (703) 697–8404.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–10878 Filed 5–1–01; 8:45 am]

BILLING CODE 5000–01–U

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board Meeting

The C2 Database Ops Panel Meeting will meet at Gunter Air Force Base (AFB), AL on May 9, 2001 from 8 a.m. to 5 p.m.

The purpose of the meeting is to receive briefings and discuss the direction of the study.

The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the HQ USAF Scientific Advisory Board Secretariat at (703) 697–8404.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–10880 Filed 5–1–01; 8:45 am]

BILLING CODE 5001–05–U

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board Meeting

The Electronics Targets Panel Meeting will meet in Washington, DC on May 8–10, 2001 from 8 a.m. to 5 p.m.

The purpose of the meeting is to receive briefings and discuss the direction of the study. The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the HQ USAF Scientific Advisory Board Secretariat at (703) 697–8404.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–10879 Filed 5–1–01; 8:45 am]

BILLING CODE 5001–05–U

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Invention for Licensing; Government-Owned Invention

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The invention listed below is assigned to the United States Government as represented by the Secretary of the Navy and is available for licensing by the Department of the Navy. U.S. Patent Application Serial No. 09/363,819 entitled ''Molecularly-Imprinted Material Made By Template-Directed Synthesis,'' Navy Case No. 79,430.

ADDRESSES: Requests for copies of the patent application cited should be directed to the Naval Research Laboratory, Code 1008.2, 4555 Overlook Avenue, SW., Washington, DC 20375–5320, and must include the Navy Case number.

FOR FURTHER INFORMATION CONTACT: Catherine M. Cotell, PhD., Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375–5320, telephone (202) 767–7230.

(Authority: 35 U.S.C. 207, 37 CFR Part 404)

Dated: April 23, 2001.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 01–10881 Filed 5–1–01; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

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

DATES: Interested persons are invited to submit comments on or before July 2, 2001.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: April 27, 2001.

John Tressler,

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

Office of Special Education and Rehabilitative Services

Type of Review: New.

Title: Annual Progress Reporting Form for Assistive Technology Grantees.

Frequency: Annually.

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

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 896.

Abstract: This data collection will be conducted annually to obtain program and performance information from National Institute on Disability and Rehabilitation Research (NIDRR) state assistive technology grantees on their project activities. The information collected will assist federal NIDRR staff in responding to the Government Performance and Results Act (GPRA).

Data will primarily be collected through an internet form.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to 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. 01–10973 Filed 5–1–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

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

DATES: Interested persons are invited to submit comments on or before July 2, 2001.

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

Dated: April 27, 2001.

John Tressler,

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

Office of Student Financial Assistance Programs

Type of Review: Extension.

Title: Consolidation Loan Rebate Fee Report.

Frequency: Monthly.

Affected Public: Businesses or other for-profit; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 9,804, Burden Hours: 10,621.

Abstract: The Consolidation Loan Rebate Fee Report for payment by check or Electronic Funds Transfer (EFT) will be used by approximately 817 lenders participating in the Title IV, Part B loans program. The information collected is used to transmit interest payment rebate fees to the Secretary of Education.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at (202) 708–9266 or via his internet address Joe.Schubart@ed.gov. 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. 01–10974 Filed 5–1–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

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

DATES: Interested persons are invited to submit comments on or before July 2, 2001.

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

Dated: April 27, 2001.

John Tressler,

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

Office of Postsecondary Education

Type of Review: Revision.

Title: Distance Education Demonstration Program Annual Reporting Form.

Frequency: Annually.

Affected Public: Not-for-profit institutions; Individuals or household; Businesses or other for-profit.

Reporting and Recordkeeping Hour Burden: Responses: 30,544, Burden Hours: 6,340.

Abstract: The information will be used by the Department of Education to conduct analyses and prepare reports required by the Congress in the authorization of the Distance Education Demonstration Program. These analyses may also become the basis of recommendations the Department may make to amend the governing statute as prescribed by the Congress in its program authorization. Respondents include participants in the Distance Education Demonstration Program (institutions and systems and consortia of institutions) and their students who are enrolled in distance education courses and programs.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at (202) 708–9266 or via his internet address Joe.Schubart@ed.gov. 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. 01–10975 Filed 5–1–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

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

DATES: Interested persons are invited to submit comments on or before July 2, 2001.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: April 27, 2001.

John Tressler,

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

Office of Student Financial Assistance Programs

Type of Review: Revision.

Title: Income Contingent Repayment Program Consent to Disclosure of Tax Information Form.

Frequency: Once every 5 years.

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden: Responses: 300,000; Burden Hours: 75,000.

Abstract: This form is the means by which a defaulted student loan borrower (and, if married, the borrower's spouse), choosing to repay under the Income Contingent Repayment Plan, provides written consent to the disclosure of certain tax return information by the Internal Revenue Service to the Department of Education and its agents for the purpose of calculating the borrower's monthly repayment amount.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at (202) 708–9266 or via his internet address Joe.Schubart@ed.gov. 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. 01–10976 Filed 5–1–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

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

DATES: Interested persons are invited to submit comments on or before July 2, 2001.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process

would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: April 27, 2001.

John Tressler,

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

Office of the Undersecretary

Type of Review: New.

Title: Evaluation of Title I Accountability Systems and School Improvement Efforts (TASSIE)—Data Collection Instrument.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Federal Government.

Reporting and Recordkeeping Hour Burden: Responses: 10,300; *Burden Hours:* 6,990.

Abstract: The purpose of the Evaluation of Title I Accountability Systems and School Improvement Efforts is to examine and evaluate Title I accountability systems and school improvement efforts in a nationally representative sample of districts and schools. This project addresses both the implementation and effectiveness of accountability practices in 2,200 districts and 740 schools. The TASSIE will provide data on the extent of alignment between Title I accountability systems and states' and districts' own accountability systems, the assistance and incentives provided to school identified as in need of improvement, and will assess the impact of these policies and practices on schools, teachers, and students.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Jacqueline Montague at (202) 708–5359 or via her internet address Jackie.Montague@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. 01–10977 Filed 5–1–01; 8:45 am]

BILLING CODE 4001–01–U

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before June 1, 2001.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting 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 Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: April 27, 2001.

John Tressler,

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

Office of the Undersecretary

Type of Review: New.

Title: State Vocational Directors Survey on Perkins III Funding and Accountability Systems.

Frequency: One time, 2001 Survey.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 168.

Burden Hours: 144.

Abstract: The Perkins III legislation mandates changes in state-level funding and accountability systems. In most cases, the new requirements demand a higher level of system organization and rigor than previously existed. The State Vocational Directors Survey is one part of an evaluation whose primary purpose is to determine the progress of state efforts to comply with these aspects of the Perkins III requirements.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Jacqueline Montague at

(202) 708–5359 or via her internet address Jackie.Montague@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. 01–10972 Filed 5–1–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.338]

Office of Elementary and Secondary Education—Reading Excellence Program

ACTION: Notice to change deadline for intergovernmental review.

SUMMARY: On March 29, 2001 (66 FR 17163), the Department published a notice inviting applications for new awards for fiscal year 2001. The notice established May 22, 2001 as the deadline for intergovernmental review. The Secretary changes the deadline for intergovernmental review for the Reading Excellence Program grant competition. The Secretary takes this action to expedite the awarding of grants, which in turn will allow States more time to implement their grant programs.

DATES: The new deadline for intergovernmental review is June 6, 2001. The deadline for transmittal of applications remains May 7, 2001.

FOR FURTHER INFORMATION CONTACT: Nancy Rhett, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5C141, Washington, DC 20202–6200; Telephone: (202) 260–8228. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–888–877–8339.

Electronic Assess to This Document

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To use PDF, you must have Adobe Acrobat Reader, which is available free at the previous site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO) toll free at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html*

Authority: 20 U.S.C. 7131.

Dated: April 26, 2001.

Thomas M. Corwin,

Acting Deputy Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 01–10884 Filed 5–1–01; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1310–000 and ER01–1310–001]

LG&E Power Monroe LLC; Notice of Issuance of Order

April 26, 2001.

LG&E Power Monroe LLC (LG&E Monroe) submitted for filing a rate schedule under which LG&E Monroe will engage in wholesale electric power and energy transactions at market-based rates. LG&E Monroe also requested waiver of various Commission regulations. In particular, LG&E Monroe requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by LG&E Monroe.

On April 4, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by LG&E Monroe should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, LG&E Monroe is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of LG&E Monroe's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is May 4, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (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 at http://www.fer.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–10905 Filed 5–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1335–000]

Magnolia Energy, L.P.; Notice of Issuance of Order

April 26, 2001.

Magnolia Energy, L.P. (Magnolia) submitted for filing a rate schedule under which Magnolia will engage in wholesale electric power and energy transactions at market-based rates. Magnolia also requested waiver of various Commission regulations. In particular, Magnolia requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Magnolia.

On April 5, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Magnolia should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Magnolia is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Magnolia's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is May 7, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (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 at http://www.fer.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–10906 Filed 5–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1336–000]

Mountain View Power Partners II, LLC; Notice of Issuance of Order

April 26, 2001.

Mountain View Power Partners II, LLC (Mountain View) submitted for filing a rate schedule under which Mountain View will engage in wholesale electric power and energy transactions at market-based rates. Mountain View also requested waiver of various Commission regulations. In particular, Mountain View requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Mountain View.

On April 6, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Mountain View should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request to be heard in opposition within this period, Mountain View is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Mountain View's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is May 7, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (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 at http://www.fer.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–10907 Filed 5–1–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–175–000]

Northern Natural Gas Company; Notice of Application

April 26, 2001.

On April 23, 2001, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed an application in Docket No. CP01–175–000 pursuant to Section 7(b) of the Natural Gas Act (NGA) and Section 157.18 of the Commission's Regulations for permission and approval to abandon, in-place five (5) 1,400 horsepower horizontal compressor units at the Mullinville compressor station, with appurtenances, located in Kiowa County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may be viewed at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Northern states the horizontal compressor units at its Mullinville compressor station proposed to be abandoned in the instant application are not longer needed due to changes in the operating configuration of its system since the units were initially installed. Northern states that the horizontal compressor units were installed pursuant to authorization received by order issued April 6, 1943 in Docket No. G–280.[1] Northern states the units have not been operated in recent years due to changes in the operating configuration; and that, the subject horizontal units are obsolete and parts to repair these units are not readily available. Northern states that the remaining units at the Mullinville compressor station provide the necessary compression service to meet Northern's current firm service obligations; and that, Northern's facilities downstream of the Mullinville compressor station currently operate at or near the maximum operating pressures without the subject horizontal units. At this time, Northern proposes to abandon these units in-place. However, Northern intends to utilize parts from these units in the future to repair other units located elsewhere on its system as the need may arise.[2]

[1] *Northern Natural Gas Company,* 3 F.P.C. 967 (1943).

[2] The unit or parts of the unit, once abandoned, may be salvaged rather than utilized elsewhere on Northern's pipeline system. At this time, Northern does not anticipate there is any specific value that

Continued

Northern asserts that the abandonment of these facilities will not result in the abandonment of service to any of Northern's existing shippers, nor will the proposed abandonment adversely affect capacity since the compression is no longer needed to meet current firm service obligations. Northern also asserts minimal environmental impact.

Any questions regarding this application should be directed to Keith L. Petersen, Director, Certificates and Reporting for Northern, 1111 South 103rd Street, Omaha, Nebraska 68124, at (402) 398–7421 or Bret Fritch, Senior Regulatory Analyst, at (402) 398–7140.

There are two ways to become involved in the Commission's review of this abandonment. First, any person wishing to obtain legal status by becoming a party to the proceedings for this abandonment should, on or before May 17, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this abandonment. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the abandonment provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this abandonment should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Also, 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 at *http://www.ferc.fed.us/efi/doorbell.htm.*

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying abandonment will be issued.

David P. Boergers,

Secretary.

[FR Doc. 01–10908 Filed 5–1–01; 8:45 am]

BILLING CODE 6717–01–M

can be attributed to these units. Therefore, Exhibit Y attached hereto reflects a salvage value of zero.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–67–000, et al.]

Tractebel Power, Inc., et al.; Electric Rate and Corporate Regulation Filings

April 25, 2001.

Take notice that the following filings have been made with the Commission:

1. Tractebel Power, Inc., Petitioner California Cogeneration Council, et al.

[Docket Nos. EL01–67–000 and EL01–64–000]

Take notice that on April 18, 2001, Tractebel Power, Inc. submitted for filing with the Federal Energy Regulatory Commission (Commission), a Petition for an Enforcement Action Pursuant to Section 210(h)(2)(B) of the Public Utility Regulatory Policies Act of 1978 (PURPA), 16 U.S.C. § 824a–3(h)(2)(B) (2000), and Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207.

Comment date: May 18, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Tri-State Generation and Transmission

[Docket No. NJ01–4–000]

Take notice that on April 20, 2001, Tri State Generation and Transmission Association, Inc. (Tri-State) tendered for filing with the Federal Energy Regulatory Commission (Commission), a Petition for a Declaratory Order that its Open Access Transmission Tariff meets the Commission's comparability standards and is therefore an acceptable reciprocity tariff pursuant to the provisions of Order Nos. 888, 888–A and 888–B.

Comment date: May 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. The Detroit Edison Company

[Docket No. ER01–1379–001]

Take notice that on April 20, 2001, The Detroit Edison Company (Detroit Edison) tendered for filing a compliance Service Agreement for wholesale power sales transactions (the Service Agreements) under Detroit Edison's Wholesale Power Sales Tariff (WPS–2), FERC Electric Tariff No. 3 (the WPS–2 Tariff) between Detroit Edison and Powerex Corp.

Comment date: May 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Commonwealth Edison Company, Commonwealth Edison Company of Indiana

[Docket No. ER01–1796–001]

Take notice that on April 20, 2001, Commonwealth Edison Company and Commonwealth Edison Company of Indiana (collectively ComEd) tendered for filing corrections to its April 12, 2001 filing in Docket No. ER01–1796–001 of its Order 614 reformatted OATT. Accordingly ComEd tendered for filing Substitute Original Sheet Nos. 110, 114 and 124 to correct those sheets from which language had inadvertently been dropped in its April 12, 2001 filing.

ComEd requests an effective date of June 12, 2001.

Comment date: May 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. PPL Electric Utilities Corporation

[Docket No. ER01–1829–000]

Take notice that on April 20, 2001, PPL Electric Utilities Corporation (PPL Electric Utilities) tendered for filing an Interconnection Agreement between PPL Electric Utilities and PEI Power II, LLC.

Comment date: May 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. The Detroit Edison Company

[Docket No. ER01–1830–000]

Take notice that on April 20, 2001, The Detroit Edison Company (Detroit Edison) tendered for filing Service Agreements for wholesale power sales transactions (the Service Agreements) under Detroit Edison's Wholesale Power Sales Tariff (WPS–2), FERC Electric Tariff No. 3 (the WPS–2 Tariff) between Detroit Edison and Alpena Power Company and between Detroit Edison and Consumers Energy Company d/b/a Consumers Energy Traders.

Comment date: May 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. PECO Energy Company

[Docket No. ER01–1831–000]

Take notice that on April 20, 2001, PECO Energy Company (PECO) tendered for filing an Interconnection Agreement between PECO and Merck & Co., Inc. (Merck), designated as Service Agreement No. 569 under PJM Interconnection, L.L.C.''s FERC Electric Tariff, Fourth Revised Volume No. 1, to be effective on April 20, 2001. Copies of this filing were served on Merck and PJM.

Comment date: May 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Commonwealth Edison Company

[Docket No. ER01–1832–000]

Take notice that on April 20, 2001, Commonwealth Edison Company (ComEd) tendered for filing an unexecuted Service Agreement with the city of Batavia and an unexecuted Service Agreement with the city of St. Charles under the terms and conditions of ComEd's Power Sales and Reassignment of Transmission Rights Tariff PSRT–1.

ComEd requests an effective date of March 22, 2001 for the Service Agreements and accordingly requests waiver of the Commission's notice requirements. Copies of the filing were served on the cities of Batavia and St. Charles.

Comment date: May 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Commonwealth Edison Company, Commonwealth Edison Company of Indiana

[Docket No. ER01–1833–000]

Take notice that on April 20, 2001 Commonwealth Edison Company and Commonwealth Edison Company of Indiana (collectively ComEd) tendered for filing to amend the generator interconnection procedures set forth in Attachment K of ComEd's Open Access Transmission Tariff (OATT).

ComEd requests an effective date of June 20, 2001. Copies of the filing were served upon ComEd's jurisdictional customers and interested state commissions.

Comment date: May 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Carolina Power & Light Company

[Docket No. ER01–1834–000]

Take notice that on April 20, 2001, Carolina Power & Light Company (CP&L) tendered for filing an executed Service Agreement between CP&L and the following eligible buyer, Washington Gas Energy Services, Inc. Service to this eligible buyer will be in accordance with the terms and conditions of CP&L's Market-Based Rates Tariff, FERC Electric Tariff No. 4, for sales of capacity and energy at market-based rates.

CP&L requests an effective date of March 28, 2001 for this Service Agreement.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: May 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Western Resources, Inc. and Kansas Gas and Electric Company

[Docket No. ER01–1835–000]

Take notice that on April 20, 2001, Western Resources, Inc. (WRI) tendered for filing on its behalf and on behalf of its wholly owned subsidiary, Kansas Gas and Electric Company (KGE), an Order 614 compliant version of the Electric Power, Transmission and Service Contracts between WRI and the Kansas Electric Power Cooperative, Inc. (KEPCo) and between KGE and KEPCo. WRI states that the filing is to submit for filing an Order 614 compliant version of the contract accepted by the Federal Energy Regulatory Commission (FERC) in Docket No. ER93–683–000 KGE states that the filing is not only to submit the an Order 614 compliant version of its contract with KEPCo, accepted in Docket No. ER93–683–000, but also to update the existing Exhibit B to reflect the installation of the Haysville delivery point. This filing is proposed to become effective March 23, 2001.

Copies of the filing were served upon KEPCo and the Kansas Corporation Commission.

Comment date: May 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Community Energy, Inc.

[Docket No. ER01–1836–000]

Take notice that on April 20, 2001. Community Energy, Inc. (CEI) tendered for filing for acceptance of CEI Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-rates; and the waiver of certain Commission regulations.

CEI intends to engage in wholesale electric power and energy purchases and sales as a marketer. CEI is not in the business of generating or transmitting electric power. CEI is involved in electric energy marketing, with its primary purpose of serving energy customers with the ''cleanest'' energy options.

Comment date: May 11, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Northern Indiana Public Service Company

[Docket No. ER01–1837–000]

Take notice that on April 20, 2001, Northern Indiana Public Service Company tendered for filing an executed Standard Transmission Service Agreement for Non-Firm Point-to-Point Transmission Service between Northern Indiana Public Service Company and H.Q. Energy Services (U.S.) Inc. (H.Q. Energy).

Under the Transmission Service Agreement, Northern Indiana Public Service Company will provide Non-Firm Point-to-Point Transmission Service to H.Q. Energy pursuant to the Transmission Service Tariff filed by Northern Indiana Public Service Company in Docket No. OA96–47–000 and allowed to become effective by the Commission. Northern Indiana Public Service Company has requested that the Service Agreement be allowed to become effective as of April 21, 2001.

Copies of this filing have been sent to H.Q. Energy Marketing Corporation, the Indiana Utility Regulatory Commission, and the Indiana Office of Utility Consumer Counselor.

Comment date: May 11, 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 these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (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 at http://www.ferc.fed.us/efi/doorbell.htm.

David P. Boergers,

Secretary.

[FR Doc. 01–10904 Filed 5–1–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To File Application for a New License

April 26, 2001.

Take notice that the following notice of intent has been filed with the Commission and is available for public inspection.

a. *Type of filing:* Notice of Intent to File an Application for New License.

b. *Project Nos:* 135 and 2195.

c. *Date filed:* April 9, 2001.

d. *Submitted by:* Portland General Electric Company (PGE).

e. *Name of Projects:* Oak Grove Project P–135 and North Fork Project P–2195.

f. *Location:* The Oak Grove and the North Fork Projects are located on the Clackamas River in Clackamas County, Oregon.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6.

h. Pursuant to Section 16.19 of the Commission's regulations, the licensee is required to make available the information described in Section 16.7 of the regulations. Such information is available from the licensee at Portland General Electric Company, Hydro Licensing Department, 3WTC–BRHL, 121 SW Salmon Street, Portland, Oregon 97204.

i. *FERC Contact:* John Blair, (202) 219–2845, *John.Blair.@ferc.fed.us.*

j. *Expiration Date of Current License:* August 31, 2006.

k. The installed plant capacity of the Oak Grove Project is 44,000 kilowatts (kw). The combined installed plant capacity of the North Fork, Faraday, and River Mill powerhouse(s) is 121,000 kw.

l. The licensee states its unequivocal intent to submit an application for a new license for Project No. 135 and Project No. 2195. Pursuant to 18 CFR 16.9(b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by August 31, 2004.

m. A copy of the notice of intent is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The notice may be viewed on *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

David P. Boergers,

Secretary.

[FR Doc. 01–10909 Filed 5–1–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6972–3]

Agency Information Collection Activities: Proposed Collection; Comment Request; Consumer Confidence Reports for Community Water Systems

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Consumer Confidence Reports for Community Water Systems, EPA ICR No.1832.03, OMB No. 2040–0201. The current ICR approval expires on 9/30/01. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on the proposed information collection as described below.

DATES: Comments must be submitted on or before July 2, 2001.

ADDRESSES: To obtain a copy of the currently approved Information Collection Request for Consumer Confidence Reports for Community Water Systems without charge, please contact the Safe Drinking Water Hotline (800–426–4791). Hours of operation are 9 a.m. to 5:30 p.m. (ET), Monday–Friday, excluding Federal holidays. Copies are also available from the Office of Water Resource Center (RC4100), U.S. EPA Headquarters, 401 M Street SW, Washington DC 20460. People interested in getting information or making comments aobut the Consumer Confidence Reports for Community Water Systems ICR should direct inquiries or comments to the Office of Ground Water and Drinking Water, Drinking Water Protection Division, Mail Code 4606, 1200 Pennsylvania Avenue, NW, Washington DC 20460.

FOR FURTHER INFORMATION CONTACT: Kathleen A. Williams, EPA, Office of Ground Water and Drinking Water, Drinking Water Protection Division (202)–260–2589, fax (202)–401–2345, email: *williams.kathleena@epa.gov*.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are owners and operators of community water systems, primacy agents including regulators in the States, Puerto Rico, the U.S. Trust Territories; Indian Tribes and Alaska Native Villages, and in some instances U.S. EPA Regional Administrators and staff.

Title: Consumer Confidence Reports for Water Systems Information Collection Request (OMB Control No. 2040–0201; EPA ICR No. 1832.02), expiring 9/30/01.

Abstract: Section 114 of the Safe Drinking Water Act (SDWA) of 1996, enacted August 6, 1996, amended section 1414(c) of the Act to require community water systems (CWSs) to send an annual Consumer Confidence Report (CCR) to their customers. EPA codified these provisions under subpart O of 40 CFR part 141, the Consumer Confidence Report Rule. The CCR Rule requires, at a minimum, that each CWS mail to each of its customers an annual report on quality of drinking water provided by the system. The information in the report is information that the CWS already collects pursuant to other drinking water regulations. Reports must contain information on the source of water provided, levels of detected contaminants, violations of any national primary drinking water regulations, and health information concerning drinking water and potential risks from detected contaminants. 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.

The EPA would like to solicit comments to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Burden Statement: 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. In the EPA ICR No. 1832.02, OMB No. 2040–0201 for 1998–2001, the total burden was estimated to be approximately: 459,674 hours at an annual cost of $20,807,555. The estimated number of respondents was 47,040 community water systems. We expect that the burden for the continuing ICR for 2002–2004 will remain the same. Any recommendations from the drinking water community and the general public on this issue will be given consideration by the Agency.

Dated: April 25, 2001.

Phil Oshida,

Acting Director, Office of Ground Water and Drinking Water.

[FR Doc. 01–10992 Filed 5–1–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6972–2]

Agency Information Collection Activities: Proposed Collection; Comment Request; Public Water System Supervision Program Primacy Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Information Collection Request for the Public Water System Supervision Primacy Regulation, ICR Number 1836.01, OMB Control Number 2040–0195. The current ICR approval expires on September 30, 2001. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before July 2, 2001.

ADDRESSES: To obtain a copy of the currently approved Information Collection Request for the Primacy Regulation without charge, please contact the Safe Drinking Water Hotline (800–426–4791). Hours of operation are 9 a.m. to 5:30 p.m. (ET), Monday-Friday, excluding Federal holidays. Copies are also available from the Office of Water Resource Center (RC 4100), US EPA Headquarters, 401 M Street, SW., Washington, DC 20460. People interested in getting information or making comments about this ICR should direct inquiries or comments to the Office of Ground Water and Drinking Water, Drinking Water Protection Division, Mail Code 4606, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Jennifer Melch; Protection Branch; Office of Ground Water and Drinking Water; EPA (4606), Ariel Rios Building, 1200 Pennsylvania Ave, NW., Washington, DC 20460; telephone (202) 260–7035, or *melch.jennifer@epa.gov.*

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which have primary enforcement authority for the PWSS program.

Title: Information Collection Request for the Public Water System Supervision Program Primacy Regulation, (ICR Number 1836.01, OMB Control Number 2040–0195), expiring on September 30, 2001.

Abstract: This information collection is necessary because the Safe Drinking Water Act (SDWA) Amendments of 1996 added a new element to the requirements for states to obtain and/or retain primacy for the Public Water System Supervision (PWSS) program. In order for EPA to determine whether states meet the new administrative penalty authority requirement, states must submit a copy of their legislation authorizing the penalty authority and a description of their authority for administrative penalties that will ensure adequate compliance of systems serving a population of 10,000 individuals or less. In accordance with the procedures outlined in section 142.11(7)(i) and section 142.12 (c)(iii), the State Attorney General must certify that the laws and regulations were duly adopted and are enforceable. Alternatively, if a state constitution prohibits assessing administrative penalties, the state must submit a copy of the relevant provision of the constitution as well as an Attorney General's statement confirming that interpretation. Furthermore, as provided in section 142.11(a)(7)(ii) and section 142.12(c), EPA may additionally require supplemental statements from the State Attorney General, (such as an interpretation of the statutory language), when the above supplied information is deemed insufficient for a decision. 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.

The EPA would like to solicit comments to:

(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of

information technology, *e.g.,* permitting electronic submission of responses.

Burden Statement: In the EPA ICR No. Number 1836.01, OMB Control Number 2040–0195, for 1998–2001, the total burden was estimated to be approximately 696.20 hours at a cost of $37,954.63. These figures were based on the one time effort of approximately 12 hours and 26 minutes by each of the 56 states who wish to adopt the administrative penalty authority necessary in order to obtain or retain primacy. This estimate includes the time for gathering, analyzing, writing, and reporting information. There will be no capital, start-up, or operation and maintenance costs. This data collection does not involve periodic reporting or recordkeeping. Since approximately one half of the states have already submitted revision applications, we estimate the burden for the continuing ICR to be $18,977.32. 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.

Dated: April 25, 2001.

Phil Oshida,

Acting Director, Office of Ground Water and Drinking Water.

[FR Doc. 01–10993 Filed 5–1–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6972–4]

Agency Information Collection Activities; Proposed Collection; Comment Request; Public Water Systems Supervision Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Public Water Systems Supervision Program (PWSSP), EPA ICR No. 0270.40; OMB No. 2040–0090. The current ICR approval expires on 9/30/01. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before July 2, 2001.

ADDRESSES: People interested in getting information or making comments about the draft PWSSP ICR should direct inquiries or comments to the Office of Ground Water and Drinking Water, Drinking Water Protection Branch, Mail Code 4606, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard Naylor, (202) 260–5135, fax (202) 401–2345, e-mail: *naylor.richard@epa.gov.*

SUPPLEMENTARY INFORMATION: *Affected entities:* Entities potentially affected by this action are public water systems, primacy agents including regulators in the States, Puerto Rico, the U.S. Trust Territories; Indian Tribes and Alaska Native Villages, and in some instances, U.S. EPA Regional Administrators and staff.

Title: Information Collection Request for Public Water Systems Supervision Program, OMB Control No. 2040–0090; EPA ICR No. 0270.40; expires 09/30/2001.

Abstract: This ICR contains record keeping and reporting requirements that are mandatory for compliance with 40 CFR parts 141 and 142. Sections 1401 and 1412 of the Safe Drinking Water Act (SDWA), as amended, require EPA to establish National Primary Drinking Water Regulations (NPDWRs) that ensure the safety of drinking water. These regulations, contained in 40 CFR parts 141 and 142, are designed to reduce any exposure to contaminants—microbial, organic and inorganic chemicals, and radionuclides in finished drinking water to safe levels. The Act further requires EPA to ensure compliance with and enforce these regulations. Section 1445 of SDWA stipulates that every supplier of water shall conduct monitoring, maintain records, and provide such information as is needed for the Agency to carry out its compliance and enforcement responsibilities with respect to SDWA. Ensuring implementation of these requirements by public water systems is principally a responsibility of the States, particularly the 49 States that have assumed primary enforcement responsibility (primacy) for public water systems under SDWA section 1413. As part of the Public Water Systems Supervision Program, the Office of Ground Water and Drinking Water's Safe Drinking Water Information System (SDWIS) collects data from the States on public water systems regulated by EPA. Without comprehensive, up-to-date information on drinking water contamination, States and EPA would not be able to ensure ''a supply of drinking water which dependably complies with such maximum contaminant levels'' (SDWA section 1401 (1) (d)).

An Agency may not conduct or sponsor and a person is not required to respond to, a collection of information if it does not display 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.

The EPA would like to solicit comments to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and, (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

Burden Statement: The OMB currently approved burden associated with this ICR is: 9,531,172 burden hours per year; and $180,567 burden costs. Since the publication of the ICR for the Public Water Systems Supervision Program in December 1993, EPA has developed rule specific ICRs for each new or revised drinking water rule. Most of the rules addressed in the 1993 PWSSP ICR (e.g., Radionuclides Rule, Public Notification Rule, Lead and Copper Rule, Total Trihalomethanes Rule, Surface Water Treatment Rule and the Unregulated Contaminant Monitoring Rule) have been revised to varying degrees. Accordingly, in the revision of the PWSSP ICR, EPA will ensure that there is no double counting of burden with the individual ICRs for the revised rules.

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. Any recommendations from the drinking water community and the general public on this issue will be given consideration by the Agency.

Dated: April 25, 2001.

Phil Oshida,

Acting Director, Office of Ground Water and Drinking Water.

[FR Doc. 01–10995 Filed 5–1–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6972–7]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Regulations for a Voluntary Emissions Standards Program Applicable to Manufacturers of Light-Duty Vehicles and Trucks Beginning in Model Year 1997

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Regulations for a Voluntary Emissions Standards Program Applicable to Manufacturers of Light-Duty Vehicles and Trucks Beginning in Model Year 1997, OMB Control Number 2060–0345, expiration date 04/30/01. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 1, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1761.03 and OMB Control No. 2060–0345, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0001; and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-mail at *Farmer,sandy@epamail.epa.gov,* or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1761.03. For technical questions about the ICR contact: Chestine Payton, Office of Transportation and Air Quality, Certification and Compliance Division, (202) 564–9328, fax (202) 565–2057. E-mail address: *payton,chestine@epa.gov.*

SUPPLEMENTARY INFORMATION:

Regulations for a Voluntary Emissions Standards Program Applicable to Manufacturers of Light-Duty Vehicles and Trucks Beginning in Model Year 1997 (OMB #2060–0345, approved through 04/30/01). This is a request for extension of a currently approved collection.

Abstract: The information collection is conducted to support averaging, banking, and trading provisions included in the National Low Emission Vehicle (LEV) program. These averaging, banking, and trading provisions give the automobile manufacturers a measure of flexibility in meeting the fleet average Non-methane organic gas (NMOG) standards and the five-percent cap on Tier 1 vehicles and transitional low emission vehicles (TLEVs) in the ozone transport region (OTR). EPA will use the reported data to calculate credits and debits and otherwise ensure compliance with the applicable production levels and emissions standards. When a manufacturer opted into the Voluntary National LEV program, reporting will be mandatory.

Manufacturers submit information regarding the annual sales, calculation, generation, and usage of emission credits in an annual report. In addition, upon transferring credits to another manufacturer, the manufacturer submits this information along with their annual report. This information will be submitted to EPA in annual reports and will involve approximately 18 respondents at a total annual cost of about $580,212.

EPA currently has in place an Information Collection Request (ICR) and clearance for annual sales/production reporting for light-duty vehicles and trucks. This ICR reflects additional requirements to collate the annual sales/production data and implement the credit calculation program.

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. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on February 21, 2001 (66 FR 11020); no comments were received.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 241 hours per response. 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 purpose 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.

Respondents/Affected Entities: Manufacturers of light-duty vehicles and light-duty trucks.

Estimated Number of Respondents: 18.

Frequency of Response: Annually.

Estimated Total Annual Hour Burden Per Respondent: 4,338.

Estimated Total Annualized Capital, O&M Cost Burden: 0.

Send comments 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 to the following address. Please refer to EPA ICR No. 1761.03 and OMB Control No. 2060–0345 in any correspondence.

Dated: April 20, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–10994 Filed 5–1–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6972–8]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; NSPS New Source Performance Standards (NSPS) for Municipal Incinerators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: NSPS Subpart E: New Source Performance Standards (NSPS) for Incinerators. OMB Control Number 2060–0040, expiration date April 30, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 1, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1058.07 and OMB Control No. 2060–0040, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0001; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-mail at Farmer.sandy@epamail.epa.gov, or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1058.07 For technical questions about the ICR contact Ann Kline (202–564–0119).

SUPPLEMENTARY INFORMATION:

Title: NSPS Subpart E: New Source Performance Standards for Incinerators, OMB Control No. 2060–0040; EPA ICR No. 1058.07, expiring April 30, 2001. This is a request for extension of a currently approved collection.

Abstract: The New Source Performance Standards (NSPS) for Incinerators were promulgated on December 23, 1971. These standards apply to incinerators that charge more than 45 megagrams per day (50 tons per day) of solid waste for the purpose of reducing the volume of the waste after promulgation of NSPS subpart E in 1971. Solid waste is defined as refuse that is more than 50 percent municipal type waste. This information is being collected to assure compliance with 40 CFR part 60, subpart E.

Owners or operators of the affected facilities described must make one-time-only notifications including: (1) Notification of any physical or operational change to an existing facility which may increase the regulated pollutant emission rate; (2) notification of the initial performance test, including information necessary to determine the conditions of the performance test; and (3) performance test measurements and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Monitoring requirements specific to NSPS Subpart E provide information on daily charging rates and hours of operation. Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least two years following the date of such measurements, maintenance reports, and records

The control of emissions of particulate matter from municipal incinerators requires not only the installation of properly designed equipment, but also the operation and maintenance of that equipment. Certain records and reports are necessary to enable the Administrator to: (1) Identify existing, new, and reconstructed sources subject to the standards; (2) determine a source's initial capability to comply with the emission standard; and (3) ensure that the standards are being achieved. These records and reports are required under subpart E and the General Provisions of 40 CFR part 60. Owners or operators of affected facilities must provide certain notifications and reports on startup and initial performance. Owners or operators of affected facilities also must record certain operation and maintenance and retain files of this information for at least two years following the date of such measurements, maintenance reports, and records.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless a currently valid OMB control number is displayed. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on August 17, 2000 (65 FR 50196); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 89 hours per response. 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.

Respondents/Affected Entities: Owners/Operators of Municipal Incinerators.

Estimated Number of Respondents: 96.

Frequency of Response: Daily, Monthly, and Semi-annually.

Estimated Total Annual Hour Burden: 8,544 hours.

Estimated Total Annualized Capital, O&M Cost Burden: $240,000.

Send comments 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 to the addresses listed above. Please refer to EPA ICR No. 1058.07 and OMB Control No. 2060–0040 in any correspondence.

Dated: April 24, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–10997 Filed 5–1–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6974–2]

RIN 2060–AI72

Hazardous Air Pollutants List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of denial of a petition to delist methanol from the list of hazardous air pollutants.

SUMMARY: This notice announces EPA's decision to deny a petition from the American Forest and Paper Association (AF&PA) requesting that EPA remove the chemical methanol (CAS No. 67–56–1) from the list of hazardous air pollutants (HAP) in section 112(b)(1) of the Clean Air Act (CAA). Petitions to delist a substance from the HAP list are permitted under section 112(b)(3) of the CAA.

The EPA is denying the petition because we cannot conclude that there are adequate data to determine that emissions of methanol may not reasonably be anticipated to cause any adverse effects to human health. This decision is based on our examination of the available information concerning the potential hazards of and projected exposures to methanol emissions. We have determined that the appropriate health-based criterion for evaluating the risks associated with methanol emissions is the range of 0.3 to 30 milligrams per cubic meter (mg/m^3). To demonstrate that exposures are reasonably anticipated not to result in any adverse effects to humans, including sensitive subpopulations, the estimated 24-hour exposure concentrations would need to be 0.3 mg/m^3 or lower. Our review of the petitioner's exposure assessment leads us to conclude that maximum 24-hour exposures could be in the range of 2 to 7 mg/m^3, which is well above 0.3 mg/m^3. Because the criteria for removing a substance from the list of HAP have not been met, EPA must deny the petition. Moreover, any future petition for the removal of methanol from the list of HAP will be denied as a matter of law unless such future petition is accompanied by substantial new information or analysis.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck French, Emission Standards Division (MD–13), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, North Carolina 27711, telephone (919) 541–0467, electronic mail address: *french.chuck@epa.gov.*

SUPPLEMENTARY INFORMATION: *Docket.* The EPA has compiled a docket, No. A–99–23, that contains documents relevant to this notice of denial. The docket reflects the full administrative record for this action and includes all the information relied upon by the EPA in the development of this notice of denial. The docket is a dynamic file because material is added throughout the decision process. The docketing system is intended to allow members of the public and industries to readily identify and locate documents. It is available for public review and copying between 8:30 a.m. and 5:30 p.m., Monday through Friday (except for Federal holidays) at the following address: U.S. EPA, Air and Radiation Docket and Information Center (6102), 401 M Street, SW, Washington, DC 20460. The docket is located at the above address in Room M–1500, Waterside Mall (ground floor). Alternatively, copies of the docket index, as well as individual items contained within the docket, may be mailed on request from the Air Docket by calling (202) 260–7548 or (202) 260–7549. A reasonable fee may be charged for copying docket materials.

World Wide Web (WWW)

In addition to being available in the docket, an electronic copy of this notice will be available on the WWW through the Technology Transfer Network (TTN). Following signature, a copy of the notice will be posted on the TTN's policy and guidance page at http://www.epa.gov/ttn/oarpg. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

Judicial Review

Today's final action denying AF&PA's petition to remove methanol from the list of HAP constitutes an order under section 112 of the CAA that is based on a determination of nationwide scope and effect. Pursuant to section 307(b)(1) of the CAA (42 U.S.C. 7607(b)(1)), a petition for review of this action may be filed only in the United States Court of Appeals for the District of Columbia, and must be filed within 60 days from the date of publication of this final action.

Outline

This notice is organized as follows:

I. Background
II. Criteria for Delisting
III. Evaluation of the Petition and Subsequent Material
A. Submission of the Petition and Subsequent Material
B. Uses, Sources, and Chemical Characteristics of Methanol
C. Methanol Health Effects Analysis
D. Sources of Methanol Emissions and Maximum Levels of Exposure
E. Risk Characterization
F. Other Elements of the Petition
IV. Denial of the Petition

I. Background

Section 112 of the CAA contains a mandate for EPA to evaluate and control emissions of HAP. Section 112(b)(1) presents the list of HAP which includes a list of specific chemical compounds and compound classes used to identify source categories for which EPA must promulgate emissions standards. The EPA is required to periodically review the list of HAP and, where appropriate, revise this list by rule. In addition, under section 112(b)(3), any person may petition the EPA to modify the list by adding or deleting one or more substances. A petition to remove a HAP from the HAP list must demonstrate that there are adequate data on the health and environmental effects of the substance to determine that emissions, ambient concentrations, bioaccumulation, or deposition of the substance may not reasonably be anticipated to cause any adverse effects to human health or the environment. The petitioner must provide a detailed evaluation of the available data concerning the substance's potential adverse health and environmental effects and characterize the potential human and environmental exposures resulting from emissions of the substance.

On March 8, 1996, the AF&PA submitted a petition to delete the chemical methanol (methyl alcohol, methyl hydroxide, wood alcohol, wood spirit) (CAS No. 67–56–1) from the HAP list. Following receipt of the petition, we conducted a preliminary evaluation to determine whether the petition was complete according to Agency criteria. To be deemed complete, a petition must consider all relevant available health and environmental effects data. A petition must also provide comprehensive emissions data, including peak and annual average emissions for each source or for a representative selection of sources, and must estimate the resultant exposures of people living in the vicinity of the sources. In addition, a petition must address the environmental impacts associated with emissions to the ambient air and impacts associated with the subsequent cross-media transport of those emissions. The petitioner submitted several supplements to the petition between March 1997 through February 1999 to address deficiencies

identified during the completeness review. We determined the petition to delete methanol to be complete, and we published a notice of receipt of a complete petition in the **Federal Register** on July 19, 1999 (64 FR 38668). We also requested comment on the petition, including a request for additional data relevant to EPA's consideration of the petition.[1]

II. Criteria for Delisting

Section 112(b)(2) of the CAA requires the EPA to make periodic revisions to the initial list of HAP, outlines the criteria to be applied in deciding whether to add or delete a substance from the list and identifies pollutants that should be listed as:

> * * * pollutants which present, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects (including, but not limited to, substances which are known to be, or may reasonably be anticipated to be, carcinogenic, mutagenic, teratogenic, neurotoxic, which cause reproductive dysfunction, or which are acutely or chronically toxic) or adverse environmental effects whether through ambient concentrations, bioaccumulation, deposition, or otherwise * * * .

To assist the EPA in making judgments about whether a pollutant causes adverse environmental effects, section 112(a)(7) defines an ''adverse environmental effect'' as:

> * * * any significant and widespread adverse effect, which may reasonably be anticipated, to wildlife, aquatic life, or other natural resources, including adverse impacts on populations of endangered or threatened species or significant degradation of environmental quality over broad areas.

Section 112(b)(3) establishes general requirements for petitioning the Agency to modify the HAP list by adding or deleting a substance. Although the Administrator may add or delete a substance on his or her own initiative, when EPA receives a petition to add or delete a substance from the list, the burden is on the petitioner to include sufficient information to support the request under the substantive criteria set forth in section 112(b)(3)(B) and (C). The statute directs the Administrator to either grant or deny a petition within 18 months of receipt. If the Administrator decides to grant a petition, the Agency publishes a written explanation of the Administrator's decision, along with a proposed rule to add or delete the substance. The proposed rule is open to public comment and public hearing and all additional substantive information received is considered prior to the issuance of a final rule. If the Administrator decides to deny the petition, the Agency publishes a notice of its denial, along with a written explanation of the basis for denial. A decision to deny a petition is a final Agency action subject to review in the DC Circuit Court of Appeals under section 307(b) of the CAA.

To promulgate a final rule deleting a substance from the HAP list, section 112(b)(3)(C) provides that the Administrator must determine that:

> * * * there is adequate data on the health and environmental effects of the substance to determine that emissions, ambient concentrations, bioaccumulation or deposition of the substance may not reasonably be anticipated to cause any adverse effects to the human health or adverse environmental effects.

We do not interpret section 112(b)(3)(C) to require absolute certainty that a pollutant will not cause adverse effects on human health or the environment before it may be deleted from the list. The use of the terms ''adequate'' and ''reasonably'' indicate that the Agency must weigh the potential uncertainties and their likely significance. Uncertainties concerning the risks of adverse health or environmental effects may be mitigated if we can determine that projected exposures are sufficiently low to provide reasonable assurance that such adverse effects will not occur. Similarly, uncertainties concerning the magnitude of projected exposures may be mitigated if we can determine that the levels which might cause adverse health or environmental effects are sufficiently high to provide reasonable assurance that exposures will not reach harmful levels. However, the burden remains on a petitioner to demonstrate that the available data support an affirmative determination that emissions of a substance may not be reasonably anticipated to result in adverse effects on human health or the environment (that is, EPA will not remove a substance from the list of HAP based merely on the inability to conclude that emissions of the substance will cause adverse effects on human health or the environment). As a part of the requisite demonstration, a petitioner must resolve any critical uncertainties associated with missing information. We will not grant a petition to delist a substance if there are major uncertainties which need to be addressed before we would have sufficient information to make the requisite determination.

A denial of a petition may take one of two forms, it may either be a denial with prejudice, in which case any future petition will be denied as a matter of law unless it is accompanied by substantial new evidence; or it may be a denial without prejudice, in which case EPA will consider future petitions without the presentation of substantial new evidence. The EPA will issue a denial with prejudice when there are adequate data available which lead EPA to conclude that emissions of a substance can be anticipated to result in adverse effects to human health or the environment; or when EPA concludes that the available evidence cannot support a determination that a substance may not reasonably be anticipated to result in adverse effects to human health or the environment and, therefore, that substantial new information or analyses would be necessary to allow the Agency to make such a determination. Today's denial is a denial with prejudice because EPA concludes that the available evidence (the data and analysis upon which the petitioner relies) cannot support a determination that methanol emissions may not reasonably be anticipated to result in adverse effects to human health or the environment.[2]

III. Evaluation of the Petition and Subsequent Material

A. Submission of the Petition and Subsequent Material

The original petition submitted on March 6, 1996, and the supplemental materials provided by AF&PA up through February 18, 1999, contain information on chemical characteristics

[1] We received eighteen submissions in response to the request for comments concerning the methanol petition. The submissions are in the docket. Fifteen of these were from various industry groups and supported the removal of methanol from the HAP list. The other three comments received were from States opposed to the petition. We considered all comments during our technical review.

[2] A denial with prejudice serves a vital administrative purpose. It prevents the endless re-submission of essentially identical petitions (with only peripheral or trivial changes) in the wake of an EPA decision on the merits of a petition. Thereby, once EPA has denied a petition to delist based on a full consideration of the merits, any future petition to remove the same chemical will not trigger another full evaluation of the merits unless it includes substantial data or analyses that were not present in the earlier petition. Conversely, EPA may issue a denial without prejudice, for example, where there has not been a complete examination of the merits of a petition, and where, therefore, EPA has not reached a decision on the petition that is based on a robust evaluation of the underlying technical data and analyses. For example, where a petition obviously lacks some element necessary for EPA to properly evaluate the petition, EPA may deny such petition without prejudice and allow the petitioner to re-submit the petition with the necessary additional information without a determination that the additional information constitutes substantial new data or analysis. See, e.g., Notice of Denial, January 13, 1993 (58 FR 4164) (denying without prejudice a petition to remove five glycol ethers from the list of HAP).

of methanol, emissions sources, fate and transport, exposure, toxicity, atmospheric transformation, and environmental impacts. We determined that these materials constituted a complete petition, and that AF&PA's petition was complete as of February 18, 1999. In October 1999, during the technical review of the complete petition, a significant new study, sponsored by the Health Effects Institute (HEI), titled ''Reproductive and Offspring Developmental Effects Following Maternal Inhalation Exposure to Methanol in Nonhuman Primates'' (Burbacher, et al., 1999) (hereinafter the ''Burbacher Primate Study''), was published in the HEI Research Report Number 89 (i.e., HEI Report) along with commentary by the HEI Health Review Committee. Because of the direct relevance of this information, we considered the Burbacher Primate Study, as well as the entire HEI Report in our technical review. Moreover, the petitioner provided EPA with additional materials on November 13, 1999 and July 3, 2000, in support of the original petition. These materials provided comments, opinions and interpretations regarding the data presented in the Burbacher Primate Study.

B. Uses, Sources, and Chemical Characteristics of Methanol

Methanol is used as a solvent in various adhesives, cleaners, and inks. Other sources include wood pulping; combustion of biomass, refuse, and plastics; and manufacture of petroleum, charcoal, and plastics. The petition describes methanol as a simple alcohol containing one carbon atom. Methanol is reported to occur naturally as an emission resulting from metabolism in vegetation, microorganisms, and insects. It has also been found in volcanic gases. Methanol is produced during the natural biodegradation of organic wastes of all kinds, including sewage and wastewater sludge, by microorganisms normally found in the environment.

C. Methanol Health Effects Analysis

In the materials submitted between March 1996 and February 1999, the petitioner presents an evaluation of the available health effects data, including human and laboratory animal studies. The petition states that there is a significant amount of data on methanol toxicity to both animals and humans. Most of the data relate to acute exposure through ingestion and, to a lesser degree, acute inhalation exposures, although there are also numerous studies of sub-chronic and chronic inhalation exposures at low concentrations. The petition describes four studies of exposed human workers and several studies of mice, rats, dogs, and nonhuman primates.

Based on negative results in mutagenicity testing, the petition asserts that methanol is not likely to be genotoxic. Moreover, based on testing in mice for 18 months and rats for 24 months, and on an understanding of methanol's metabolism and likely mode of action, the petition states that there is no evidence to indicate, nor reason to believe, that methanol is carcinogenic.

The petitioner proposes that the primary adverse effects of methanol that occur after acute high exposures are metabolic acidosis and central nervous system effects including eye damage. These acute toxic effects result from saturation of a metabolic pathway that results in accumulation of formate. Other effects reported in four epidemiology studies of clerical workers exposed to high concentrations of methanol include headaches, nausea, and blurred vision.

The petition states that there are no reports of reproductive or developmental effects in humans due to methanol exposures. However, laboratory inhalation studies have shown reproductive and developmental effects in animals exposed to relatively high concentrations. The petitioner determined that the most sensitive toxic endpoint from the available studies was developmental effects (ossification of cervical ribs) in mice exposed in the womb as identified in a study by Rogers, *et al.* 1993. In that study, pregnant mice were exposed by inhalation to methanol concentrations ranging from 1,300 to 19,500 mg/m^3 for 7 hours per day on days 6–15 of pregnancy. The no-observable-adverse-effect-level (NOAEL) reported in the Rogers mouse study is 1,300 mg/m^3.

No EPA inhalation reference concentrations (RfC) are currently available for methanol to assess the potential for adverse human health effects due to inhalation exposure. Therefore, the petitioner conducted a dose-response assessment with the available toxicity data to derive a similar health-based criterion called a ''safe exposure level'' (SEL). The petitioner asserts that exposures at or below the SEL can be expected to produce no adverse human health effects from lifetime inhalation exposures. The SEL was derived based on an approach similar to the EPA RfC methodology, which incorporated the identification of the most sensitive toxic endpoint from a critical study and a corresponding NOAEL, an adjustment of the NOAEL from an animal exposure concentration to an equivalent human exposure concentration, and application of selected uncertainty factors.

The petitioner identified the Rogers mouse study as the critical study with a NOAEL of 1,300 mg/m^3. To determine the human-equivalent concentration (HEC) of methanol, the petitioner used this NOAEL and converted it to a human-equivalent NOAEL by multiplying the animal species NOAEL by the ratio of a breathing rate divided by the body weight of the animal species to the same parameters for humans, which resulted in a HEC of 8,300 mg/m^3. Application of a standard 10-fold uncertainty factor for interspecies extrapolation and another standard 10-fold uncertainty factor for individual variation in the population results in a calculated SEL of 83 mg/m^3.

To support the claim that the SEL is safe, the petitioner presents information on background body levels in humans. Methanol is found in the body without exogenous exposures to the chemical in ambient air. This background body concentration, which is approximately 1–2 milligrams/liter (mg/l) methanol in blood, is attributed to both natural metabolic processes and dietary sources (such as fresh fruit and vegetables, fermented beverages, and Aspartame-sweetened diet beverages). The petitioner predicts, using pharmacokinetic (PK) models, that steady state blood methanol levels in humans exposed to 83 mg/m^3 are similar to typical measured background levels in humans.

The EPA is unconvinced by the petitioner's human health effects assessment and the proposed SEL. We conclude that the petitioner's SEL is not an appropriate criterion for decision making for this petition. In fact, as discussed later in today's notice, we have derived a range for a health-based decision criterion that includes values that are significantly lower than the petitioner's SEL. Our concerns about the health effects assessment and the SEL, which are explained below, are the basis for our denial of the petition to remove methanol from the HAP list.

We agree with the petitioner that the available evidence does not suggest that methanol is genotoxic or that it is likely to be carcinogenic. We agree that documented adverse effects of methanol after acute high exposures include metabolic acidosis and central nervous system effects, including eye damage. We also agree that developmental effects could be one of the most, or the most, sensitive endpoint and could occur after acute or chronic exposures. However, as shown in the Burbacher Primate Study, reproductive effects could also be

considered among the most sensitive endpoints.

The petitioner derived its proposed SEL using the available information in much the same way that EPA might use this information to derive an RfC. A specified NOAEL from a critical study (Rogers et al.) was identified and adjusted to an HEC yielding a NOAEL(HEC) of 8,300 mg/m^3. This value was then divided by uncertainty factors of 10-fold each for interspecies extrapolation and for intraspecies variability to produce an SEL of 83 mg/m^3.

In response to suggestions by EPA scientists in 1996, the petitioner made no duration adjustment of the NOAEL in calculating the HEC. However, the question of whether and how developmental effects data should be duration-adjusted has been a matter of ongoing discussion within the Agency and the broader scientific community. Although the specific protocol for acceptable duration-adjustment remains to be more fully developed, we believe the current state of scientific understanding differs from the understanding in 1996 and tends to support incorporating duration-adjustment in the petitioner's derivation of the SEL for methanol. In order to be public-health protective, since either the chemical or its damage may accumulate, current risk assessment procedures adjust for duration of exposure, i.e., adjust short-term inhalation exposures associated with adverse effects by a concentration times time (''c × t'') factor in order to derive health risk estimates for longer-term exposures. To duration-adjust the NOAEL, the concentration would be multiplied by an additional factor of 7/24 hrs/day (because Rogers et al. exposed the mice for 7 hrs/day). In this case, the resulting SEL would be 24 mg/m^3.

We also note that the petitioner's SEL analysis did not employ available techniques such as the benchmark dose (BMD) method to utilize more of the data from Rogers et al. to characterize the dose-response relationship. Current EPA practice in deriving RfC is to apply the BMD method whenever the data are appropriate for its application. This method has been used relatively recently in health assessments for several pollutants (such as methylmercury, carbon disulfide, antimony trioxide, manganese, and diesel exhaust), which are available in the EPA's Integrated Risk Information System (IRIS). We did not require the petitioner to specifically include a BMD approach as part of the completeness review. However, we suggested to the petitioner (in a letter dated September 30, 1998) that the health hazard assessment could be strengthened by utilizing more than one method to derive the SEL. For example, we stated that using the EPA's BMD method would provide a useful comparison to the petitioner's approach.

A BMD analysis was included in the published paper by Rogers et al. and yielded 305 parts per million (ppm) (approximately 400 mg/m^3) as the BMDL–5 (lower 95 percent confidence limit on the maximum likelihood estimate for a 5 percent added risk for the incidence of cervical ribs). We have conducted additional but still preliminary BMD analyses on data from the study by Rogers et al. using various mathematical models in conjunction with the EPA BMD software under development. By our initial calculations, a BMDL–5 for excess risk of cervical ribs could fall in a range from roughly 195 to 325 mg/m^3. The difference between this range of estimates and the value reported by Rogers et al. is due in part to differences in the calculation of added risk versus excess risk, as well as other minor differences in the treatment of the data. If the BMDL–5 value we have calculated were used instead of the NOAEL in the petitioner's derivation of their SEL, the resulting SEL would be roughly 4–7 fold lower, or on the order of 10–20 mg/m3, assuming that the BMDL–5 is used as an alternative for a NOAEL and the same uncertainty factors are applied. Incorporating the duration-adjustment noted above would yield an SEL on the order of 4–6 mg/m^3.

Also in response to our previous suggestions, the petitioner provided a supplementary analysis in August 1997 of PK data for experimental animals exposed to methanol by inhalation. This analysis involved dosimetric adjustments of the exposure concentrations based on either a default value or data from various publications (Perkins et al., 1995; Horton et al., 1992). The petitioner concluded that the PK data supported their use of the default dosimetric adjustment and indicated that the default value provided a conservative (protective) SEL. A more refined model of methanol inhalation pharmacokinetics (Fisher et al., 1999) has recently become available. That model appears to suggest that relative respiratory uptake in monkeys may be less than previously understood. To the extent that respiratory uptake in humans approximates that of nonhuman primates, this finding may tend to support the petitioner's claim that the default dosimetric adjustment is conservative in the case of the mouse data. However, the default adjustment would still be used and, thus, no change in the SEL is implied on this basis.

In October 1999, several months after the petition was determined to be complete, the Burbacher Primate Study was released by the HEI. This study was funded through the HEI and published after a thorough review by an ad hoc peer review panel, as well as the standing HEI Health Review Committee, both of which comprised well-recognized, independent, scientific experts.

In that study, Burbacher et al. exposed 11–12 adult female rhesus macaque monkeys per group to 0, 200, 600, or 1,800 ppm (0, 260, 780, 2,300 mg/m^3) methanol vapors for 2.5 hours/day, 7 days/week, prior to and after conception, but terminating before parturition. The investigators measured reproductive performance of the mothers and also evaluated the offspring at regular intervals during the first 9 months of life to assess their growth and neurobehavioral development. They also conducted PK studies to determine whether methanol disposition (absorption, distribution, metabolism, and excretion) was altered by repeated methanol exposures.

No significant effects in reproductive function distinguished the methanol-exposed adult groups from the control group, except for a statistically significant ($p = 0.03$) decrease in the duration of pregnancy. Pregnancies resulting in live births were about 6–8 days (5 percent) shorter in the methanol-exposed groups. However, as described below, there are uncertainties and ongoing debate as to whether this decrease is related to methanol exposures.

With regard to effects on the offspring, the investigators evaluated growth measures and various neurological functions. The only significant effect in growth measures was a severe wasting syndrome that became evident in two female offspring from the 1800 ppm group at 1–1.5 years of age. Again, as described below, there is uncertainty and debate as to whether this wasting was due to methanol exposure or some other factors.

Neurobehavioral development was evaluated in several ways, including clinical assessments, as well as objective tests of sensorimotor development, visual acuity, memory, and social interaction. Two effects were reported. First, a concentration-related delay in sensorimotor development was measured in male offspring during the first month of life. As reflected in the infant's ability to reach for, grasp, and retrieve a small object, sensorimotor development was delayed by

approximately 9 days for the 200 ppm group to more than 2 weeks for the 600 and 1,800 ppm groups. In addition, the offspring prenatally exposed to methanol did not perform as well as controls on the Fagan Test of Infant Intelligence. The Fagan test has been shown to reflect information processing, attention, and visual memory function in human and nonhuman primate infants and has been proven to be sensitive to the effects of prenatal exposure to toxic chemicals such as methylmercury and polychlorinated biphenyls (PCB), as well as correlating well with IQ measures in children at later ages. The test is based on the ability of an infant to recognize previously seen visual stimuli and distinguish them from novel stimuli. A higher level of cognitive function is implied by a tendency to attend preferentially to a novel stimulus. All three groups of prenatally methanol-exposed infants failed to show a significant preference for novel social stimuli (pictures of monkey faces), whereas the control group did show a significant novelty preference as expected. However, performance was not concentration-related, nor was there a significant overall methanol effect across the four groups.

As stated by HEI, ''the investigators reported no systematic effects of prenatal methanol exposure on most of the measures used to test infant neurobehavioral development.'' Moreover, HEI concludes that ''overall, the results provide no evidence of a robust effect of prenatal methanol exposure on the neurobehavioral development of nonhuman primate infants.''

The petitioner submitted comments on the Burbacher Primate Study in November 1999 and July 2000. In the November 1999 submittal, the petitioner stated that ''it is doubtful whether this decrease in gestation period was related to methanol exposure, as there was no dose-response and no apparent differences in the offspring, in terms of body weight or other physical parameters, between those animals exposed *in utero* and the control group. The reduced duration of pregnancy moreover was within the normal range of gestation periods for this species.'' The petitioner also stressed that there was no evidence that the wasting syndrome observed in two offspring was related to methanol exposure. In addition, the petitioner asserted that the study provides no reliable evidence of an adverse effect of prenatal exposure on the neurobehavioral development of the offspring. Furthermore, the petitioner stressed that the Burbacher Primate Study shows that repeated exposure to concentrations of methanol vapors as high as 1800 ppm does not result in accumulation of blood formate above baseline levels. The petitioner concludes that overall, the PK data provide further support for the SEL of 83 mg/m^3.

The petitioner submitted additional comments on the Burbacher Primate Study in July 2000. The EPA generally considers substantive augmentation of an already complete petition late in the decision-making process to be a petition amendment that requires withdrawal and re-submission of the petition, thereby restarting the statutory clock for Agency decision making.[3] However, in this case the petitioner requested that EPA delay its decision on the petition until after conducting a preliminary review of the petitioner's new submission. The EPA agreed to do so, and to reserve judgement (pending this review) as to whether the content of this submission amounted to substantive new information or analysis. To the extent that this material might constitute a substantive augmentation of the petition, we are not obligated to consider it in connection with our decision on the current petition. Nevertheless, because we believe that the arguments and comments presented in the new submission are merely extensions of the arguments and comments previously offered by the petitioner or presented in the HEI Report, we have fully considered all of the petitioner's submissions as a part of today's decision.

In the July 2000 submittal, the petitioner presented the opinions and comments of five expert scientists[4] who had conducted independent reviews of the HEI Report. The petitioner summarized the comments of the experts stating that ''those experts express strong reservations against drawing any conclusions about methanol reproductive or developmental effects from the HEI Report, both because the statistical analyses performed presented a likelihood that some differences between controls and exposed groups would occur just by chance, and because the observed effects were inconsistent with the other results of the study. In particular, the lack of any clear dose-response relationship; the inconsistencies between results for different cohorts, sexes, or tests of related functions; and the fact that some of the effects identified were associated with only a small increase in maternal blood methanol all caused AF&PA experts to conclude that the reported effects on gestation period and neurobehavioral development are unlikely to be real.'' The detailed comments from the petitioner and experts are presented in the docket.

The data from the 1999 Burbacher Primate Study complement and extend the current understanding of methanol health effects. As the HEI Health Review Committee noted in its commentary, the experiments in this study were ''well designed and executed with appropriate quality control and quality assurance procedures. Thus, one can have confidence in the data.'' Moreover, because nonhuman primates are the best surrogate to study methanol toxicity and neurobehavioral development in humans, the results are highly relevant for risk assessment. We agree with these statements by the HEI Health Review Committee about the relevance of the Burbacher Primate Study for risk assessments, and while it is evident that the results of the study are subject to multiple interpretation, we believe that, absent additional data, the observed effects must be considered in any risk assessment of methanol emissions.

As mentioned previously in today's notice, there was a statistically significant ($p = 0.03$) decrease in the duration of pregnancy. Although no other adverse reproductive outcomes (*e.g.,* reduced fertility, spontaneous abortion, reduced neonatal size or weight) were statistically significant, it is noteworthy that cesarian sections (C-sections) were performed only on methanol-exposed females, that is, two C-sections per group for a total of six in the methanol-exposed groups versus no C-sections in the controls. These operations were performed in response to signs of difficulty in the pregnancy (*e.g.,* vaginal bleeding) and, thus, serve as supporting evidence of reproductive dysfunction in the methanol-exposed females.

The HEI Health Review Committee stated that the pregnancy durations in both control and methanol-exposed groups were within the norms of other colonies. However, the reason for having a concurrent control is to provide a more direct comparison with

[3] This interpretation is necessary in order to avoid situations where EPA might otherwise have insufficient time to adequately review and analyze substantive information submitted by a petitioner at or near the end of the statutory time period. See CAA section 112(b)(3)(D). However, it is entirely within a petitioner's discretion to direct EPA to either proceed with a determination without looking at such material, or to re-submit the petition with the new substantive material.

[4] The five experts were as follows: David G. Hoel, PhD., from Medical University of Texas; Anthony R. Scialli, M.D., from Georgetown University; Thomas B. Starr, PhD., from TBS Associates; and Alice F. Tarantal, PhD., from University of California, Davis.

the experimentally treated animals. Monkeys in other colonies were not necessarily subjected to the same conditions or type of handling that existed in the Burbacher Primate Study. Moreover, it is not clear what ''norms'' have been established or how they should be applied in this case. By analogy, a reduction of IQ from 102 to 98 is a small percentage change around a norm of 100, but if this reflects a population average change, the reduction is quite meaningful. Although no one should generalize an effect size from the small number of monkeys in the Burbacher Primate Study to an entire population, neither should the difference between methanol-exposed and control groups be dismissed as inconsequential because it is ''within the norms.''

As to the petitioner's comment that ''vaginal bleeding 1–4 days prior to delivery of live born-healthy infants is not that unusual in this species, so vaginal bleeding does not necessarily imply an at risk fetus requiring cesarian-section delivery,'' it is noteworthy that the control animals did not have such bleeding. No evidence was given by AF&PA to counter the determination of the veterinarians conducting the study that placental separation was occurring in the methanol-treated animals requiring C-section. While the exposed animals that received C-sections were excluded from the analysis regarding the determination of gestation length, this finding, in conjunction with the shortened gestation length of the other methanol-exposed animals, would support the notion of problems with maintenance of pregnancy. Overall, this is not a trivial outcome on duration of pregnancy and may have adverse consequences on the offspring, even in the absence of frank effects. Furthermore, the lack of an increasing dose-related trend in the pregnancy duration data does not nullify the fact that all of the methanol-exposed groups, both when tested collectively and separately against controls, had significantly shorter pregnancy lengths. In summary, the reduction in pregnancy duration observed in this study appears to constitute an adverse reproductive effect associated with methanol vapor concentrations of 200–1800 ppm.

As mentioned above, the only significant effect in growth measures was a severe wasting syndrome that became evident in two female offspring from the 1800 ppm group at 1–1.5 years of age. In both cases, the animals ate normally but lost weight and failed to grow normally, which led to progressive weakness and ultimately their having to be euthanized. No infectious agent or pathogenic factor could be identified. Thus, it appears that a highly significant toxicological effect on growth could be attributed to prenatal methanol exposure at 1800 ppm.

As noted previously in today's notice, two neurobehavioral development effects were found. A concentration-related delay in sensorimotor development was measured in male offspring during the first month of life. Also, the offspring prenatally exposed to methanol did not perform as well as controls on the Fagan Test of Infant Intelligence. The HEI Health Review Committee recommended that these neurobehavioral findings should be interpreted ''cautiously'' for various reasons. The first reason for caution was the small number of animals in each group. In our view, however, the low number of animals presumably implies less statistical power to detect an effect, not necessarily that an apparent effect was more likely due to chance. On this basis, we find the results to be no less credible and perhaps even more credible, if anything. The second reason for caution was that no adjustment was made for multiple comparisons. However, it is not clear to us, nor apparently to the statisticians involved in either analyzing or reviewing these data (otherwise, an adjustment would have been made), what would be the most appropriate adjustment to make in this instance, because the concept of having a battery of tests is to evaluate different domains of function that are presumably somewhat, if not entirely, independent of each other. The third reason for caution was that ''no dose response was generally noted'' in connection with the observed effects. Actually, for the sensorimotor effects, we note that a concentration-related trend was evident in the data for males and for both sexes combined (although not for the females alone); the basis for the gender-specific nature of this finding is unknown, but other developmental neurobehavioral effects, including the developmental toxicity effects of ethanol (Osborn et al., 1998; Rudeen, 1992), are known to differ between sexes and, thus, cannot be dismissed as necessarily chance occurrences. As for the lack of a concentration-related trend in the Fagan test results, this could well reflect the inherent constraints of the measured endpoint, which typically is an approximately 60 percent response preference for novel stimuli vis-a-vis a 50 percent chance response level. If the control group performs at the 60 percent level and the most impaired subjects perform at approximately the 50 percent chance level (worse than chance performance would not be expected), the range over which a concentration-response relationship can be expressed is necessarily quite limited and, thus, the lack of a clear monotonic trend is not surprising.

As the fourth reason for caution, the petitioner and the HEI Committee point out that a consistent effect was not seen on other measures of cognitive performance in the Burbacher Study, namely, the Nonmatch to Sample Test. However, the lack of a significant methanol effect on this test may have been due in part to the fact that the task was apparently quite difficult for the infant monkeys, regardless of their exposure. Also, other studies suggest that these particular tests reflect different neuroanatomical mechanisms (McKee and Squire, 1993; Clark *et al.*, 1996) and, therefore, may be independent of one another. Hence, the lack of consistency among different tests does not necessarily imply that the few significant results are implausible. Measures of cognition used in the assessment battery not only measure different neurobehavioral functions but also were performed at different ages. A developmental perturbation would not be expected to affect all tests of all endpoints at all times of assessment. Thus, the tests of visually-directed reaching and recognition memory would not necessarily be expected to give the same results. The supposition of the AF&PA expert reviewers that gross effects should be seen on measures of head circumference and early measures of growth and development is an oversimplification of the range of effects that may follow developmental exposures to neurotoxic agents. Consequently, we find that the lack of concordance among all the tests in the Burbacher Primate Study is not a cogent argument for a lack of biological plausibility for effects of gestational exposure to methanol.

As the fifth reason for caution, the HEI Health Review Committee and petitioner note that maternal blood methanol levels in the 200 ppm group were only slightly higher than the controls (*i.e.,* approximately double). But as the HEI Health Review Committee states, ''these results may indicate sensitivity to even small increases in maternal blood methanol, or they may indicate random findings.'' Without a better understanding of the fetal PK processes that could have been involved in these effects, it may be presumptuous to suppose that the measured maternal blood methanol levels are an adequate indicator of fetal exposure to the responsible toxic agent.

In summary, the HEI Health Review Committee's notes of caution do not warrant dismissal of the findings. Therefore, we conclude that these findings provide plausible evidence of developmental neurotoxicity in infant monkeys that had been exposed prenatally to methanol via their mothers' exposure to concentrations of 600–1800 ppm methanol vapor and possibly lower.

We also have concerns regarding the potential background levels of methanol in human blood resulting from consumption of fruit. The assertion is made by the petitioner that foods (especially fresh fruit) provide quantities of methanol, as measured in human breath, that would constitute a background level similar to that found from anthropogenic sources. This assertion is derived from papers by Taucher *et al.* (1995) and Lagg *et al.* (1994), in which four individuals are fed either three peaches, three peaches and one orange, six peaches and one banana, or five peaches and four bananas. Breath measurements were taken starting before, during, and starting immediately after consuming these fruits. There is no discussion as to whether these individuals rinsed their mouths out after consuming the fruit. Nor is there any correction for off-gassing of methanol from the residual mouth contents or stomach contents. Additionally, studies by Batterman *et al.* (1998) suggest that human breath concentrations of methanol following inhalation exposure only achieve equilibrium with blood concentrations ''if subjects are in a methanol-free environment for 30 min or more after exposure'' due to desorption from the lining of the respiratory tract. There is reason to suspect that the same thing happens with the fruit in the mouth, esophagus, and stomach, especially given the tendency of high-fiber foods such as fruit to leave remnants on teeth and to stimulate gas release from the upper GI.

The peak human breath concentrations reported in the Taucher *et al.* and Lagg *et al.* studies are only 3 ppm (3.9 mg/m^3) from the largest quantity of fruit 2 hours post-consumption and 4 ppm (5.2 mg/m^3) from 100 ml of 48 proof homemade brandy with 0.19 percent methanol at 4 hours post consumption. The breath concentration of methanol after brandy consumption falls off with a half-life of about 1.5 hr, roughly identical to what is seen from the Batterman *et al.* study, while the concentration after eating fruit does not decline, strongly suggesting that the source material is still in the mouth and upper GI tract. Although a concentration of 3–4 ppm in exhaled breath is within the range of human experience, it is probably an extreme case. The acute consumption of sufficient fruit to raise breath concentrations more than twice that level most likely involves acute GI effects sufficient to discourage the attempt. In summary, based on the weight of evidence, we think that there are reproductive and developmental health consequences following exposure to methanol in both mice (Rogers *et al.*) and primates (Burbacher *et al.*) and that these effects should be considered relevant to potential risks in humans.

Although the findings from Burbacher *et al.* provide reasonable qualitative evidence of reproductive and developmental toxicity associated with methanol exposure during pregnancy, characterizing the dose-response relationship in these data is more problematic. It is, therefore, premature to predict an RfC based on the results of that study because the process for RfC development requires a much more extensive analysis and review than is possible within the present time constraints. At a minimum, further analysis of the primate data using BMD or other methods needs to be considered as part of the process to develop an RfC for methanol. However, some perspective can be gained by considering a few of the possible interpretations and applications of the data from the Burbacher study. For example, if 200 ppm (260 mg/m^3) were considered a Lowest Observed Adverse Effects Level (LOAEL) for reproductive toxicity (shortened pregnancy length), adjustment of this value to an HEC, based on temporal (2.5/24 hours) and dosimetric (default value of 1) factors, would yield a LOAEL(HEC) of approximately 27 mg/m^3. Potentially applicable uncertainty factors include a factor of as much as 10 for use of a LOAEL instead of a NOAEL and a factor of up to 10 for intraspecies variability, which could result in a reference value as low as 0.27 mg/m^3. As another example, if 200 ppm were considered a NOAEL for developmental toxicity (neurobehavioral effects in infants) and a temporal adjustment of the HEC were made, the NOAEL(HEC) would be 27 mg/m^3. In this case, an uncertainty factor of 10 for intraspecies variability might be applied, resulting in a possible reference value of 2.7 mg/m^3. A rather wide range of possible values for a health-based criterion, on the order of 0.3 to 30 mg/m^3, can be estimated from the primate data in this manner, depending on which type of effect, effect level, and uncertainty factors are selected, but this range should not be construed as bounds on what a fully developed RfC for methanol vapor might ultimately be.

Taken together, the studies by Rogers *et al.* and Burbacher *et al.* provide a pattern of evidence indicative of reproductive and developmental toxicity associated with exposure of mice and monkeys to methanol vapor during gestation. In our judgment, this evidence is relevant for evaluating potential risks of methanol to human health. The data imply a window of sensitivity during gestation, which is supported by other work that has shown that the critical period for induction of developmental toxicity by maternal inhalation of methanol vapor can be at least as short as 1 day in mice (Rogers and Mole, 1997). However, the minimal period of exposure sufficient to induce such effects has not been determined. This fact suggests that the potential for acute exposures, as well as chronic exposures, must be considered in any human exposure analysis in connection with a petition to remove methanol from the list of HAP.

While we do not believe that the effects observed in the Burbacher Primate Study can be dismissed, we are not prepared at this time to propose a specific alternative to the petitioner's SEL. However, there appears to be some convergence within the range of possible reference values that could be derived from the rodent and primate studies. As noted above, using BMD methods and making duration adjustments of the data from Rogers *et al.*, it is possible to derive values of about 4–6 mg/m^3, which are at the approximate midpoint of the values (0.3–30 mg/m^3) that might be derived from the data of the Burbacher Primate Study. Although one should not place too much weight on these specific numbers, the fact that they converge suggests greater plausibility than if the values were widely disparate.

The selection of an appropriate health effects decision criterion or reference level is a central component in the determination of potential risk. For chronic noncancer risk assessments, the EPA-verified inhalation RfC values are the primary quantitative consensus values used by the Agency. For assessing potential adverse health effects due to short-term exposures (*e.g.,* 24 hours), the Agency utilizes various acute exposure criteria. Sometimes we use EPA developmental RfC values to assess the potential effects to developing humans due to short-term exposures. Other benchmarks that we utilize, when appropriate, may include, among others, acute minimal risk levels (MRL)

produced by the Agency for Toxics Substances and Disease Registry and acute reference exposure levels (REL) produced by the California Environmental Protection Agency.

For methanol, as discussed previously, there are no EPA-verified RfC values available to assess noncancer risks. Moreover, benchmarks produced by other agencies have not utilized the recent results from the Burbacher Primate Study. Therefore, based on our review of the available information, we conclude that a range of 0.3 to 30 mg/m^3 represents the most appropriate criterion for determining whether methanol emissions may reasonably be anticipated to cause adverse human health effects. Furthermore, since the critical effects are adverse developmental outcomes that could occur after short-term exposures, we judged that, of the available exposure duration estimates (*i.e.,* 1-hour, 24-hour, and annual concentrations), 24 hours would be the most appropriate exposure duration to compare to the health criterion range of 0.3 to 30 mg/m^3 for decision-making purposes.

While we conclude, based on available data, that 24-hour exposures below 0.3 mg/m^3 are not likely to result in adverse human health effects, we are unable to make a more precise determination at this time regarding the exposure levels at which adverse effects are likely to occur. The range of values (0.3 to 30 mg/m^3) chosen as a health-based decision criterion is not presented as a bright line between safety and toxicity. There is progressively greater potential concern about the likelihood of adverse effects as exposures increase within, and above, this range, and we cannot conclude based on the available evidence that any level of exposure above 0.3 mg/m^3 may not reasonably be anticipated to cause adverse human health effects. The comparison of exposure estimates to the health criterion is discussed further in the Risk Characterization section of today's notice.

D. Sources of Methanol Emissions and Maximum Levels of Exposure

In the original petition submittal (dated March 1996), it is stated that based on the 1993 Toxic Release Inventory (TRI), approximately 2,303 facilities reported emissions of methanol, which resulted in a total 86,155 tons of methanol emitted to the air in 1993 in the U.S. The 1993 TRI data indicated that the paper and allied products industry accounted for about 52 percent of the methanol emissions. The next largest source category was the chemical and allied products industry which accounted for 25 percent of the methanol emissions. Six facilities reported emissions over 1,000 tons per year (tpy), 195 facilities reported emissions over 100 tpy and 828 facilities reported emissions over 10 tpy. Subsequent petition submittals present emissions estimates based on more recent data sources (*e.g.,* the 1995 TRI) for sources emitting greater than 500 tpy of methanol.

In order to focus the exposure modeling assessment on those sources that are most likely to present unacceptable risks, the petitioner conducted a conservative screening level exposure assessment to identify an emissions cut-off for further analysis. ''Conservative'' refers to the selection of models and modeling parameters that are more likely to result in overestimates, rather than underestimates, of ambient concentrations of a pollutant. A hypothetical plant assumed to have a 10 meter stack with a fenceline 10 meters from the stack was utilized for the screening assessment. A very conservative screening model that assumes no plume rise and conservative meteorology was used to model the emissions dispersion and estimate maximum offsite concentrations. Using this approach, the petitioner concludes that only sources emitting greater than 500 tpy could theoretically result in offsite concentrations greater than 83 mg/m^3. Therefore, most of the emissions inventory development and exposure modeling assessment focused on sources emitting greater than 500 tpy.

In the March 1996 submittal, the petitioner presented stack and fugitive emissions estimates for the 15 highest emitting plants in the U.S. as reported in the TRI. In the supplements received between March 1997 and February 1999, the petitioner identified about 55 additional sources of various sizes and industry types. Overall, the petitioner identified about 60 sources that emit greater than 500 tpy of methanol.

In the original submission, the petitioner also reviewed various materials developed by EPA for estimating HAP emissions. Emission factors found by the petitioner in this material included such source categories as ammonia production, charcoal manufacturing, terephthalic acid production, formaldehyde production, glycol ethers productions and sulfate (kraft) pulping. The petitioner, however, concluded that the lack of emission factor data would preclude the petitioner from compiling a national inventory using the emissions factor approach.

The petitioner also obtained information on methanol's use as a fuel for motor vehicles and asserts that methanol is a promising alternative fuel for motor vehicles, which could help reduce emissions of volatile organic chemicals (VOC) and air toxics such as benzene. However, the petitioner found that methanol as a motor fuel is currently limited to Indianapolis-style race cars, about 14,000 cars in the Federal government and private fleets, and approximately 400 buses in California. The petitioner claims that current methanol emissions from motor vehicles appears to be quite small.

The petitioner concludes in the initial submittal that the TRI was the most suitable database for identifying the most significant industrial categories and individual sources with large industrial emissions and would provide the ''best-estimate'' of methanol emissions in the U.S. The petitioner claims that other potential methanol sources are comparatively small or widely dispersed and are unlikely to cause high ambient concentrations of methanol.

The petitioner submitted additional emissions information in March 1997, January 1998, April 1998, and February 1999. These submittals primarily contained modeling data for a set of facilities and did not discuss emissions inventory development. However, the petitioner did present some emissions data and discussed the selection of 500 tpy as a cut-off for the emissions inventory. The primary focus was to identify sources that emit greater than 500 tpy of methanol.

The petitioner also contacted various States and requested data on methanol emissions. California, Colorado, Kansas, Louisiana, New York, South Carolina, Texas, and Wisconsin responded to this request and provided emission data. The petitioner's review of these data found only one facility that was not considered in the earlier analyses.

The petitioner also reviewed the 1996 TRI for additional facilities. Two petroleum refineries reported methanol emissions in excess of 500 tpy in 1996 that were not considered in the earlier analyses. The appearance of these facilities in the 1996 TRI database was due to new methanol emission estimates that were developed for a hydrogen production process.

Finally, the petitioner reviewed several EPA documents to determine if any large sources had been left out of the earlier analyses. The petitioner could not find any evidence of any large methanol emissions source that needed to be considered. Therefore, the petitioner concluded that all sources

above 500 tpy of methanol were accounted for in the petition.

Based on our review, we believe that the petitioner's analysis for establishing the 500 tpy cutoff for the cited health benchmark (SEL of 83 mg/m^3) is a reasonable approach and is technically sound. We confirmed that only sources emitting more than 500 tpy would have a theoretical possibility of exceeding an offsite concentration of 83 mg/m^3. Therefore, assuming an SEL of 83 mg/m^3 as a guideline, 500 tpy would be an appropriate cut-off for emissions inventory development. Nonetheless, as discussed above, we have determined that the appropriate health based decision criterion is the range of 0.3 to 30 mg/m^3. Therefore, the 500 tpy cut-off may no longer be valid for purposes of evaluating sources that have the potential to cause adverse impacts on human health.

Moreover, while we believe that the petitioner's overall methodology for identifying all the methanol emissions sources greater than 500 tpy is technically sound, a comparison with the EPA's 1996 National Toxics Inventory (NTI) shows that the petitioner may not have found all the sources emitting more than 500 tpy. A query of the 1996 NTI database for methanol resulted in approximately 4,280 facilities reporting methanol emissions. Of these facilities, 37 had methanol emissions in excess of 500 tpy. Nineteen of these 37 facilities were not included in the petitioner's inventory. Two of the facilities not considered in the petitioner's analysis are the International Paper Company in Oregon and the Mead Publishing Paper Division in Maine. These are the largest methanol emitting facilities (2,547 and 2,101 tpy, respectively) found in the NTI. However, the petitioner did include six of the top ten emitting sources reported in the NTI, as well as a few very large sources that were not found in the NTI. One of these sources in the petition has higher reported emissions (2,450 tpy) than all but one source listed in the NTI. The petition also included several sources that are likely to adequately represent the worst-case sources in the U.S., including one source that emits 829 tpy at ground level with a relatively close fenceline. Therefore, the petitioner's emissions inventory is generally acceptable for the purpose of estimating maximum offsite concentrations.

The petition asserts that inhalation is the only significant route of human exposure to methanol emissions. Since methanol rapidly biodegrades and volatilizes in water, it is highly unlikely that humans are exposed to significant amounts of methanol through fallout upon soils or water bodies.

The petitioner used the emission inventory as input in a tiered air dispersion modeling analysis. A ''tiered'' analysis applies successive refinements in model selection and input data to derive successively less conservative predictions of the maximum offsite air concentrations of a given pollutant. Tier 1 is the simplest and most conservative approach; tier 2 is somewhat less conservative and more refined, including some facility-specific parameter data and less conservative assumptions; and tier 3 is even more refined and less conservative than tier 2 and depends on more site-specific information. For the most part, the petitioner utilized a mix of tier 2 and tier 3 approaches from EPA's three-tier analysis method (EPA–450/4–92–001).

The petitioner modeled many sources to estimate maximum annual, maximum 24 hour, and maximum 1-hour concentrations at the boundaries of the facilities. Twenty-four hour concentrations were considered most relevant for risk assessment since the critical effect is developmental/reproductive effects that could occur after short-term exposures.

In the March 1996 submittal, using data from the 15 largest emitting facilities, the petitioner developed ten model plants representative of the largest emitters in ten different industrial categories. When available, the petitioner used source-specific stack parameter data (such as stack height, exit velocity, stack temperature) from the EPA's Aerometric Information Retrieval System (AIRS) database. Otherwise, the petitioner used industry average values. The petitioner used a simple terrain tier 2 modeling approach and assumed all emissions are from the same location and the fenceline is 100 meters from the stack. Meteorological data from each of five cities in the U.S. were used in the modeling to represent a variety of meteorological conditions. This modeling approach predicted maximum 24-hour ambient methanol concentrations of 0.1 to 4.5 mg/m^3 resulting from the methanol emissions.

To show conservatism of the tier 2 modeling, the petitioner conducted more refined modeling (tier 3) using more site-specific data for one of the largest facilities. The maximum 24-hour concentration decreased by a factor of 3 for this facility using the tier 3 approach.

In the March 1996 submittal, the petitioner also included a conservative screening-level modeling analysis of complex terrain, whereby a single large plant (emitting 2,000 tpy) was placed in a hypothetical location of complex terrain. This complex terrain analysis predicted a 24-hour maximum concentration of 6.9 mg/m^3. In addition, the petitioner assessed the combined impact of hypothetical co-located plants, whereby two large plants were assumed to have emissions being released from the exact same location. The results from the combined impact of co-located sources yielded a maximum predicted 24-hour ambient concentration of 6 mg/m^3.

In March 1997, the petitioner submitted a supplement that included tier 3 modeling for 19 additional facilities, most of which are among the largest in the U.S. This modeling analysis included 12 pulp and paper mills and seven facilities from other industries. The maximum 24-hour offsite concentration from this analysis was 2.5 mg/m^3. This supplement also included further evaluation and modeling of potential co-location situations. The petitioner searched TRI and found there were no instances where two large sources were within 2 miles of each other. However, the petitioner did identify five medium to small sources along a 1-mile line in Lexington, NC. Also, the petitioner found three pulp and paper mills in the Wisconsin Rapids, WI area and a number of medium and large sources in the Mobile, AL area. The petitioner modeled each of these co-location scenarios and predicted the maximum 24-hour concentration to be 0.6 mg/m^3.

The March 1997 supplement also presented tier 3 complex terrain modeling analyses for two actual plants located in complex terrain, which predicted a maximum 24-hour concentration of 0.4 mg/m^3. In addition, data on measured ambient levels of methanol were presented showing that background levels of methanol are less than 0.8 mg/m^3 .

In January 1998 and February 1999, in response to EPA comments, the petitioner submitted modeling analyses for 13 additional facilities that included tier 3 modeling analyses for eight facilities and tier 2 modeling analyses for five facilities. These facilities included all the non-paper sources with greater than 500 tpy reported in the TRI for years 1993–95. The range for the 24-hour maximum offsite concentration for 12 of these plants was 0.1 to 3 mg/m^3. However, there was one facility (the Missouri Chemical Works), modeled using tier 3 approach, for which the maximum 24-hour concentration was 7.6 mg/m^3. This source was originally identified as emitting 829 tpy of fugitive emissions released at ground level in the January 1998 submittal based on

1995 TRI emissions reporting. Subsequently, in the July 2000 submittal, the petitioner states that in 1998, this facility initiated several changes that reduced emissions by about 70 percent. The petitioner remodeled this facility using 1999 emissions estimates (253 tpy), which decreased the maximum offsite concentration to 3.65 mg/m^3.

In the February 1999 submittal, the petitioner attempted to demonstrate that the pulp and paper mills modeled in previous submittals were representative of the industry and included at least one worst-case example. The petitioner stated that the modeling analyses included the source with the highest total emissions, the two facilities with the highest fugitive emissions, as well as two large sources with low-level releases. Moreover, the petitioner creates a very conservative hypothetical worst-case analysis for a paper plant to show that the theoretical worst-case offsite air concentration for a source emitting 1,815 tpy is 31 mg/m^3.

In summary, the petition includes modeling analyses using a mix of tier 1, tier 2 and tier 3 approaches for roughly 50 sources in the U.S., including many of the largest emitting sources. Moreover, the petition includes modeling analyses for sources located near one another (*i.e.,* co-location) and for a few facilities in complex terrain. Overall, the maximum modeled fenceline concentration from any facility using the tier 2 approach was about 4.5 mg/m^3, and the maximum concentration of any facility using the tier 3 approach (with updated emissions data) was 3.65 mg/m^3.

We agree with the petitioner that inhalation is the primary route of human exposure to methanol emissions. The petitioner provides a tiered-based dispersion modeling analysis of facilities emitting greater than 500 tpy methanol. Following generally acceptable modeling guidelines, the petitioner estimates maximum 24-hour modeled fenceline concentrations from the inventoried facilities using conservative screening techniques and more refined (tier 3) modeling procedures. Further, the petitioner shows that combined impacts from co-located sources, as well as background ambient concentrations, are negligible and will not appreciably contribute to maximum predicted ambient levels. Overall, we generally believe that the petitioner's conclusions regarding ambient concentrations of methanol that are likely to result from facilities emitting greater than 500 tpy are technically sound and credible. Nonetheless, we have a number of comments regarding the petitioner's analyses.

With regard to the March 1996 submittal, we think that some of the input parameters in the simple terrain tier 2 analysis were not as conservative as they should be for a tier 2 analysis. For example, fugitive emissions were approximated from a height of 50 feet. These should have been modeled as ground-level sources. Also, no basis for many of the site-parameter assumptions are provided. However, the rest of the model assumptions in this tier 2 analysis appear to be conservative, therefore, the results are most likely conservative. The tier 3 detailed modeling of a single large facility also used the same fugitive source assumption (50 feet release height). Therefore, the results from the tier 3 analysis may not result in a conservative estimation of fenceline concentrations. The complex terrain modeling of a single large facility was performed with an extremely conservative model (SCREEN2/VALLEY), thus these results are most likely conservative. Also, the analysis of combined impact of co-located plants utilized some very conservative assumptions, thus, these concentrations are most likely overpredicted.

With regard to the March 1997 submittal, it appears that the tier 3 modeling of 19 large facilities was performed following EPA modeling guidelines. Detailed documentation of the approach, input data and results are provided. The results from the complex terrain analysis appear to be credible. Also, the reported measured ambient levels of methanol appear to coincide well with the data from the EPA's AIRS database. Thus, the March 1997 submittal is judged to be technically sound and appropriate.

With regard to the January 1998 and February 1999 submittals, it appears that the modeling of each of the 13 facilities follows EPA modeling guidance. The one facility (Missouri Chemical Works) that had a maximum 24-hour modeled concentration of 7.6 mg/m^3 (using 1995 TRI emissions data) seems to be a very good ''worst-case'' example. Model documentation for this run was provided and appeared to justify the results.

The analysis (in the February 1999 submittal) of a hypothetical worst-case pulp and paper mill is extremely conservative. The predicted worst-case air concentration of 31 mg/m^3 is clearly an overestimation for this type of facility, and fenceline concentration predictions for a facility of this type would likely be much lower using a more realistic approach.

In summary, based on the analyses presented in all the submittals, the maximum modeled fenceline concentration from any facility using very conservative hypothetical screening level approaches was 31 mg/m^3, the maximum concentration using tier 2 approaches for actual plants was about 4.5 mg/m^3, and the maximum concentration of any facility using the refined tier 3 approach was 7.6 mg/m^3 (using 1995 data) and 3.65 mg/m^3 (using 1999 data).

Overall, based upon our technical review of the series of submittals, we think that the ambient concentrations predicted by the analysis are technically sound and credible. However, it is possible that, using a different facility source configuration, a different inventory, or a different model, predicted concentrations could be higher or lower than those presented in the petition. Furthermore, year-to-year variations in meteorological conditions could result in different predicted concentrations. While dispersion models are generally designed to be conservative, it is possible that the models utilized in the analysis are not as conservative as expected. Also, as discussed above, the petitioner did not appear to include all sources greater than 500 tpy in the modeling analysis. Thus, the maximum concentration of 3.65 mg/m^3 predicted by the refined (tier 3) model using the updated emissions data may not accurately reflect actual worst-case fenceline concentrations. However, we think it is unlikely that any existing facility would present offsite ambient concentrations that are higher than the maximum concentration of 7.6 mg/m^3 predicted for the Missouri Chemical Works using the 1995 TRI data (829 tpy emitted at ground level).

Moreover, we agree with the petitioner's conclusion that background sources and co-location of facilities are not significant. Monitoring values of methanol, primarily measured near large emitters, are found to generally be less than 1.0 mg/m^3. The worst-case average methanol concentration in the AIRS monitoring database was found to be 0.2 mg/m^3. Furthermore, impacts from individual facilities fall off rapidly with distance, thus, it is highly unlikely that coincidental impacts from multiple facilities would greatly increase maximum predicted impacts.

Finally, when comparing model predicted estimates to health criteria, the petitioner makes a conservative assumption. Namely, the petitioner does not apply an inhalation exposure assessment to the air level predictions, instead elects to use the maximum

exposed individual (MEI) approach. The MEI is the predicted exposure for a hypothetical person assumed to be located at the place of maximum predicted offsite air concentration for 24 hours. If an exposure assessment were applied, whereby we determine where actual people are located and account for daily activities and other exposure factors, actual maximum individual inhalation exposures could be somewhat lower than the MEI predictions from the dispersion analysis. Based upon our review of the petitioner's analyses, the likely proximity of inhabitable areas to these large facilities, and knowledge of human activity patterns over a 24-hour period, we conclude that maximum 24-hour exposures to methanol emissions could be in the range of 2 to 7 mg/m^3, but that such exposures may not reasonably be expected to exceed 7 mg/m^3. Notably, this analysis does not address potential increases in exposures which might occur should methanol emissions increase substantially in the future.

E. Risk Characterization

The petitioner states that the maximum predicted 24-hour concentration for any of these facilities was about 3.65 mg/m^3. As stated above, the petitioner proposes a SEL of 83 mg/m^3. Thus, the petitioner asserts that concentrations of methanol anticipated to occur at the fenceline are far below the SEL and cannot reasonably be anticipated to cause either acute or chronic adverse health effects to people living nearby these facilities. The petitioner also asserts, based on data on PK, that even if a person were continuously exposed to the maximum predicted concentration of 3.65 mg/m^3, that individual's blood methanol level would increase by about 0.7 mg/l, which represents only about 3 percent of the mean baseline level of methanol that individuals have in their blood as a result of natural physiological processes.

Generally, the EPA uses a hazard quotient (HQ) approach to characterize the noncancer risk associated with exposures to pollutants. In this approach, the HQ is developed by comparing the level of exposure (and the appropriate duration of exposure) to the appropriate health-based decision criterion that represents a similar duration of exposure. For example, in many assessments, the average lifetime exposures are compared to a chronic RfC to determine the likelihood of adverse effects from long-term exposures. However, for pollutants that cause developmental effects, such as methanol, the critical duration of exposure could be a short duration (hours or days). Therefore, we conclude that a 24-hour exposure concentration is most appropriate for the HQ analysis for methanol.

Assuming that the estimated exposure level represents total exposure (exposure due to the source being evaluated plus all background exposures), if the HQ is less than 1, the reference level is not exceeded, and the adverse health effect represented by the health reference level is unlikely. Usually the RfC is considered protective of all noncancer adverse health effects. Therefore, exposures at or below the RfC are generally not expected to result in any adverse noncancer health effects. If on the other hand, the HQ is greater than 1 (*i.e.,* exposures are greater than the RfC), we generally are unable to conclude that adverse effects are not likely to occur. The risks following exposures above the RfC are uncertain, but risk increases as exposures to such pollutants increase above the RfC.

However, for methanol, at this time, we do not have a single value criterion, such as an RfC, that we think is appropriate for the derivation of an HQ. Instead, as discussed above, we have determined that the appropriate health-based criterion for EPA decision making for this methanol petition is the range of 0.3 to 30 mg/m^3. In other words, at this time, in order to demonstrate that exposures are reasonably anticipated not to result in any adverse effects to humans, including sensitive subpopulations, the estimated 24-hour exposure concentrations would need to be 0.3 mg/m^3 or lower. From the exposure assessment discussion, we have determined that maximum 24-hour exposures could be in the range of 2 to 7 mg/m^3, which is well above 0.3 mg/m^3. Therefore, at this time, we are not able to determine that emissions of methanol may not reasonably be anticipated to result in any adverse effects to humans. This means that the petition has failed to meet the criteria outlined in section 112(b)(3)(C) of the CAA. Therefore, EPA must deny AF&PA's petition, and methanol will remain on the list of HAP under section 112(b) of the CAA. Moreover, because we conclude that the information submitted in connection with this petition does not support a determination that methanol emissions will not cause adverse human health effects, any future petition for the removal of methanol from the list of HAP will be denied as a matter of law unless such petition is accompanied by substantial new information or analysis.

F. Other Elements of the Petition

The petitioner also presented an evaluation of the potential environmental impacts of methanol emissions, and impacts related to atmospheric transformation of methanol emissions into formaldehyde. Because we are denying the petition for the reasons stated above, we do not find it necessary to make final determinations regarding these elements of the petition.

However, we will note a few concerns with regard to the petitioner's environmental impact analysis. First, the petition contends that methanol has low inherent toxicity to aquatic biota, which is a reasonable conclusion based on available information. However, the petitioner fails to demonstrate that the levels emitted from large point sources would not increase methanol levels in nearby water bodies (*i.e.,* ponds) to levels that would cause adverse effects to sensitive biota. Similarly, with regard to terrestrial biota, the petitioner has conservatively estimated ambient concentrations of methanol near large emitters, but did not estimate safe levels for terrestrial receptors with which to compare these concentrations. Moreover, there is no methanol-specific information presented regarding toxicity to terrestrial plants and invertebrates. Instead, the petition summarized the ecological toxicity information by using broad ranges, which is acceptable as a preface to a more complete eco-toxicity assessment, but should be accompanied by a more detailed description of sensitive studies (including a discussion on the quality of the data). Finally, because small terrestrial mammals (*e.g.,* mice) residing near large emitters are likely to be the most highly exposed terrestrial biota, due to their relatively high metabolic rates and small home ranges, the petition should include an estimate of safe levels in air and safe doses for these biota to compare to estimated exposures near large methanol emitters.

IV. Denial of the Petition

Based on our review of the petition submitted by AF&PA and other relevant material (including the Burbacher Primate Study and the materials submitted by the petitioner subsequent to the release of that study), EPA concludes that available data do not support a determination that methanol emissions may not reasonably be anticipated to cause any adverse effect to human health or the environment. This determination is based on our conclusions regarding the appropriate criterion for evaluating the likelihood of adverse health effects and the maximum

24-hour exposures that may reasonably be anticipated to occur. Accordingly, we are denying AF&PA's petition to remove methanol from the list of HAP under section 112(b) of the CAA. Moreover, because we conclude that the information submitted in connection with this petition does not support a determination that methanol emissions will not cause adverse human health effects, we are denying this petition with prejudice, and any future petition for the removal of methanol from the list of HAP will be denied as a matter of law unless such petition is accompanied by substantial new information or analysis.

Dated: April 27, 2001.

Christine T. Whitman,

Administrator.

[FR Doc. 01–10990 Filed 5–1–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00312; FRL–6776–3]

National Advisory Committee for Acute Exposure Guideline Levels (AEGLs) for Hazardous Substances; Proposed AEGL Values

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) is developing AEGLs on an ongoing basis to provide Federal, State, and local agencies with information on short-term exposures to hazardous chemicals. This notice provides AEGL values and Executive Summaries for 18 chemicals for public review and comment. Comments are welcome on both the AEGL values in this notice and the Technical Support Documents placed in the public version of the official docket for these 18 chemicals.

DATES: Comments, identified by the docket control number OPPTS–00312, must be received by EPA on or before June 1, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–00312 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Acting Director, Environmental Assistance Division (7401), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Paul S. Tobin, Designated Federal Officer (DFO), Office of Prevention, Pesticides and Toxic Substances (7406), 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–1736; e-mail address: tobin.paul@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the general public to provide an opportunity for review and comment on ''Proposed'' AEGL values and their supporting scientific rationale. This action may be of particular interest to anyone who may be affected if the AEGL values are adopted by government agencies for emergency planning, prevention, or response programs, such as EPA's Risk Management Program under the Clean Air Act and Amendments Section 112r. It is possible that other Federal agencies besides EPA, as well as State and local agencies and private organizations, may adopt the AEGL values for their programs. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically* . You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Proposed Rules and Regulations,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–00312. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

3. *Fax-on-Demand*. You may request to receive a faxed copy of the document(s) by using a faxphone to call (202) 401–0527 and select the item number 4800 for an index of the items available by fax-on-demand in this category, or select the item number for the document related to the chemical(s) identified in this document as listed in the chemical table in Unit III. You may also follow the automated menu.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–00312 in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460. (Note: for express delivery, please see ''In person or by courier'' in Unit I.C.2.).

2. *In person or by courier*. Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260–7093.

3. *Electronically*. You may submit your comments electronically by e-mail to: oppt.ncic@epa.gov, or mail your computer disk to the address identified above. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the

use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.1 or ASCII file format. All comments in electronic form must be identified by docket control numbers OPPTS–00312. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without official notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data that you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

A. Introduction

EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) provided notice on October 31, 1995 (60 FR 55376) (FRL–4987–3) of the establishment of the NAC/AEGL Committee with the stated charter objective as ''the efficient and effective development of Acute Exposure Guideline Levels (AEGLs) and the preparation of supplementary qualitative information on the hazardous substances for federal, state, and local agencies and organizations in the private sector concerned with [chemical] emergency planning, prevention, and response.'' The NAC/AEGL Committee is a discretionary Federal advisory committee formed with the intent to develop AEGLs for chemicals through the combined efforts of stakeholder members from both the public and private sectors in a cost-effective approach that avoids duplication of efforts and provides uniform values, while employing the most scientifically sound methods available. An initial priority list of 85 chemicals for AEGL development was published in the **Federal Register** of May 21, 1997 (62 FR 27734) (FRL–5718–9). This list is intended for expansion and modification as priorities of the stakeholder member organizations are further developed. While the development of AEGLs for chemicals are currently not statutorily based, at lease one rulemaking references their planned adoption. The Clean Air Act and Amendments Section 112(r) Risk Management Program states, ''EPA recognizes potential limitations associated with the Emergency Response Planning Guidelines and Level of Concern and is working with other agencies to develop AEGLs. When these values have been developed and peer reviewed, EPA intends to adopt them, through rulemaking, as the toxic endpoint for substances under this rule (see 61 FR 31685).'' It is believed that other Federal and State agencies and private organizations will also adopt AEGLs for chemical emergency programs in the future.

B. Characterization of the AEGLs

The AEGLs represent threshold exposure limits for the general public and are applicable to emergency exposure periods ranging from 10 minutes to 8 hours. AEGL–2 and AEGL–3 levels, and AEGL–1 levels as appropriate, will be developed for each of five exposure periods (10 and 30 minutes, 1 hour, 4 hours, and 8 hours) and will be distinguished by varying degrees of severity of toxic effects. It is believed that the recommended exposure levels are applicable to the general population including infants and children, and other individuals who may be sensitive and susceptible. The AEGLs have been defined as follows:

AEGL–1 is the airborne concentration (expressed as parts per million (ppm) or milligram/meter cubed (mg/m^3)) of a substance above which it is predicted that the general population, including susceptible individuals, could experience notable discomfort, irritation, or certain asymptomatic, non-sensory effects. However, the effects are not disabling and are transient and reversible upon cessation of exposure.

AEGL–2 is the airborne concentration (expressed as ppm or mg/m^3) of a substance above which it is predicted that the general population, including susceptible individuals, could experience irreversible or other serious, long-lasting adverse health effects, or an impaired ability to escape.

AEGL–3 is the airborne concentration (expressed as ppm or mg/m^3) of a substance above which it is predicted that the general population, including susceptible individuals, could experience life-threatening health effects or death.

Airborne concentrations below the AEGL–1 represent exposure levels that could produce mild and progressively increasing odor, taste, and sensory irritation, or certain non-symptomatic, non-sensory effects. With increasing airborne concentrations above each AEGL level, there is a progressive increase in the likelihood of occurrence and the severity of effects described for each corresponding AEGL level. Although the AEGL values represent threshold levels for the general public, including sensitive subpopulations, it is recognized that certain individuals, subject to unique or idiosyncratic responses, could experience the effects described at concentrations below the corresponding AEGL level.

C. Development of the AEGLs

The NAC/AEGL Committee develops the AEGL values on a chemical-by-chemical basis. Relevant data and information are gathered from all known sources including published scientific literature, State and Federal agency publications, private industry, public data bases, and individual experts in both the public and private sectors. All key data and information are summarized for the Committee in draft form by Oak Ridge National Laboratories together with ''draft'' AEGL values prepared in conjunction with NAC/AEGL Committee members. Both

the ''draft'' AEGLs and ''draft'' technical support documents are reviewed and revised as necessary by the NAC/AEGL Committee members prior to formal committee meetings. Following deliberations on the AEGL values and the relevant data and information for each chemical, the NAC/AEGL Committee attempts to reach a consensus. Once the NAC/AEGL Committee reaches a consensus, the values are considered ''Proposed'' AEGLs. The Proposed AEGL values and the accompanying scientific rationale for their development are the subject of this notice.

In this notice the NAC/AEGL Committee publishes proposed AEGL values and the accompanying scientific rationale for their development for 18 hazardous substances. These values represent the fourth set of exposure levels proposed and published by the NAC/AEGL Committee EPA published the first ''Proposed'' AEGLs for 12 chemicals from the initial priority list in the **Federal Register** of October 30, 1997 (62 FR 58840–58851) (FRL–5737–3); for 10 chemicals in the **Federal Register** of March 15, 2000 (65 FR 14186–14196) (FRL–6492–4); for 14 chemicals in the **Federal Register** of June 23, 2000 (65 FR 39263–39277) (FRL–6591–2); and for 7 chemicals in the **Federal Register** of December 13, 2000 (65 FR 77866–77874) (FRL–6752–5) in order to provide an opportunity for public review and comment. In developing the proposed AEGL values, the NAC/AEGL Committee has followed the methodology guidance ''Guidelines for Developing Community Emergency Exposure Levels for Hazardous Substances,'' published by the National Research Council of the National Academy of Sciences (NAS) in 1993. The term Community Emergency Exposure Levels (CELLS) is synonymous with AEGLs in every way. The NAC/AEGL Committee has adopted the term Acute Exposure Guideline Levels to better connote the broad application of the values to the population defined by the NAS and addressed by the NAC/AEGL Committee. The NAC/AEGL Committee invites public comment on the proposed AEGL values and the scientific rationale used as the basis for their development.

Following public review and comment, the NAC/AEGL Committee will reconvene to consider relevant comments, data, and information that may have an impact on the NAC/AEGL Committee's position and will again seek consensus for the establishment of Interim AEGL values. Although the Interim AEGL values will be available to Federal, State, and local agencies and to organizations in the private sector as biological reference values, it is intended to have them reviewed by a subcommittee of the NAS. The NAS subcommittee will serve as a peer review of the Interim AEGLs and as the final arbiter in the resolution of issues regarding the AEGL values, and the data and basic methodology used for setting AEGLs. Following concurrence, ''Final'' AEGL values will be published under the auspices of the NAS.

III. List of Chemicals

On behalf of the NAC/AEGL Committee, EPA is providing an opportunity for public comment on the AEGLs for the 18 chemicals identified in the following table. This table also provides the fax-on-demand item number for the chemical specific documents, which may be obtained as described in Unit I.B.3.

A. Fax-On-Demand Table

TABLE 1.—FAX-ON-DEMAND NUMBERS

CAS No.	Chemical name	Fax-on-demand item no.
67–56–1	Methanol	4938
77–81–6, 107–44–8, 96–64–0, 329–99–7	Nerve Agents GA, GB, GD, GF	4940
79–10–7	Acrylic acid	4941
107–18–6	Allyl alcohol	4879
107–30–2	Chloromethyl methyl ether	4880
108–88–3	Toluene	4882
108–95–2	Phenol	4943
110–00–9	Furan	4885
127–18–4	Tetrachloroethylene	4889
509–14–8	Tetranitromethane	4894
594–42–3	Perchloromethyl mercaptan	4897
630–08–0	Carbon monoxide	4944
10294–34–5	Boron trichloride	4928
19287–45–7	Diborane	4931
50782–69–9	Nerve Agent VX	4945

B. Executive Summaries

The following are executive summaries from the chemical specific Technical Support Documents (which may be obtained as described in Unit I.B.) that support the NAC/AEGL Committee's development of AEGL values for each chemical substance. This information provides the following information: A general description of each chemical, including its properties and principle uses; a summary of the rationale supporting the AEGL–1, -2, and -3 concentration levels; a summary table of the AEGL values; and a listing of key references that were used to develop the AEGL values. More extensive toxicological information and additional references for each chemical may be found in the complete Technical Support Documents. Risk managers may be interested to review the complete Technical Support Document for a chemical when deciding issues related to use of the AEGL values within various programs.

1. *Methanol*—i. *Description*. Methanol is a clear, colorless, volatile flammable liquid with a pungent odor. It is used in industrial production as a solvent and raw material for the production of many important organic compounds.

The acute and short-term toxicity of methanol varies greatly between different species: Due to pharmacokinetic differences, at higher exposure concentrations rodents develop higher blood methanol concentrations than humans and monkeys. Primate, but not rodent species, show accumulation of the metabolite formate. At lower concentrations methanol causes symptoms characteristic of effects on the visual system, such as blurred vision, and the central nervous system (CNS), such as nausea, dizziness, and headaches, as well as slight eye and nose irritation. At high concentrations, the accumulation of the toxic metabolite formic acid may lead to blindness and death by metabolic acidosis. In rodents methanol causes developmental toxic effects and fetal death.

The AEGL–1 was based on a pharmacokinetic study in which human volunteers were exposed to 800 ppm methanol for 8 hours (Batterman *et al.*, 1998), because no other experimental human study was available that used an exposure concentration above a level of 200 ppm, which was used in other studies and which was considered below the AEGL–1 threshold. In this pharmacokinetic study no statement was made on the presence or absence of any signs or symptoms of the methanol exposure; in a personal communication, the second author, Dr. Franzblau, stated that none of the subjects reported symptoms. A factor of 3 was applied for intraspecies variation because the exposure level in the Batterman *et al.* (1998) study was considered below the effect threshold and thus the effect level was less severe than defined for the AEGL–1 level. However, interindividual variability with regard to slight neurotoxic effects (*e.g.*, headache) is likely to exist (although it cannot be quantified exactly from the existing experimental and epidemiological studies) and, thus, it cannot be ruled out that a fraction of the general population might experience slight effects under the exposure conditions of the experimental study of Batterman *et al.* (1998), which used healthy individuals. Because exposure repsonse data were unavailable for all of the AGEL-specific exposure durations, temporal extrapolation was used in the development of AEGL values for the specific AEGL–time periods. The concentration exposure-time relationship for many systematically acting vapors and gases may be described by $C^n \times t = k$, where C = concentration, t = time, k is a constant, and the exponent n ranges from 0.8 to 3.5. In this case, the value was scaled to appropriate exposure periods according to the dose-response regression equation $C^n \times t = k$, using the default of n = 3 for shorter exposure periods, due to the lack of suitable experimental data for deriving the concentration exponent.

The AEGL–2 values were based on developmental toxic effects in mice. After a single exposure to different concentration-time combinations on gestational day 7, the most sensitive endpoint was cervical rib induction, which occurred at concentration-time products greater than or equal to 15,000 ppm × h, but not at concentration-time products below 15,000 ppm × h (*i.e.*, no effects were observed after exposure to 2,000 ppm × 5 h, 2,000 ppm × 7 h and 5,000 ppm × 2 h; authors expressed data only as C × t values) (Rogers *et al.* 1995, abstract; Rogers, 1999, personal communication). These results are supported by a repeated exposure teratogenicity study (Rogers *et al.,* 1993), in which a significant increase in cervical vertebrae was observed at 2,000 ppm or higher, and by a single 7-hour exposure study at 10,000 ppm (Rogers *et al.,* 1997). For the no-observed-effect level (NOEL) of 2,000 ppm for 7 hours (Rogers *et al.* 1995, abstract; Rogers, 1999, personal communication), the corresponding end-of-exposure blood concentration was measured as 487 mg/Liter (l) (Rogers *et al.,* 1993). A total uncertainty factor (UF) of 10 was applied. A factor of 1 was applied for interspecies variability because a sensitive species was used for derivation of AEGL–2 values and because toxicokinetic differences between species were accounted for by using a pharmacokinetic model for calculating exposure concentrations. A factor of 10 was used for intraspecies variability because no information on developmental toxic effects of methanol on humans is available and because also for other chemicals the variability in susceptibility of humans for developmental toxic effects is not well characterized. The total UF was applied to the blood methanol concentration resulting in a concentration of 48.7 mg/l. For this blood methanol concentration, inhalation exposure concentrations for appropriate time periods were calculated so that a blood methanol concentration of 48.7 mg/l would be reached at the end of the time period. For these calculations, a pharmacokinetic model based on the model from Perkins *et al.* (1995) was used. The calculated exposure concentrations were set as AEGL–2 values. For 10 minutes, a concentration of 11,000 ppm was calculated using the pharmacokinetic model. Since this value was considered too close to the 10-minute AEGL–3 value of 15,000 ppm, the 10-minute AEGL–2 was set at the 30-minute value.

The AEGL–3 values were based on acute lethal effects on humans after oral methanol uptake (Naraqi *et al.*, 1979; Erlanson *et al.*, 1965; Bennett *et al.*, 1955; Gonda *et al.,* 1978). For lethal cases without relevant concommitant ethanol exposure, the peak blood methanol concentration was calculated from the measured concentration and the time between intoxication and measurement using Michaelis-Menten kinetics. The lowest calculated peak blood concentration was 1,109 mg/l from the study by Naraqi *et al.* (1979). Due to the very steep dose-response curve for lethality in monkeys (Gilger and Potts, 1955), a factor of 2 was applied to derive a peak blood concentration of 555 mg/l as the NOEL for lethality. An factor of 3 was applied for intraspecies variability, because of the very steep dose response-relationship for lethality after oral exposure seen in rhesus monkeys (Gilger and Potts, 1955) and because a factor of 10 would have resulted in blood methanol concentrations of about 70 mg/l which would be far below a level of 130–200 mg/l, at which ethanol therapy is recommended (ATSDR, 1993; Becker, 1983; Meyer *et al.,* 2000) (these

values refer to concentrations measured after hospital admission, which are usually considerably lower than peak concentrations). For the resulting blood methanol concentration of 185 mg/l, inhalation exposure concentrations for appropriate time periods were calculated so that a blood methanol concentration of 185 mg/l would be reached at the end of the time period. For calculations, a pharmacokinetic model based on the model from Perkins *et al.* (1995) was used. These exposure concentrations were set as AEGL–3 values. The 10-minute AEGL–3 was set at the 30-minute value because at the concentration of 44,000 ppm calculated by the model additional immediate toxic effects could not be excluded and because the calculated value is close to the lower explosive limit in air.

The calculated values are listed in Table 2 below:

TABLE 2.—SUMMARY TABLE OF PROPOSED AEGL VALUES FOR METHANOL[A]

Classification	10-Minutes	30-Minutes	1-Hour	4-Hours	8-Hours	Endpoint (Reference)
AEGL–1 (Nondisabling)	670 ppm (880 mg/m^3)	670 ppm (880 mg/m^3)	530 ppm (690 mg/m^3)	340 ppm (450 mg/m^3)	270 ppm (350 mg/m^3)	Pharmacokinetic study (Batterman *et al.,* 1998); according to a personal communication, none of the subjects reported symptoms (Franzblau, 1999; 2000)
AEGL–2 (Disabling)	4,000 ppm (5,200 mg/m^3)	4,000 ppm (5,200 mg/m^3)	2,100 ppm (2,800 mg/m^3)	720 ppm (940 mg/m^3)	510 ppm (670 mg/m^3)	No developmental toxic effects in mice Rogers *et al.* (1993; 1995, abstract; 1997); Rogers (1999, personal communication)
AEGL–3 (Lethal)	15,000 ppm (20,000 mg/m^3)	15,000 ppm (20,000 mg/m^3)	7,900 ppm (10,000 mg/m^3)	2,500 ppm (3,300 mg/m^3)	1,600 ppm (2,100 mg/m^3)	Lethality in humans after oral exposure (Naraqi *et al.,* 1979; Erlanson *et al.,* 1965; Bennett *et al.,* 1955; Gonda *et al.,* 1978; Meyer *et al.,* 2000)

[a] Cutaneous absorption may occur; direct skin contact with the liquid should be avoided.

ii. *References*.

a. ATSDR (Agency for Toxic Substances and Disease Registry). 1993. Methanol toxicity. *American Family Physician*. Vol. 47:163–171.

b. Batterman, S.A., Franzblau, A., D'Arcy, J.B., Sargent, NE., Gross, K.B., and Schreck, R.M. 1998. Breath, urine, and blood measurements as biological exposure indices of short-term inhalation exposure to methanol. *International Archives of Occupational and Environmental Health*. Vol. 71:325–335.

c. Becker, C.E. 1983. Methanol poisoning. *Journal of Emergency Medicine*. Vol. 1:51–58.

d. Bennett, I., Cary, F.H., Mitchell, G.L., and Cooper, M.N. 1953. Acute methyl alcohol poisoning: a review based on experiences in an outbreak of 323 cases. *Medicine*. Vol. 32:431–463.

e. Erlanson, P., Fritz, H., Hagstam, K. E., Liljenberg, B., Tryding, N., and Voigt, G. 1965. Severe methanol intoxication. *Acta Medica Scandinavica*. Vol. 177:393–408.

f. Franzblau, A. 1999. Dr. Alfred Franzblau, University of Michigan School of Public Health, Ann Arbor, MI. Personal communication. E-mail dated June 14, 1999.

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i. Gonda, A., Gault, H., Churchill, D., and Hollomby, D. 1978. Hemodialysis for methanol intoxication. *The American Journal of Medicine*. Vol. 64:749–758.

j. Meyer, R.J., Beard, M.E.J., Ardagh, M.W., and Henderson, S. 2000. Methanol poisoning. *New Zealand Medical Journal*. Vol. 113:11–13.

k. Naraqi, S., Dethlefs, R.F., Slobodniuk, R.A., and Sairere, J.S. 1979. An outbreak of acute methyl alcohol intoxication. *Australia and New Zealand Journal of Medicine*. Vol. 9:65–68.

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m. Rogers, J.M., Mole, M.L., Chernoff, N., Barbee, B.D., Turner, C.I., Logsdon, T.R., and Kavlock, R.J. 1993. The developmental toxicity of inhaled methanol in the CD-1 mouse, with quantitative dose-response modeling for estimation of benchmark doses. *Teratology*. Vol. 47:175–188.

n. Rogers, J.M., Barbee, B.D., and M.L. Mole. 1995. Exposure concentration and time (C x T) relationships in the developmental toxicity of methanol in mice. *Toxicologist*. Vol. 15:164 (abstract).

o. Rogers. J.M. and Mole, M.L. 1997. Critical periods of sensitivity to the developmental toxicity of inhaled methanol in the CD-1 mouse. *Teratology*. Vol. 55:364–372.

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2–5. *Nerve Agents GA, GB, GD, GF*—

i. *Description*. The G-series agents [GA (tabun), GB (sarin), GD (soman), and GF] are all toxic ester derivatives of phosphonic acid containing either a cyanide or fluoride substituent group, and are commonly termed ''nerve'' agents as a consequence of their anticholinesterase properties. These compounds were developed as chemical warfare agents, and one was used by chemical terrorists in the 1995 incident of nerve agent exposure that took place in the Tokyo subway system. The chemical names of these 4 agents are as follows: Agent GA, dimethylamidocyanophosphate; Agent GB, isopropyl methyl phosphonofluoridate; Agent GD, pinacolyl methylphosphonofluoridate; and Agent GF, *O*-cyclohexylmethyl-fluorophosphonate.

The G-agents are all viscous liquids of varying volatility (vapor density relative to air between 4.86 and 6.33) with faint odors (''faintly fruity,'' or ''spicy,'' ''odor of camphor''). Toxic effects may occur at

concentrations below those of odor detection.

The vapor pressures and acute toxicity of the G-series agents are sufficiently high for the vapors to be rapidly lethal. Within the G-series, GB is considered largely a vapor hazard, while GD is considered mainly a vapor hazard. GA represents a smaller vapor hazard and is expected to present a relevant contact hazard. The vapor pressure of agent GF is intermediate between that of agents GA and GD.

Exposure to acutely toxic concentrations of G-agents can result in excessive bronchial, salivary, ocular, and intestinal secretion, sweating, miosis, bronchospasm, intestinal hypermotility, bradycardia, muscle fasciculations, twitching, weakness, paralysis, loss of consciousness, convulsions, depression of the central respiratory drive, and death. Minimal effects observed at low vapor concentrations include miosis (pinpointing of the pupils of the eye, with subsequent decrease in pupil area), tightness of the chest, rhinorrhea, and dyspnea.

The results of agent GB vapor exposure studies conducted with human volunteers indicate that the threshold for miosis and other minimal toxic effects falls in the range of 0.05 to 0.5 mg/m^3 for 10–30 minute exposures. These findings are based on the results of low-concentration nerve agent exposures to informed volunteers who were under clinical supervision during the periods of exposure as well as for post-exposure periods of several months. Inconsistencies between the studies in identifying the toxicity threshold may be due to differences in individual sensitivities or breathing rates of the test subjects, or to differences in experimental protocols or analytical methods.

There is at present no evidence to indicate that asymptomatic exposures to any of the G-agents result in chronic neurological disorders. A major concern associated with symptomatic exposures to anticholinesterase compounds such as the G agents is the possibility of chronic neurological effects. In general, the available epidemiological data indicate that most clinical signs of toxicity resolve within hours to days; severe miosis may require several months after exposure for resolution. However, several studies have shown that subclinical signs may persist for longer periods. Following the chemical terrorist attacks with nerve agent GB that occurred in Japan in 1994 and 1995, clinical signs of agent toxicity were no longer apparent in the surviving victims 3 months after the exposures had occurred. However, several studies conducted on a small number of asymptomatic individuals 6–8 months after the attack revealed subclinical signs of neurophysiological deficits as measured by event-related and visual evoked potentials, psychomotor performance, and increases in postural sway.

Small but measurable changes in single fibre electromyography (SFEMG) of the forearm were detectable between 4 and 15 months following exposure to a concentration of agent GB that produced minimal clinical signs and symptoms in fully informed human subjects who were under clinical supervision in compliance with Helsinki accords (Baker and Sedgwick, 1996). The SFEMG effects were not clinically significant and were not detectable after 15–30 months. In a separate study of workers who had been occupationally exposed to agent GB (sarin), altered electroencephalograms (EEGs) were recorded 1 year or more after the last exposure had occurred. Spectral analysis of the EEGs indicated significant increases in brain beta activity (12–30 Hz) in the exposed group when compared to non-exposed controls, and sleep EEGs revealed significantly increased rapid eye movement in the exposed workers; these observations were not clinically significant. Increases in beta activity were also observed in rhesus monkeys 1 year after being dosed with 5 μg GB/killogram (kg). Slight, but non-significant increases in beta activity, without deleterious effects on cognitive performance, were reported for marmosets injected with 3.0 μg GB/kg and tested 15 months later. The significance of subclinical neurological effects for the long-term health of exposed individuals has not been determined.

Animal data from vapor and oral exposure studies for agent GB suggest that agent GB does not induce reproductive or developmental effects in mammals. Oral exposure studies of agents GB and GD in lab animals, as well as injection exposure studies of agent GA, likewise suggest the lack of reproductive or development effects for these agents. Agent GB was not found to be genotoxic in a series of microbial and mammalian assays, but agent GA was reported to be weakly mutagenic. There is no evidence that agents GB and GA are carcinogenic.

The data base for toxicological effects in humans is more complete for agent GB than for any of the other G-agents. Furthermore, agent GB is the only G-agent for which sufficient human data are available to directly derive AEGL–1 and AEGL–2 values, and the only G-agent for which sufficient laboratory animal data are available for deriving an AEGL–3 value for all five AEGL time periods. The AEGL–1 values for agent GB were derived from a study on human volunteers in which minimal and reversible effects occurred as a consequence of a 20-minute exposure to a GB vapor concentration of 0.05 mg/m^3 (Harvey, 1952; Johns, 1952).

The AEGL–2 values for agent GB were derived from a study in which miosis, dyspnea, photophobia, inhibition of red blood cell cholinesterase (RBC-ChE), and changes in SFEMG were observed in human volunteers following a 30-minute exposure to 0.5 mg/m^3 (Baker and Sedgwick, 1996). The SFEMG changes noted in the study were not clinically significant, and were not detectable after 15–30 months. Baker and Sedgwick considered SFEMG changes to be a possible early indicator or precursor of the nondepolarising neuromuscular block found associated with Intermediate Syndrome paralysis in severe organophosphorous insecticide poisoning cases. The study concluded that these electromyographic changes were persistent (>15 months), but that they were reversible and subclinical. While not considered debilitating or permanent effects in themselves, SFEMG changes are here considered an early indicator of exposures that could potentially result in more significant effects. Selection of this effect as a protective definition of an AEGL–2 level is considered appropriate given the steep dose-response toxicity curve of nerve agents. This concept of added precaution for steep dose-response is consistent with emergency planning guidance for nerve agents previously developed by the National Center for Environmental Health of the Centers for Disease Control and Protection.

Animals exposed to low concentrations of the G agents exhibit the same signs of toxicity as humans, including miosis, salivation, rhinorrhea, dyspnea, and muscle fasciculations. Studies on dogs and rats indicate that exposures to 0.001 mg GB/m^3 for up to 6 hours per day are unlikely to produce any signs of toxicity.

Because exposure-response data were unavailable for all of the AEGL–specific exposure durations, temporal extrapolation was used in the development of AEGL values for the AEGL–specific time periods. The concentration-exposure time relationship for many systemically acting vapors and gases may be described by $C^n \times t = k$, where the exponent n ranges from 0.8 to 3.5.

Ongoing but unpublished analyses of rat exposure data as performed by Mioduszewski and his colleagues is indicating that the n value for agent GB likely varies with exposure duration (t) (Mioduszewski *et al.,* 2000a, b). Future analyses may provide separate n values for different duration periods of concern, and will be used when available. Current analyses are based on a log-log linear regression of the lethality of GB to female Sprague-Dawley rats (Mioduszewski *et al.,* 2000a, b), which yields an n value of 1.93 with a r^2 of 0.9948. This value indicates a good agreement between the data points. Given that all mammalian toxicity endpoints observed in the data set for all nerve agents represent different points on the response continuum for anticholinesterase exposure, and that the mechanism of mammalian toxicity (cholinesterase inhibition) is the same for all nerve agents, the experimentally derived n = 2 from the Mioduszewski *et al.* (2000a, b) rat lethality data set is used as the scaling function for the AEGL–1 and AEGL–2 derivations rather than a default value. An n of 1.16 was calculated for comparison using other data (human volunteer) and other endpoints (e.g., GB-induced miosis in humans; see Appendix B). However, due to a poor r^2 (0.6704) and other uncertainties associated with some of the exposure measurements in these earlier studies, Mioduszewki *et al.,* data were determined to be the best source of an estimate for n. An n value of 2 was also used to derive the 8-hour AEGL–3 value for GB from the experimental rat lethality data set in which animals were exposed to GB vapor for a maximal period of 6 hours (Mioduszewski *et al.,* 2000a, b).

The fact that AEGL–1 and AEGL–2 analyses for agent GB are based on data from human volunteers (Harvey, 1952; Johns 1952; Baker and Sedgwick, 1996) precludes the use of an interspecies UF. To accommodate known variation in human cholinesterase activity that may make some individuals susceptible to the effects of cholinesterase inhibitors such as nerve agents, a factor of 10 was applied for intraspecies variability (protection of susceptible populations). A modifying factor is not applicable. Thus, the total UF for estimating AEGL–1 and AEGL–2 values for agent GB is 10.

In comparison to agent GB, the data sets characterizing toxicity of agents GA, GD, and GF are less complete. Nevertheless, the literature clearly indicates that inhibition of cholinesterase activity is a common mechanism of toxicity shared by all these nerve agents. Thus, it was possible to develop AEGL estimates for agents GA, GD, and GF by a comparative method of relative potency analysis from the more complete data set for agent GB. This approach has been previously applied in the estimation of nerve agent exposure limits, most recently by Mioduszewski *et al* (1998).

The AEGL–1 and AEGL–2 values for agents GA, GD, and GF were derived from the AEGL–1 and AEGL–2 values for GB using a relative potency approach, based on the potency of the agents to induce LOAEL effects of miosis, rhinorrhea, and SFEMG; and agent concentration in units of mg/m^3. Agents GA and GB were considered to have an equivalent potency for causing miosis. Agents GD and GF are each considered approximately twice as potent as agents GB or GA for these endpoints, and equipotent to each other for AEGL–1 and AEGL–2 effects. Thus, the AEGL–1 and AEGL–2 concentration values for agents GD and GF are equal to 0.5 times those values derived for agents GA and GB.

AEGL–3 values for agent GB were derived from recent inhalation studies in which the lethality of GB to female Sprague-Dawley rats was evaluated for the time periods of 10, 30, 60, 90, 240, and 360 minutes (Mioduszewski *et al.,* 2000a, b). Both experimental LC_{01} and LC_{50} values were evaluated. The use of a rat data set resulted in selection of an interspecies UF of 3; the full default value of 10 was not considered appropriate since the mechanism of toxicity in mammals is cholinesterase inhibition. The full default value of 10 for intraspecies uncertainty was considered necessary to protect susceptible populations. Since a modifying factor is not applicable, the total UF for AEGL–3 determination for agent GB is equal to 30.

The AEGL–3 values for agent GA were derived from the AEGL–3 values for GB using a relative potency approach based on lethality of the agents; the potency of agent GA was considered to be only ½ that of agent GB for this endpoint. Thus, the AEGL–3 concentration values for agent GA are equal to 2.0 times the AEGL–3 values for agent GB.

The lethal potencies of agents GD and GF are considered equivalent, and equipotent to that of agent GB. Thus, the AEGL–3 concentration values for agent GB, GD, and GF are equivalent. A secondary and short-term GD inhalation study of rat lethality for exposure times ≤30 minutes (Aas *et al.,* 1985) lends support to the assumption of lethal equipotency for agents GB and GD. Since the principal mode of action (cholinesterase inhibition) for the G-agents is identical, an n = 2 was used for deriving AEGL–3 values from the data of Aas and his colleagues. Due to the sparse data set for this agent, the full default values for interspecies (10) and intraspecies (10) uncertainty were applied. Since a modifying factor is not applicable, a total UF of 100 was used in deriving 10-minute AEGL–3 (0.27 mg/m^3) and 30-minsute AEGL–3 (0.15 mg/m^3) estimates for agent GD from Aas *et al.* (1985).

The calculated values are listed in Table 3 below:

TABLE 3.—SUMMARY OF PROPOSED AEGL VALUES FOR NERVE AGENTS[A] GA, GB, GD, AND GF [PPM (MG/M^3)]

Agent	Classification	10-Minutes	30-Minutes	1-Hour	4-Hours	8-Hours	Endpoint (Reference)
GA	AEGL–1 (Non-disabling)	0.0010 ppm (0.0069 mg/m³)	0.00060 ppm (0.0040 mg/m³)	0.00042 ppm (0.0028 mg/m³)	0.00021 ppm (0.0014 mg/m³)	0.00015 ppm (0.0010 mg/m³)	Based on relative potency from GB[b]
	AEGL–2 (Disabling)	0.013 ppm (0.087 mg/m³)	0.0075 ppm (0.050 mg/m³)	0.0053 ppm (0.035 mg/m³)	0.0026 ppm (0.017 mg/m³)	0.0020 ppm (0.013 mg/m³)	Based on relative potency from GB[b]
	AEGL–3 (Lethal)	0.11 ppm (0.76 mg/m³)	0.057 ppm (0.38 mg/m³)	0.039 ppm (0.26 mg/m³)	0.021 ppm (0.14 mg/m³)	0.015 ppm (0.10 mg/m³)	Based on relative potency from GB[c]

TABLE 3.—SUMMARY OF PROPOSED AEGL VALUES FOR NERVE AGENTS[A] GA, GB, GD, AND GF [PPM (MG/M^3)]—Continued

Agent	Classification	10-Minutes	30-Minutes	1-Hour	4-Hours	8-Hours	Endpoint (Reference)
GB	AEGL–1 (Non-disabling)	0.0012 ppm (0.0069 mg/m^3)	0.00068 ppm (0.0040 mg/m^3)	0.00048 ppm (0.0028 mg/m^3)	0.00024 ppm (0.0014 mg/m^3)	0.00017 ppm (0.0010 mg/m^3)	Headache, eye pain, rhinorrhea, tightness in chest, cramps, nausea, malaise, miosis in human volunteers exposed to 0.05 mg/m^3 for 20 minutes (Harvey, 1952; Johns, 1952)
	AEGL–2 (Disabling)	0.015 ppm (0.087 mg/m^3)	0.0085 ppm (0.050 mg/m^3)	0.0060 ppm (0.035 mg/m^3)	0.0029 ppm (0.017 mg/m^3)	0.0022 ppm (0.013 mg/m^3)	Miosis, dyspnea, RBC-ChE inhibition, SFEMG changes in human volunteers exposed to 0.5 mg/m^3 for 30 minutes (Baker and Sedgwick, 1996)
	AEGL–3 (Lethal)	0.064 ppm (0.38 mg/m^3)	0.032 ppm (0.19 mg/m^3)	0.022 ppm (0.13 mg/m^3)	0.012 ppm (0.070 mg/m^3)	0.0087 ppm (0.051 mg/m^3)	Based on experimental Sprague-Dawley rat lethality data (LC_{01} and LC_{50}); whole-body dynamic exposure to concentrations between 2–56 mg/m^3 for 3, 10, 30, 60, 90, 240, and 360 minutes (Mioduszewski *et al.,* 2000a,b)
GD	AEGL–1 (Non-disabling)	0.00046 ppm (0.0035 mg/m^3)	0.00026 ppm (0.0020 mg/m^3)	0.00018 ppm (0.0014 mg/m^3)	0.000091 ppm (0.00070 mg/m^3)	0.000065 ppm (0.00050 mg/m^3)	Based on relative potency from GB[d]
	AEGL–2 (Disabling)	0.0057 ppm (0.044 mg/m^3)	0.0033 ppm (0.025 mg/m^3)	0.0022 ppm (0.018 mg/m^3)	0.0012 ppm (0.0085 mg/m^3)	0.00085 ppm (0.0065 mg/m^3)	Based on relative potency from GB[d]
	AEGL–3 (Lethal)	0.049 ppm (0.38 mg/m^3)	0.025 ppm (0.19 mg/m^3)	0.017 ppm (0.13 mg/m^3)	0.0091 ppm (0.070 mg/m^3)	0.0066 ppm (0.051 mg/m^3)	Based on relative potency from GB. Supported by Wistar rat LC_{50}; dynamic chamber exposures at 21 mg/m^3 for 3 time periods of <30 minutes duration (Aas *et al.,* 1985)[e]
GF	AEGL–1 (Non-disabling)	0.00049 ppm (0.0035 mg/m^3)	0.00028 ppm (0.0020 mg/m^3)	0.00020 ppm (0.0014 mg/m^3)	0.00010 ppm (0.00070 mg/m^3)	0.000070 ppm (0.00050 mg/m^3)	Based on relative potency from GB[d]
	AEGL–2 (Disabling)	0.0062 ppm (0.044 mg/m^3)	0.0035 ppm (0.025 mg/m^3)	0.0024 ppm (0.018 mg/m^3)	0.0013 ppm (0.0085 mg/m^3)	0.00091 ppm (0.0065 mg/m^3)	Based on relative potency from GB[d]
	AEGL–3 (Lethal)	0.053 ppm (0.38 mg/m^3)	0.027 ppm (0.19 mg/m^3)	0.018 ppm (0.13 mg/m^3)	0.0098 ppm (0.070 mg/m^3)	0.0071 ppm (0.051 mg/m^3)	Based on relative potency from GB[e]

[a] Percutaneous absorption of G-agent vapor is known to be an effective route of exposure; nevertheless, percutaneous vapor concentrations needed to produce similar adverse effects are greater than inhalation vapor concentrations by several orders of magnitude. Thus, the AEGL values presented are considered protective for both routes of exposure.

[b] Based on relative potency equal to that of agent GB (see section 4.3 and Mioduszewski *et al.,* 1998)

[c] Agent GA is considered approximately ½ as potent as GB in causing lethality; thus, AEGL–3 values for GA are estimated by multiplying each time-specific AEGL–3 value for agent GB by a factor of 2 (see section 4.3 and Mioduszewski *et al.,* 1998)

[d] Agents GD and GF are considered approximately twice as potent as agents GA and GB for causing miosis, and equipotent to each other. Thus, AEGL–1 and AEGL–2 values are estimated by multiplying each time-specific AEGL–1 or AEGL–2 value for agent GB by a factor of 0.5 (see section 4.3 and Mioduszewski *et al.,* 1998)

[e] Based on a relative potency for lethality of GD = GF = GB and lethality data of Aas *et al.* (1985) (which provides a 10-minute AEGL–3 estimate of 0.27 mg/m^{3}and a 30-minute AEGL–3 value of 0.15 mg/m^3) (see section 4.3 and Appendix A)

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6. *Acrylic acid*—i. *Description*. Acrylic acid is a clear, colorless, corrosive liquid with a pungent odor. The primary use of acrylic acid, accounting for about two third of its use, is in the production of acrylic esters and resins, which are used primarily in coatings, paint, plastics, and adhesives. Acrylic acid is also used in oil treatment chemicals, detergent intermediates, and water treatment chemicals.

Except for reports on odor threshold and a personal communication about irritative effects in humans no studies reporting effects in humans are available. Irritative effects of acrylic acid in animals have been described in studies using repeated 6-hour exposures of rabbits, rats, and mice. Consistently, histopathological alterations of the nasal mucosa was a more sensitive toxicological endpoint than the appearance of clinical signs of irritation: The lowest concentrations leading to clinical signs of irritation (concentrations without effect given in brackets) were 129 (77) ppm in rabbits (blepharospasm, perinasal and perioral wetness), 218 (114) ppm in rats (eyelid closure, discharge from eyes), and 223 (72) ppm in mice (scratching at the nose). Repeated exposure for 1–2 weeks led to histopatholgical changes of the nasal mucosa at the lowest concentrations tested, which were 34 ppm for rabbits, 74 ppm for rats and 25 ppm for mice. In mice, effects were found after exposure to 5 ppm for 22 hours/day, but not 6 hours/day, for 2 weeks. A number of studies described lethal effects in rats. In a study in which rats were exposed to acrylic acid aerosol (Hagan and Emmons, 1988), LC_{50} values of 5,670; 3,804; and 2,553 ppm for 30 minutes, 1 hour, and 2 hours, respectively, were reported. Studies evaluating the acute toxicity of acrylic acid vapors used very small numbers of animals or were not reported in detail and gave somewhat varying results. In summary, the available studies do not indicate a large difference in the toxicity of acrylic acid vapor and aerosol. No developmental toxic effects of acrylic acid were found in several inhalation studies. Acrylic acid may have a weak clastogenic effect *in vitro*. No carcinogenic effects were found after application of acrylic acid in the drinking water, while after subcutaneous and topical application tumors were found (probably attributable to local irritative effects).

AEGL–1 values were based on the odor recognition threshold of 1 ppm determined by Hellman and Small (1974). Since this odor threshold was determined in a trained odor panel, it was assumed that the olfaction of the general population is less good. For this reason, the reported recognition threshold and not the detection threshold was chosen for derivation of AEGL–1 values. This concentration of acrylic acid is supposed to have warning properties since most people should perceive the odor of acrylic acid at this concentration. Since the odor threshold is considered to depend primarily on exposure concentration and not much on exposure time, a flat line was used for time scaling. An UF of 1 was applied for intraspecies variability because this factor was considered adequate for an odor threshold. The derived values are supported by irritative effects in humans: In a personal communication, Renshaw (1991) reported that eye irritation was noted after exposure to concentrations of 5–23 ppm for 15–30 minutes and that slight eye irritation was experienced after exposure to 0.3–1.6 ppm for 30 minutes to 2.5 hours. Since occurrence of slight eye irritation can be tolerated at the AEGL–1 level these data support AEGL–1 values in the latter concentration range.

The AEGL–2 was based on blepharospasm in rabbits observed during the first and subsequent exposures in a teratogenicity study using repeated exposures (Neeper-Bradley *et al.,* 1997). Blepharospasm was considered a sign of impaired ability to escape. The highest concentration not leading to this effect was 77 ppm (the LOEL was 129 ppm). A total UF of 3 was used. An interspecies factor of 1 was applied because the rabbit was considered a species especially sensitive for blepharospasm/eyelid closure. An intraspecies factor of 3 was used because it was assumed that only toxicodynamic, but not toxicokinetic differences contribute to variability of this local effect. No information was available on the exposure concentration dependence of the time to onset of blepharospasm. Since the increase of this effect with time was assumed to be small and observations from 6-hour exposure periods were available, use of a flat line to derive values for appropriate exposure periods was considered an appropriate approach.The AEGL–3 was based on a mortality study in rats using single exposures against acrylic acid aerosol for 30 minutes, 1 hour, or 2 hours (Hagan and Emmons, 1988). Using Probit analysis, maximum likelihood estimates for LC_{01} values were calculated for appropriate exposure periods between 10 minutes and 8 hours. These values were similar to the lower 95% confidence limit of LC_{05} values calculated by Probit analysis. The same values were obtained when time scaling was done according to the dose-response regression equation $C^n \times t = k$, using an n of 1.7, that was derived by Probit analysis from the data of the AEGL–3 key study (Hagan and Emmons, 1988) or by linear regression of log (LC_{50}) − log (time) data. A total UF of 10 was used. An interspecies factor of 3 was applied because the interspecies variability was assumed to be small due to the facts that acrylic acid is a contact-site, direct-acting toxicant, the mechanism of action is unlikely to differ between species and the influence of metabolism, detoxification, and elimination on lethal effects after inhalation is estimated to be small. An intraspecies factor of 3 was applied because a small interindividual variability can be assumed since acrylic acid is a contact-site, direct-acting toxicant not requiring metabolic conversion.

The calculated values are listed in Table 4 below:

TABLE 4.—SUMMARY TABLE OF PROPOSED AEGL VALUES FOR ACRYLIC ACID

Classification	10-Minutes	30-Minutes	1-Hour	4-Hours	8-Hours	Endpoint (Reference)
AEGL–1 (Nondisabling)	1.0 ppm (3.0 mg/m^3)	1.0 ppm (3.0 mg/m^3)	1.0 ppm (3.0 mg/m^3)	1.0 ppm (3.0 mg/m^3)	1.0 ppm (3.0 mg/m^3)	Odor detection threshold in humans (Hellman and Small, 1974)
AEGL–2 (Disabling)	26 ppm (78 mg/m^3)	26 ppm (78 mg/m^3)	26 ppm (78 mg/m^3)	26 ppm (78 mg/m^3)	26 ppm (78 mg/m^3)	Blepharospasm in rabbits (Neeper-Bradley *et al.,* 1997)
AEGL–3 (Lethal)	470 ppm (1,400 mg/m^3)	250 ppm (750 mg/m^3)	170 ppm (510 mg/m^3)	77 ppm (231 mg/m^3)	51 ppm (153 mg/m^3)	Lethality in rats (Hagan and Emmons, 1988)

ii. *References*.

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7. *Allyl alcohol*—i. *Description.* Allyl alcohol is a colorless liquid that is a potent sensory irritant. Toxic effects following inhalation exposures to allyl alcohol vapor include lacrimation, pulmonary edema and congestion, and inflammation, hemorrhage, and degeneration of the liver and kidney. Human data were limited to voluntary exposures for short durations and general statements about the signs of toxicity following accidental exposures to unknown concentrations of allyl alcohol for unspecified amounts of time in the workplace. Animal data were limited to studies in which lethality was the only endpoint of interest, subchronic exposures, or single-exposure experiments in which the model was questionable.

The AEGL–1 value was based on the mean odor detection threshold concentration of 1.8 ppm (AIHA, 1989). Odor is considered a threshold effect; therefore the values were not scaled across time, but rather the threshold value is applied to all times.

The AEGL–2 values were based on a subchronic exposure study in which rats were repeatedly exposed to 40 ppm for 7 hours/day (Dunlap *et al.,* 1958). Irritation was noted to occur during the first few exposures. An UF of 3 was applied for species to species extrapolation because there did not appear to be much variation between species: A NOEL for lethality was the same for 3 different species (mice, rats, and rabbits). An UF of 3 was also applied for intraspecies extrapolation. Although the traditional approach for UF in a case such as this would argue for an uncertainty factor of 10 because of the lack of data addressing interindividual variability, this would result in a composite uncertainty factor of 30. An UF of 30 would drive the AEGL–2 values (8 hour AEGL–2 of 1.2 ppm) to a level that would be inconsistent with available data: Dunlap, *et al.* (1958) reported that rats exposed for 7 hours/day, 5 days/week for 60 exposures to 1, 2, or 5 ppm had no observable adverse effects, while rats exposed to 20 ppm only exhibited decreased body-weight gain, and Torkelson *et al.* (1959) reported that no adverse effects were noted when rats, guinea pigs, rabbits, and dogs were exposed to 2 ppm for 7 hours/day, 5 days/week for 28 exposures, while exposure of rats, guinea pigs, and rabbits exposed to 7 ppm for 7 hours/day, 5 days/week for 134 exposures exhibited only reversible liver and kidney damage. Therefore, a total UF of 10 was applied to the AEGL–2 value.

The experimentally derived exposure value was then scaled to AEGL time frames using the concentration-time relationship given by the equation $C^n \times t = k$, where the exponent n generally ranges from 1 to 3.5 (ten Berge, 1986). The value of n was not empirically derived due to the unreliability and inconsistencies of the data; therefore, the default value of n = 1 was used for extrapolating from shorter to longer exposure periods and a value of n = 3 was used to extrapolate from longer to shorter exposure periods. The 10-minute value was set equal to the 30-minute value because it was considered too precarious to extrapolate from the exposure duration of 7 hours to 10 minutes.

The AEGL–3 values were based upon a NOEL for lethality in mice, rats, and rabbits of 200 ppm for 1 hour (Union Carbide, 1951). An UF of 3 was applied for species to species extrapolation because there did not appear to be much variation across species for lethality. A NOEL for lethality was the same for 3 different species (mice, rats, and rabbits), and this endpoint was used for the AEGL–3 derivation. Additionally, the use of a NOEL for lethality is inherently conservative. An UF of 3 was also applied for intraspecies extrapolation. As discussed in the AEGL–2 derivation unit, applying the traditional UF of 10 to account for the lack of data addressing interindividual variability would result in a composite UF of 30, which would drive the AEGL–3 values to a level that would be inconsistent with available data (1 hour AEGL–3 of 6.7 ppm; see AEGL–2 derivation in this unit). Therefore, a total UF of 10 was applied to the AEGL–3 value.

The experimentally derived exposure value was then scaled to AEGL time frames using the concentration-time relationship given by the equation $C^n \times t = k$, where the exponent n generally ranges from 1 to 3.5 (ten Berge, 1986). Again, the value of n was not empirically derived due to the unreliability and inconsistencies of the data; therefore a default value of n should be used in the temporal scaling of AEGL values across time. If one applies the default value of n = 1 for extrapolating from shorter to longer exposure periods and a value of n = 3 to extrapolate from longer to shorter exposure periods, one obtains the following values: 10 minutes: 36 ppm; 30 minute: 25 ppm; 1 hour: 20 ppm; 4 hours: 5.0 ppm; 8 hours: 2.5 ppm. Going with a default value results in AEGL values that are inconsistent with the available data. The AEGL–2 data do not support the hypothesis that n = 1 for extrapolation to 4 or 8 hours: When using an n = 1 (which assumes a ''worse case'' scenario) to extrapolate from 1 hour to 4 or 8 hours, one obtains a 4-hour AEGL–3 value of 5.0 ppm, which

is almost identical to the 4-hour AEGL–2 value of 4.8 ppm, and an 8-hour AEGL–3 value of 2.5 ppm, which is lower than the 8-hour AEGL–2 value of 3.5 ppm. The AEGL–2 values help to serve as a baseline: They are based on a multiple exposure scenario in which rats exposed for 40 ppm for 7 hours/days exhibited reversible signs of irritation. It is unreasonable to have AEGL–3 values below the AEGL–2 values. Therefore, in the absence of any further data, an n of 2 was selected as a reasonable compromise between the possible values for n as reported by ten Berge (1986): It is between the most conservative n = 1 (which results in unreasonable values) and an n = 3, a least conservative value. AEGL–3 values are therefore derived using an n = 3 for extrapolation to 10 and 30 minutes and an n = 2 for extrapolation to 4 or 8 hours.

The calculated values are listed in Table 5 below:

TABLE 5.—SUMMARY OF PROPOSED AEGL VALUES FOR ALLYL ALCOHOL [PPM (MG/M^3)]

Classification	10-Minutes	30-Minutes	1-Hour	4-Hours	8-Hours	Endpoint (Reference)
AEGL–1 (Nondisabling)	1.8 (4.4)	1.8 (4.4)	1.8 (4.4)	1.8 (4.4)	1.8 (4.4)	Mean odor detection threshold (AIHA, 1989)
AEGL–2 (Disabling)	9.6 (23)	9.6 (23)	7.7 (19)	4.8 (12)	3.5 (8.5)	Irritation in rats at 40 ppm for 7 hours (Dunlap *et al.,* 1958)
AEGL–3 (Lethality)	36 (87)	25 (61)	20 (48)	10 (24)	7.1 (17)	NOEL for lethality in mice, rats, and rabbits exposed to 200 ppm for 1 hour (Union Carbide, 1951)

ii. *References*.

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b. Dunlap, M.K., Kodama, J.K., Wellington, J.S., Anderson, H.H., and Hine, C.H. 1958. The toxicity of allyl alcohol. *American Medical Association Archives of Industrial Health*. Vol. 18:303–311.

c. ten Berge, W.F. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapours and gases. *Journal of Hazardous Materials*. Vol. 13:301–309.

d. Torkelson, T.R., Wolf, M.A., Oyen, F., and Rowe, V.K. 1959a. Vapor toxicity of allyl alcohol as determined on laboratory animals. *American Industrial Hygiene Association Journal*. Vol. 20:217–229.

e. Union Carbide and Carbon Corporation. 1951. Initial submission: letter from DuPont Chemical to USEPA regarding a letter about toxicity studies with allyl alcohol with cover letter dated October 15, 1992. Doc. #88–920009857. Union Carbide and Carbon Corp., New York, NY.

8. *Chloromethyl methyl ether*—i. *Description*. Chloromethyl methyl ether (CMME) is a man-made chemical that is highly flammable and a severe respiratory, eye, nose, and skin irritant. Technical grade CMME contains 1–8% bis-chloromethyl ether (BCME) as a contaminant. Since humans are only exposed to technical grade CMME (a great deal of effort is needed to remove ''all'' BCME from CMME), and the human and animal inhalation exposure data all involved technical grade CMME, the AEGL values derived in this document will address the toxicity and carcinogenicity of technical grade CMME.

Acute exposure to technical grade CMME can lead to delayed fatal pulmonary edema in humans and animals, whereas chronic occupational exposure is linked with small-cell lung carcinoma. The carcinoma has a distinct histology from that of cigarette smoking-associated lung cancer and has a shorter latency period. BCME is a much more potent carcinogen than CMME, and is widely believed to account for most or all of the carcinogenicity of technical grade CMME. The EPA places technical grade CMME (and BCME) in classification A (''human carcinogen'') based on sufficient human carcinogenicity data. Technical grade CMME acute inhalation toxicity has been studied in rats, mice, and hamsters. Numerous epidemiological studies describe occupational exposure to technical grade CMME, although CMME concentrations were almost never measured.

No data were available to determine the concentration-time relationship for CMME toxic effects. The concentration-time relationship for many irritant and systemically acting vapors and gases may be described by $C^n \times t = k$, where the exponent n ranges from 0.8 to 3.5 (ten Berge *et al.,* 1986). To obtain protective AEGL–2 and AEGL–3 values for 30–480 minutes, n = 3 and n = 1 were used to extrapolate to durations shorter and longer, respectively, than the exposure duration in the key study (AEGL–1 values were not derived). The 10-minute values were not extrapolated because the NAC determined that extrapolating from ≥4 hours to 10 minutes is associated with unacceptably large inherent uncertainty, and the 30-minute values were adopted for 10 minutes to be protective of human health.

AEGL–1 values were not recommended because there were no inhalation studies that had endpoints consistent with the definition of AEGL–1.

AEGL–2 values for technical grade CMME were based on a study in which rats were exposed 30 times (probably for 6 hours/day, 5 days/week) to 1 ppm technical grade CMME vapor (Drew *et al.,* 1975). Two rats died (exposure days 16 and 22) but their cause of death was not stated. Some of the rats were allowed to live for their lifetime; they had minimal mucosal effects and several had lung hyperplasia or squamous metaplasia, but no tumors were reported. The AEGL–2 values were based on a single 6-hour exposure, which is expected to cause a similar or lower incidence of hyperplasia and/or metaplasia than 30 exposures. An UF of 10 was used: 3 to account for sensitive humans (response to an irritant gas hydrolyzed *in situ* is not likely to vary greatly among humans) and 3 for interspecies extrapolation (little interspecies variability was seen; the key study was repeat-exposure). A modifying factor of 3 was applied to account for potential differences in BCME content of technical grade CMME. The resulting AEGL values were supported by a lifetime CMME rat and hamster study (Laskin *et al.,* 1975) and a 6-month BCME rat and mouse study (Leong *et al.*, 1975, 1981).

CMME AEGL–2 values were also calculated using a BCME inhalation cancer slope factor with extrapolation to ½ to 8 hours, and based on 10^{-4}, 10^{-5}, and

10^{-6} excess cancer risk levels (BCME was assumed to represent 8% of CMME and to account for all CMME carcinogenicity). CMME AEGL–2 values based on the noncarcinogenicity endpoints were lower than those calculated for 10^{-4} excess cancer risk but were similar to or greater than those calculated for 10^{-5} or 10^{-6} excess cancer risk. AEGL–2 values based on the noncarcinogenic endpoints were considered to be more appropriate because only multiple exposures to CMME were shown to result in tumor formation, and AEGL values are applicable to rare events or single, once-in-a-lifetime exposures of small populations in limited geographic areas.

AEGL–3 values were derived from a rat inhalation LC_{50} study where exposure was for 7 hours (Drew *et al.,* 1975). The threshold for lethality, as represented by the LC_{01} (14.8 ppm) calculated using probit analysis, was the AEGL–3 toxicity endpoint. Animals that died, and to a lesser degree, animals surviving to 14 days, had increased relative lung weights, congestion, edema, hemorrhage, and acute necrotizing bronchitis. An UF of 10 was used: 3 for sensitive humans (response to an irritant gas hydrolyzed *in situ* is not likely to vary greatly among humans) and 3 for interspecies extrapolation (little interspecies variability was seen, as expected for an irritant gas hydrolyzed *in situ*). An additional modifying factor of 3 was applied to account for potential differences in BCME content of technical grade CMME. Comparable AEGL–3 values were obtained with CMME in a hamster LC_{50} study and in a BCME single-exposure rat study (Drew *et al.,* 1975).

The calculated values are listed in Table 6 below:

TABLE 6.—SUMMARY OF PROPOSED AEGL VALUES FOR CHLOROMETHYL METHYL ETHER (CMME) [PPM(MG/M^3)]

Level	10-Minutes	30-Minutes	1-Hour	4-Hours	8-Hours	Endpoint (Reference)
AEGL–1 (Nondisabling)	Not Recommended (No studies available consistent with AEGL–1 definition)					
AEGL–2 (Disabling)	0.076 (0.25)	0.076 (0.25)	0.061 (0.20)	0.038 (0.13)	0.025 (0.082)	Tracheal or bronchial squamous metaplasia; regenerative lung hyperplasia (Drew *et al.,* 1975).
AEGL–3 (Lethal)	1.2 (3.9)	1.2 (3.9)	0.94 (3.1)	0.59 (2.0)	0.43 (1.4)	Lethality threshold for rats (Drew *et al.,* 1975).

ii. *References*.

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c. Leong, B.K.J., Kociba, R.J., Jersey, G.C., and Gehring, P.J. 1975. Effects from repeated inhalation of parts per billion of bis(chloromethyl)ether in rats. *Toxicology and Applied Pharmacology*. Vol. 33:175.

d. Leong, B.K.J., Kociba, R.J., and Jersey, G.C. 1981. A lifetime study of rats and mice exposed to vapors of bis(chloromethyl)ether. *Toxicology and Applied Pharmacology*. Vol. 58:269–281.

e. ten Berge, W. F., Zwart, A., and Appelman, L. M. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapors and gases. *Journal of Hazardous Materials*. Vol. 13:302–309.

9. *Toluene*—i. *Description*. Toluene is a ubiquitous substance that is widely used as a raw material in the chemical manufacturing industry, as an additive in gasoline to increase the octane level, and as a solvent in lacquers, paint thinners, glue, and other compounds. The odor threshold for toluene ranges from 0.16 to 37 ppm for detection and 1.9 to 69 ppm for recognition; the odor is not unpleasant. Toluene is readily absorbed from the respiratory tract and distributed throughout the body, accumulating in tissues with high lipid content. Toluene is a CNS depressant and, at high concentrations, is irritating to the eyes. Other toxic effects observed in humans include renal toxicity, cardiac arrhythmias, blood dyscrasias, hepatomegaly, and developmental abnormalities. A considerable amount of human and animal data were available for derivation of AEGLs.

Mouse lethality data were used for the regression analyses of the concentration-exposure durations. Regression analysis of the relationship between time and concentration ($C^n \times t = k$), based on four studies with the mouse, the most sensitive species, showed that n = 2. This relationship was used for all AEGL levels because the primary mechanism of action of toluene is CNS depression, which at high concentrations results in death.

The AEGL–1 was based on observations of mild sensory irritation and headache in humans at a concentration of 100 ppm for up to 6 hours in an atmosphere controlled setting (Andersen *et al.,* 1983; Rahill *et al.,* 1996; Dick *et al.,* 1984; Baelum *et al.,* 1985; 1990). An UF of 3 was chosen to protect sensitive individuals because the mechanism of action for irritation is not expected to vary greatly among individuals and no effects on ventilatory parameters were found at much higher concentrations. Extrapolation was made to the relevant AEGL time points using the relationship $C^n \times t = k$ where n = 2, based on the mouse lethality data. The endpoint and values are supported by the multiple studies with human subjects, some of which reported no effects at the 100 ppm concentration.

The AEGL–2 was based on more serious effects in humans at concentrations of ≥200 ppm for 8 hours including incoordination, dizziness, decreased reaction time, mental confusion, muscular weakness, and nausea (Wilson, 1943; von Oettingen *et al.,* 1942). These effects were considered to represent the threshold for impaired ability to escape. An UF of 3 was applied to account for sensitive individuals because the threshold for CNS impairment does not vary greatly among individuals. Extrapolation was made to the 10-minute, 30-minute, 1-hour and 4-hour time points using the equation $C^n \times t = k$ where n = 2 (based on mouse lethality data). The above values are supported by the behavioral effects observed in monkeys after a 50-minute exposure to 2,000 ppm toluene (Taylor and Evans, 1985). At this concentration-duration, these animals exhibited significantly decreased

reaction time and decreased accuracy on matching to sample tasks. Dividing the 2,000 ppm concentration by intra- and interspecies UF of 3 each (for a total of 10) results in values similar to those based on the human data.

The AEGL–3 values were derived from the exposure concentrations equal to one third of the mouse 1-hour LC_{50} reported by Moser and Balster (1985). The 1-hour mouse LC_{50} of 19,018 ppm was divided by 3 to estimate the threshold for lethality. A total UF of 10 was applied which includes 3 to account for sensitive individuals and 3 for interspecies extrapolation (the mechanism of action for severe CNS depression does not vary greatly among individuals or among species). The estimated 1-hour threshold for lethality of 6,339 ppm was extrapolated to the 10-minute, 30-minute, 4-hour, and 8-hour AEGL–3 time points using the relationship $C^n \times t = k$ where n = 2 (calculated from the mouse lethality data). These values are supported by the accidental exposure of two men to an estimated concentration of >1,842 ppm toluene for an average duration of 2.5 hours which resulted in severe but reversible CNS depression (Meulenbelt *et al.,* 1990). Scaling of this exposure to the 10-minute, 30-minute, 1-, 4-, and 8-hour time points yields slightly higher values (2,400; 1,400; 970; 490; and 340 ppm, respectively) than those based on the threshold for lethality in the mouse. The proposed values are considered adequately protective since the mouse is more sensitive than humans to the CNS effects of toluene.

The calculated values are listed in Table 7 below:

TABLE 7.—SUMMARY OF PROPOSED AEGL VALUES FOR TOLUENE [PPM (MG/M^3)]

Classification	10-Minutes	30-Minutes	1-Hour	4-Hours	8-Hours	Endpoint (Reference)
AEGL–1 (Nondisabling)	260 (980)	120 (450)	82 (300)	41 (150)	29 (112)	Eye irritation, headache in humans (Andersen *et al.*, 1983)
AEGL–2 (Disabling)	600 (2,260)	270 (1,020)	190 (710)	94 (340)	67 (260)	Incoordination, mental confusion, neurobehavioral deficits in humans (Wilson, 1943; von Oettingen *et al.*, 1942)
AEGL–3 (Lethal)	1,600 (6,000)	900 (3,380)	630 (2,360)	320 (1,200)	220 (830)	Lethality, ⅓ of the mouse 1-hour LC_{50} (Moser and Balster, 1985)

ii. *References.*

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b. Wilson, R.H. 1943. Toluene poisoning. *Journal of American Medical Association.* Vol. 123:1106–1108.

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d. Moser, V.C. and Balster, R.L. 1985. Acute motor and lethal effects of inhaled toluene, 1,1,1-trichloroethane, halothane, and ethanol in mice: Effects of exposure duration. *Toxicology and Applied Pharmacology.* Vol. 77:285–291.

10. *Phenol*—i. *Description.* Phenol is a colorless to pink, hygroscopic solid with a characteristic, sweet, tarry odor. Pure phenol consists of white to clear acicular crystals. In the molten state, it is a clear, colorless liquid with a low viscosity.

Cases of lethal poisoning of humans by phenol have been reported in the literature after oral uptake or skin contact. Only few studies reporting effects on humans after inhalation of phenol are available: One study reported slight effects on liver and blood parameters (increased serum transaminase activity, increased hemoglobin concentration, increased numbers of white blood cells) after repeated occupational exposure to a mean time-weighted average concentration of 5.4 ppm phenol (Shamy *et al.*, 1994). Piotrowski (1971) did not report on effects in a toxicokinetic study, in which subjects were exposed to 6.5 ppm for 8 hours. Likewise, Ogata *et al.* (1974) in a toxicokinetic field study did not mention any effects on workers exposed to mean workshift concentrations of 4.95 ppm. In persons exposed to >1 mg/l phenol in contaminated drinking water for several weeks following an accidental spill of phenol, gastrointestinal symptoms (diarrhea, nausea, burning pain and sores in the mouth) and skin rashes occurred (Baker *et al.*, 1978). A geometric mean odor detection threshold of 0.060 ppm (range of all critiqued odor thresholds 0.0045–1 ppm) has been reported (AIHA, 1989).

No studies reporting LC_{50} values for phenol in animals are available. Oral LD_{50} values were reported as 420 mg/kg for rabbits, 400–650 mg/kg for rats and 282–427 mg/kg for mice. In rats, exposure to a phenol aerosol concentration of 900 mg/m3 resulted in ocular and nasal irritation and slight incoordination after 4 hours and tremors and prostration in 1 of 6 animals after 8 hours (Flickinger, 1976). After 4 hours exposure to 211 and 156 ppm, a decrease of the number of white blood cells, but no signs of toxicity were reported (Brondeau *et al.*, 1990). After exposure of rats to 0.5, 5, and 25 ppm for 6 hours/day, 5 days/week for 2 weeks no clinical, hematological or histopathological effects were found (CMA, 1998; Hoffmann *et al.*, 1999). Continuous exposure to 5 ppm phenol for 90 days caused no hematological or histological effects in rhesus monkeys, rats and mice. A concentration of 166 ppm (for 5 minutes) resulted in a 50% decrease of respiration (RD_{50}) in mice. No teratogenic effects were found in rats and mice. An oral carcinogenicity study in rats and mice, using exposure through drinking water, found an increased tumor incidence in male rats of the low exposure group, but not in male rats of the high exposure group or in female rats and mice. Phenol has tumor promoting activity when applied dermally and can cause clastogenic and possibly very weak mutagenic effects.

The AEGL–1 was based on a repeated inhalation exposure study in rats (CMA, 1998; Hoffmann *et al.*, 1999), which found no clinical, hematological or histopathological effects after exposure to 25 ppm phenol (highest concentration used) for 6 hours/day, 5 days/week for 2 weeks. A total UF of 10 was used. An UF of 3 was applied for interspecies variability because a multiple exposure study was used for the derivation of AEGL. A factor of 3 was applied for intraspecies variability because the study reported no effects and thus was below the AEGL–1 effect

level and because available human data do not point at a large interindividual variability. The other exposure duration-specific values were derived by time scaling according to the dose-response regression equation $C^n \times t = k$, using the default of n = 3 for shorter exposure periods and n = 1 for longer exposure periods, due to the lack of suitable experimental data for deriving the concentration exponent. Continuation of the time scaling to the 10-minute period is supported by the reported RD_{50} value of 166 ppm for an exposure period of 5 minutes in mice (De Ceaurriz *et al.*, 1981): The resulting 10-minute AEGL–1 is 20-fold below the RD_{50} value in mice.

The AEGL–2 was based on a repeated inhalation exposure study in rats (CMA, 1998; Hoffmann *et al.*, 1999), which found no clinical, hematological or histopathological effects after exposure to 25 ppm phenol (highest concentration used) for 6 hours/day, 5 days/week for 2 weeks, and on a single exposure study in rats, in which exposure to 900 mg/m^3 phenol aerosol (equivalent to 234 ppm) led to ocular and nasal irritation, muscle spasms and slight loss of coordination within 4 hours of exposure and to tremors and prostration in 1 of 6 animals at the end of the 8-hour exposure period (Flickinger, 1976). A total UF of 3 was used for the study of CMA (1998), because the exposure concentration used was a no-observed-adverse-effect level (NOAEL) in a repeated exposure study and because use of a higher UF would resulted in the same concentrations set as AEGL–1. This factor was formally split up into an interspecies factor of 1 and an intraspecies factor of 3. A total UF of 30 was used for the Flickinger (1976) study. This factor was formally split up into an interspecies factor of 3 and an intraspecies factor of 10. The other exposure duration-specific values were derived by time scaling according to the dose-response regression equation $C^n \times t = k$, using the default of n = 3 for shorter exposure periods, due to the lack of suitable experimental data for deriving the concentration exponent. For the 10-minute AEGL–2 the 30-minute value was applied because the derivation of AEGL values was based on a long experimental exposure period and no supporting studies using short exposure periods were available for characterizing the concentration-time-response relationship. Calculations were done on the basis of both studies and resulted in very similar concentrations. Since slightly lower values were obtained on basis of the CMA (1998) study, these values were set as AEGL–2 values.

The AEGL–3 was based on an inhalation study in rats, in which exposure to a phenol aerosol concentration of 900 mg/m^3 phenol (equivalent to 234 ppm phenol vapor) for 8 hours resulted in tremors, incoordination and prostration in 1 of 6 animals, but not in death (Flickinger, 1976). This study is supported by the study of Brondeau *et al.* (1990), which did report only slight effects after exposure of rats to 211 ppm phenol vapor for 4 hours. The comparison of the dose equivalent to the derived AEGL–3 values with human oral lethality data supports use of a total UF of 10. An additional argument for not choosing a total UF higher than 10 is that a factor of 30 would have resulted in corresponding body doses in the dose range described by Baker *et al.* (1978) for an incident of drinking water contamination. In this study mainly mild gastrointestinal (local) effects, but no systemic/severe effects, were observed upon repeated oral exposure. The total UF of 10 was formally split up into an interspecies factor of 3 and an intraspecies factor of 3. The other exposure duration-specific values were derived by time scaling according to the dose-response regression equation $C^n \times t = k$, using the default of n = 3 for shorter exposure periods, due to the lack of suitable experimental data for deriving the concentration exponent. For the 10-minute AEGL–3 the 30-minute value was applied because the derivation of AEGL values was based on a long experimental exposure period and no supporting studies using short exposure periods were available for characterizing the concentration-time-response relationship.

The calculated values are listed in Table 8 below:

TABLE 8.—SUMMARY TABLE OF PROPOSED AEGL VALUES FOR PHENOL [A]

Classification	10-Minutes	30-Minutes	1-Hour	4-Hours	8-Hours	Endpoint (Reference)
AEGL–1 (Nondisabling)	8.3 ppm (32 mg/m^3)	5.7 ppm (22 mg/m^3)	4.5 ppm (17 mg/m^3)	2.9 ppm (11 mg/m^3)	1.9 ppm (7.3 mg/m^3)	No effects in rats (CMA, 1998; Hoffmann *et al.*, 1999)
AEGL–2 (Disabling)	19 ppm (73 mg/m^3)	19 ppm (73 mg/m^3)	15 ppm (58 mg/m^3)	9.5 ppm (36 mg/m^3)	6.3 ppm (24 mg/m^3)	No effects in rats (CMA, 1998; Hoffmann *et al.*, 1999); irritation, loss of coordination, tremors, and prostration in rats (Flickinger, 1976)
AEGL–3 (Lethal)	59 ppm (230 mg/m^3)	59 ppm (230 mg/m^3)	47 ppm (180 mg/m^3)	29 ppm (110 mg/m^3)	23 ppm (88 mg/m^3)	No lethality in rats (Flickinger, 1976)

[a] Rapid dermal penetration occurs from phenol vapor, molten phenol and phenol solutions; skin contact with molten phenol or concentrated phenol solutions should be avoided; fatal intoxications have been observed when a small part of the body surface was involved.

ii. *References.*

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11. *Furan*—i. *Description*. Furan is a colorless, highly flammable liquid with a strong, ethereal odor. It is used primarily as an industrial intermediate. Because of its relatively high vapor pressure, furan is predicted to exist almost entirely in the vapor phase in the atmosphere.

No toxicity data regarding human exposures to furan were available. Animal toxicity data were limited, with much of the literature focused on metabolism and disposition. Metabolism studies indicate that furan is bioactivated to a reactive metabolite, cis-2-butene-1,4-dial, by cytochrome P450 2E1. Quantitative toxicology data for effects following inhalation exposure to furan were limited to one study.

An AEGL–1 was not derived for furan. No human or animal data relevant to the derivation of an AEGL–1 for furan were available in the searched literature.

The AEGL–2 derivation is based on the threshold for adverse effects in male and female rats at a concentration of 1,014 ppm for 1 hour (Terrill *et al.*, 1989). Although the severity of the reported clinical signs (respiratory distress, increased secretory response) was not reported, this lowest-exposure concentration group did not exhibit a decrease in body weights like the rats exposed to 2,851 ppm or 4,049 ppm.

The AEGL–3 derivation is based upon the highest NOEL for mortality in male and female rats of 2,851 ppm for 1 hour (Terrill *et al.*, 1989). Rats exposed to 1,014; 2,851; or 4,049 ppm exhibited clinical signs including respiratory distress and increased secretory response: however, the degree of the signs at each concentration was not provided. Death occurred in the highest exposure group.

An UF of 10 was applied for species to species extrapolation because quantitative toxicology data were available in only one species, rats. Despite the predicted lower absorbed dose and liver dose of the reactive metabolite in humans compared to rodents (following a simulated exposure to 10 ppm for 4 hours, the predicted absorbed dose of furan (mg/kg) in humans, and consequently the liver dose of the reactive metabolite cis-2-butene-1,4-dial, was 10-fold less than in mice and 3.5-fold lower than in rats (Kedderis and Held, 1996), the differences between humans and rodents in sensitivity to the reactive metabolite are not known, and the liver was the only organ investigated. An UF of 3 was applied for sensitive individuals (intraspecies) because interindividual variations in the activating enzyme are not predicted to be a factor in bioactivation (Kedderis and Held, 1996). A modifying factor of 3 was applied because only one data set addressing furan toxicity following inhalation exposure was available: This study was not repeated, and there was no information on furan toxicity in other species or on reproductive/developmental toxicity. Therefore, a total uncertainty factor/modifying factor of 100 was applied to the AEGL–2 and -3 values.

The experimentally derived exposure values were scaled to AEGL time frames using the concentration-time relationship given by the equation $C^n \times t = k$, where the exponent n generally ranges from 1 to 3.5 (ten Berge, 1986). The value of n was not empirically derived because of insufficient data; therefore, the default value of n = 1 was used for extrapolating from shorter to longer exposure periods and a value of n = 3 was used to extrapolate from longer to shorter exposure periods.

The calculated values are listed in Table 9 below:

TABLE 9.—SUMMARY OF PROPOSED AEGL VALUES FOR FURAN [PPM (MG/M^3)]

Classification	10-Minutes	30-Minutes	1-Hour	4-Hours	8-Hours	Endpoint (Reference)
AEGL–1 (Nondisabling)	Insufficient Data (ID)[a]	ID	ID	ID	ID	ID were available to derive an AEGL–1
AEGL–2 (Disabling)	18 (50)	13 (39)	10 (28)	2.5 (7.0)	1.3 (3.6)	1,014 ppm for 1 hour: Threshold for adverse effects in rats (clinical signs: Severity of respiratory distress, increased secretory response not reported; no decrease in body weights) (Terrill *et al.*, 1989)
AEGL–3 (Lethality)	52 (140)	46 (100)	29 (81)	7.1 (20)	3.6 (10)	2,851 ppm for 1 hour: Threshold for lethality in rats (Terrill *et al.*, 1989)

[a] Absence of an AEGL–1 does not imply that exposure below the AEGL–2 is without adverse effects

ii. *References*.

a. ten Berge, W.F. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapours and gases. *Journal of Hazardous Materials*. Vol. 13:301–309.

b. Terrill, J.B., Van Horn, W.E., Robinson, D., and Thomas, D.L. 1989. Acute inhalation toxicity of furan, 2 methylfuran, furfuryl alcohol, and furfural in the rat. *American Industrial Hygiene Association Journal*. Vol. 50:A359–A361.

12. *Tetrachloroethylene*—i. *Description*. Tetrachloroethylene (PCE), also commonly known as perchloroethylene or Perc, is a colorless, nonflammable liquid. It has an ethereal odor, with a reported odor threshold ranging from 2–71 ppm. PCE is commonly used as a dry-cleaning solvent and as a degreaser, and is also used as a chemical intermediate and as a veterinary antithelmintic.

Following exposure to PCE, humans primarily experience CNS effects and irritation, with some cases of reversible

liver effects reported. CNS effects also predominate in animals, although liver effects are noted in mice, and nephrotoxicity is observed in rats. However, the hepatotoxicity and nephrotoxicity is commonly associated with repeated or chronic exposures.

The AEGL–1 derivation is based on the exposure of six volunteers to 106 ppm for 1 hour (Rowe *et al.*, 1952). At this level, an apparent non-objectionable odor and eye irritation were noted, and one subject experienced a light fullness in the head An interspecies UF was not applicable. An intraspecies UF of 3 is applied because the Minimum Alveolar Concentration (MAC; the concentration that produces lack of movement in 50% of persons exposed) for volatile anesthetics does not vary by more than a factor of 2–3-fold. The AEGL–1 values are consistent with values that would be obtained using a study addressing minor central nervous effects (changes in visual evoked potentials and visual contrast sensitivity, significant performance deficits for vigilance and eye-hand coordination) following exposure to 50 ppm for 4 hours (Altmann *et al.*, 1990; 1992). If one bases on AEGL–1 on these exposure parameters and uses the same UFs and value of n, one obtains almost identical values.

The AEGL–2 value is based upon the no-effect level for ataxia in rats following exposure to 1,150 ppm PCE for 4 hours/day, 5 days/week for 2 weeks (4 hour time period was used for the derivation) (Goldberg *et al.*, 1964). Exposure to the next higher concentration of 2,450 ppm resulted in reversible ataxia. An interspecies UF of 3 is applied based on the similarity of effects manifested in rodents compared to humans produced by agents that are CNS depressants. Additionally, a no-effect level for lethality is identical for rats and mice and the 4-hour and 6-hour LC_{50} values in mice compared to rats vary by less than 1.5-fold. An intraspecies UF of 3 is applied because the MAC for volatile anesthetics does not vary by more than a factor of 2–3-fold. The AEGL–2 values are supported by the Carpenter (1937) inhalation study in which volunteers exposed to 475 ppm for 2 hours, 10 minutes reported salivation, slight eye irritation, tightness in the frontal sinuses, increased hand perspiration, and increased nasal irritation. These effects are milder than those defined by AEGL–2. An AEGL derivation based on the exposure parameters, a total UF of 3 (3 to account for intraspecies variability; an interspecies UF not needed because the derivation is based on human data), and an n of 2 results in identical AEGL–2 values.

The AEGL–3 derivation is based on a no-effect-level for lethality in mice of 2,450 ppm for 4 hours and in rats of 2,445 ppm for 4 hours (Friberg *et al.*, 1953; NTP, 1986). An interspecies UF of 3 is applied because a no-effect level for lethality is identical for rats and mice and the 4-hour and 6-hour LC_{50} values in mice compared to rats vary by less than 1.5-fold. The interspecies UF of 3 is further supported by the similarity of effects manifested in rodents compared to humans produced by agents that are CNS depressants. An intraspecies UF of 3 is applied because the MAC for volatile anesthetics should not vary by more than a factor of 2–3-fold. The AEGL–3 values are supported by a human study in which the effects noted were milder than those defined by the AEGL–3 definition (humans exposed to 934 ppm for 95 min experienced tightness of the frontal sinuses, increased hand perspiration, nostril irritation, congestion of eustachian tubes, lassitude, slight mental fogginess, stinging eyes, exhilaration, and/or the tip of nose and lips anesthetized; Carpenter, 1937), and an animal study in which rats exposed to 2,300 ppm for 4 hours/day, 5 days/week for 2 weeks exhibited overt ataxia only following the first 4 hour exposure (Goldberg *et al.*, 1964). Although the Carpenter study (1937) was not used because the effects were below that of the definition of AEGL–3 type endpoints, the study does support the use of a total UF of 10 for the Friberg *et al.* (1953) and NTP (1986) studies as being protective of human health.

The experimentally derived exposure values were then scaled to AEGL time frames using the equation $C^n \times t = k$, where the exponent n generally ranges from 1 to 3.5 (ten Berge, 1986). The value of n used for PCE was the calculated and published value of n = 2 based upon the Rowe *et al.* (1952) rat mortality data for PCE (ten Berge, 1986). The 10-minute AEGL–1, -2, and -3 values were set equal to the 30-minute values. The 10-minute AEGL–1 value was set equal to the 30-minute value of 50 ppm because human data indicated that exposure to 75–80 ppm for 1–4 minutes resulted in slight eye irritation (Stewart *et al.*, 1961). The 10-minute AEGL–2 value was set equal to the 30-minute value of 330 ppm because it was considered too precarious to extrapolate from the exposure duration of 4 hours to 10 minutes, and because a human study demonstrated an exposure to 600 ppm for 10 minutes caused significant effects (eye and nose irritation, dizziness, tightness, and numbing about the mouth, some loss of inhibitions, and motor coordination required great effort; Rowe *et al.*, 1952). The 10-minute AEGL–3 was set equal to the 30-minute value of 690 ppm because it was considered too precarious to extrapolate from the exposure duration of 4 hours to 10 minutes.

The calculated values are listed in Table 10 below:

TABLE 10.—SUMMARY OF PROPOSED AEGL VALUES FOR TETRACHLOROETHYLENE [PPM (MG/M^3)]

Classification	10-Minutes	30-Minutes	1-Hour	4-Hours	8-Hours	Endpoint (Reference)
AEGL–1 (Nondisabling)	50 (340)	50 (340)	35 (240)	18 (120)	12 (81)	Mild eye irritation in six subjects exposed to 106 ppm for 1 hour (Rowe *et al.*, 1952)
AEGL–2 (Disabling)	330 (2,200)	330 (2,200)	230 (1,600)	120 (810)	81 (550)	No-effect level for ataxia in rats following exposure to 1,150 ppm PCE for 4 hours/day, 5 days/week for 2 weeks (4 hour time period used for the derivation) (Goldberg *et al.*, 1964).
AEGL–3 (Lethal)	690 (4,700)	690 (4,700)	490 (3,300)	240 (1,600)	170 (1,200)	No-effect-level for lethality in mice of 2,450 ppm for 4 hours and in rats of 2,445 ppm for 4 hours (Friberg *et al.*, 1953; NTP, 1986)

ii. *References*.

a. Altmann, L., Bottger, A., and Wiegand, H. 1990. Neurophysiological and psychophysical measurements reveal effects of acute low-level organic solvent exposure in humans. *Archives of Occupational and Environmental Health*. Vol. 62:493–499.

b. Altmann, L., Wiegand, H., Bottger, A., Elstermeier, F., and Winneke, G. 1992. Neurobehavioral and neurophysiological outcomes of acute repeated perchloroethylene exposure. *Applied Psychology: International Review*. Vol. 41:269–279

c. Carpenter, C.P. 1937. The chronic toxicity of tetrachloroethylene. *Journal of Industrial Hygiene and Toxicology*. Vol. 19:323–336.

d. Friberg, L., Kylin, B., and Nystrom, A. 1953. Toxicities of trichloroethylene and tetrachloroethylene and Fujiwara's pyrindine-alkali reaction. *Acta Pharmacologica et Toxicologica*. Vol. 9:303–312.

e. Goldberg, M.E., Johnson, H.E., Pozzani, U.C., and Smyth, H.F. 1964. Effect of repeated inhalation of vapors of industrial solvents on animal behavior. I. Evaluation of nine solvent vapors on pole-climb performance in rats. *American Journal of Industrial Hygiene*. Vol. 25:369–375.

f. NTP (National Toxicology Program). 1986. Toxicology and Carcinogenesis Studies of Tetrachloroethylene (Perchloroethylene) (CAS No. 127–18–4) in F344/N Rats and B6C3F1 Mice (Inhalation Studies). NTP TR 311, NIH Publication No. 86–2567, U.S. Department of Health and Human Services, Research Triangle Park, NC.

g. Rowe, V.K., McCollister, D.D., Spencer, H.C., Adams, E.M., and Irish, D.D. 1952. Vapor toxicity of tetrachloroethylene for laboratory animals and human subjects. *American Medical Association Archives of Industrial Hygiene and Occupational Medicine*. Vol. 5:566–579.

h. Stewart, R.D., Gay, H.H., Erley, D.S., Hake, C.L., and Schaffer, A.W. 1961. Human exposure to tetrachloroethylene vapor. *Archives of Environmental Health*. Vol. 2:40–46.

i. ten Berge, W.F. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapours and gases. *Journal of Hazardous Materials*. Vol. 13:301–309.

13. *Tetranitromethane*—i. *Description*. Tetranitromethane (TNM) is a highly explosive chemical that is used as an oxidizer in rocket propellants, to increase the cetane of diesel fuels, and as a reagent to detect double bonds in organic molecules (Budavari *et al.*, 1996; ACGIH, 1996). TNM is also formed as an impurity during the manufacture of trinitrotoluene (TNT). In humans, impure TNM has caused irritation of the eyes, nose, throat, dizziness, chest pain, dyspnea, methemoglobinemia, and cyanosis (Budavari *et al.*, 1996). TNM causes a variety of lung lesions and induced lung tumors in both rats and mice (NTP, 1990).

No data were available to determine the concentration-time relationship for TNM concentration-time relationship for many irritant and systemically acting vapors and gases may be described by $C^n \times t = k$, where the exponent n ranges from 0.8 to 3.5 (ten Berge *et al.*, 1986). To obtain protective AEGL values, scaling across time was performed using n = 3 to extrapolate to <6 hours (exposure duration in key study) and n = 1 to extrapolate to >6 hours. The 10-minute values were not extrapolated from 6 hours because the NAC determined that extrapolating from ≥4 hours to 10 minutes is associated with unacceptably large inherent uncertainty, and the 30-minute values were adopted for 10 minutes to be protective of human health.

AEGL–1, AEGL–2, and AEGL–3 values were derived from an NTP (1990) study in which rats and mice were exposed to 2, 5, 10, 25, or 50 (mice only) ppm TNM for 2 weeks (6 hours/day, 5 days/week). At 2 ppm, no effects were specifically noted in either species. A single 6-hour exposure to 2 ppm was used for AEGL–1 derivation. An UF of 10 was applied: 3 to account for sensitive humans (response to an irritant gas is not likely to vary greatly among humans) and 3 for interspecies extrapolation (toxicity of TNM did not vary greatly between two species; the key study was repeat-exposure).

Exposure to 5 ppm TNM resulted in lowered body weight gains and reddened lungs in mice (rats may have been lethargic), and one 6-hour exposure is the basis for the derived AEGL–2 values. An UF of 10 was used: 3 to account for sensitive humans (response to an irritant gas is not likely to vary greatly among humans) and 3 for interspecies extrapolation (most sensitive species was used; the key study was repeat-exposure). The resulting AEGL–2 values were similar to those derived using a TNM inhalation cancer slope factor (derived from a 103-week NTP, 1990 carcinogenicity study) and based on a 10^{-4} excess cancer risk level. Use of the noncarcinogenicity endpoints was considered to be more appropriate because it appears that the tumorigenic response to inhaled TNM is a function of prolonged nasal and lung tissue irritation resulting from repeated exposures and not the result of a single-low exposure.

Rats and mice exposed to 10 ppm in the NTP (1990) 2-week study were lethargic, lost weight, and the mice had reddened lungs, polypnea, and ataxia, whereas rats exposed to 25 ppm all died on the first day, and most mice exposed to 25 ppm died on day 3 or 4. Therefore, 10 ppm is considered to approximate the lethality threshold for both species, and is supported by an LC_{50} study in which the NOEL for lethality for a 4-hour exposure was 10 and 17 ppm for rats and mice, respectively (Kinkead *et al.*, 1977a; 1977b). AEGL–3 values were developed using one 6-hour exposure and an UF of 10: 3 to account for sensitive humans (response to an irritant gas is not likely to vary greatly among humans) and 3 for interspecies extrapolation (toxicity of TNM did not vary greatly between two species; the key study was repeat-exposure).

The calculated values are listed in Table 11 below:

TABLE 11.—SUMMARY OF PROPOSED AEGL VALUES FOR TETRANITROMETHANE (TNM) [PPM (MG/M^3)]

Classification	10-Minutes	30-Minutes	1-Hour	4-Hours	8-Hours	Endpoint (Reference)
AEGL–1 (Nondisabling)	0.46 (3.7)	0.46 (3.7)	0.36 (2.9)	0.23 (1.8)	0.15 (1.2)	No effects in rats or mice (NTP, 1990).
AEGL–2 (Disabling)	1.1 (9.1)	1.1 (9.1)	0.91 (7.3)	0.57 (4.6)	0.38 (3.5)	Lower weight gain and reddened lungs in mice (NTP, 1990).
AEGL–3 (Lethal)	2.3 (28)	2.3 (28)	1.8 (15)	1.1 (9.2)	0.75 (6.0)	Lethality threshold for rats and mice (NTP, 1990).

ii. *References*.

a. NTP. 1990. Toxicology and carcinogenesis studies of tetranitromethane in F344/N rats and B6C3F1 mice. TR #386, U.S. Department of Health and Human Services, Public Health Service, National Institutes of Health, Research Triangle Park, NC.

ten Berge, W.F., Zwart, A., and Appelman, L.M. 1986. Concentration-time mortality response relationship of irritant and systemically acting vapors and gases. *Journal of Hazardous Materials*. Vol. 13:302–309.

14. *Perchloromethyl mercaptan*—i. *Description*. Perchloromethyl mercaptan is an oily, yellow liquid with an unbearable, acrid odor. Although it was used as a chemical warfare gas by the French in the battle of the Champagne in 1915, its wartime use was abandoned shortly thereafter because of its strong warning odor, decomposition in the presence of iron and steel, and because the vapors could easily be removed by charcoal (Prentiss, 1937). Today, perchloromethyl mercaptan is used as an intermediate in the synthesis of dyes and fungicides (Captan, Folpet).

Data addressing human and animal toxicity following exposure to perchloromethyl mercaptan vapors were very limited. Human data were generally limited to case reports describing exposures to an unquantifiable amount of perchloromethyl mercaptan, secondary sources, and/or sources in which the experimental details were not provided. Animal data addressing the lethal and nonlethal effects of perchloromethyl mercaptan were primarily limited to rats.

Exposure to perchloromethyl mercaptan for 6 hours/day, 5 days/week for 2 weeks at a concentration of 0.02 ppm did not result in any measurable changes in rats, while exposure to 0.13 ppm resulted only in mild nasal epithelial changes in rats (Knapp *et al.*, 1987). Likewise, no clear treatment related changes were observed in rats exposed to 0.014 or 0.079 ppm perchloromethyl mercaptan for 6 hours/day, 5 days/week, for a total of 70 to 72 exposure days (Knapp and Thomassen, 1987). Based on these data, a NOAEL of 0.079 ppm in rats exposed for 6 hours/day, 5 days/week, for a total of 70 to 72 exposure days was used for the derivation of an AEGL–1 (Knapp and Thomassen, 1987). An interspecies factor of 3 was applied because although little is known about differences in perchloromethyl mercaptan toxicity between species, the AEGL–1 is based on a NOAEL from a subchronic study and is therefore inherently conservative. An intraspecies UF of 3 was applied to protect for sensitive individuals because the mechanism of action of perchloromethyl mercaptan is likely to be that of an irritant.

A subchronic study in which rats were exposed to 0.58 ppm for 6 hours/day, 5 days/week for 70 days was chosen for the AEGL–2 derivation (Knapp and Thomassen, 1987). Rats exposed to 0.58 ppm for 70 days exhibited only minimal effects: Lung weights were increased, and the only treatment-related pulmonary lesion was mild to minimal focal subacute interstitial pneumonia in 28% of males and 6% of females. An interspecies factor of 10 was applied because little is known about differences in perchloromethyl mercaptan toxicity between species. An intraspecies UF of 3 was applied to protect for sensitive individuals because the mechanism of action of perchloromethyl mercaptan is likely to be that of an irritant.

The no-effect level for lethality of 9 ppm for 1 hour in male and female rats was chosen for use in the AEGL–3 derivation (Stauffer Chemical Company, 1971). An interspecies factor of 10 was applied because little is known about differences in perchloromethyl mercaptan toxicity between species. An intraspecies UF of 3 was applied to protect for sensitive individuals because the mechanism of action of perchloromethyl mercaptan is likely to be that of an irritant.

The experimentally derived exposure values were scaled to AEGL time frames using the concentration-time relationship given by the equation $C^n \times t = k$, where the exponent n generally ranges from 1 to 3.5 (ten Berge, 1986). The value of n was not empirically derived because of insufficient data; therefore, the default value of n = 1 was used for extrapolating from shorter to longer exposure periods and a value of n = 3 was used to extrapolate from longer to shorter exposure periods. The 10-minute values for the AEGL–1 and AEGL–2 levels were flat-lined from the 30-minute values because it was considered too precarious to extrapolate from an exposure duration of 6 hours to an exposure duration of 10 minutes.

The calculated values are listed in Table 12 below:

TABLE 12.—SUMMARY OF PROPOSED AEGL VALUES FOR PERCHLOROMETHYL MERCAPTAN [PPM (MG/M^3)]

Classification	10-Minutes	30-Minutes	1-Hour	4-Hours	8-Hours	Endpoint (Reference)
AEGL–1 (Nondisabling)	0.018 (0.14)	0.018 (0.14)	0.014 (0.11)	0.0090 (0.068)	0.0060 (0.046)	NOAEL of 0.079 ppm for 6 hours/day, 5 days/week for 70–72 exposure days (Knapp and Thomassen, 1987)
AEGL–2 (Disabling)	0.044 (0.33)	0.044 (0.33)	0.035 (0.27)	0.022 (0.17)	0.015 (0.11)	Treatment-related mild to minimal focal subacute interstitial pneumonia and slightly increased lung weights in rats exposed to 0.58 ppm for 6 hours/day, 5 days/week for 70 days (Knapp and Thomassen, 1987)
AEGL–3 (Lethality)	0.54 (4.1)	0.38 (2.9)	0.30 (2.3)	0.075 (0.57)	0.038 (0.29)	No-effect level for lethality in rats (9 ppm for 1 hour) (Stauffer Chemical Co., 1971)

ii. *References*.

a. Knapp, H.F. and Thomassen, R.W. 1987. Subchronic inhalation study with perchloromethyl mercaptan (PMM) in rats. Stauffer Chemical Company. Report No. T-11848. Submitted by Zeneca, Inc., EPA/OTS; Doc. #86–960000548. pp. 436.

b. Stauffer Chemical Co. 1971. Initial submission: acute inhalation test with perchloromethyl mercaptan in rats with cover letter dated August 28, 1992. Report No. T-1683. Submitted by ICI Americas Inc., EPA/OTS, Doc #88–920006928. pp. 7.

c. ten Berge, W.F. 1986. Concentration-time mortality response relationship of irritant and systemically

acting vapours and gases. *Journal of Hazardous Materials*. Vol. 13:301–309.

15. *Carbon monoxide*—i. *Description*. Carbon monoxide (CO) is a tasteless, non-irritating, odorless and colorless gaseous substance. The main source of CO production is the combustion of fuels. Environmental exposure to CO can occur while traveling in motor vehicles (9–25 and up to 35 ppm), working, visiting urban locations with heavily traveled roads (up to 50 ppm), or cooking and heating with domestic gas, kerosene, coal or wood (up to 30 ppm) as well as in fires and by environmental tobacco smoke. Endogenous CO formation during normal metabolism leads to a background carboxyhemoglobin concentration ([COHb]) of about 0.5–0.8%. Smokers are exposed to considerable CO concentrations leading to a [COHb] of about 3–8%.

CO binds to hemoglobin forming [COHb] and thereby renders the hemoglobin molecule less able to bind oxygen. Due to this mechanism, the oxygen transport by the blood and the release of bound oxygen in the tissues are decreased. Tissue damage results from local hypoxia. Organs with a high oxygen requirement, such as the heart and the brain, are especially sensitive for this effect.

CO is a tasteless, non-irritating, odorless and colorless toxic gas which can cause lethal poisonings with very few and late occurring warning signs. Until very severe symptoms occur none or only nonspecific symptoms are noted. For this reason, AEGL–1 values were not recommended.

The AEGL–2 was based on cardiovascular effects in patients with coronary artery disease, which constitute the most susceptible subpopulation. For the derivation of AEGL–2 values a level of 4% [COHb] was chosen. At this exposure level, patients with coronary artery disease may experience a reduced time until onset of angina (chest pain) during physical exertion (Allred *et al.*, 1989; 1991). In the available studies, the CO exposure alone (i.e., with subjects at rest) did not cause angina, while exercise alone did so. However, it should be noted that all studies used patients with stable exertional angina, who did not experience angina while at rest. Thus, it cannot be ruled out that in more susceptible individuals (a part of the patients with unstable angina pectoris might belong to this group) CO exposure alone could increase angina symptoms. The changes in the electrocardiogram (ST-segment depression of 1 mm or greater) associated with angina symptoms were fully reversible. An exposure level of 4% [COHb] is unlikely to cause a significant increase in the frequency of exercise-induced arrhythmias. Ventricular arrhythmias have been observed at [COHb] of 5.3%, but not at 3.7% (Sheps *et al.*, 1990; 1991), while in another study no effect of CO exposure on ventricular arrhythmia was found at 3 and 5% [COHb] (Dahms *et al.*, 1993). An exposure level of 4% [COHb] was considered protective of acute neurotoxic effects in children, such as syncopes, headache, nausea, dizziness, and dyspnea (Crocker and Walker, 1985), and long-lasting neurotoxic effects (defects in the cognitive development and behavioral alterations) in children (Klees *et al.*, 1985). A mathematical model (Coburn *et al.*, 1965; Peterson and Stewart, 1975) was used to calculate exposure concentrations in air resulting in a [COHb] of 4% at the end of exposure periods of 10 and 30 minutes and 1, 4, and 8 hours. A total UF of 1 was used. An intraspecies UF of 1 was considered adequate because the values are based on observations in the most susceptible human subpopulation (patients with coronary artery disease).

The AEGL–3 was based on observations in humans. Several case reports indicate that in patients with coronary artery disease, CO exposure can contribute to myocardial infarction (which was considered an AEGL–3 endpoint). In the published cases of myocardial infarction, the following [COHb] were measured after transport to the hospital: 52.2% (Marius-Nunez, 1990), 30%, 22.8% (Atkins and Baker, 1985), 21% (Ebisuno *et al.*, 1986), 15.6% (Grace and Platt, 1981). Case reports on stillbirths after CO poisoning of pregnant women reported measured maternal [COHb] of about 22–25% or higher (Caravati *et al.*, 1988; Koren *et al.*, 1991). Since in all case studies COHb levels were determined after admission to hospital, the [COHb] at the end of the exposure were probably higher than the measured concentrations. These anecdotal case reports were not considered an adequate basis for the derivation of AEGL–3 values because of uncertainties in the end-of-exposure [COHb] and the insufficient characterization of the exposure conditions (with repeated and/or prolonged exposures in several cases). Therefore, the experimental studies of Chiodi *et al.* (1941) and Haldane (1895), that reported no severe or life-threatening symptoms in healthy subjects exposed to a [COHb] of about 40–56%, were used as the basis for derivation of AEGL–3 values. A mathematical model (Coburn *et al.*, 1965; Peterson and Stewart, 1975) was used to calculate exposure concentrations in air resulting in a [COHb] of 40% at the end of exposure periods of 10 and 30 minutes and 1, 4, and 8 hours. A total UF of 3 was used. An intraspecies UF of 3 was applied to the calculated CO concentrations in air because a factor of 10 would have resulted in exposure concentrations sometimes found in homes and the environment and because the derived values (corresponding to a [COHb] of about 15%) are supported by information on effects, such as myocardial infarction and stillbirths, reported in more susceptible subpopulations.

The calculated values are listed in Table 13 below:

TABLE 13.—SUMMARY TABLE OF PROPOSED AEGL VALUES FOR CARBON MONOXIDE

Classification	10-Minutes	30-Minutes	1-Hour	4-Hours	8-Hours	Endpoint (Reference)
AEGL–1 (Nondisabling)	NR[a]	NR	NR	NR	NR	
AEGL–2 (Disabling)	420 ppm (480 mg/m^3)	150 ppm (170 mg/m^3)	83 ppm (95 mg/m^3)	33 ppm (38 mg/m^3)	27 ppm (31 mg/m^3)	Cardiac effects in humans with coronary artery disease (Allred *et al.*, 1989; 1991)
AEGL–3 (Lethal)	1700 ppm (1,900 mg/m^3)	600 ppm (690 mg/m^3)	330 ppm (380 mg/m^3)	150 ppm (170 mg/m^3)	130 ppm (150 mg/m^3)	No severe or life-threatening effects in humans (Chiodi *et al.*, 1941; Haldane, 1895)

[a] Not recommended since CO is a non-irritating orderless gas which can cause lethal poisonings with very few late occurring warning signs.

ii. *References*.

a. Allred, E.N., Bleecker, E.R., Chaitman, B.R., Dahms, T.E., Gottlieb, S.O., Hackney, J.D., Pagano, M., Selvester, R.H., Walden, S.M., and Warren, J. 1989. Short-term effects of carbon monoxide exposure on the exercise performance of subjects with coronary artery disease. *New England Journal of Medicine*. Vol. 321:1426–1432.

b. Allred, E.N., Bleecker, E.R., Chaitman, B.R., Dahms, T.E., Gottlieb, S.O., Hackney, J.D., Pagano, M., Selvester, R.H., Walden, S.M., and Warren, J. 1991. Effects of carbon monoxide on myocardial ischemia. *Environmental Health Perspectives*. Vol. 91:89–132.

c. Atkins, E.H. and Baker, E.L. 1985. Exacerbation of coronary artery disease by occupational carbon monoxide exposure: A report of two fatalities and a review of the literature. *American Journal of Industrial Medicine*. Vol. 7:73–79.

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16. *Boron trichloride*—i. *Description*. Boron trichloride is a colorless gas at room temperature that fumes in moist air, or a colorless fuming liquid at low temperatures. It hydrolyzes in water and moist air to produce heat, hydrochloric acid, and boric acid at ordinary temperatures. No data were available regarding human exposures to boron trichloride, and animal inhalation toxicity data were limited to two studies. Vernot *et al*. (1977) reported 1-hour LC_{50} values of 2,541 ppm for male rats and 4,418 ppm for female rats. The other available study by Stokinger and Spiegl (1953) served only as a pilot study, and provided preliminary data on the toxicity of boron trichloride vapor following inhalation exposure in rats, mice, and guinea pigs.

No data relevant to the AEGL–1 defined endpoints were available. Based on the knowledge that one mole of boron trichloride theoretically hydrolyzes to form 3 moles of hydrogen chloride in moist air, the AEGL–1 values were derived by a ⅓ reduction of the accepted hydrogen chloride (HCl) values and are recommended as guidance levels[a]. The hydrogen chloride AEGL–1 was based on a 45 minute NOAEL in exercising adult asthmatics (Stevens *et al*., 1992). No UFs were applied for inter- or intraspecies variability since the study population consisted of sensitive humans. Additionally, the same value was applied across the 10- and 30-minute, and 1-, 4-, and 8-hour exposure time points since mild irritantcy is a threshold effect and generally does not vary greatly over time. Thus, prolonged exposure will not result in an enhanced effect.

No data relevant to the AEGL–2 defined endpoints were available. Based on the knowledge that one mole of boron trichloride theoretically hydrolyzes to form 3 moles of hydrogen chloride in moist air, the AEGL–2 values were derived by a ⅓ reduction of the accepted HCl values and are recommended as guidance levels[a]. The hydrogen chloride AEGL–2 for the 30-minute, 1-, 4-, and 8-hour time points was based on severe nasal or pulmonary histopathology in rats exposed to 1,300 ppm hydrogen chloride for 30 minutes (Stavert *et al*.,1991). An UF of 3 was applied for interspecies variability because the test species (rodents) is more sensitive to the effects of hydrogen chloride than primates and because direct irritation is not expected to vary greatly between species. An UF of 3 was applied for intraspecies extrapolation since the mechanism of action is direct irritation and the subsequent effect or response is not expected to vary greatly among individuals. An additional modifying factor of 3 was applied to account for the sparse database of effects defined by AEGL–2 and since the effects observed at the concentration used to derive AEGL–2 values were somewhat severe. Thus, the total uncertainty and modifying factor adjustment is 30-fold. It was then time-scaled to the 1-, 4-, and 8-hour AEGL exposure periods using the $C^n \times t = k$ relationship, where n = 1 based on regression analysis of combined rat and mouse LC_{50} data (1 minute to 100 minutes) as reported by ten Berge *et al*., 1986. The 10-minute AEGL–2 value was derived by dividing the mouse RD_{50} of 309 ppm by a factor of 3 to obtain a concentration causing irritation (Barrow *et al*., 1977). One-third of the mouse RD_{50} for hydrogen chloride corresponds to an approximate decrease in respiratory rate of 30%, and decreases in the range of 20 to 50% correspond to moderate irritation (ASTM, 1991).

The AEGL–3 was based on ⅓ of the 1-hour boron trichloride LC_{50} of 2,541 ppm in male rats (Vernot *et al*., 1977). An UF of 3 was applied for intraspecies variability and an additional UF of 10

was applied for interspecies extrapolation to account for a poor data base (total UF = 30). No boron trichloride data were available from which to derive an n value for the scaling of the derived AEGL–3 value across time. Because boron trichloride hydrolyzes in moist air to form hydrogen chloride, the value of n = 1 for hydrogen chloride as calculated by ten Berge (1986) was used for the scaling to the 10- and 30-minute, 1-, 4-, and 8-hour exposures using the relationship $C^n \times t = k$. The derived AEGL–3 values were consistent with the application of the Stokinger and Spiegl (1953) data where exposure to 50 ppm for 2 x 7 hours in rats, mice, and guinea pigs did not result in mortality when clean cages were substituted every 2 hours of the exposure (to reduce contact with the hydrolysis products formed in the cage).

It is recommended that in the event of a boron trichloride release, the concentrations of both boron trichloride and HCl should be monitored. It is conceivable that boron trichloride concentrations could be within the acceptable AEGL range, while the hydrolysis product HCl could exceed permissible AEGL levels. Another likely situation is that the concentration of each will fall below the AEGL criteria but the combination of the two will produce an overall HCl exposure exceeding a given AEGL criteria and thus produce more toxicity than expected by the designated AEGL level.

The calculated values are listed in Table 14 below:

TABLE 14.—SUMMARY OF PROPOSED AEGL VALUES FOR BORON TRICHLORIDE [PPM (MG/M^3)]

Classification	10-Minutes	30-Minutes	1-Hour	4-Hours	8-Hours	Endpoint (Reference)
AEGL–1 (Nondisabling)	0.6 (2.9)	0.6 (2.9)	0.6 (2.9)	0.6 (2.9)	0.6 (2.9)	Recommended as guidance levels: ⅓ the NAC-approved HCl values [NOAEL of HCl in exercising human asthmatics (Stevens *et al.*, 1992)]
AEGL–2 (Disabling)	34 (160)	14 (67)	7.3 (35)	1.8 (8.6)	0.90 (4.3)	Recommended as guidance levels: ⅓ the NAC-approved HCl values [Mouse RD_{50} (Barrow *et al.*, 1977); Histopathology in rats (Stavert *et al.*, 1991)]
AEGL–3 (Lethal)	170 (810)	57 (270)	28 (130)	7.1 (34)	3.5 (17)	⅓ the 1-hour boron trichloride LC_{50} value of 2,541 ppm in male rats (Vernot *et al.*, 1977)

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17. *Diborane*—i. *Description*. Diborane a highly unstable gas, and is combustible upon exposure to moist air or high heat. It rapidly hydrolyzes in water to produce boric acid, hydrogen, and heat. Because of its strong reducing character, it has many industrial uses such as a rubber vulcanizer, a catalyst for olefin polymerization, an intermediate in the production of other boron hydrides, and as a doping gas in the semiconductor industry. Diborane was also investigated in the 1950's as a potential rocket fuel.

Data on acute exposures of humans to diborane were limited to case reports of accidental work-related exposures. Signs and symptoms of exposure included chest tightness, shortness of breath and dyspnea, wheezing, nonproductive cough, and precordial pain. Workers exposed to diborane generally experienced a complete recovery of symptoms within a short period following exposure. No quantitative information was given regarding the exposure terms of these individuals, and the data were therefore unsuitable for derivation of AEGLs. No reports of death were found in the literature.

Data on lethal and sublethal effects of diborane were available for several animal species, including dogs, rats, mice, hamsters, rabbits, and guinea pigs. Fifteen-minute LC_{50} values in rats ranged from 159–182 ppm, and 4-hour LC_{50} values ranged from 40–80 ppm in rats and 29–31.5 ppm in mice. Animals exposed to lethal and sublethal concentrations developed pulmonary hemorrhages, congestion, and edema, and death was related to these severe pulmonary changes. Recent studies in rats and mice have also uncovered the development of multi-focal and/or diffuse inflammatory epithelial degeneration in the bronchioles following exposure to diborane. These pulmonary changes produced by exposure to sublethal concentrations were completely reversible in rats by two weeks after an acute exposure, and were being repaired in the mouse by 2 weeks post-exposure. The signs of toxicity and repair of pulmonary lesions following acute exposure to sublethal concentrations in animals were similar

to the human case reports. It is likely that the mechanism of toxicity is due to direct interaction of diborane with cellular components, especially since diborane is such a potent reducer. There appears to be a similar mechanism of toxicity between species because the cause of death from diborane exposure has always been from pulmonary damage, including edema, hemorrhage, and congestion. Mice appeared to be the more sensitive species, and the mice data were therefore used for the derivations of AEGLs.

An AEGL–1 value was not derived because it was not appropriate. The AEGL–2 value is below the odor threshold of diborane and no other data pertaining to endpoints relevant to AEGL–1 definition were available.

The AEGL–2 values were based on a LOAEL (lowest-observed-adverse-effect level) for pulmonary changes in male ICR mice following acute inhalation exposure to diborane. No effects were observed in mice exposed to 5 ppm for 1 hour, while exposure to 5 ppm for 2 hours resulted in 4/10 mice developing multi-focal and/or diffuse inflammatory epithelial degeneration in the bronchioles (Nomiyama *et al.*, 1995). There were no other treatment related changes, such as changes in behavior or appearance, body or organ weight, or in hematological or clinical chemistry indices.

The AEGL–3 values were based on the estimate a 4-hour LC_{01} of 9.2 ppm obtained by probit analysis of data from a 4-hour LC_{50} study in male ICR mice (Uemura *et al.*, 1995).

A total UF of 10 was applied to the AEGL–2 and AEGL–3 values. An interspecies UF of 3 was applied because the most sensitive species, the mouse, was used, and the endpoint of toxicity, histological changes in the lungs, was the most sensitive endpoint. Further support of a value of 3 is that signs of toxicity and repair of pulmonary lesions following acute exposure to sublethal concentrations in animals were similar to the human case reports. It is likely that the mechanism of toxicity is due to direct interaction of diborane with cellular components, especially since diborane is such a potent reducer. There appears to be a similar mechanism of toxicity between species because the cause of death from diborane exposure has always been from pulmonary damage, including edema, hemorrhage, and congestion. An intraspecies factor of 3 was applied because the mechanism of action is not expected to differ greatly among individuals. The lung remained the target organ at all concentrations of exposure, and the biological response remained the same, becoming more severe with increasing concentration until death occurred from anoxia as a consequence of severe pulmonary changes.

The derived AEGL values were scaled to 10-minute, 30-minute, 1-hour, 4-hour, and 8-hour exposures using $C^n \times t = k$. To calculate n for diborane, a regression plot of the effective concentration (EC_{50}) values was derived from the studies by Nomiyama *et al.* (1995) and Uemura *et al.* (1995) investigating 1-, 2-, and 4-hour exposures to 1, 5, or 15 ppm diborane, with multi-focal and/or diffuse inflammatory epithelial degeneration in the bronchioles as the endpoint of toxicity. From the regression analysis, the derived value of n = 1 was used in the temporal scaling of all the AEGL values ($C^1 \times t = k$; Haber's Law). For the AEGL–3, the 30-minute value was flat-lined for the 10-minute value because it was considered too precarious to extrapolate from the exposure duration of 4 hours to 10 minutes. Although it is considered appropriate to extrapolate from a 2-hour exposure to a 10-minute exposure duration in the AEGL–2 derivation, the 10-minute value of 6.0 ppm would approach that of the 10-minute AEGL–3 value of 7.3 ppm. Therefore, the 30-minute AEGL–2 value was flat-lined for the 10-minute value.

The calculated values are listed in Table 15 below:

TABLE 15.—SUMMARY OF PROPOSED AEGL VALUES FOR DIBORANE [PPM (MG/M^3)]

Classification	10-Minutes	30-Minutes	1-Hour	4-Hours	8-Hours	Endpoint (Reference)
AEGL–1 (Nondisabling)	Not recommended (NR)[a]	NR	NR	NR	NR	Not recommended because proposed AEGL–2 value is below the odor threshold, and no other data pertaining to endpoints relevant to the AEGL–1 definition were available
AEGL–2 (Disabling)	6.0 (6.6)	2.0 (2.2)	1.0 (1.1)	0.25 (0.28)	0.13 (0.14)	LOAEL for pulmonary changes in male ICR mice; 5 ppm for 2 hour (Nomiyama *et al.*, 1995)
AEGL–3 (Lethality)	7.3 (8.0)	7.3 (8.0)	3.7 (4.1)	0.92 (1.0)	0.46 (0.51)	4-hour LC_{01} of 9.2 ppm estimated from a 4-hour LC_{50} in male ICR mice (Uemura *et al.*, 1995)

[a] Absence of an AEGL–1 does not imply that exposure below the AEGL–2 is without adverse effects.

ii. *References.*

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18. *Nerve Agent VX*—i. *Description.* Nerve agent VX [*O*-ethyl-*S*-(isopropylaminoethyl) methyl phosphonothiolate] is a toxic ester derivative of phosphonic acid containing a sulfur substituent group, and is commonly termed a ''nerve'' agent as a consequence of its anticholinesterase properties. Agent VX was developed as a chemical warfare agent, and shares many of the same properties as the G-series nerve agents (GA, GB, GD, and GF).

Agent VX is a amber-colored liquid with a molecular weight of 267.38; it has a vapor density of 9.2 (air = 1) and a liquid density of 1.006 gram/milliter (g/ml) at 20° C; its water solubility is 3 g per 100 g at 25° C and 7.5 g per 100 g at 15° C. Agent VX was deliberately formulated to possess a low volatility (10.5 mg/m^3 at 25° C), and is approximately 2,000 times less volatile

than nerve agent GB (DA, 1990). As a consequence, agent VX is a persistent, ''terrain denial'' military compound with the potential to off-gas toxic concentrations for days following surface application.

Toxic effects may occur at concentrations below those of odor detection.

Exposure to acutely toxic concentrations of agent VX can result in excessive bronchial, salivary, ocular, and intestinal secretion, sweating, miosis, bronchospasm, intestinal hypermotility, bradycardia, muscle fasciculations, twitching, weakness, paralysis, loss of consciousness, convulsions, depression of the central respiratory drive, and death (Dunn and Sidell, 1989). Minimal effects observed at low vapor concentrations include miosis (pinpointing of the pupils of the eye, with subsequent decrease in pupil area), tightness of the chest, rhinorrhea, and dyspnea.

There is at present no evidence to indicate that asymptomatic exposures to agent VX result in chronic neurological disorders. However, a major concern associated with symptomatic exposures to anticholinesterase compounds such as agent VX is the possibility of chronic neurological effects. No human data exist for evaluating the potential of agent VX for inducing chronic neurological effects following acute symptomatic exposures.

Animal studies have shown that exposures to agent VX have not caused reproductive or developmental effects. Agent VX was not found to be genotoxic in a series of microbial and mammalian assays, and there is no evidence indicating that VX is carcinogenic.

Animals exposed to acutely toxic concentrations of agent VX exhibit the same signs of toxicity as humans, including miosis, salivation, and tremors. In a short-term inhalation toxicity study, no signs of toxicity, except miosis, were observed in rats, mice, guinea pigs, or rabbits exposed to VX vapor concentrations of 0.0002 mg/m^3 or less (6 hours/day, 5 days/week, for 2 weeks) (Crook *et al.*, 1983).

Insufficient data are available from which to derive AEGL values for VX from human or animal inhalation toxicity studies. The few studies available are historical, and are considered nonverifiable due to flawed study design, poor sampling techniques, or suspect contamination of sampling and detection apparatus. Nevertheless, available literature clearly indicates that inhibition of cholinesterase activity is a common mechanism of toxicity shared by the G-series nerve agents and nerve agent VX. Thus, it was possible to develop AEGL estimates for agent VX by a comparative method of relative potency analysis from the more complete data set for nerve agent GB. This approach has been previously applied in the estimation of nerve agent exposure limits, most recently by Reutter *et al.* (2000). Available literature indicates that Agent VX is considered approximately 12 times more potent than agent GB (Callaway and Dirnhuber, 1971).

All mammalian toxicity endpoints observed in the data set for nerve agent VX as well as the G-series agents represent different points on the response continuum for anticholinesterase effects. Further, the mechanism of mammalian toxicity (cholinesterase inhibition) is the same for all nerve agents. As a consequence, the experimentally derived n = 2 from the Mioduszewski *et al.* (2000a, b) rat lethality data set for agent GB is here used as the scaling function for the agent VX AEGL–1, AEGL–2, and AEGL–3 derivations rather than a default value.

Under comparable conditions of exposure, the current analysis finds that agent VX has a potency to cause miosis and other transient effects approximately 12 times greater than that of agent GB. The AEGL–1 values for agent GB were derived from a study of human subjects in which minimal effects occurred following a 20-minute exposure to a GB vapor concentration of 0.05 mg/m^3 (Harvey, 1952; Johns, 1952). These findings are based on the results of low-concentration nerve agent exposures to informed volunteers who were under clinical supervision during the periods of exposure as well as for post-exposure periods of several months.

The AEGL–2 values for agent GB were derived from a study of human subjects in which miosis, dyspnea, photophobia, inhibition of red blood cell cholinesterase (RBC-ChE) to approximately 60% of individual baseline, and small but measurable changes in SFEMG of the forearm occurred following a 30-minute exposure to 0.5 mg GB/m^3 (Baker and Sedgwick, 1996). This recent study was performed under Helsinki accords and clinical supervision, and was conducted with the cooperation of fully informed human subjects.

The fact that AEGL–1 and AEGL–2 analyses for agent VX are based on data from human volunteers (Harvey, 1952; Johns 1952; Baker and Sedgwick, 1996; GB vapor exposure to clinically supervised human volunteers) precludes the use of an interspecies UF. To accommodate known variation in human cholinesterase activity that may make some individuals more susceptible to the effects of cholinesterase inhibitors such as nerve agents, a factor of 10 was applied for intraspecies variability (protection of susceptible populations). With application of a modifying factor of 3 for the incomplete VX data set, the total UF for estimating AEGL–1 and AEGL–2 values for agent VX is 30.

The SFEMG effects noted in the study chosen for estimation of AEGL–2 values were not clinically significant, and were not detectable after 15–30 months. Baker and Sedgwick (1996) considered SFEMG changes to be a possible early indicator or precursor of the nondepolarising neuromuscular block found associated with Intermediate Syndrome paralysis in severe organophosphorous insecticide poisoning cases. The Baker and Sedgwick (1996) study concluded that these electromyographic changes were persistent (>15 months), but that they were reversible and subclinical. While not considered debilitating or permanent effects in themselves, SFEMG changes are here considered an early indicator of exposures that could potentially result in more significant effects. Selection of this effect as a protective definition of an AEGL–2 level is considered appropriate given the steep dose-response toxicity curve of nerve agents.

Insufficient data are available to directly derive an AEGL–3 for agent VX. The AEGL–3 values for agent VX were indirectly derived from the AEGL–3 values for GB using a relative potency approach in which agent VX is considered 12 times more potent than agent GB for lethality. As a result, AEGL–3 values for agent VX were derived from recent inhalation studies in which the lethality of GB to female Sprague-Dawley rats was evaluated for the time periods of 10, 30, 60, 90, 240, and 360 minutes (Mioduszewski *et al.*, 2000a, b). Both experimental LC_{01} and LC_{50} values were evaluated. The use of a rat data set resulted in selection of an interspecies UF of 3; the full default value of 10 was not considered appropriate for the interspecies UF since the mechanism of toxicity in both laboratory rodents and humans is cholinesterase inhibition. To accommodate known variation in human cholinesterase activity, the full default value of 10 for intraspecies uncertainty was considered necessary to protect susceptible populations. With the additional application of a modifying factor of 3 for the incomplete VX data set, the total UF for AEGL–3 determination for agent VX is equal to 100.

The NAC noted that an earlier report by the National Research Council (NRC) (NRC, 1997) included an evaluation of the same VX toxicity data base, and had recommended at that time that additional research was needed to more fully characterize the toxicity of VX vapor. The NAC further notes that such studies could be limited and should specifically focus on obtaining data that would reduce uncertainties regarding the relative potency between agents GB and VX, or the potency of agent VX, for critical effects such as miosis, rhinorrhea, and lethality. To acknowledge the significant gaps in the data base for this nerve agent, the NAC considers the proposed AEGL values to be temporary in nature and subject to re-evaluation in 3 years.

The calculated values are listed in Table 16 below:

TABLE 16.—SUMMARY OF PROPOSED TEMPORARY AEGL VALUES[A] FOR AGENT VX [PPM (MG/M^3)][B]

Classification	10-Minutes	30-Minutes	1-Hour	4-Hours	8-Hours	Endpoint (Reference)
AEGL–1 (Non-disabling)	0.000018 ppm (0.00020 mg/m^3)	0.000010 ppm (0.00011 mg/m^3)	0.0000073 ppm (0.000080 mg/m^3)	0.0000037 ppm (0.000040 mg/m^3)	0.0000026 ppm (0.000028 mg/m^3)	Derived by relative potency from study of multiple minimal effects in human volunteers exposed to 0.05 mg/m^3 GB vapor for 20 minutes; headache, eye pain, rhinorrhea, tightness in chest, cramps, nausea, malaise, miosis (Harvey, 1952; Johns, 1952)[c]
AEGL–2 (Disabling)	0.00022 ppm (0.0024 mg/m^3)	0.00013 ppm (0.0014 mg/m^3)	0.000090 ppm (0.00098 mg/m^3)	0.000045 ppm (0.00049 mg/m^3)	0.000032 ppm (0.00035 mg/m^3)	Derived by relative potency from study of GB vapor exposure to exercising human volunteers exposed to 0.5 mg/m^3 for 30 minutes; miosis, dyspnea, inhibition of RBC-ChE changes in SFEMG (Baker and Sedgwick, 1996)[d]
AEGL–3 (Lethal)	0.00088 ppm (0.0096 mg/m^3)	0.00045 ppm (0.0049 mg/m^3)	0.00030 ppm (0.0033 mg/m^3)	0.00016 ppm (0.0017 mg/m^3)	0.00012 ppm (0.0013 mg/m^3)	Derived by relative potency from experimental Sprague-Dawley rat lethality data (LC_{01} and LC_{50}); whole-body dynamic exposure to GB vapor concentrations between 2–56 mg/m^3 for 3, 10, 30, 60, 90, 240, and 360 minutes (Mioduszewski *et al.*, 2000a, b)[e]

[a] Percutaneous absorption of VX vapor is known to be an effective route of exposure; nevertheless, percutaneous vapor concentrations needed to produce similar adverse effects are greater than inhalation vapor concentrations by an approximate factor of 10. Thus, the AEGL values presented in this table are considered protective for both routes of exposure.

[b] Agent VX is considered approximately 12 times more potent than agent GB. (see section 4.3, and Callaway and Dirnhuber, 1971).

[c] Derived from multiple minimal effects noted in human volunteers exposed to agent GB vapor at 0.05 mg-min/m^3 for 20 minutes (Harvey, 1952; Johns, 1952). VX concentration to achieve same endpoint estimated by relative potency comparison presented in footnote ''b'' in this table.

[d] Derived from transient effects noted in exercising human volunteers exposed to agent GB vapor at 0.5 mg-min/m^3 for 30 minutes (Baker and Sedgwick, 1996). VX concentration to achieve same endpoint estimated by relative potency comparison presented in footnote ''b'' in this table.

[e] Derived from LC_{01} values for female Sprague-Dawley rats exposed to GB vapor in dynamic exposure chamber (Mioduszewski *et al.*, 2000a, b). VX concentrations to achieve same endpoint estimated by relative potency comparison presented in footnote ''b'' in this table.

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i. Mioduszewski, R.J., Manthei, J., Way, R., Burnett, D., Gaviola, B. Muse, W., Thomson, S., Sommerville, D., and Crosier, R. 2000b. Estimating the probability of sarin vapor toxicity in rats as a function of exposure concentration and duration. Proceedings of the International Chemical Weapons Demilitarization Conference (CWD-2000). The Hague, NL (May 21–24, 2000).

j. NRC. 1997. Review of the acute human-toxicity estimates for selected chemical warfare agents. Committee on Toxicology, Subcommittee on Toxicity Values for Selected Nerve Agents and Vesicant Agents. National Academy Press, Washington, DC.

k. Reutter, S.A., Mioduszewski, R.J., and Thomson, S.A. 2000. Evaluation of airborne exposure limits for VX: worker and general population exposure criteria. ECBC-TR-074. Edgewood Chemical Biological Center, U.S. Army Soldier and Biological Chemical Command, Aberdeen Proving Ground, MD.

IV. Next Steps

The NAC/AEGL Committee plans to publish ''Proposed'' AEGL values for five-exposure periods for other chemicals on the priority list of 85 in groups of approximately 10 to 20 chemicals in future **Federal Register** notices during the calendar year 2001.

The NAC/AEGL Committee will review and consider all public comments received on this notice, with revisions to the ''Proposed'' AEGL values as appropriate. The resulting AEGL values will be established as ''Interim'' AEGLs and will be forwarded to the NRC/NAS, for review and comment. The ''Final'' AEGLs will be published under the auspices of the NRC/NAS following concurrence on the values and the scientific rationale used in their development.

List of Subjects

Environmental protection, Hazardous substances.

Dated: April 23, 2001.

Stephen L. Johnson,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 01–11001 Filed 5–1–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–140289; FRL–6777–5]

Access to Confidential Business Information by GEOMET Technologies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized Versar, Incorporated's (Versar) wholley owned subsidiary GEOMET Technologies, Incorporated (GEOMET) of Germantown, MD access to information which has been submitted to EPA under sections 4, 5, 6, and 8 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data will occur no sooner than May 7, 2001.

FOR FURTHER INFORMATION CONTACT: Barbara A. Cunningham, Acting Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Notice Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to ''those persons who are or may be required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA).'' Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

II. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

III. What Action is the Agency Taking?

Under contract number 68–W–99–041, Versar's subsidiary, GEOMET of 20251 Century Boulevard, Germantown, MD, will assist the Office of Pollution Prevention and Toxics (OPPTS) providing exposure assessments for new and existing chemicals.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–W–99–041, GEOMET will require access to CBI submitted to EPA under sections 4, 5, 6, and 8 of TSCA to perform successfully the duties specified under the contract.

GEOMET personnel will be given access to information submitted to EPA under sections 4, 5, 6, and 8 of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under sections 4, 5, 6, and 8 of TSCA that the Agency may provide GEOMET access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters and at the Versar site located at 6850 Versar Center, Springfield, VA.

GEOMET will be required to adhere to all provisions of EPA's *TSCA Confidential Business Information Security Manual.*

Clearance for access to TSCA CBI under this contract may continue until April 30, 2004.

GEOMET personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

List of Subjects

Environmental protection, Confidential business information.

Dated: April 19, 2001.

Deborah A. Williams,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 01–10999 Filed 5–1–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34171B; FRL–6770–9]

Ethyl Parathion; Receipt of Request For Registration Cancellations and Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request by a number of registrants, including Cheminova, Inc. and Cheminova A/S, for the following actions: to immediately cancel the registrations for their manufacturing use products containing O, O-Diethyl-O-p-nitrophenyl thiophosphate (ethyl parathion), to immediately cancel the use on corn grown for seed by amending their ethyl parathion end-use product registrations; and to cancel all of their ethyl parathion end-use products effective as of December 31, 2002. EPA will decide whether to approve the requests after consideration of public comment.

DATE: Comments on the requested cancellation of product and use registrations must be submitted to the address provided below by June 1, 2001.

FOR FURTHER INFORMATION CONTACT: Laura Parsons, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5776; fax number: (703) 308–7042; e-mail address: parsons.laura@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules'' and then look up the entry for this document under the **Federal Register**—Environmental Documents. You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. To access information about the risk assessment for ethyl parathion, go to the Home Page for the Office of Pesticide Programs or go directly http://www.epa.gov/pesticides/op/ethylparathion.htm.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–34171B. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–34171B in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–34171B. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Registrants Request to Cancel Product and Use Registrations

A. Background Information

Ethyl parathion is an organophosphate insecticide/miticide currently registered for use on alfalfa, barley, corn, cotton, canola, sorghum, soybean, sunflower, and wheat crops. In 1991, EPA and the registrants reached an agreement that limited ethyl parathion use to these nine current crop sites, and restricted application and post-application practices to mitigate extreme acute toxicity risks to workers. As a result, to protect workers, ethyl parathion may only be handled by trained, certified applicators using closed mixing and loading systems, may only be applied aerially, and crops treated with the pesticide may only be harvested mechanically.

Even with the post 1991 use restrictions, EPA's revised risk assessment completed in September, 1999 showed high levels of worker and ecological risk from legal uses of ethyl

parathion. There were also several unfulfilled data requirements. After viewing the revised risk assessment and outstanding data requirements, Cheminova, Inc. and Cheminova, A/S and EPA signed a memorandum of agreement (MOA) effective October 10, 2000. In accordance with this MOA, Cheminova, Inc. and Cheminova, A/S have requested to amend their end-use products registrations to immediately terminate the use on corn grown for seed which can result in higher exposures to workers and have requested voluntary cancellation of all their ethyl parathion registrations. Some other companies holding registrations for ethyl parathion products have also written letters to the EPA requesting voluntary cancellation of all their ethyl parathion products.

B. Requests for Voluntary Cancellation

Registrants have requested voluntary cancellation of all their ethyl parathion registrations either by signing a MOA or by letter to the Agency. Under section 6(f)(1)(A) of FIFRA, registrants may request, at any time, that their pesticide registrations be canceled or amended to terminate one or more pesticide uses. Section 6(f)(1)(B) of FIFRA requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation. In addition, section 6(f)(1)(C) of FIFRA requires that EPA provide a 180-day comment period on a request for voluntary termination of any minor agricultural use before granting the request, unless (1) the registrants request a waiver of the comment period, or (2) the Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment. The registrant has requested that EPA waive the 180-day comment period. EPA is granting the registrants' request to waive the 180-day comment period and is providing a 30-day public comment period before taking action on the requested cancellations. Given the potential worker and ecological risk that ethyl parathion use poses, EPA anticipates granting the requested cancellations at the close of the comment period for this announcement. The specific cancellation requests are set forth below.

1. *Requests for termination of use on corn grown for seed.* In accordance with the MOA, Cheminova, Inc. has requested that its end-use products registrations be amended to immediately terminate the use of corn grown for seed. EPA anticipates granting the requested termination shortly after the end of the 30 day comment period for this notice. This use termination was requested for the end-use products identified in the following Table 1.

TABLE 1.—END USE PRODUCT REGISTRATION DELETING USE ON CORN GROWN FOR SEED

Company	Reg. No.	Product
Cheminova, Inc.	67760–37	Parathion 4EC
	67760–38	Parathion 8EC
	67760–39	Ethyl-Methyl Parathion 6-3 EC

2. *Requests for voluntary cancellation of manufacturing use product registrations.* Pursuant to the Agreement and FIFRA section 6(f)(1)(A), Cheminova, A/S, the only registrant with a manufacturing use product registration, has submitted a request for voluntary cancellation of registrations for all ethyl parathion manufacturing-use products. EPA anticipates granting the cancellation request shortly after the end of the 30 day comment period for this notice. The registrations for which cancellations were requested are identified in the following Table 2.

TABLE 2.—MANUFACTURING USE-PRODUCT REGISTRATION CANCELLATION REQUESTS

Company	Reg. No.	Product
Cheminova, A/S	4787–17	Parathion Technical

3. *Requests for voluntary cancellation of end-use product registrations.* Several registrants have submitted requests for immediate voluntary cancellation of their registrations for end-use pesticide products containing ethyl parathion. The registrants who signed the MOA requested for cancellation of their ethyl parathion end-use product registrations effective as of December 31, 2002. EPA expects that end-use product registrations canceled by letter of voluntary cancellation are to be canceled shortly after the end of the 30-day comment period for this notice. The end-use registrations for which cancellation was requested by MOA or letter are identified in the following Table 3.

TABLE 3.—END-USE PRODUCT REGISTRATION CANCELLATION REQUESTS

Company	Reg. No.	Product
Cheminova, Inc.	67760–37	Parathion 4EC
	67760–38	Parathion 8EC
	67760–39	Ethyl-Methyl Parathion 6-3 EC
Universal Cooperatives, Inc.	1386–646	Red Panther Parathion 8
Wilbur Ellis, Co.	2935–481	Parathion 4 Spray
	2935–483	Parathion 8 Aqua
Amvac, Chemical Co.	5481–435	Parathion 8
	5481–436	Parathion 4E
Helena Chemical	5905–513	Parathion 4E Emulsifiable Insecticide Concentrate
	5905–514	Parathion 8E Emulsifiable Insecticide Concentrate
	5905–515	Parathion — Methyl Parathion 6-3 Insecticide Concentrate
	5905–516	Helena Parathion 8 Flowable Insecticide Concentrate
Agriliance, LLC	9779–322	Parathion 8
Micro-Flo, Co.	51036–180	Micro Flo Co./ Parathion 8E

III. Potential Actions Relative to Remaining End-Use Products Registrations

EPA is contemplating various enforcement and regulatory actions with respect to the remaining end-use product registrations after EPA grants the voluntary cancellation requests set forth in Unit II. of this Notice. These remaining registrations cite the manufacturing use product listed in Table 2 as the source of active ingredient in these products. Because EPA intends to limit the sale, distribution and use of the existing stocks of this source in the order canceling its registration, production of these remaining end-use products may be illegal under the cancellation order or the current registrations for these end-use products. Accordingly, EPA may initiate appropriate enforcement actions to ensure that the remaining end-use products are not being produced illegally after the source is canceled. As shown in the Agency's revised risk assessment dated September 1999, EPA is concerned with the risks associated with the use of pesticide products containing ethyl

parathion. Because of these concerns, EPA is contemplating initiating a proceeding to cancel these remaining registrations. The remaining end-use product registrations that may be subject to enforcement and regulatory actions discussed in this Unit are identified in the following Table 4.

TABLE 4.—END-USE PRODUCT REGISTRATIONS POTENTIALLY SUBJECT TO INVOLUNTARY CANCELLATION

Company	Reg. No.	Product
Drexel Chemical Co.	19713–322	Seis-Tres 6-3
	19713–323	Drexel Parathion 8
	19713–324	Ida Seis-Tres 6-3
	19713–325	Drexel Parathion 4EC

IV. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more pesticide uses. FIFRA section 6(f)(1) further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**, make reasonable efforts to inform persons who rely on the pesticide for minor agricultural uses, and provide a 30-day period in which the public may comment. Thereafter, the Administrator may approve such a request.

V. Procedures for Withdrawal of Request

Registrants may withdraw a request for cancellation only in conformance with the memoranda of agreement. Registrants must submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. This written withdrawal of the request for cancellation will apply only to the applicable FIFRA section 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

VI. Proposed Existing Stocks Provision

Pursuant to section 6(f) of FIFRA, EPA intends to grant the requests for voluntary amendment and cancellation identified in Unit II. For purposes of the cancellation order that the Agency proposes to issue at the close of the comment period for this announcement, the term ''existing stocks'' will be defined, pursuant to EPA's existing stocks policy published in the **Federal Register** on June 26, 1991 at 56 FR 29362, as those stocks of a registered pesticide product which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the amendment or cancellation. Any distribution, sale, or use of existing stocks after the effective date of the cancellation order that the Agency intends to issue that is not consistent with the terms of that order will be considered a violation of section 12(a)(2)(K) and/or 12(a)(1)(A) of FIFRA.

A. Distribution, Sale and Use of End-Use Products Bearing Old Labeling Permitting Use on Corn Grown for Seed

In any cancellation order issued in response to registrants' request for registration amendment to terminate the use on corn grown for seed, EPA does not intend to prohibit the sale, distribution and use of the existing stocks of these products. Based on the registrants's assurance, EPA anticipates that most of these products will be relabeled to eliminate the canceled use.

B. Distribution, Sale and Use of Manufacturing-Use Products

EPA anticipates that any cancellation order issued in response to the registrants' request for voluntary cancellation of manufacturing-use product registrations would:

(1) Prohibit, as of the effective date of the cancellation order, all sale, distribution and use of existing stocks of manufacturing use products imported into the United States after July 7, 2000;

(2) Prohibit, as of the effective date of the cancellation order, all sale and distribution of ethyl parathion manufacturing use products imported into the United States prior to July 7, 2000 to pesticide registrants who have not executed the MOA or an agreement equivalent to the MOA, and prohibit use by such registrants, unless the sale, distribution or use is for the purpose of manufacturing a product intended solely for export consistent with the requirements of FIFRA Section 17; and

(3) Prohibit, as of December 31, 2002, all sale, distribution and use of existing stocks of manufacturing-use products imported prior to July 7, 2000, unless the sale or distribution is solely for purposes of export consistent with the requirements of section 17 of FIFRA, or for proper disposal.

C. Distribution, Sale and Use of End-Use Products

EPA anticipates that any cancellation order issued in response to the registrants' request for voluntary cancellation of end-use product registrations would:

(1) Prohibit, as of December 31, 2002, registrants from distributing or selling existing stocks of the end-use products;

(2) Prohibit, as of August 31, 2003, all sale and distribution of existing stocks of the end-use products; and

(3) Prohibit, as of October 31, 2003, all use of existing stocks of the end-use products.

VII. Future Tolerance Revocations

EPA anticipates drafting a future **Federal Register** notice proposing to separate the parathion tolerances for residues found in 40 CFR 180.121 into 180.121 for ethyl parathion and 180.122 for methyl parathion. This future notice will additionally propose revocation of tolerances on commodities on which there are no registered uses of either ethyl parathion or methyl parathion. With this present notice, EPA seeks comment as to whether any individuals or groups want to support continuation of these tolerances. For the nine crops on which ethyl parathion may be used until October 31, 2003, ethyl parathion tolerances will be revoked with an expiration date which will allow commodities with residues resulting from lawful applications to clear the channels of trade.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 22, 2001.

Lois A. Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 01–10436 Filed 5–1–00; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34225D; FRL–6781–1]

Diazinon Products; Cancellation Order

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's cancellation order for the product and use cancellations as requested by two companies that hold the registrations of pesticide manufacturing-use and end-use products containing the active ingredient diazinon and accepted by EPA, pursuant to section 6(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This order follows up a January 10, 2001, notice of receipt of the two companies' requests for cancellations and amendments of their diazinon product registrations to terminate all indoor uses and certain agricultural uses. In the January 10, 2001 notice, EPA indicated that it would issue an order confirming the voluntary product and use registration cancellations. Any distribution, sale, or use of the products subject to this cancellation order is only permitted in accordance with the terms of the existing stocks provisions of this cancellation order.

DATES: The cancellations are effective May 2, 2001.

FOR FURTHER INFORMATION CONTACT: Ben Chambliss, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8174; fax number: (703) 308–7042; e-mail address: chambliss.ben@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. You may be potentially affected by this action if you manufacture, sell, distribute, or use diazinon products. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, for purposes of 5 U.S.C. 804(3). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. To access information about the risk assessment for diazinon, go to the Home Page for the Office of Pesticide Programs or go directly to http://www.epa.gov/pesticides/op/diazinon.htm.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–34225D. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Receipt of Requests to Cancel and Amend Registrations to Delete Uses

A. Background

In December 2000, Syngenta Crop Protection, Inc. (Syngenta) and Makheteshim Agan of North Amenrica, Inc./Makheteshim Chemical Works, Ltd. (collectively referred to as the ''Technical Registrants''), the basic manufacturers of the active ingredient diazinon and registrants of products containing diazinon, and EPA agreed to several voluntary measures that will reduce the potential exposure to children associated with diazinon containing products. EPA initiated the negotiations with the Technical Registrants after finding that diazinon, as currently registered, was an exposure risk, especially to children. As a result, the Technical Registrants respectively submitted a letter under section 6(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) requesting cancellation or amendment of all of their diazinon product registrations to terminate all indoor uses and certain agricultural uses. The uses for which termination was requested are identified in the following List 1:

List 1.—Uses Requested for Termination

1. *Indoor uses*: Pet collars, or inside any structure or vehicle, vessel, or aircraft or any enclosed area, and/or on any contents therein (except mushroom houses), including food/feed handling establishments, greenhouses, schools, residences, museums, sports facilities, stores, warehouses and hospitals.

2. *Agricultural uses*: Alfalfa, bananas, Bermuda grass, dried beans, celery, red chicory (radicchio), citrus, clover, coffee, cotton, cowpeas, cucumbers, dandelions, kiwi, lespedeza, parsley, parsnips, pastures, peppers, Irish potatoes, sheep, sorghum, spinach, squash (winter and summer), sweet potatoes, rangeland, strawberries, Swiss chard, tobacco, tomatoes, turnips. The uses for dried beans, dried peas, chicory, cowpeas and dandelions were removed from all labels in 1991.

**In addition, Syngenta has requested that ''lawns'' be removed from three of its commercial agricultural products (EPA Registrations 100–460, 100–461 and 100–784).

The letters requested that EPA cancel the registrations of all of their diazinon manufacturing-use products, conditioned upon EPA's issuance of replacement registrations for these products which do not allow formulation or reformulation into products bearing instructions for the uses identified in List 1. The letters also requested cancellations or amendments of the Technical Registrants' end-use product registrations to terminate these uses. These letters were followed by a memorandum of agreement between the Technical Registrants and EPA (MOA), in which the Technical Registrants agreed to phase out non-agricultural uses of its diazinon products. A copy of the Technical Registrants' letters requesting voluntary cancellation and the above-mentioned MOA are located in docket control number OPP–34225D.

Pursuant to section 6(f)(1) of the FIFRA, EPA announced the Agency's receipt of these requests from the Technical Registrants by a **Federal Register** notice published on January 10, 2001 (66 FR 1977) (FRL–6763–7). In that Notice, EPA provided a 30-day comment period. The Technical Registrants requested that the Administrator waive the 180-day comment period provided under FIFRA section 6(f)(1)(C). EPA also approved the

replacement registrations for the Technical Registrants' diazinon manufacturing-use products on January 11, 2001.

Following the publication of the 6(f) notice, EPA received many comments from growers, as well as the U.S. Department of Agriculture, expressing that the use of diazinon pesticide products is vital for many of the agricultural uses identified in List 1. According to the comments, there is a nationwide need for the application of diazinon products on spinach, strawberries, and tomatoes. There are also needs for the application of diazinon products on certain crops in certain states. These needs are identified in the following Table 1:

TABLE 1.— SPECIFIC REGIONAL NEED FOR DIAZINON END-USE PRODUCTS

Crop	Use area(s)
Bananas	Hawaii
Celery	Texas
Cucumbers	Texas)
Ground Squirrel/ Rodent Burrow Dust Stations for Public Health Use	California
Parsley	Texas and California
Parsnips	Texas and Oregon
Peas, succulent	Texas and Maryland
Peppers	Texas and California
Potatoes, Irish	Texas, Washington and Michigan
Potatoes, Sweet	Texas
Squash, summer and winter	Texas and California
Swiss Chard	Texas
Turnips, root	Texas and Oregon
Turnips, tops	Texas and Oregon

In response to these comments, the Technical Registrants agreed to maintain on their diazinon product registrations the use on spinach, strawberries and tomatoes. EPA's assessment of risks associated with the use of diazinon products concluded that all acute and chronic dietary risk estimates are below the Agency's level of concern. EPA's assessment considered all currently registered uses, including the agricultural uses identified in List 1. There may also be adequate data to support the tolerances for spinach, strawberries and tomatoes. EPA is currently reviewing residue data for these crops recently provided by the registrant to determine their acceptability. Accordingly, pursuant to FIFRA section 3(c)(7)(A), EPA approved the amendments of the Technical Registrants' replacement manufacturing-use product registrations to permit formulation and reformulation into products bearing instructions for spinach, strawberries and tomatoes. As amended, the approved replacement registrations for the Technical Registrants diazinon manufacturing-use products permit formulation and reformulation into products bearing instructions only for the agricultural uses identified in the following List 2:

List 2.—Agricultural Uses in Technical Registrants' Replacement Manufacturing-Use Product Registrations

Almonds, apples, apricots, beans (seed treatment only) except soybeans, beets, blackberries, blueberries, boysenberries, broccoli, cattle (non-lactating; ear tags only), Chinese broccoli, Brussels sprouts, cabbage, Chinese cabbage (bok choy and napa), cantaloupes, carrots, Casaba melons, cauliflower, cherries, collards, field corn (seed treatment only), sweet corn (including seed treatment), cranberries, Crenshaw melons, dewberries, endive (escarole), ginseng, grapes, honeydew melons, hops, kale, lettuce, lima beans (seed treatment only), loganberries, melons, muskmelons, mustard greens, Chinese mustard, nectarines, onions, peaches, pears, peas (seed treatment only), Persian melons, pineapples, plums, prunes, radishes, Chinese radishes, raspberries, rutabagas, spinach, strawberries, sugar beets, tomatoes, walnuts, watercress (Hawaii only), and watermelons.

Similarly, in today's Cancellation Order, EPA is approving the Technical Registrants' requested cancellations and amendments of the their diazinon end-use products registrations to terminate all uses identified in List 1 except spinach, strawberries and tomatoes. The individual states identified in Table 1 may wish to issue special-local-need registrations under FIFRA section 24(c) for diazinon end-use products to address the specific agricultural needs in their states respectively, as identified in Table 1.

B. Requests for Voluntary Cancellation of Manufacturing Use Products

Pursuant to FIFRA section 6(f)(1)(A), the Technical Registrants submitted requests for voluntary cancellation of the registrations for their diazinon manufacturing-use products, conditioned upon EPA's issuance of replacement registrations for these products which do not allow their formulation or reformulation into products bearing instructions for indoor use or certain agricultural uses, as identified in List 1 of this notice. The product registrations for which cancellations were requested are identified in the following Table 2:

TABLE 2.—MANUFACTURING-USE PRODUCT REGISTRATION CANCELLATION REQUESTS

Company	Reg. No.	Product
Makhteshim Chemical Works, Ltd.	11678–6	DIAZOL Technical Stabilized
	11678–20	DIAZOL(Diazinon) Stabilized Oil Concentrate
Syngenta Crop Protection, Inc.	100–524	D.Z.N(R) DIAZINON MG 87% INSECTICIDE
	100–714	D.Z.N(R) DIAZINON MG 5%
	100–771	D.Z.N(R) DIAZINON MG 22.4% WBC
	100–783	D.Z.N(R) DIAZINON MG 56%

As mentioned in Unit II.A of this notice, EPA received comments requesting that the Agency continues to permit the use of diazinon products on certain agricultural sites that the Technical Registrants had proposed to cancel. In response to these comments, pursuant to FIFRA section 3(c)(7)(A), EPA approved the Technical Registrants' amendments of the replacement registrations for their diazinon manufacturing-use products to permit formulation and reformulation of these replacement manufacturing use products into products bearing instructions for spinach, strawberries, and tomatoes, because there appears to be a nationwide need for the use of diazinon products on these crops. The individual states identified in Table 1 may wish to issue special-local-need registrations under FIFRA section 24(c) for diazinon end-use products to meet the specific agricultural needs in their states, as identified in Table 1. Because the concerns expressed in the comments have been addressed, EPA is issuing an order in this notice canceling the registrations identified in Table 2, as requested by the Technical Registrants.

C. Requests for Voluntary Cancellation of End-Use Products

In addition to requesting voluntary cancellation of its diazinon manufacturing-use product registrations, Syngenta also submitted requests for voluntary cancellation of the registrations for its diazinon end-use products that are registered primarily for indoor use. These end-use product registrations for which cancellation was requested are identified in the following Table 3:

TABLE 3.—END-USE PRODUCT REGISTRATION CANCELLATION REQUESTS

Company	Reg. No.	Product
Syngenta Crop Protection, Inc.	100–445	D.Z.N(R) DIAZINON 2D
	100–477	D.Z.N(R) HOME PEST CONTROL LIQUID
	100–478	D.Z.N(R) HOME PEST CONTROL PRESSURIZED LIQUID
	100–625	D.Z.N(R) HOME PEST CONTROL — XP
	100-659	D.Z.N(R) 0.5% RTU
	100–685	D.Z.N(R) 1/2% EW
	100–686	D.Z.N(R) 1% EW
	100–687	D.Z.N(R) 5.0 EW

EPA did not receive any comments expressing a need of diazinon products for indoor use. Accordingly, EPA is issuing an order in this notice canceling the registrations identified in Table 3, as requested by Syngenta.

D. Requests for Voluntary Amendments of End-Use Product Registrations to Terminate Certain Uses

Pursuant to section 6(f)(1)(A) of FIFRA, the Technical Registrants submitted requests to amend a number of their diazinon end-use product registrations to terminate the uses identified in List 1 of this notice. The registrations for which amendments to terminate uses were requested are identified in the following Table 4:

TABLE 4.—END-USE PRODUCT REGISTRATIONS REQUESTS FOR AMENDMENTS TO TERMINATE USES

Company	Reg. No.	Product
Makhteshim-Agan of North America, Inc.	66222–10	DIAZOL Diazinon 50W
	66222–9	DIAZOL Diazinon AG500
Syngenta Crop Protection, Inc .	100–460	D.Z.N(R) DIAZINON 50W
	100–461	D.Z.N(R) DIAZINON AG500
	100–463	D.Z.N(R) DIAZINON

TABLE 4.—END-USE PRODUCT REGISTRATIONS REQUESTS FOR AMENDMENTS TO TERMINATE USES—Continued

Company	Reg. No.	Product
	100–469	D.Z.N(R) DIAZINON 14G
	100–784	D.Z.N(R) DIAZINON AG600 WBC
	100–785	EVICT(TM) INDOOR/OUTDOOR WBC

As mentioned in Unit II.A of this notice, EPA received comments requesting that the Agency continues to permit the use of diazinon products on certain agricultural sites that the Technical Registrants had proposed to cancel. In response to these comments, the Technical Registrants have agreed to retain the use on spinach, strawberries, and tomatoes on their current diazinon end-use product registrations. The individual states identified in Table 1 may also wish to issue special-local-need registrations under FIFRA section 24(c) for diazinon end-use products to meet the specific agricultural needs in their states, as identified in Table 1. Accordingly, EPA is issuing an order in this notice approving the amendments of the registrations identified in Table 3 to terminate all uses identified in List 1 except spinach, strawberries, and tomatoes.

III. Cancellation Order

Pursuant to section 6(f) of FIFRA, EPA hereby approves the requested diazinon product registration cancellations and amendments to terminate all indoor uses and certain agricultural uses, as identified in List 1 of this notice, except spinach, strawberries, and tomatoes. Accordingly, the Agency orders that the diazinon manufacturing use product registrations identified in Table 2 and the diazinon end-use product registrations identified in Table 3 are hereby canceled. The Agency also orders that all of the uses identified in List 1, except spinach, strawberries, and tomatoes, are hereby canceled from all end-use product registrations identified in Table 4. Any distribution, sale, or use of existing stocks of the products identified in Tables 2-4 in a manner inconsistent with the terms of this Order or the Existing Stock Provisions in Unit IV of this Notice will be considered a violation of section 12(a)(2)(K) of FIFRA and/or section 12(a)(1)(A) of FIFRA.

IV. Existing Stocks Provisions

For purposes of this Order, the term ''existing stocks'' is defined, pursuant to EPA's existing stocks policy (56 FR 29362, June 26, 1991), as those stocks of a registered pesticide product which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the amendment or cancellation. The existing stocks provisions of this Cancellation Order are as follows:

1. *Distribution or sale of manufacturing-use products.* Distribution or sale by any person of the existing stocks of any product identified in Table 2 will not be lawful under FIFRA after May 2, 2001, except for the purposes of returns for relabeling consistent with the Technical Registrants' cancellation request letters and the MOA, shipping such stocks for export consistent with the requirements of section 17 of FIFRA, or proper disposal.

2. *Use of manufacturing-use products to formulate for indoor use.* Use by any person of the existing stocks of any product identified in Table 2 for formulation or reformulation into any product that bears instructions for indoor use will not be lawful under FIFRA after May 2, 2001. All other use of such products may continue until the existing stocks are exhausted, provided that such use does not violate any existing stocks provision of this Cancellation Order and is in accordance with the existing labeling of that product.

3. *Use of manufacturing-use products to formulate for agricultural use.* Use by any person of the existing stocks of any product identified in Table 2 for formulation or reformulation into any product bearing instructions for the agricultural uses identified in List 1, except spinach, strawberries and tomatoes, will not be lawful under FIFRA after May 31, 2001. All other use of such products may continue until the existing stocks are exhausted, provided that such use does not violate any existing stocks provision of this Cancellation Order and is in accordance with the existing labeling of that product.

4. *Sale or distribution of indoor end-use products by Technical Registrants.* Sale or distribution by the Technical Registrants of the existing stocks of any product identified in Table 3 or Table 4 that bear instructions for indoor use will not be lawful under FIFRA after May 2, 2001, except for the purposes of returns for relabeling consistent with the Technical Registrants' cancellation

request letters and the MOA, shipping such stocks for export consistent with the requirements of section 17 of FIFRA, or proper disposal.

5. *Retail and other sale or distribution of indoor end-use products.* Sale or distribution by any person of the existing stocks of any product identified in Table 3 or Table 4 that bear instructions for indoor use will not be lawful under FIFRA after December 31, 2002, except for the purposes of returns for re-labeling consistent with the Technical Registrants' cancellation request letters and the MOA, shipping such stocks for export consistent with the requirements of section 17 of FIFRA, or proper disposal.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: April 24, 2001.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 01–10998 Filed 5–1–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–1017; FRL–6779–1]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–1017, must be received on or before June 1. 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1017 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt Jamerson, Registration Support Branch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–9368; e-mail address: jamerson.hoyt@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' ''Regulation and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number PF–1017. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1017 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–1017. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this

document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 18, 2001.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Interregional Research Project Number 4 (IR-4)

PP 5E4557

EPA has received a pesticide petition (5E4557) from Interregional Research Project #4 (IR-4), Center for Minor Crop Pest Management, Rutgers, The State University of New Jersey, 681 U.S. Highway #1 South, North Brunswick, NJ 08902–3390 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of the fungicide dicloran, 2,6-dichloro-4-nitroaniline, in or on the raw agricultural commodity leafy greens subgroup (except spinach) at 10 parts per million (ppm). EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. The metabolism of dicloran in peaches, lettuce and potatoes has been studied. Parent compound and numerous metabolites derived by hydroxylation and acetylation of the nitro group, along with deamination and hydroxylation of the amino group, were seen in all crops. Glutathione conjugation with simultaneous removal of one or both chlorine atoms was shown to occur.

2. *Analytical method*. An adequate analytical method electron capture/gas liquid chromatography (EC GLC) is available for enforcement purposes. Parent compound is the only analyte in the tolerance expression.

3. *Magnitude of residues*. Existing tolerances for dicloran in lettuce and endive, which are also in Crop Subgroup 4-A, are supported by residue studies which have been previously reviewed by EPA. Tolerances for two other crops in Crop Group 4, celery and rhubarb, also exist. The existing data support the conclusion that residues of dicloran will not exceed 10 ppm for the leafy greens subgroup (except spinach).

B. Toxicological Profile

1. *Acute toxicity*. The acute oral lethal dose 50 (LD_{50}) of technical dicloran is greater than 10,000 milligrams/kilogram (mg/kg), the acute dermal LD_{50} is greater than 2,000 mg/kg, and the 4–hour acute inhalation lethal concentration 50 (LC_{50}) is greater than 2 mg/liter. Dicloran is not a dermal irritant but is a sensitizer. Dicloran is a mild eye irritant.

2. *Genotoxicity*. The following genotoxicity tests were conducted: gene mutation (Ames tests), structural chromosome aberration (*in vivo* cytogenetic assay using human lymphocytes) and unscheduled DNA synthesis using rat hepatocytes. Results were generally negative; however, some Ames tests with the bacterium *S. typhimurium* showed a positive response. Ames tests with *E. coli* were negative. In view of the results of mammalian chronic, carcinogenic and developmental studies, however, Gowan Company considered that the results of the positive Ames tests are not relevant to human toxicity.

3. *Reproductive and developmental toxicity*. In a rabbit developmental toxicity study, the maternal no observed adverse effect level (NOAEL) was 8 mg/kg/day and the maternal lowest observed adverse effect level (LOAEL) was 20 mg/kg/day. The developmental NOAEL was greater than or equal to 50 mg/kg/day, the highest dose tested. In a rat developmental toxicity study, the maternal and embryotoxic NOAEL was 100 mg/kg/day, and the maternal and embryotoxic LOAEL was 200 mg/kg/day. The teratological NOAEL was greater than or equal to 400 mg/kg/day, the highest dose tested.

In a 2–generation rat reproduction study, the NOAEL for systemic toxicity was 250 ppm (21 mg/kg/day) on the basis of reduced body weight gain and increased liver and kidney weights. The

NOAEL for reproductive and developmental toxicity was also 250 ppm on the basis of reduced pup weights. No other reproductive or developmental parameters were affected at any treatment level. The highest dose tested was 1,250 ppm (110 mg/kg/day).

4. *Subchronic toxicity*. In 90–day rat studies, the NOAEL was determined to be 500 ppm in the diet (44 mg/kg/day), and the LOAEL was based upon increased liver weights in both sexes and centrilobular hepatocyte enlargement in males. Similar effects, as well as an increase in blood cholesterol concentration, were observed in 90–day mouse studies, and the NOAEL was 15 mg/kg/day.

5. *Chronic toxicity*. EPA has established the reference dose (RfD) for dicloran at 0.025 mg/kg/day. The RfD is based on a 2–year dog feeding study with a NOAEL of 2.5 mg/kg/day and an uncertainty factor of 100. The effect of concern was increased liver weight and histological changes in hepatocytes. In an 80–week mouse study, dicloran was not carcinogenic when administered at dose levels up to 600 ppm (103 mg/kg/day). Hepatotoxicity indicated this to be the approximate maximum tolerated dose (MTD). In a 2–year rat study, dicloran was not carcinogenic when administered at 1,000 ppm (59 mg/kg/day for males and 71 mg/kg/day for females).

6. *Animal metabolism*. Dicloran is rapidly metabolized and excreted by rats, goats and hens. Numerous metabolites derived by reduction, acetylation, hydroxylation, deamination and dechlorination were observed.

7. *Endocrine disruption*. Developmental toxicity studies in rats and rabbits and a reproduction study in rats gave no indication of any effects on endocrine function related to development and reproduction. Subchronic and chronic treatment did not induce any morphological changes in endocrine organs and tissues.

C. Aggregate Exposure

1. *Dietary exposure*—i. *Food*. Novigen Sciences' DEEM version 7.62 software was used to perform a worst-case analysis of the proposed action. In a theoretical maximum residue concentration (TMRC) analysis it was assumed that dicloran is used on 100% of the acreage of the currently registered crops, lettuce and endive, and that residues on these crops are equal to the tolerance levels. These assumptions were then applied to all of the crops in the leafy greens subgroup (except spinach), and the two cases were compared. It was found that the proposed tolerance for the leafy greens subgroup (except spinach) would increase the presumed exposure from 9.7% of the RfD to 9.9% for the general population. In the presumably most heavily exposed population subgroup, nursing females, exposure would increase from 11.8% to 11.9% of the RfD. Presumed exposure for children ages 1–6 would increase from 7.5% to 7.9%, and the presumed exposure for children ages 7–12 would increase from 9.0% to 9.2% of the RfD. The presumed exposure of infants was no more than 0.2% of the RfD for any scenario.

No developmental or reproductive effects have been observed which indicate special perinatal sensitivity. Therefore, an analysis of acute exposure has not been conducted.

ii. *Drinking water*. Dicloran has no aquatic uses. Dicloran was not reported in the Agency's survey of pesticides in ground water from 1971–1991, nor in the Agency's 1988–1990 survey of pesticides in drinking water wells. The compound has not been reported in surface water. A small scale prospective ground water study suggests that the average residue in ground water is well below 0.001 ppm. The Agency has not conducted a detailed analysis of potential exposure to dicloran via drinking water; however, Gowan Company believes that chronic exposure from this source is very small.

2. *Non-dietary exposure*. Dicloran has no aquatic, lawn, turf or residential uses.

D. Cumulative Effects

At this time the Agency has not reviewed available information concerning the potentially cumulative effects of dicloran and other substances that may have a common mechanism of toxicity. For purposes of this petition only, Gowan Company is considering only the potential risks of dicloran in its aggregate exposure.

E. Safety Determination

1. *U.S. population*. In the TMRC analysis described in section C above, it was concluded that the proposed action would increase the chronic dietary exposure to dicloran by no more than 0.2% of the RfD for the general population. Exposure from drinking water and all other routes is expected to be negligible. In the TMRC analysis described in section C above, it was concluded that the proposed action would increase the chronic dietary exposure to dicloran by no more than 0.2% of the RfD for the general population. Exposure from drinking water and all other routes is expected to be negligible.

2. *Infants and children*. It was concluded that the proposed action would increase the chronic dietary exposure of infants by no more than 0.1% of the RfD, of children ages 1–6 by no more than 0.4%, and of children ages 7–12 by no more than 0.2%.

In assessing the potential for additional sensitivity of infants and children to residues of dicloran, EPA considers data from developmental toxicity studies in the rat and rabbit and reproduction studies in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during prenatal development to one or both parents. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

No developmental effects have been observed with dicloran. The lowest embryotoxic NOAEL in these studies was 100 mg/kg/day, compared to a chronic NOAEL of 2.5 mg/kg/day. There is no indication of special perinatal sensitivity in the absence of maternal toxicity and thus no suggestion of special sensitivity of infants and children. Gowan Company concluded that there is a reasonable certainty of no harm to infants and children from aggregate exposure to dicloran residues.

F. International Tolerances

Codex and Canadian maximum residue levels of 10 ppm, identical to the U.S. tolerance level, have been established for lettuce, which is the major crop in this crop subgroup. Dicloran is not registered on a leafy vegetable in Mexico.

[FR Doc. 01–10809 Filed 5–1–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–992; FRL–6762–8]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–992, must be received on or before June 1, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–992 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Carol E. Frazer, PhD., Biopesticides and Pollution Prevention Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8810; e-mail address: frazer.carol @epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

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

Categories	NAICS code	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulatations and Proposed Rules'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number PF–992. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–992 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–992. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 19, 2001.

Janet L. Andersen,

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

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioners. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

EPA has received a pesticide petition 0G6222 from Nutra-Park Inc., formerly known as JP BioRegulators, Inc., 3230 Deming Way, Suite 125, Middleton, WI 53562, through Interregional Research Project Number 4 (IR-4), Technology Centre of New Jersey, Rutgers University, 681 U.S. Highway #1 South, proposing pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 USC 346a(d), to amend 40 CFR part 180 to establish an amendment/expansion of an existing tolerance exemption for the biochemical pesticide Lysophosphatidylethanolamine, also known as Lyso-PE and LPE.

Pursuant to section 408(d)(2)(A)(i) of the FFDCA, as amended, Nutra-Park Inc. has submitted the following summary of information, data, and arguments in support of their pesticide petition. This summary was prepared by Nutra-Park Inc. and EPA has not fully evaluated the merits of the pesticide petition. The summary may have been edited by EPA if the terminology used was unclear, the summary contained extraneous material, or the summary unintentionally made the reader conclude that the findings reflected EPA's position and not the position of the petitioner.

Nutra-Park Inc.

PP 0G622

A. Product Name and Proposed Use Practices

Lysophosphatidylethanolamine, a specific type of phospholipid, is used to enhance the ripening and shelf life of the following fruits: Apples, citrus, cranberries, grapes, nectarines, peaches, pears, strawberries, tomatoes, blueberries, peppers, and cherries. Phospholipid enhances ethylene production thus stimulating and promoting ripening, but does not enhance respiration so that fruit stays firmer and has a longer shelf life.

Lysophosphatidylethanolamine is sprayed at the rate of 12–500 ppm of active ingredient. Application rate will be 50–200 gallons per acre. Preharvest applications are made May through October and post-harvest application, by dipping fruit in solution and air drying, is extended into December. Treatment is made either 2 weeks prior to harvest or within 1–4 weeks after harvest.

B. Product Identity/Chemistry

1. *Identity of the pesticide and corresponding residues*. The active ingredient is lysophosphatidylethanolamine, a specific type of phospholipid. The mechanism by which phospholipid enhances ripening is as a growth regulator. It has been observed empirically that phospholipid stimulates ethylene production, but not respiration of plant tissues although the exact mechanism is not fully understood. Phospholipid is present in all cells in all organisms. It is part of cell membranes. About 50% of the cell membrane is composed of lipid of which the major constituent is phospholipid. Lyso-PE (a specific member of the phospholipid group) is present in high quantities in food products containing egg yolk and meat. In dried egg yolk, Lyso-PE constitutes 2% of the lipids present. Lyso-PE is also found in egg solids, cow's milk, corn grains, corn starch, oats and wheat which are exempted from regulation under section 25(b)(2) of FIFRA.

2. *Magnitude of residue at the time of harvest and method used to determine the residue*. This section is not applicable, as this proposes a temporary exemption from the requirement of a tolerance.

3. *A statement of why an analytical method for detecting and measuring the levels of the pesticide residue are not needed* . An analytical method for residues is not applicable, as this proposes a temporary exemption from the requirement of a tolerance.

C. Mammalian Toxicological Profile

Waivers for toxicology studies have been requested for phospholipid. Phospholipid is a fat found in food consumed by humans and animals, and is non-toxic to humans and animals. Sufficient data exist to assess the hazards of phospholipid and to make a determination on aggregate exposure, consistent with section 408 (c)(2), for the exemptions from the requirement of a tolerance. The exposures, including dietary exposure, and risks associated with establishing the requested exemption from the requirement of a tolerance follows.

Phospholipid is present in all cells in all organisms. It is part of the cell membranes. Lyso-PE (a specific phospholipid) is present in high quantities in food products containing egg yolk and meat. In dried egg yolk, the Lyso-PE constitutes 2% of the fat present. Egg solids are widely used in food products. In the USA, about 18 billion eggs are broken per year to produce egg white and egg solids. Because of this, all acute toxicity, genotoxicity, and subchronic toxicity studies normally required for biochemical pesticides are waived.

D. Aggregate Exposure

Phospholipid is present in all cells in all organisms. It is a part of the cell membrane. Phospholipid is present in high quantities in food products containing egg yolk and meat.

1. *Dietary exposure*—i. *Food*. It is anticipated that residues of phospholipid will be negligible in treated raw agricultural commodities. Due to the product's lack of mammalian toxicity, any exposure, if it occurred, will not be harmful to humans.

ii. *Drinking water*. It is not anticipated that residues of phospholipid will occur in drinking water.

2. *Non-dietary exposure*. Nutra-Park Inc. is not aware of any non-dietary exposures.

E. Cumulative Exposure

There is no anticipated potential for cumulative effects of phospholipid since it does not have a mode of

toxicity. No cumulative effects are expected with other substances.

F. Safety Determination

1. *U.S. population.* The lack of toxicity of phospholipid is demonstrated by the above summary. Based on this information, the aggregate exposure to phospholipid over a lifetime should not pose appreciable risks to human health. There is a reasonable certainty that no harm will result from aggregate exposure to phospholipid residues. Exempting phospholipid from the requirement of a temporary tolerance should be considered safe and pose insignificant risk.

Egg solids are widely used in food products. In dried egg yolk, 2% of the lipids are Lyso-PE.

2. *Infants and children.* Egg yolks are used in a variety of foods including baby food and infant formula. Lyso-PE is also present in human breast milk. There is a reasonable certainty that no harm will result to infants and children from aggregate exposure to phospholipid residues.

G. Effects on the Immune and Endocrine Systems

Nutra-Park Inc. has no information to suggest that phospholipid will adversely affect the immune or endocrine systems.

H. Existing Tolerances

A temporary tolerance exemption on apples, citrus, cranberries, grapes, nectarines, peaches, pears, strawberries and tomatoes in conjunction with Experimental Use Permits for lysophosphatidylethanolamine is currently in effect (63 FR 32131) June 12, 1998, and has been extended to June 2003.

I. International Tolerances

Nutra-Park Inc. is not aware of any international tolerances of this biochemical.

[FR Doc. 01–11000 Filed 5–1–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6972–5]

Boro Wood Products Superfund Site; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement.

SUMMARY: The United States Environmental Protection Agency is proposing to enter into a settlement with Southeastern Modular Homes, Inc., for response costs pursuant to section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9622(h)(1) regarding the Boro Wood Products Superfund Site located in Bennettsville, Marlboro County, South Carolina. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. EPA, Region 4 (WMD–CPSB), 61 Forsyth Street SW, Atlanta, Georgia 30303, (404) 562–8887.

Written comments may be submitted to Ms. Batchelor within 30 calendar days of the date of this publication.

Dated: April 11, 2001.

Franklin E. Hill,

Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 01–10996 Filed 5–1–01; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice 44]

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Notice and request for comments.

SUMMARY: The Export-Import bank as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments should be received on or before June 30, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments and request for additional information to Carlista Robinson, 811 Vermont Avenue, NW., Room 764, Washington, DC 20571, (202) 565–3351.

SUPPLEMENTARY INFORMATION:

Title & Form Number: Ex-Im Bank Letter of Interest Application form—EIB Form 95–9.

OMB Number: 3048–0005.

Type of Review: Reinstatement, without change, of a previously approved collection.

Need and Use: The information requested enables the applicant to provide Ex-Im Bank with the information necessary to determine eligibility for an indicative offer of support under the loan and guarantee programs.

Affected Public: Business or other for-profit.

Respondents: Entities involved in the provision of financing or arranging of financing for foreign buyers of U.S. exports.

Estimated Annual Respondents: 960.

Estimated Time Per Respondent: 20 minutes.

Estimated Annual Burden: 300.

Frequency of Response: When applying for a Letter of Interest.

Dated: April 26, 2001.

Carlista D. Robinson,

Agency Clearance Officer.

BILLING CODE 6690–01–M

LETTER OF INTEREST APPLICATION

OMB No. 3048-0005
Expires 07/31/2001

Please type. Processing of applications may be delayed if the requested information is not provided.

1. **Applicant.** The applicant may be any responsible individual, financial institution or non-financial enterprise. ☐ Check if applicant has been assisted by a city or state export agency and provide the name of the agency:

Applicant name:		Duns #:
Contact person:		Phone #:
Position title:		Fax #:
Street Address:		City:
State/Province:	Postal Code:	Country:
Taxpayer ID #:		

2. **Exporter.** The "exporter" is the company which contracts with the buyer for the sale of the U.S. goods and services. ☐ Check if the exporter is also the applicant. If not, complete the information below.

Exporter name:		Duns #:
Street address:		Phone #:
City:	State:	Postal code:
Taxpayer ID #:		

3. **Supplier.** The "supplier" is the U.S. company which manufactures the goods and/or performs the services to be exported. ☐ Check if the supplier is also the exporter. ☐ Check if the supplier is not determined. If neither applies, attach the same information for the primary supplier as requested above for the exporter. Information on additional suppliers is not required for an LI.

4. **Borrower.** The "borrower" is the company which agrees to repay the Ex-Im Bank direct or guaranteed loan. Complete the information below. Check the box for "public sector" if the borrower is at least 50% directly or indirectly owned by a government. Check the box for "private sector" if the borrower is less than 50% owned by a government.

Contact person:		Fax #:
Borrower name:		Duns #:
Street address:	City:	☐ public sector ☐ private sector
State/Province:	Postal Code:	Country:

5. **Buyer and End-user.** The "buyer" is the company which contracts with the exporter for the purchase of the U.S. goods and services. The "end-user" is the foreign company which utilizes the U.S. goods and services in its business. ☐ Check if the borrower, buyer, and end-user are not the same entity. If box is checked, attach the same information for the buyer and the end-user as requested above for the borrower.

6. **Export Items.** The "export items" are the goods and services to be exported from the U.S.

   6a. **Large Aircraft.** ☐ Check if the export items include aircraft which, in a passenger configuration, contain more than 70 seats. If box is checked, complete ***Attachment A.***

   6b. **Military.** ☐ Check if the buyer is associated in ***any*** way with the military, if ***any*** export items are to be used by the military, or if ***any*** export items are defense articles or have a military application.

   6c. **Limited Recourse Project Finance.** ☐ Check if you want a Letter of Interest issued by the Project Finance Division. If box is checked, complete ***Attachment D.***

   6d. **Description of Export Items.** Briefly describe the principal goods and services, including the ***type, quantity, model number and capacity (if applicable), and SIC Code*** For an aircraft transaction, include a description of the engines.

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Revised 02/00

LETTER OF INTEREST APPLICATION

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Expires: 07/31/2001

6e. **Utilization of Export Items.** Briefly describe the principal business activity of the ***end-user***. If the export items are to be used in a project, also provide the name, location, purpose, and scope of the project.

_____

7. **Financing Type Requested.** Check applicable box(es). You may request both a direct loan and a guarantee. If both financing options are acceptable to Ex-Im Bank, they will be indicated in the LI as options. Refer to ***Attachment A*** if the transaction involves the export of new large aircraft.

☐ Direct Loans ☐ Comprehensive Guarantee ☐ Political Risk Guarantee

8. **Contract Price.** The "contract price" is the ***amount to be shown in the supplier's invoice related to goods to be exported from the U.S. and services to be performed by U.S. companies*** If there is more than one supplier, the contract price is the sum of the suppliers' invoice amounts. The "eligible foreign content" is the portion of the contract price representing components to be purchased by the supplier outside the U.S. and ***incorporated in the U.S. into the items to be exported*** Costs to be incurred in the end-user's country are not considered eligible foreign content. Note that the eligible foreign content, if any, is part of the contract price.

8a. **Contract Price:** $ _____ (including eligible foreign content)

8b. **Eligible Foreign Content:** $ _____

9. **Foreign Competition.** ☐ Check if, to the best of your knowledge, there is at least one entity offering non-U.S. goods and/or services in ***direct*** competition for this specific export sale.

10. **Other U.S. Government Agencies.** ☐ Check if an application for support of this export contract or related project has been filed with the Agency for International Development, Maritime Administration, Overseas Private Investment Corporation or Trade Development Agency.

11. **Environmental Effects.** If 85% of the contract price exceeds $10,000,000, complete ***Attachment B***. Attachment B is not required for aircraft transactions.

12. **Tied Aid Capital Projects Fund.** If you want Ex-Im Bank to preclude or counter a tied aid offer, complete ***Attachment C***.

13. **Certifications.** The undersigned certifies that the facts stated and the representations made in this application and any attachments to this application are true, to the best of the applicant's knowledge and belief after due diligence, and that the applicant has not omitted any material facts.

The undersigned further certifies that it is not currently, nor has it been within the preceding three years: 1) debarred, suspended or declared ineligible from participating in any Federal program; 2) formally proposed for debarment, with a final determination still pending; 3) voluntarily excluded from participation in a Federal transaction; or 4) indicted, convicted or had a civil judgment rendered against it for any of the offenses listed in the Regulations Governing Debarment and Suspension (Governmentwide Nonprocurement Debarment and Suspension Regulations: Common Rule), 53 fed. Reg. 19204 (1988).

Applicant (company) name: _____

Name and title of authorized officer: _____

Signature of authorized officer: _____ Date: _____

Payment, payable to the Export-Import Bank of the U.S., must accompany application; please indicate: ☐ Visa ☐ Mastercard ☐ Check

Account #: _____ Expiration Date: _____

Signature: _____

Ex-Im Bank would be pleased to assist you in applying for financial support. If you have any questions, please contact the Credit Applications and Processing Unit at 202-565-3800.

Taxpayer Identifying Numbers: Ex-Im Bank intends to use the taxpayer identifying numbers furnished on this application for purposes of collecting and reporting on any claims arising out of such persons' or business entities' relationships with the U.S. government.

Public Burden Statement: Public burden reporting for this collection of information is estimated to average 20 minutes per response, including time required for searching existing data sources, gathering the necessary data, providing the information required, and reviewing the final collection. Send comments on the accuracy of this esti-mate of the burden and recommendations for reducing it to: Office of Management and Budget, Paperwork Reduction Project (#3048-0004), Washington, D.C. 20503.

EIB Form 95-9
Revised 02/00

OMB No. 3048-0005
Expires 07/31/2001

LETTER OF INTEREST APPLICATION
ATTACHMENT A: Large Aircraft Transactions

1. **Financing Type Requested.** Three financing options are available for *new* large aircraft transactions under the Large Aircraft Sector Understanding (LASU), contained in the OECD Arrangement. Check the option(s) you are requesting. For *used* large aircraft transactions, complete No. 7 of the *Letter of Interest Application*

   ☐ **Option 1:** An Ex-Im Bank guarantee for up to 85% of the contract price.

   ☐ **Option 2:** An Ex-Im Bank guarantee for 42.5% of the contract price coupled with an Ex-Im Bank direct loan at the applicable LASU interest rate for 42.5% of the contract price. The Ex-Im Bank direct loan is repaid during the later maturities.

   ☐ **Option 3:** An Ex-Im Bank guarantee for 22.5% of the contract price coupled with an Ex-Im Bank direct loan at the applicable LASU interest rate for 62.5% of the contract price. The Ex-Im Bank guaranteed loan and direct loan are repaid on a pari-passu basis.

2. **Spare Parts Financing.** Indicate in No. 6d. of the *Letter of Interest Application* if any spare parts or spare engines are included in the export sale. Provide the requested information on these items.

3. **Transaction Information.** Include with your application a background summary on the airline, the reason for the purchase, proposed routes, and delivery dates. This information replaces the information requested in No. 6e. of the *Letter of Interest Application*

4. **Contract Price.** If credit memoranda information is available, deduct all airframe and engine credit memoranda, if any, from the aircraft price when calculating the contract price to be entered in No. 8a. of the *Letter of Interest Application*

If you have questions about this attachment, please contact the Aircraft Finance Division (Telephone: 202-565-3550 or Fax: 202-565-3558).

EIB Form 95-9
Revised 04/98

OMB No. 3048-0005
Expires 07/31/2001

LETTER OF INTEREST APPLICATION
ATTACHMENT B: Ex-Im Bank Environmental Screening Document

Limited Recourse Project Financing and Long-Term Programs Only

Ex-Im Bank will screen project finance and long-term transactions into three categories, as defined in Ex-Im Bank's *Environmental Procedures*. The information you provide will help Ex-Im Bank to determine the proper category for your application. This information is crucial to the appropriate and timely review of your application. Check the boxes that apply to your application.

1. **Project Identification.**

☐ Check if the goods and/or services described in your application are destined for an identified project.

If checked, identify the project: _____

If not checked, explain: _____

2. **Project Location.** Is the project located in or sufficiently near to have perceptible environmental effects in any of the following areas? Check all that apply.

☐ Tropical Forest
☐ Nationally designated wetlands or protected wildlands
☐ National parks
☐ Nationally designated refuges
☐ Coral reefs or mangrove swamps
☐ Nationally designated seashore areas
☐ Habitat of endangered species
☐ Large scale resettlement
(How many persons? _____)
☐ Properties on the World Heritage List

3. **Project Sector or Industry.** Which classification describes the project for which the exports are destined? Check all that apply.

☐ Airport construction
☐ Chemical plant
☐ Forestry
☐ Geothermal Power
☐ Hydropower plant
☐ Iron & steel plant
☐ Large infrastructure project
☐ Large-scale water reservoir
☐ Mining & mineral processing plant
☐ Nuclear power plant
☐ Oil & gas field development
☐ Petrochemical plant or refinery
☐ Pharmaceutical project
☐ Pulp & paper plant
☐ Smelter
☐ Thermal power plant
☐ Waste management
☐ Air traffic control systems or navigational aids
☐ Consulting services
☐ Hospitals and medical equipment
☐ Pre-project services (feasibility & environmental studies)
☐ Railway signaling
☐ Telecommunications or satellites
☐ Transportation carriers (aircraft, locomotives, boats)
☐ Other (describe) _____

Name of Applicant _____ Date _____

If you have questions about this attachment, please contact the Engineering and Environment Division (Telephone: 202-565-3570 or Fax: 202-565-3584).

EIB Form 95-9
Revised 04/98

"ANNEX B" to Ex-Im Bank's Feb. 1995 Environmental Procedures

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Expires 07/31/2001

LETTER OF INTEREST APPLICATION
ATTACHMENT C: Tied Aid Capital Projects Fund

1. ☐ Check if you are requesting appropriate Ex-Im Bank support to preclude or counter foreign tied aid offers.

2. ☐ Check if one or more foreign governments are offering, or planning to offer, unusually long repayment periods, unusually low interest rates, and/or mixed grant-credit financing for ***the specific contract for which Ex-Im Bank support is sought.*** Attach available documentary evidence of a foreign tied aid credit offer. If such evidence is not available, specify your reasons for suspecting foreign tied aid.

_____

_____

_____

_____

3. ☐ Check if you authorize Ex-Im Bank to ask the OECD Secretariat to issue a confidential "no aid" common line request to OECD member governments. Acceptance of this request would preclude future foreign and U.S. aid financing for the project.

4. ☐ Check if you believe that loss of this contract will jeopardize follow-on sales opportunities for similar sales in the same market. Provide the type and estimated value of potential follow-on sales.

_____

_____

_____

5. Provide the following information, if known, for each foreign government's tied aid offer.

	Foreign Offer #1	Foreign Offer #2
Donor government		
Foreign exporters supported		
Total offer amount		
Currency of offer		
Credit portion amount		
Credit portion interest rate		
Credit portion grace period		
Credit portion repayment period		
Grant portion, if any		

If you have questions about this attachment, please contact the Business Development Division (Telephone: 202-565-3900 or Fax: 202-565-3931).

EIB Form 95-9
Revised 04/98

LETTER OF INTEREST APPLICATION

ATTACHMENT D: PROJECT FINANCE TRANSACTIONS, EXECUTIVE SUMMARY

Ex-Im Bank's analysis of potential limited recourse project finance transactions differs from routine export trade finance transactions. Therefore, we require additional information from applicants for a Project Finance Letter of Interest. Please provide the information outlined below to the best of your ability. It is highly recommended that you provide as much information as possible at this stage of the application process.

1. **Project Name and/or Company:**

_____

2. **Type of Project:**

_____

3. **Project Location (including Country):**

_____

4. **Brief Project Description:**

_____

_____

_____

_____

5. **Project Participants:**
   a) **Sponsors**

   _____

   b) **EPC Contractor**

   _____

   c) **Project Input Supplier(s)**

   _____

   d) **Off-taker(s)**

   _____

6. **Estimated Debt/Equity:**

_____

7. **Other Potential Financing Sources:**

_____

8. **Is this an international tender?**

   Yes _____ **No** _____ **Bid due date** _____

9. **Estimated Project Timeframe (e.g. financial close, construction start date, etc.)**

_____

_____

10. **Project Status (e.g. signed EPC contract, status of offtake contract, etc.)**

_____

_____

_____

OMB No. 3048-0005 EIB Form 95-9
Expires 07/31/2001 Revised 04/99

[FR Doc. 01–10957 Filed 5–1–01; 8:45 am]
BILLING CODE 6690–01–C

FEDERAL COMMUNICATIONS COMMISSION

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

April 24, 2001.

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

DATES: Written comments should be submitted on or before July 2, 2001. If you anticipate that you will be submitted comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., DC 20554 or via the Internet to jboley@fec.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION

OMB Control No.: 3060–0874.

Title: Consumer Complaint Form.

Form No.: FCC Form 475.

Type of Review: Revision of currently approved collection.

Respondents: Individuals or households, business or other for-profit, not-for-profit institutions, state, local or tribal governments, and federal government.

Number of Respondents: 58,772.

Estimated Time Per Response: .5 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 29,386 hours.

Total Annual Cost: N/A.

Needs and Uses: The Consumer Information Bureau (CIB) handles informal complaints filed against carriers pursuant to sections (4)(I) and 208 of the Communications Act of 1934, as amended. 47 U.S.C. Sections 154(I), 208. Pursuant to the Commission's rules, informal complaints must be filed in writing and should contain, (a) the name, address and telephone number of the complainant, (b) the name of the carrier against which the complaint is made, (c) a complete statement of the facts tending to show that such carrier did or omitted to do anything in contravention of the Communications Act, and (d) the specific relief or satisfaction sought. 47 CFR section 1.716. The information sought in the Consumer Complaint For 475 (FCC Form 475) provides the CIB with complete information to process the complaints pursuant to the applicable rules. The completion of the FCC Form 475 is, however, voluntary. The revision to the existing FCC Form 475 is necessary because CIB now handles both common carrier wireline and wireless complaints. The existing FCC Form 475 does not provide for complaints filed against wireless carriers. The revised FCC Form 475 is more comprehensive in that it allows consumers to file complaints against either wireline or wireless carriers by using the same form.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–10867 Filed 5–1–01; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

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

April 24, 2001.

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

DATES: Written comments should be submitted on or before July 2, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, SW., Room 1–A804, Washington, DC 20554 or via the Internet to *lesmith@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at *lesmith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–xxx.

Title: Spectrum Audit Letter.

Form No.: N/A.

Type of Review: New collection.

Respondents: Businesses or other for-profit, state, local or tribal government, not-for-profit institutions.

Number of Respondents: 300,000.

Estimated Time Per Response: .5 hour per response.

Total Annual Burden: 150,000 hours.

Total Annual Cost: None.

Needs and Uses: The information collected is required for an audit of the construction and operational status of all of the Private Land Mobile Radio (PLMR) and Fixed Microwave Radio (FMR) stations in the Commission's licensing database that are subject to rule-based construction and operational requirements. The Commission's Rules for the PLMR and FMR services require construction within a specified time frame and require a station to remain operational in order for the license to remain valid.

OMB Approval No.: 3060–0788.

Title: DTV Showings/Interference Agreements.

Form No.: FCC 301/FCC 340.

Type of Review: Revision of currently approved collection.

Respondents: Businesses or other for-profit, not-for-profit institutions.

Number of Respondents: 350.

Estimated Hours Per Response: 55 hours (5 hours applicant; 40 hours consulting engineer; 10 hours attorney).

Frequency of Response: On occasion.

Cost to Respondents: $2,800,000.

Estimated Total Annual Burden: 1,750 hours.

Needs and Uses: Section III–D of the FCC 301 and Section VII of the FCC 340 begin with a ''Certification Checklist.'' This checklist contains a series of questions by which applicants may certify compliance with key processing requirements. The first certification requires conformance with the DTV Table of Allotments. The Commission allows flexibility for DTV facilities to be constructed at locations within five kilometers of the reference allotment sites without consideration of additional interference to analog or DTV service, provided the DTV service does not exceed the allotment reference height above average terrain or effective radiated power. In order for the Commission to process applications that cannot certify affirmatively, Section 73.623(c) requires applicants to submit a technical showing to establish that their proposed facilities will not result in additional interference to TV broadcast and DTV operations.

Additionally, the Commission permits broadcasters to agree to proposed DTV facilities that do not conform to the initial allotment parameters, even though they might be affected by potential new interference. The Commission will consider granting applications on the basis of interference agreements if it finds that such grants will serve the public interest. These agreements must be signed by all parties to the agreement. In addition, the Commission needs the following information to enable such public interest determinations: a list of parties predicted to receive additional interference from the proposed facility, a showing as to why a grant based on the agreements would serve the public interest, and technical studies depicting the additional interference.

This collection has been revised to remove all references to industry frequency coordination committees. These committees did not evolve. Respondents have been using consulting engineers and attorneys to prepare the technical showings and interference agreements.

The technical showings and interference agreements will be used by FCC staff to determine if the public interest would be served by the grant of the application and to ensure that the proposed facilities will not result in additional interference.

OMB Control Number: 3060–0960.

Title: Application of Network Non-duplication Protection, Syndicated Exclusivity and Sports Blackout Rules to Satellite Retransmissions.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business of other for-profit entity.

Number of Respondents: 1,407.

Estimated Time Per Response: 0.50 hours per information request, and 1 hour per notification.

Total Annual Burden: 29,867 hours.

Total Annual Costs: $716,808.

Needs and Uses: The information collection requirements in this Notice are used by the Commission to apply a satellite carrier's retransmission of superstations, network non-duplication, syndicated exclusivity and sports blackout rules as they currently apply to cable operators.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–10868 Filed 5–1–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 01–9; FCC 01–130]

Application by Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions) and Verizon Global Networks Inc., Pursuant to Section 271 of the Telecommunications Act of 1996, for Authorization To Provide In-Region InterLATA Services in the State of Massachusetts

AGENCY: Federal Communications Commission.

ACTION: Notice; correction.

SUMMARY: The Federal Communications Commission published a document in the **Federal Register** on April 23, 2001, in CC Docket No. 01–9, Application by Verizon New England, Inc., *et al.*, For Authorization to Provide In-Region, InterLATA Services in Massachusetts. The document contained an incorrect effective date.

FOR FURTHER INFORMATION CONTACT: Susan Pie, (202) 418–1580.

Correction

In the **Federal Register** of April 23, 2001, in FR Doc. 01–10090, on page 20455, in the third column, correct the **DATES** caption to read:

DATES: Effective April 26, 2001.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–10866 Filed 5–1–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FCC File No. EB–00–IH–0089/FCC 01–90]

Industry Guidance on the Commission's Case Law Interpreting 18 U.S.C. 1464 and Enforcement Policies Regarding Broadcast Indecency

AGENCY: Federal Communications Commission.

ACTION: Notice; policy statement.

SUMMARY: This document was issued by the Federal Communications Commission to provide guidance to the broadcast industry regarding the case law interpreting 18 U.S.C. 1464 and the FCC's enforcement policies with respect to broadcast indecency. By summarizing the regulations and explaining the FCC's analytical approach to reviewing allegedly indecent material, the FCC provides a framework by which broadcast licensees can assess the legality of airing potentially indecent material. Commissioner Ness and Commissioner Furchtgott-Roth of the FCC issued separate statements available from the FCC. Commissioner Tristani of the FCC dissented and issued a statement available from the FCC.

FOR FURTHER INFORMATION CONTACT: Norman Goldstein, Assistant Chief, or Catherine Withers, Attorney, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, (202) 418–1420. This document is available from the FCC's web site at *http://www.fcc.gov/Bureaus/Enforcement/Orders/2001/fcc01090.doc* or you may visit the Reference Information Center at the FCC's headquarters located at 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The FCC reference center is open to the public Monday through Thursday from 8 a.m. until 4:30 p.m. and Friday from 8 a.m. to 11:30 a.m. You may also reach the reference center at (202) 418–0270. As

an alternative, information that is routinely available to the public can be obtained from International Transcription Services (ITS), a private government contractor. ITS has an office at the FCC's Washington, DC location and can be reached directly at (202) 857–3800.

SUPPLEMENTARY INFORMATION: It is a violation of federal law to broadcast obscene or indecent programming. 18 U.S.C. 1464. The Commission issues this Policy Statement to provide guidance to the broadcast industry regarding our case law interpreting 18 U.S.C. 1464 and our enforcement policies with respect to broadcast indecency.[1] The Policy Statement is divided into five parts. Section I gives an overview of the Policy Statement. Section II provides the statutory basis for indecency regulation and discusses the judicial history of such regulation. In addition, Section II explains that in accordance with judicial precedent, § 73.3999 of the Commission's rules limits the ban on the broadcasting of indecent programming so as to provide a ''safe harbor'' from 10 p.m. to 6 a.m. Thus, § 73.3999 provides that ''[n]o licensee of a radio or television broadcast station shall broadcast on any day between 6 a.m. and 10 p.m. any material which is indecent.'' 47 CFR 73.3999(b).

Section III describes the analytical approach the Commission uses in making indecency determinations. Indecency findings involve at least two fundamental determinations. First, the material alleged to be indecent must fall within the subject matter scope of our indecency definition—that is, the material must describe or depict sexual or excretory organs or activities. Second, the broadcast must be *patently offensive* as measured by contemporary community standards for the broadcast medium. In applying the ''community standards for the broadcast medium'' criterion, the Commission has ruled that the standard is not a local one, but rather is that of an average broadcast viewer or listener and not the sensibilities of any individual complainant.

In determining whether material is patently offensive, the *full context* in which the material appeared is critically important. It is not sufficient, for example, to know that explicit sexual terms or descriptions were used, just as it is not sufficient to know only that no such terms or descriptions were used. Explicit language in the context of a *bona fide* newscast might not be patently offensive, while sexual innuendo that persists and is sufficiently clear to make the sexual meaning inescapable might be. Moreover, contextual determinations are necessarily highly fact-specific, making it difficult to catalog comprehensively all of the possible contextual factors that might exacerbate or mitigate the patent offensiveness of particular material.

Section III also sets out the principal factors that have proved significant in our decisions to date : (1) The *explicitness or graphic nature* of the description or depiction of sexual or excretory organs or activities; (2) whether the material *dwells on or repeats at length* descriptions of sexual or excretory organs or activities; (3) *whether the material appears to pander or is used to titillate,* or *whether the material appears to have been presented for its shock value.* In assessing all of the factors, and particularly the third factor, the overall context of the broadcast in which the disputed material appeared is critical. Each indecency case presents its own particular mix of these, and possibly other, factors, which must be balanced to ultimately determine whether the material is patently offensive and therefore indecent. No single factor generally provides the basis for an indecency finding. To illustrate the noted factors, however, and to provide a sense of the weight these considerations have carried in specific factual contexts, Section III contains a comparison of cases that has been organized to provide examples of decisions in which each of these factors has played a particularly significant role, whether exacerbating or mitigating, in the indecency determination made. The comparison of selected rulings is intended to illustrate the various factors that have proved significant in resolving indecency complaints. The cited material refers only to broadcast indecency actions and does not include any discussion of case law concerning indecency enforcement actions in other services regulated by this agency such as cable, telephone, or amateur radio.

Section IV describes the Commission's broadcast indecency enforcement process. The Commission does not independently monitor broadcasts for indecent material. Its enforcement actions are based on documented complaints of indecent broadcasting received from the public. Given the sensitive nature of these cases and the critical role of context in an indecency determination, it is important that the Commission be afforded as full a record as possible to evaluate allegations of indecent programming. In order for a complaint to be considered, our practice is that it must generally include: (1) A full or partial tape or transcript or significant excerpts of the program; (2) the date and time of the broadcast; and (3) the call sign of the station involved. Any tapes or other documentation of the programming supplied by the complainant, of necessity, become part of the Commission's records and cannot be returned. Documented complaints should be directed to the FCC, Investigations and Hearings Division, Enforcement Bureau, 445 Twelfth Street, SW., Washington, DC 20554.

If a complaint does not contain the supporting material described, or if it indicates that a broadcast occurred during ''safe harbor'' hours or the material cited does not fall within the subject matter scope of our indecency definition, it is usually dismissed by a letter to the complainant advising of the deficiency. In many of these cases, the station may not be aware that a complaint has been filed. If, however, the staff determines that a documented complaint meets the subject matter requirements of the indecency definition and the material complained of was aired outside ''safe harbor'' hours, then the broadcast at issue is evaluated for patent offensiveness. Where the staff determines that the broadcast is not patently offensive, the complaint will be denied. If, however, the staff determines that further enforcement action might be warranted, the Enforcement Bureau, in conjunction with other Commission offices, examines the material and decides upon an appropriate disposition, which might include any of the following: (1) Denial of the complaint by staff letter based upon a finding that the material, in context, is not patently offensive and therefore not indecent; (2) issuance of a Letter of Inquiry (LOI) to the licensee seeking further information concerning or an explanation of the circumstances surrounding the broadcast; (3) issuance of a Notice of Apparent Liability (NAL) for monetary forfeiture; and (4) formal referral of the case to the full Commission for its consideration and action. Generally, the last of these alternatives is taken in cases where issues beyond straightforward indecency violations may be involved or where the potential sanction for the indecent programming exceeds the Bureau's delegated forfeiture authority of $25,000 (47 CFR 0.311).

[1] This Policy Statement addresses the February 22, 1994, Agreement for Settlement and Dismissal with Prejudice between the United States of America, by and through the Department of Justice and Federal Communications Commission, and Evergreen Media Corporation of Chicago, AM, Licensee of Radio Station WLUP (AM).

Where an LOI is issued, the licensee's comments are generally sought concerning the allegedly indecent broadcast to assist in determining whether the material is actionable and whether a sanction is warranted. If it is determined that no further action is warranted, the licensee and the complainant will be so advised. Where a *preliminary* determination is made that the material was aired and was indecent, an NAL is issued. If the Commission previously determined that the broadcast of the same material was indecent, the subsequent broadcast constitutes egregious misconduct and a higher forfeiture amount is warranted.

The licensee is afforded an opportunity to respond to the NAL, a step which is required by statute. 47 U.S.C. 503(b). Once the Commission or its staff has considered any response by the licensee, it may order payment of a monetary penalty by issuing a Forfeiture Order. Alternatively, if the preliminary finding of violation in the NAL is successfully rebutted by the licensee, the NAL may be rescinded. If a Forfeiture Order is issued, the monetary penalty assessed may either be the same as specified in the NAL or it may be a lesser amount if the licensee has demonstrated that mitigating factors warrant a reduction in forfeiture.

A Forfeiture Order may be appealed by the licensee through the administrative process under several different provisions of the Commission's rules. The licensee also has the legal right to refuse to pay the fine. In such a case, the Commission may refer the matter to the U.S. Department of Justice, which can initiate a trial *de novo* in a U.S. District Court. The trial court may start anew to evaluate the allegations of indecency.

Section V is the conclusion. The Commission has issued the Policy Statement to provide guidance to broadcast licensees regarding compliance with the Commission's indecency regulations. By summarizing the regulations and explaining the Commission's analytical approach to reviewing allegedly indecent material, the Commission provides a framework by which broadcast licensees can assess the legality of airing potentially indecent material. Numerous examples are provided in this document in an effort to assist broadcast licensees. However, the Policy Statement is not intended to be an all-inclusive summary of every indecency finding issued by the Commission and it should not be relied upon as such. There are many additional cases that could have been cited. Further, the excerpts from broadcasts quoted in the Policy Statement are intended only as a research tool. A complete understanding of the material, and the Commission's analysis thereof, requires review of the tapes or transcripts and the Commission's rulings thereon.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–10869 Filed 5–1–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting; Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 2 p.m. on Thursday, April 26, 2001, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate and resolution activities.

In calling the meeting, the Board determined, on motion of Director Ellen S. Seidman (Director, Office of Thrift Supervision), seconded by Director John M. Reich (Appointive), concurred in by Director John D. Hawke, Jr. (Comptroller of the Currency), and chairman Donna Tanoue, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no notice earlier than April 20, 2001, of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: April 27, 2001.

Federal Deposit Insurance Corporation.

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 01–11046 Filed 4–27–01; 4:45 pm]

BILLING CODE 6714–01–M

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants

Provex Lines Inc., 6581 NW. 82nd Avenue, Miami, FL 33166, Officer: Jose Arteaga, President, (Qualifying Individual)

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

Legend Express Co., 960 E. 12th Street, Los Angeles, CA 90021, Officers: Gila Morad, President, Julito A. Pascua, Vice President of Sales, (Qualifying Individual).

Dated: April 27, 2001.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 01–11020 Filed 5–1–01; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also

includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

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 May 25, 2001.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303–2713:

1. Georgia Banking Company, Inc., Atlanta, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Georgia Banking Company, Atlanta, Georgia.

Board of Governors of the Federal Reserve System, April 26, 2001.

Jennifer J. Johnson

Secretary of the Board.

[FR Doc. 01–10899 Filed 5–1–00; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Proposed Collections; Comment Request

The Department of Health and Human Services, Office of the Secretary will periodically publish summaries of proposed information collections projects and solicit public comments in compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995. To request more information on the project or to obtain a copy of the information collection plans and instruments, call the OS Reports Clearance Officer on (202) 690–6207.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Projects 1. *HHS Procurement:* Solicitations and Contracts—Extension—0990–0115—This clearance request covers the general information collection requirements of the procurement process such as technical proposals and statements of work. *Respondents:* State or local governments, businesses or other for-profit, non-profit institutions, small businesses. *Annual Number of Respondents:* 5,660; *Frequency of Response:* one time; *Average Burden per Response:* 253.41 hours; *Estimated Annual Burden:* 1,434,300 hours.

Please send comments to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201. Written comments should be received within 60 days of this notice.

Dated: April 24, 2001.

Kerry Weems,

Acting Deputy Assistant Secretary, Budget.

[FR Doc. 01–10902 Filed 5–1–01; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Clinical Laboratory Improvement Advisory Committee (CLIAC): Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Clinical Laboratory Improvement Advisory Committee (CLIAC).

Times and Dates: 8:30 a.m.—5 p.m., May 30, 2001; 8:30 a.m.—3:30 p.m., May 31, 2001.

Place: CDC, Koger Center, Williams Building, Conference Rooms 1802 and 1805, 2877 Brandywine Road, Atlanta, Georgia 30341.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people.

Purpose: This committee is charged with providing scientific and technical advice and guidance to the Secretary of Health and Human Services, the Acting Assistant Secretary for Health, and the Director, CDC, regarding the need for, and the nature of, revisions to the standards under which clinical laboratories are regulated; the impact on medical and laboratory practices of proposed revisions to the standards; and the modification of the standards to accommodate technological advances.

Matters to Be Discussed: The agenda will include the waiver workgroup report on criteria for waiver approval and updates from CDC, Food and Drug Administration and Health Care Financing Administration.

Agenda items are subject to change as priorities dictate.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Rhonda Whalen, Chief, Laboratory Practice Standards Branch, Division of Laboratory Systems, Public Health Practice Program Office, CDC, 4770 Buford Highway, NE, m/s F–11, Atlanta, Georgia 30341–3724, telephone 770/488–8042, fax 770/488–8279.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 26, 2001.

John Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–10936 Filed 5–1–01; 8:45 am]

BILLING CODE 4163–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–231]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality,

utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Request: Extension of a currently approved collection; *Title of Information Collection:* Medicare+Choice (M+C) Provider Sponsored Organization (PSO) Waiver Request Form and Supporting Regulations in 42 CFR 422.370–422.378; *Form Number:* HCFA–R–231 (0938–0722); *Use:* The PSO waiver request form is for use by PSO's that do not have a State risk-bearing entity licence and that wish to enter into a M+C contract with HCFA to provide prepaid health care services to eligible Medicare beneficiaries. HCFA will use the information requested on this form to determine whether the applicant is eligible for a waiver of the state licensure requirement for M+C organizations as allowed under section 1855(a)(2) of the Social Security Act.; *Frequency:* One-time.; *Affected Public:* Business or other for-profit, Not-for-profit institutions, and Federal Government.; *Annual Number of Respondents:* 10.; *Total Annual Responses:* 10.; *Total Annual Hours Requested:* 100.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm*, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to *Paperwork@hcfa.gov*, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, HCFA–R–231, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 23, 2001.

John P. Burke, III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–10882 Filed 5–1–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute: Proposed Collection; Comment Request; The Framingham Study

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Heart, Lung, and Blood Institute (NHLBI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (MB) for review and approval.

Proposed Collection: Title: The Framingham Study. *Type of Information Collection Request:* Revision of a currently approved collection (OMB No. 0925–0216). *Need and Use of Information Collection:* The Framingham Study will conduct examinations and morbidity and mortality follow-up in original, offspring, and third generation participants for the purpose of studying the determinants of cardiovascular disease. *Frequency of Response:* The participants will be contacted annually. *Affected Public:* Individuals or households; Businesses or other for profit; Small businesses or organizations. *Type of Respondents:* Adult men and women; doctors and staff of hospitals and nursing homes. The annual reporting burden is as follows; *Estimated Number of Respondents:* 2,833: *Estimated Number of Responses per Respondent:* 3.78; *Average Burden Hours Per Response:* 0.806; and *Estimated Total Annual Burden Hours Requested:* 8,639. The annualized cost to respondents is estimated at $44,080, assuming respondents time at the rate of $10 per hour for participant and $55 per hour for physicians and other professional health care respondents.

There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

ESTIMATE OF ANNUAL HOUR BURDEN

Type of respondents	Number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
Participant examination	2,133	4.69	0.836	8,376.5
[1]Physician, hospital, nursing home staff	350	1.0	0.6700	234.5
[1]Participant's next-of-kin	350	1.0	0.0800	28
Total	2,833	3,78	0.806	8639

[1] Annual burden is placed on doctors, hospitals, nursing homes, and respondent relatives/informants through requests for information which will help in the compilation of the number and nature of new fatal and nonfatal events.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used: (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Paul Sorlie, Project Officer, NIH, NHLBI, 6701 Rockledge Drive,

MSC 7934, Bethesda, MD 20892, or call non-toll-free number (301) 435–0707 or E-mail your request, including your address to : Sorlie@nih.gov.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before July 2, 2001.

Dated: April 19, 2001.

Peter J. Savage,

Acting Director, Division of Epidemiology and Clinical Applications, National Heart, Lung, and Blood Institute.

[FR Doc. 01–10932 Filed 5–1–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)

National Institutes of Health (NIH)

National Institutes of Health Clinical Center (NIHCC); Opportunity for Cooperative Research and Development Agreement (CRADA)

SUMMARY: The National Institutes of Health Clinical Center (NIHCC) is seeking to enter at least one Cooperative Research and Development Agreement (CRADA). The goal is to develop and implement an application specific artificial neural network based intelligent computing system for on-line and off-line quality control of a process, particularly a medical process, and especially test result production in clinical laboratory automated analyzers. The development of this technology is part of the ongoing activities of the NIHCC. The term of any CRADA will be up to five (5) years.

DATES: Interested parties should notify this office in writing of their intent to file a formal proposal no later than June 1, 2001. Formal proposals should be submitted to this office no later than July 2, 2001. Proposals received after this date will still be considered, but only after all proposals received before this date have been considered.

ADDRESSES: Questions concerning this announcement, and all research proposals, should be submitted to Bruce D. Goldstein, Esq., Technology Transfer Branch, National Cancer Institute, National Institutes of Health, Suite 450, 6120 Executive Blvd., Rockville, MD 20852, Phone: 301–496–0477, Fax: 301–402–2117. Scientific questions should be addressed to James M. DeLeo, 6100 Executive Blvd., Suite 5C01, Rockville, MD 20852; Phone (direct): 301–496–3848; Fax: 301–496–3848; e-mail: *jdeleo@nih.gov.* Inquiries directed to obtaining patent license(s) related to participation in the CRADA opportunity should be addressed to Dale Berkley, PhD., J.D., Senior Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Blvd., Suite 325, Rockville, MD 20852–3804, Phone: 301–496–7735, Fax: 301–402–0220, e-mail: *Berkld@od.nih.gov.*

SUPPLEMENTARY INFORMATION: A CRADA is the anticipated joint agreement to be entered into by NIHCC and a collaborator pursuant to the Federal Technology Transfer Act of 1986 (15 U.S.C. 3710 a), as amended. A CRADA is an agreement designed to enable certain collaborations between Government laboratories and non-Government laboratories. It is not a grant, and is not a contract for the procurement of goods/services. THE NIHCC IS PROHIBITED FROM TRANSFERRING FUNDS TO A CRADA COLLABORATOR. Under a CRADA, the NIHCC can offer the selected collaborator access to facilities, staff, materials, and expertise. The collaborator may contribute facilities, staff, materials, expertise, and funding to the collaboration. A CRADA collaborator may elect an option to an exclusive or non-exclusive license to Government intellectual patent rights arising under the CRADA, and may qualify as an inventor or co-inventor of new technology developed under the CRADA. As between two or more sufficient, overlapping research proposals (where the overlap cannot be cured), the NIHCC, as specified in 15 U.S.C. § 3710a(c)(4), will give special consideration to small businesses, and will give preference to business units located in the U.S. that agree to manufacture CRADA products in the U.S.

The CRADA will employ a generalized computational system and method developed earlier at the National Institutes of Health. This technology was developed for the purpose of detecting errors in processes including, but not limited to, data collection in laboratory automated analyzers. The technology is capable of early on-line detection of various types of errors such as bias, precision, and random errors. It may also be developed as an off-line computational component. Theoretical studies have demonstrated significant advantages of this technology over current state-of-the art quality control practice in laboratory instrument quality control monitoring. The primary goal of the CRADA is to use the developed system and method to build practical and useful software and/or hardware components for application in real-world production or assembly process environments such as commercially available laboratory automated analyzers and other appropriate medical or non-medical applications.

The described methods and system are the subject of a U.S. patent application filed November 26, 1998 by the Public Health Service on behalf of the Federal Government. Commercialization of new CRADA technology may require obtaining an appropriate PHS license.

The collaborator in this endeavor is expected to commit technical personnel commensurate with the level of research activities defined by the CRADA Research Plan. It is anticipated that PHS facilities and/or those of the collaborator will be utilized, as appropriate, for the research activities as defined by the Research Plan. NIHCC anticipates, in addition, that the Collaborator, as appropriate, will provide funding for the project.

Party Contributions

The NIHCC anticipates that its role may include, but not be limited to, the following:

(1) Plan research studies, interpret research results, and, as appropriate, jointly publish the conclusions with the collaborator;

(2) Provide collaborator with access to existing NIHCC research data, both already collected and yet to be collected (except for medical or other personal data regarding identifiable patients);

(3) Provide staff, expertise, and materials for the development and testing of promising application products;

(4) Provide work space and equipment for testing of any prototype products developed.

The NIHCC anticipates that the role of the successful collaborator will include at least the following:

(1) Provide significant intellectual, scientific, and technical expertise in the development of relevant products;

(2) Plan research studies, interpret research results, and, as appropriate, jointly publish the conclusions; and

(3) Provide NIHCC a supply of necessary materials, access to necessary proprietary technology and/or data, and as necessary for the project, staff and funding in support of the research goals.

Other contributions may be necessary for particular proposals.

Selection Criteria

Proposals submitted for consideration should address, as best as possible and to the extent relevant to the proposal, each of the following:

(1) Expertise:

A. Expertise in the research and development of diagnostic, prognostic,

and/or therapeutic products pertinent to the technology; and

B. Ability to secure national marketing and distribution of its products (international distribution a plus).

(2) Reliability as a research partner, specifically:

A. Willingness to commit best effort and to provide adequate and sustained resources and/or funding, as appropriate, to support the CRADA studies;

B. Development of this technology, as outlined in the CRADA Collaborator's proposal;

C. Ability to develop and produce products in a timely manner, as applicable (for example, as demonstrated by a history of meeting benchmarks in licenses);

D. Commitment to supporting the advancement of scientific research, as evidenced by a willingness to jointly publish research results in a prompt manner; and

E. Willingness to be bound by DHHS and PHS policies regarding:

(i) the public distribution of research tools,

(ii) the care and handling of animals, and

(iii) protection of humans who are subjects of research.

(3) Physical Resources:

A. An established headquarters, with office space and basic office equipment;

B. Access to the organization during business hours by telephone, facsimile, courier, U.S. Post, e-mail, the World-Wide-Web, and, as appropriate, other evolving information technologies; and

C. Sufficient financial and material resources to support, at a minimum, the anticipated activities of the CRADA to meet the needs of NIHCC under the proposal.

The collaborator is encouraged to propose, in the written research statement, related applications and technologies other than those specifically described herein.

Dated: April 23, 2001.

Kathleen Sybert,

Chief, TTB/NCI/NIH.

[FR Doc. 01–10933 Filed 5–1–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)

National Institutes of Health (NIH)

National Institutes of Health Clinical Center (NIHCC) Opportunity for Cooperative Research and Development Agreement (CRADA)

SUMMARY: The National Institutes of Health Clinical Center (NIHCC) is seeking to enter at least one Cooperative Research and Development Agreement (CRADA). The goal is to develop and implement application specific computer-learned medical-outcome indexes as partially described in the April 2001 issue of the periodical entitled ''Advance for Administrators of the Laboratory.'' The development of this technology is part of the ongoing activities of the NIHCC. The term of any CRADA will be up to five (5) years.

DATES: Interested parties should notify this office in writing of their intent to file a formal proposal no later June 1, 2001. Formal proposals should be submitted to this office no later than July 2, 2001. Proposals received after this date will still be considered, but only after all proposals received before this date have been considered.

ADDRESSES: Questions concerning this announcement, and all research proposals, should be submitted to Bruce D. Goldstein, Esq., Technology Transfer Branch, National Cancer Institute, National Institutes of Health, Suite 450, 6120 Executive Blvd., Rockville, MD 20852, Phone: 301–496–0477, Fax: 301–402–2117. Scientific questions should be addressed to James M. DeLeo, 6100 Executive Blvd., Suite 5C01, Rockville, MD 20852; Phone (direct): 301–496–3848; Fax: 301–496–3848; e-mail: *jdeleo@nih.gov.* Inquiries directed to obtaining patent license(s) related to participation in the CRADA opportunity should be addressed to Dale Berkley, PhD., J.D., Senior Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Blvd., Suite 325, Rockville, MD 20852–3804, Phone: 301–496–7735, Fax: 301–402–0220, e-mail: *Berkld@od.nih.gov.*

SUPPLEMENTARY INFORMATION: A CRADA is the anticipated joint agreement to be entered into by NIHCC and a collaborator pursuant to the Federal Technology Transfer Act of 1986 (15 U.S.C. 3710 a), as amended. A CRADA is an agreement designed to enable certain collaborations between Government laboratories and non-Government laboratories. It is not a grant, and is not a contract for the procurement of goods/services. THE NIHCC IS PROHIBITED FROM TRANSFERRING FUNDS TO A CRADA COLLABORATOR. Under a CRADA, the NIHCC can offer the selected collaborator access to facilities, staff, materials, and expertise. The collaborator may contribute facilities, staff, materials, expertise, and funding to the collaboration. A CRADA collaborator may elect an option to an exclusive or non-exclusive license to Government intellectual patent rights arising under the CRADA, and may qualify as an inventor or co-inventor of new technology developed under the CRADA. As between two or more sufficient, overlapping research proposals (where the overlap cannot be cured), the NIHCC, as specified in 15 U.S.C. 3710a(c)(4), will give special consideration to small businesses, and will give preference to business units located in the U.S. that agree to manufacture CRADA products in the U.S.

As used here, the expression ''computer-learned medical outcome indexes'' refers to probability or degree of membership values indicating (''indexing'') particular medical outcomes such as diagnostic categories, preferred treatments, times to events, and other medical classifications and outcomes. These indexes and their confidence intervals are computed using laboratory and other patient data with neural networks and other machine-learning computer programs which, once trained, may run as background tasks in laboratory instrument computers, hospital information systems, and various personnel computers including desk, lap, and palm top computers. These programs could also be inscribed in hardware. It is expected that medical index computer programs will provide valuable patient information at virtually no extra cost, and that they will be in everyday use in future clinical settings to aid health care providers in making important cost-effective patient management decisions.

The described methods are the subject of an Employee Invention Report filed with the NIH Office of Technology Transfer. Also the initial report and characterization of the invention is partially described in an article entitled ''Computer-Learned Medical Outcome Indexes, by Jim DeLeo,'' in the April 2001 issue of Advance for Administrators of the Laboratory. Commercialization of new CRADA technology may require obtaining an appropriate PHS license to practice this described prior art.

The collaborator in this endeavor is expected to commit technical personnel

commensurate with the level of research activities defined by the CRADA Research Plan. It is anticipated that PHS facilities and/or those of the collaborator will be utilized, as appropriate, for the research activities as defined by the Research Plan. NIHCC anticipates, in addition, that the Collaborator, as appropriate, will provide funding for the project.

Party Contributions

The NIHCC anticipates that its role may include, but not be limited to, the following:

(1) Plan research studies, interpret research results, and, as appropriate, jointly publish the conclusions with the collaborator;

(2) Provide collaborator with access to existing NIHCC research data, both already collected and yet to be collected (except for medical or other personal data regarding identifiable patients);

(3) Provide staff, expertise, and materials for the development and testing of promising application products;

(4) Provide work space and equipment for testing of any prototype products developed.

The NIHCC anticipates that the role of the successful collaborator will include at least the following:

(1) Provide significant intellectual, scientific, and technical expertise in the development of relevant products;

(2) Plan research studies, interpret research results, and, as appropriate, jointly publish the conclusions; and

(3) Provide NIHCC a supply of necessary materials, access to necessary proprietary technology and/or data, and as necessary for the project, staff and funding in support of the research goals.

Other contributions may be necessary for particular proposals.

Selection Criteria

Proposals submitted for consideration should address, as best as possible and to the extent relevant to the proposal, each of the following:

(1) Expertise:

A. Expertise in the research and development of diagnostic, prognostic, and/or therapeutic products pertinent to the technology; and

B. Ability to secure national marketing and distribution of its products (international distribution a plus).

(2) Reliability as a research partner, specifically:

A. Willingness to commit best effort and to provide adequate and sustained resources and/or funding, as appropriate, to support the CRADA studies;

B. Development of this technology, as outlined in the CRADA Collaborator's proposal;

C. Ability to develop and produce products in a timely manner, as applicable (for example, as demonstrated by a history of meeting benchmarks in licenses);

D. Commitment to supporting the advancement of scientific research, as evidenced by a willingness to jointly publish research results in a prompt manner; and

E. Willingness to be bound by DHHS and PHS policies regarding:

(i) the public distribution of research tools,

(ii) the care and handling of animals, and

(iii) protection of humans who are subjects of research.

(3) Physical Resources:

A. An established headquarters, with office space and basic office equipment;

B. Access to the organization during business hours by telephone, facsimile, courier, U.S. Post, e-mail, the World-Wide-Web, and, as appropriate, other evolving information technologies; and

C. Sufficient financial and material resources to support, at a minimum, the anticipated activities of the CRADA to meet the needs of NIHCC under the proposal.

The collaborator is encouraged to propose, in the written research statement, related applications and technologies other than those specifically described herein.

Dated: April 23, 2001.

Kathleen Sybert,

Chief, TTB/NCI/NIH.

[FR Doc. 01–10934 Filed 5–1–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Eye Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Eye Council.

Date: June 14–15, 2001.

Open: June 14, 2001, 8:30 a.m. to 5 p.m.

Agenda: Following opening remarks by the Director, NEI, there will be presentations by staff of the Institute and discussions concerning Institute programs and policies.

Place: 6130 Executive Boulevard, Room G, Rockville, MD 20852.

Closed: June 15, 2001, 8:30 a.m. to 1 p.m.

Closed: June 15, 2001, 8:30 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: 6130 Executive Boulevard, Room G, Rockville, MD 20852.

Contact Person: Lois DeNinno, National Eye Institute, Executive Plaza South, Suite 350, 6120 Executive Blvd., MSC 7167, Bethesda, MD 20892, 301–496–9110.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: April 25, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10927 Filed 5–1–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute, Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, NHLBI.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Heart, Lung, and Blood Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NHLBI.

Date: June 7, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, 9000 Rockville Pike, Building 10, Room 7S235, Bethesda, MD 20892.

Contact Person: Elizabeth G. Nabel, MD, Scientific Director for Clinical Research, National Heart, Lung, and Blood Institute, Division of Intramural Research, Building 10, Room 8C103, MSC 1754, Bethesda, MD 20892, 301/496–1518.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: April 25, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10926 Filed 5–01–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development, Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Child Health and Human Development Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552(b)(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Child Health and Human Development Council.

Date: June 4–5, 2001.

Open: June 4, 2001, 8:30 a.m. to 4 p.m.

Agenda: The agenda includes: Report of the Director, NICHD; a presentation by the Division of Epidemiology, Statistics and Prevention Research Branch; and other business of the Council.

Place: 9000 Rockville Pike, Building 31C, Conference Room 6, Bethesda, MD 20892.

Closed: June 4, 2001, 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: 9000 Rockville Pike, Building 31C, Conference Room 6, Bethesda, MD 20892.

Closed: June 5, 2001, 8:30 a.m. to be adjournment.

Agenda: To review and evaluate grant applications.

Place: 9000 Rockville Pike, Building 31C, Conference Room 6, Bethesda, MD 20892.

Contact Person: Mary Plummer, Committee Management Officer, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 496–1485.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: April 25, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10918 Filed 5–1–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and digestive and Kidney Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasions of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group, Digestive Diseases and Nutrition C Subcommittee.

Date: July 19–20, 2001.

Open: July 19, 2001, 1 p.m. to 1:30 p.m.

Agenda: To receive procedures and discuss policies.

Place: Sheraton Crystal City, 1800 Jefferson Davis Highway, Arlington, VA 22202.

Closed: July 19, 2001, 1:30 p.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Sheraton Crystal City, 1800 Jefferson Davis Highway, Arlington VA 22202.

Closed: July 20, 2001, 8 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Sheraton Crystal City, 1800 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Carolyn Miles, PhD, Scientific Research Administrator, Review Branch, DEA, NIDDK, Room 755, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594–7791.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 25, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10919 Filed 5–1–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Communication Disorders Review Committee.
Date: June 20–22, 2001.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Governor's House, 1615 Rhode Island Avenue, NW, Washington, DC 20036.
Contact Person: Melissa Stick, PhD, MPH, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NIDCD/NIH, 6120 Executive Blvd., Bethesda, MD 20892, 301–496–8683.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: April 25, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10920 Filed 5–1–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.
Date: June 7–8, 2001.
Time: 8:30 a.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Georgetown, Mirage II Room, 2101 Wisconsin Avenue, NW., Washington, DC 20007.
Contact Person: Priti Mehrotra, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Bethesda, MD 20892, 301–496–2550, pm158b@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: April 25, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10921 Filed 5–1–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council on Alcohol Abuse and Alcoholism.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Alcohol Abuse and Alcoholism.
Date: June 6–7, 2001.
Closed: June 6, 2001, 7 p.m. to 9 p.m.
Agenda: To review and evaluate grant applications and/or proposals.
Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.
Closed June 7, 2001, 8:30 a.m. to 9:30 a.m.
Agenda: To review and evaluate the Board of Scientific Counselors Report.
Place 45 Center Drive, Natcher Building, Conference Room E1/2, Bethesda, MD 20892.
Open: June 7, 2001 9:30 a.m. to 4 p.m.
Agenda: Program documents.
Place: 45 Center Drive, Natcher Building, Conference Room E1/2. Bethesda, MD 20892.
Contact Person: Kenneth R. Warren, Director, Office of Scientific Affairs, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Willco Building, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–4375, kwarren@niaaa.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institute of Health, HHS)

Dated: April 25, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10922 Filed 5–1–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, NIAAA.

The meeting will be open to public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIAAA.
Date: June 7–8, 2001.
Open: June 7, 2001, 8 a.m. to 8:30 a.m.
Agenda: To discuss administrative details.
Place: Parklawn Building, Conference Room D, 5600 Fishers Lane, Rockville, MD.
Closed: June 7, 2001, 8:30 a.m. to 3 p.m.
Agenda: To review and evaluate the laboratory of Membrane Biochemistry and Biophysics.

Place: Parklawn Building, Conference Room D, 5600 Fishers Lane, Rockville, MD.

Contact Person: Benedict J. Latteri, Acting Deputy Director, Division of Intramural Clinical and Biological Research, National Institute on Alcohol Abuse and Alcoholism, 9000 Rockville Pike, Room 1B58, Building 31—MSC 2088, Bethesda, MD 20892–2088, 301–402–1227.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: April 25, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10924 Filed 5–1–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and alcoholism Special Emphasis Panel.

Date: April 27, 2001.

Time: 1 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: 6000 Executive Blvd., Rm 409, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Sean O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: April 25, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10925 Filed 5–1–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of meetings of the National Advisory Neurological Disorders and Stroke Council.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Neurological Disorders and Stroke Council Training Subcommittee.

Date: May 23, 2001.

Time: 8 p.m. to 10 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency, One Metro Center, Bethesda, MD 20814.

Contact Person: Constance W. Atwell, PhD, Associate Director for Extramural Research, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892–9531, (301) 496–9248.

Name of Committee: National Institute of Neurological Disorders and Stroke Council Clinical Trials Subcommittee.

Date: May 24, 2001.

Time: 8:30 a.m. to 10 a.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Building, Conference Room C, Bethesda, MD 20892.

Contact Person: Constance W. Atwell, PhD, Associate Director for Extramural Research, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892–9531, (301) 496–9248.

Name of Committee: National Advisory Neurological Disorders and Stroke Council Neuroinformatics, Computational Neuroscience, and Infrastructure Subcommittee.

Date: May 24, 2001.

Time: 8:30 a.m. to 10 a.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Building, Conference Room H, Bethesda, MD 20892.

Contact Person: Yuan Liu, PhD, Program Director, National Institutes of Neurological Disorders and Stroke, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Suite 2110, MSC 9531, Bethesda, MD 20852, (301) 496–1917.

Name of Committee: National Institute of Neurological Disorders and Stroke Council.

Date: May 24–25, 2001.

Open: May 24, 2001, 10:30 a.m. to 5 p.m.

Agenda: Report by the Acting Director, NINDS; Report by the Director, Division of Extramural Research; and other administrative and program developments.

Place: 45 Center Drive, Natcher Building, Conference Room E1/2, Bethesda, MD 20892.

Closed: May 25, 2001, 8:30 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Building, Conference Room E1/2, Bethesda, MD 20892.

Contact Person: Constance W. Atwell, PhD, Associate Director for Extramural Research, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892–9531, (301) 496–9248.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: April 25, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10928 Filed 5–1–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552 (c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, SBIR Phase II: ''HIV Risk Assessment for Women in a Health Care Setting''.

Date: May 4, 2001.

Time: 11 a.m. to 2 p.m.

Agenda: To review and evaluate contract proposals.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Richard C. Harrison, Chief, Contract Review Branch, Office of Extramural Affairs, National Institute of Drug Abuse, National Institutes of Health, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547, 301–435–1437.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel ''Development and Manufacture of Pharmaceutical Products for Addiction Treatment''.

Date: May 10, 2001.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate contract proposals.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Eric Zatman, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547, (301) 435–1438.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel ''State and Local Epidemiology Planning and Information Development''.

Date: May 22, 2001.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Richard C. Harrison, Chief, Contract Review Branch, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547, 301–435–1437.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: April 25, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10929 Filed 5–1–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: May 1, 2001.

Time: 1 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Alexander D. Politis, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, (301) 435–1225, politis@mail.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: May 25, 2001.

Time: 10:30 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Zakir Bengali, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5150, MSC 7842, Bethesda, MD 20892, (301) 435–1742.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, (HHS)

Dated: April 25, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10923 Filed 5–1–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 30, 2001.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Sally Ann Amero, PhD, Scientific Reveiw Administrator, Center for Scientific Review, Genetic Sciences Integrated Review Group, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC 7890, Bethesda, MD 20892–7890, 301–435–1159, ameros@csr.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–03.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 25, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10930 Filed 5–1–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, May 1, 2001, 1 PM to May 1, 2001, 3 PM, NIH, Rockledge 2, Bethesda, MD, 20892 which was published in the **Federal Register** on April 13, 2001, 66 FR 19183.

The meeting will now start at 1:30 PM and end at 3 PM. The date and location remains the same. The meeting is closed to the public.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10931 Filed 5–1–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Protocols for the Cross-Site Process Evaluation of the State Incentive Grant (SIG) Program

(New)—SAMHSA's Center for Substance Abuse Prevention (CSAP) is charged with evaluating the State Incentive Cooperative Agreements for Community-Based Action, or State Incentive Grant (SIG) Program. States receiving SIG funds are: (1) To coordinate, leverage and/or redirect, as appropriate, all substance abuse prevention resources within the State that are directed at communities, families, schools, and workplaces, and (2) to develop a revitalized, comprehensive State-wide prevention strategy aimed at reducing drug use by youth. The ultimate aim of the SIG Program is to prevent substance abuse among youths ages 12 to 17. The District of Columbia and the 20 States that have received SIG grants thus far are required to implement at the community level a range of substance abuse, community-based prevention efforts, at least half of which are derived from sound scientific research findings. CSAP awarded about $3 million per year for three years to each of five States in FY 1997, to each of fourteen States in FY 1998, to one State and the District of Columbia in FY 1999, and to seven additional States in FY 2000.

CSAP is conducting a national, cross-site evaluation of the SIG Program, consisting of a process and an outcome evaluation. The outcome evaluation will address two questions: (1) ''Has the SIG Program had an impact on youth substance abuse?,'' and (2) ''How do SIG States differ in their impact on youth substance abuse?'' These questions will be addressed by using data already being collected by SAMHSA's National Household Survey of Drug Abuse (NHSDA) and selected data collected independently within funded States. The process evaluation will focus on three questions: (1) ''Did States attain the SIG Program's two main goals of coordinated funding streams and revitalized comprehensive prevention strategies and how were these goals attained?,'' (2) ''What other substance abuse prevention programming has the State implemented?,'' and (3) ''Did SIGs meet the criterion of supporting science-based programs fifty percent of the time, and what array of prevention activities were supported?'

In addition to the NHSDA data and the State data on outcomes, three instruments are needed to collect process information about SIG activities at the State, community, and program levels: (1) A SIG State Case Study Protocol; (2) a Sub-Recipient Community Protocol; and (3) a Comparison Community Protocol. The State Case Study Protocol, which will serve as the final report template for the grant, will collect data on the following topics at the State level: contextual conditions; SIG mobilization; system characteristics and dynamics; collaborative strategies or activities; immediate outcomes; systems change; sub-recipient characteristics and dynamics; sub-recipient planning and science-based prevention interventions; immediate, intermediate, and long-term outcomes for the sub-recipient community and program; possible rival explanations; and lessons learned. The Sub-recipient Community Protocol will collect data at the community level from a sample of sub-recipient communities in the SIG States on the following topics: contextual conditions, definition of the intervention in operation, and immediate, intermediate, and long-term outcomes. The Comparison Community Protocol will collect data from a sample communities in the SIG States that have not received sub-recipient awards on the following topics: the largest prevention initiatives in the community, community-wide policies aimed at preventing drug abuse, the community's comprehensive plan, and information about the community. Estimated response burden is as shown in the following table:

Protocol	Number of respondents	Responses per respondent	Hours per response	Total hour burden
SIG State Case Study (n=28)	28 evaluators	1	80	2,240
	28 program directors	1	8	224
	56 key informants	1	4	224
Sub-recipient Community (n=36)	28 (initial contacts)	1	1	28
	36 (sub-recipient directors)	1	1	36
	360 (site visit interviews)	1	1	360
Comparison Community (n=36)	28 (initial contacts)	1	1	28
	360 (site visit interviews)	1	1	360
Total	924			3,500
Annual Average	308			1,167

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Stuart Shapiro, Human Resources and Housing Branch, Office of Management

and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 24, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–10937 Filed 5–1–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services notifies Federal agencies of the laboratories currently certified to meet standards of subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (59 FR 29916, 29925). A similar notice listing all currently certified laboratories will be published during the first week of each month, and updated to include laboratories which subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or revoked, the laboratory will be omitted from updated lists until such time as it is restored to full certification under the Guidelines.

If any laboratory has withdrawn from the National Laboratory Certification Program during the past month, it will be listed at the end, and will be omitted from the monthly listing thereafter.

This Notice is also available on the internet at the following website: *http://www.health.org/workplace.*

FOR FURTHER INFORMATION CONTACT: Mrs. Giselle Hersh or Dr. Walter Vogl, Division of Workplace Programs, 5600 Fishers Lane, Rockwall 2 Building, Room 815, Rockville, Maryland 20857; Tel.: (301) 443–6014, Fax: (301) 443–3031.

Special Note: Please use the above address for all surface mail and correspondence. For all overnight mail service use the following address: Division of Workplace Programs, 5515 Security Lane, Room 815, Rockville, Maryland 20852.

SUPPLEMENTARY INFORMATION:

Mandatory Guidelines for Federal Workplace Drug Testing were developed in accordance with Executive Order 12564 and section 503 of Pub. L. 100–71. Subpart C of the Guidelines, ''Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies,'' sets strict standards which laboratories must meet in order to conduct urine drug testing for Federal agencies. To become certified an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification a laboratory must participate in a quarterly performance testing program plus periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of certification are not to be considered as meeting the minimum requirements expressed in the HHS Guidelines. A laboratory must have its letter of certification from SAMHSA, HHS (formerly: HHS/NIDA) which attests that it has met minimum standards.

In accordance with subpart C of the Guidelines, the following laboratories meet the minimum standards set forth in the Guidelines:

ACL Laboratories, 8901 W. Lincoln Ave., West Allis, WI 53227, 414–328–7840/800–877–7016 (formerly: Bayshore Clinical Laboratory)

Advanced Toxicology Network, 3560 Air Center Cove, Suite 101, Memphis, TN 38118, 901–794–5770/888–290–1150

Aegis Analytical Laboratories, Inc., 345 Hill Ave., Nashville, TN 37210, 615–255–2400

Alabama Reference Laboratories, Inc., 543 South Hull St., Montgomery, AL 36103, 800–541–4931 / 334–263–5745

Alliance Laboratory Services, 3200 Burnet Ave., Cincinnati, OH 45229, 513–585–9000 (formerly: Jewish Hospital of Cincinnati, Inc.)

American Medical Laboratories, Inc., 14225 Newbrook Dr., Chantilly, VA 20151, 703–802–6900

Associated Pathologists Laboratories, Inc., 4230 South Burnham Ave., Suite 250, Las Vegas, NV 89119–5412, 702–733–7866 / 800–433–2750

Baptist Medical Center—Toxicology Laboratory, 9601 I–630, Exit 7, Little Rock, AR 72205–7299, 501–202–2783 (formerly: Forensic Toxicology Laboratory Baptist Medical Center)

Clinical Laboratory Partners, LLC, 129 East Cedar St., Newington, CT 06111, 860–696–8115 (formerly: Hartford Hospital Toxicology Laboratory)

Clinical Reference Lab, 8433 Quivira Rd., Lenexa, KS 66215–2802, 800–445–6917

Cox Health Systems, Department of Toxicology, 1423 North Jefferson Ave., Springfield, MO 65802, 800–876–3652 / 417–269–3093 (formerly: Cox Medical Centers)

Dept. of the Navy, Navy Drug Screening Laboratory, Great Lakes, IL, Building 38–H, P. O. Box 88–6819, Great Lakes, IL 60088–6819, 847–688–2045 / 847–688–4171

Diagnostic Services Inc., dba DSI, 12700 Westlinks Drive, Fort Myers, FL 33913, 941–561–8200 / 800–735–5416

Doctors Laboratory, Inc., P.O. Box 2658, 2906 Julia Dr., Valdosta, GA 31602, 912–244–4468

DrugProof, Division of Dynacare/Laboratory of Pathology, LLC, 1229 Madison St., Suite 500, Nordstrom Medical Tower, Seattle, WA 98104, 206–386–2672 / 800–898–0180 (formerly: Laboratory of Pathology of Seattle, Inc., DrugProof, Division of Laboratory of Pathology of Seattle, Inc.)

DrugScan, Inc., P.O. Box 2969, 1119 Mearns Rd., Warminster, PA 18974, 215–674–9310

Dynacare Kasper Medical Laboratories *, 14940–123 Ave., Edmonton, Alberta, Canada T5V 1B4, 780–451–3702 / 800–661–9876

ElSohly Laboratories, Inc., 5 Industrial Park Dr., Oxford, MS 38655, 662–236–2609

Express Analytical Labs, 1301 18th Ave NW, Suite 110, Austin, MN 55912, 507–437–7322

Gamma-Dynacare Medical Laboratories *, A Division of the Gamma-Dynacare Laboratory Partnership, 245 Pall Mall St., London, ONT, Canada N6A 1P4, 519–679–1630

General Medical Laboratories, 36 South Brooks St., Madison, WI 53715, 608–267–6267

Integrated Regional Laboratories, 5361 NW 33rd Avenue, Fort Lauderdale, FL 33309, 954–777–0018, 800–522–0232 (formerly: Cedars Medical Center, Department of Pathology)

Kroll Laboratory Specialists, Inc., 1111 Newton St., Gretna, LA 70053, 504–361–8989 / 800–433–3823 (formerly: Laboratory Specialists, Inc.)

LabOne, Inc., 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927 / 800–728–4064 (formerly: Center for Laboratory Services, a Division of LabOne, Inc.)

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288 / 800–800–2387

Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900 / 800–833–3984 (formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche

CompuChem Laboratories, Inc., A Member of the Roche Group)

Laboratory Corporation of America Holdings, 1120 Stateline Road West, Southaven, MS 38671, 866–827–8042 / 800–233–6339 (formerly: LabCorp Occupational Testing Services, Inc., MedExpress/National Laboratory Center)

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400 / 800–437–4986 (formerly: Roche Biomedical Laboratories, Inc.)

Marshfield Laboratories, Forensic Toxicology Laboratory, 1000 North Oak Ave., Marshfield, WI 54449, 715–389–3734 / 800–331–3734

MAXXAM Analytics Inc.*, 5540 McAdam Rd., Mississauga, ON, Canada L4Z 1P1, 905–890–2555 (formerly: NOVAMANN (Ontario) Inc.)

Medical College Hospitals Toxicology Laboratory, Department of Pathology, 3000 Arlington Ave., Toledo, OH 43699, 419–383–5213

MedTox Laboratories, Inc., 402 W. County Rd. D, St. Paul, MN 55112, 651–636–7466 / 800–832–3244

MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295 / 800–950–5295

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, Minnesota 55417, 612–725–2088

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250 / 800–350–3515

Northwest Drug Testing, a division of NWT Inc., 1141 E. 3900 South, Salt Lake City, UT 84124, 801–293–2300 / 800–322–3361 (formerly: NWT Drug Testing, NorthWest Toxicology, Inc.)

One Source Toxicology Laboratory, Inc., 1705 Center Street, Deer Park, TX 77536, 713–920–2559 (formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory)

Oregon Medical Laboratories, P.O. Box 972, 722 East 11th Ave., Eugene, OR 97440–0972, 541–687–2134

Pacific Toxicology Laboratories, 6160 Variel Ave., Woodland Hills, CA 91367, 818–598–3110 / 800–328–6942 (formerly: Centinela Hospital Airport Toxicology Laboratory

Pathology Associates Medical Laboratories, 11604 E. Indiana Ave., Spokane, WA 99206, 509–926–2400 / 800–541–7891

PharmChem Laboratories, Inc., 1505–A O'Brien Dr., Menlo Park, CA 94025, 650–328–6200 / 800–446–5177

PharmChem Laboratories, Inc., Texas Division, 7606 Pebble Dr., Fort Worth, TX 76118, 817–215–8800 (formerly: Harris Medical Laboratory)

Physicians Reference Laboratory, 7800 West 110th St., Overland Park, KS 66210, 913–339–0372 / 800–821–3627

Poisonlab, Inc., 7272 Clairemont Mesa Blvd., San Diego, CA 92111, 858–279–2600 / 800–882–7272

Quest Diagnostics Incorporated, 3175 Presidential Dr., Atlanta, GA 30340, 770–452–1590 (formerly: SmithKline Beecham Clinical Laboratories, SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 4444 Giddings Road, Auburn Hills, MI 48326, 248–373–9120 / 800–444–0106 (formerly: HealthCare/Preferred Laboratories, HealthCare/MetPath, CORNING Clinical Laboratories)

Quest Diagnostics Incorporated, 4770 Regent Blvd., Irving, TX 75063, 800–842–6152 (moved from the Dallas location on 03/31/01; Formerly: SmithKline Beecham Clinical Laboratories, SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 801 East Dixie Ave., Suite 105A, Leesburg, FL 34748, 352–787–9006x4343 (formerly: SmithKline Beecham Clinical Laboratories, Doctors & Physicians Laboratory)

Quest Diagnostics Incorporated, 400 Egypt Rd., Norristown, PA 19403, 610–631–4600 / 800–877–7484 (formerly: SmithKline Beecham Clinical Laboratories, SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 506 E. State Pkwy., Schaumburg, IL 60173, 800–669–6995 / 847–885–2010 (formerly: SmithKline Beecham Clinical Laboratories, International Toxicology Laboratories)

Quest Diagnostics Incorporated, 7470 Mission Valley Rd., San Diego, CA 92108–4406, 619–686–3200 / 800–446–4728 (formerly: Nichols Institute, Nichols Institute Substance Abuse Testing (NISAT), CORNING Nichols Institute, CORNING Clinical Laboratories)

Quest Diagnostics Incorporated, One Malcolm Ave., Teterboro, NJ 07608, 201–393–5590 (formerly: MetPath, Inc., CORNING MetPath Clinical Laboratories, CORNING Clinical Laboratory)

Quest Diagnostics Incorporated, 7600 Tyrone Ave., Van Nuys, CA 91405, 818–989–2520 / 800–877–2520 (formerly: SmithKline Beecham Clinical Laboratories)

Scientific Testing Laboratories, Inc., 463 Southlake Blvd., Richmond, VA 23236, 804–378–9130

S.E.D. Medical Laboratories, 5601 Office Blvd., Albuquerque, NM 87109, 505–727–6300 / 800–999–5227

South Bend Medical Foundation, Inc., 530 N. Lafayette Blvd., South Bend, IN 46601, 219–234–4176

Southwest Laboratories, 2727 W. Baseline Rd., Tempe, AZ 85283, 602–438–8507 / 800–279–0027

Sparrow Health System,Toxicology Testing Center, St. Lawrence Campus, 1210 W. Saginaw, Lansing, MI 48915, 517–377–0520 (formerly: St. Lawrence Hospital & Healthcare System)

St. Anthony Hospital Toxicology Laboratory, 1000 N. Lee St., Oklahoma City, OK 73101, 405–272–7052

Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 2703 Clark Lane, Suite B, Lower Level, Columbia, MO 65202, 573–882–1273

Toxicology Testing Service, Inc., 5426 NW. 79th Ave., Miami, FL 33166, 305–593–2260

Universal Toxicology Laboratories, LLC, 9930 W. Highway 80, Midland, TX 79706, 915–561–8851 / 888–953–8851

*The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. DHHS, with the DHHS' National Laboratory Certification Program (NLCP) contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, the DHHS will recommend that DOT certify the laboratory (**Federal Register,** 16 July 1996) as meeting the minimum standards of the ''Mandatory Guidelines for Workplace Drug Testing'' (59 **Federal Register,** 9 June 1994, Pages 29908–29931). After receiving the DOT certification, the laboratory will be included in the monthly list of DHHS certified laboratories and participate in the NLCP certification maintenance program.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–10762 Filed 5–1–01; 8:45 am]

BILLING CODE 4160–20–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for an Incidental Take Permit for a Phased Residential Development Project, in Lake County, Florida

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

Lakewood Development Partnership (Applicant), seeks an incidental take permit (ITP) from the Fish and Wildlife Service (Service), pursuant to Section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The ITP would authorize the take of three families of the threatened Florida scrub-jay, Aphelocoma coerulescens and the threatened eastern indigo snake, Drymarchon corais couperi, in Lake County, Florida, for a period of ten (10) years. The proposed taking is incidental to land clearing activities and development on a multi-phase project site (Project). The Project contains about 37 acres of occupied Florida scrub-jay habitat, and the potential exists for the Project to provide about 47 acres of habitat to the eastern indigo snake. A more detailed description of the mitigation and minimization measures to address the effects of the Project to the Florida scrub-jay and eastern indigo snake is provided in the Permittee's HCP, the Service's draft Environmental Assessment (EA), and in the **SUPPLEMENTARY INFORMATION** section below.

The Service also announces the availability of a draft environmental assessment (EA) and HCP for the incidental take permit application. Copies of the EA and/or HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice also advises the public that the Service has made a preliminary determination that issuing the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), as amended. The Finding of No Significant Impact (FONSI) is based on information contained in the EA and HCP. The final determination will be made no sooner than 60 days from the date of this notice. This notice is provided pursuant to Section 10 of the Act and NEPA regulations (40 CFR 1506.6).

The Service specifically requests information, views, and opinions from the public via this Notice on the federal action, including the identification of any other aspects of the human environment not already identified in the Service's EA. Further, the Service specifically solicits information regarding the adequacy of the HCP as measured against the Service's ITP issuance criteria found in 50 CFR Parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE038105–0 in such comments. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to ''david_dell@fws.gov''. Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not; however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATES: Written comments on the ITP application, draft EA, and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before July 2, 2001.

ADDRESSES: Persons wishing to review the application, HCP, and draft EA may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, 6620 Southpoint Drive, South, Suite 310, Jacksonville, Florida 32216–0192. Written data or comments concerning the ITP renewal or HCP should be submitted to the Regional Office. Please reference permit number TE038105–0 in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional HCP Coordinator, (see **ADDRESSES** above), telephone: 404/679–7313, facsimile: 404/679–7081; or Mr. Miles A. Meyer, Fish and Wildlife Biologist, Jacksonville Field Office, Florida (see **ADDRESSES** above), telephone: 904/232–2580.

SUPPLEMENTARY INFORMATION: The Florida scrub-jay is geographically isolated from other subspecies of scrub-jays found in Mexico and the Western United States. The Florida scrub-jay is found exclusively in peninsular Florida and is restricted to scrub habitat. The total estimated population is between 7,000 and 11,000 individuals. Due to habitat loss and degradation throughout the State of Florida, it has been estimated that the Florida scrub-jay population has been reduced by at least half in the last 100 years. Surveys have indicated that three families of Florida scrub-jays (17 individuals) utilize habitat associated with the abandoned citrus groves and vegetated edge of the Palatlakaha River on the Project site. Construction of the Project's infrastructure and residential lots will likely result in death of, or injury to, Florida scrub-jays incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with property development will reduce the availability of habitat used for feeding and shelter.

Historically, the eastern indigo snake occurred throughout Florida and into the coastal plain of Georgia, Alabama, and Mississippi. Georgia and Florida currently support the remaining, endemic populations of eastern indigo snake. Over most of its range, the eastern indigo snake frequents a diversity of habitat types such as pine flatwoods, scrubby flatwoods, xeric sandhill communities, tropical hardwood hammocks, edges of freshwater marshes, agricultural fields, coastal dunes and human altered habitats. Due to its relatively large home range, this snake is especially vulnerable to habitat loss, degradation, and fragmentation. The wide

distribution and territory size requirements of the eastern indigo snake makes evaluation of status and trends very difficult. Surveys for this species on site were negative, however the habitat is suitable. If any eastern indigo snakes are present, construction of the Project's infrastructure and residential lots may result in their death or injury incidental to the carrying out of these otherwise lawful activities.

The draft EA considers the environmental consequences of two alternatives. The no action alternative may result in loss of habitat for Florida scrub-jay and eastern indigo snake and exposure of the Applicant under Section 9 of the Act. The proposed action alternative is issuance of the ITP with on-site mitigation. The on-site preservation alternative would restore and preserve 71 acres of unoccupied habitat and 10 acres of occupied habitat adjacent to the Palatlakaha River. The affirmative conservation measures outlined in the HCP to be employed to offset the anticipated level of incidental take to the protected species are the following:

1. The impacts associated with the proposed project include 27 acres of permanent impacts associated with infrastructure and lot development. To mitigate for the proposed impacts to occupied habitat the applicant will restore and preserve habitat within two areas of the project site. Approximately 27 acres of unoccupied scrub habitat and 10 acres of occupied habitat will be enhanced and preserved along the Palatlakaha River. Additionally, a 54-acre parcel located west of the Palatlakaha River will be restored and preserved as scrub habitat. This amount is based on mitigation at a ratio of 3:1 (three acres restored for every one acre impacted). Management will be conducted on a regular basis by the applicant. After initial habitat restoration of the 81-acre mitigation area, the property would then be set apart through an easement, requiring preservation and management for Florida scrub-jays and eastern indigo snakes into perpetuity.

2. No construction activities would occur within 150 feet of an active Florida scrub-jay nest during the nesting season.

3. The HCP provides a funding mechanism for these mitigation measures.

As stated above, the Service has made a preliminary determination that the issuance of the ITP is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA. This preliminary information may be revised due to public comment received in response to this notice and is based on information contained in the EA and HCP. An appropriate excerpt from the FONSI reflecting the Service's finding on the application is provided below:

Based on the analysis conducted by the Service, it has been determined that:

1. Issuance of an ITP would not have significant effects on the human environment in the project area.

2. The proposed take is incidental to an otherwise lawful activity.

3. The Applicant has ensured that adequate funding will be provided to implement the measures proposed in the submitted HCP.

4. Other than impacts to endangered and threatened species as outlined in the documentation of this decision, the indirect impacts which may result from issuance of the ITP are addressed by other regulations and statutes under the jurisdiction of other government entities. The validity of the Service's ITP is contingent upon the Applicant's compliance with the terms of the permit and all other laws and regulations under the control of State, local, and other Federal governmental entities.

The Service will also evaluate whether the issuance of a Section 10(a)(1)(B) ITP complies with Section 7 of the Act by conducting an intra-Service Section 7 consultation. The results of the biological opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: April 19, 2001.

Judy L. Pulliam,

Acting Regional Director.

[FR Doc. 01–10938 Filed 5–1–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–220–1020–ML–01–24 1A]

OMB Approval Number 1004–0051; Information Collection Submitted to the Office of Management and Budget Under the Paperwork Reduction Act

The Bureau of Land Management (BLM) has submitted the proposed collection of information listed below to the Office of Management and Budget (OMB) for approval under provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). On December 19, 2000, the BLM published a notice in the **Federal Register** (65 FR 79420) requesting comments on this proposed collection. The comment period ended on February 20, 2001. The BLM received one comment from the public in response to that notice. You may obtain copies of the proposed collection of information and related forms and explanatory material by contacting the BLM Information Collection Clearance Officer at the telephone number listed below.

The OMB is required to respond to this request within 60 days but may respond after 30 days. For maximum consideration your comments and suggestions on the requirement should be made within 30 days directly to the Office of Management and Budget, Interior Department Desk Office, (1004–0051), Office of Information and Regulatory Affairs, Washington, DC 20503. Please provide a copy of your comments to the Bureau Information Clearance Officer (WO–630), 1849 C St., NW., Mail Stop 401 LS, Washington, DC 20240.

Nature of Comments: We specifically request your comments on the following:

1. Whether the collection of information is necessary for the proper functioning of the BLM, including whether the information will have practical utility;

2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;

3. The quality, utility and clarity of the information to be collected; and

4. How to minimize the burden of collecting the information on those who are to respond, including the use of appropriate automated electronic, mechanical, or other forms of information technology.

Title: Actual Grazing Use Report (43 CFR 4130).

OMB Approval Number: 1004–0051.

Bureau Form Number: 4130–5.

Abstract: Respondents (permittees or lessees) supply BLM with information on the actual amount of livestock grazing use on the public lands within a specified time frame. BLM uses the information for billing purposes and program monitoring.

Frequency: Annual reporting as required.

Description of Respondents: Respondents are holders of grazing permits and leases on public lands that BLM administers.

Estimated Completion Time: 25 minutes.

Annual Responses: 15,000.

Filing Fee per Response: 0.

Annual Burden Hours: 6,250.

Bureau Clearance Officer: Michael Schwartz, (202) 452–5033.

Dated: March 1, 2001.

Michael H. Schwartz,

BLM Information Collection Clearance Officer.

[FR Doc. 01–10911 Filed 5–1–01; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management, Burley Field Office

[ID–077–1220–HQ]

Notice of Closure of Public Land in Twin Falls County, ID

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure of public lands in Twin Falls County, Idaho.

SUMMARY: Notice is hereby given that certain lands in Twin Falls County, Idaho shall be closed to entry for all uses due to extreme environmental hazards. There is an active landslide on the east rim of the Salmon Falls Creek Canyon that poses a great threat to the safety of the public visiting the area. The area is known as Bluegill Lake or Sinking Canyon, and is located 6.5 miles west of Buhl, ID. The legal land description of the closure is as follows:

T. 9S., R 13E., Boise Meridian

Section 26: SE¼ NE¼, NE¼ SE¼, SE¼ SE¼.

Exceptions to this order are granted to the following:

Law enforcement and emergency services personnel.

Administratively approved access for actions such as monitoring and research studies.

EFFECTIVE DATE: This closure is effective immediately, and shall remain effective until rescinded by the Authorized Officer.

FOR FURTHER INFORMATION CONTACT: Theresa Hanley, Burley Field Manager, 15 East 200 South, Burley, ID 83318. Telephone (208) 677–6641. A map showing the public lands that have been closed is available at the BLM Burley Field Office.

SUPPLEMENTARY INFORMATION: Authority for this closure may be found in 43 CFR 8364.1. Any person who fails to comply with this closure under this subpart may be subject to the penalties provided in 8360.0–7 of this title.

Dated: April 6, 2001.

Theresa M. Hanley,

Burley Field Manager.

[FR Doc. 01–10915 Filed 5–1–01; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–912–6320–AA; GP1–0098]

Resource Advisory Committees; Notice of Intent to Establish and Call for Nominations

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to establish and call for nominations for each of the Oregon Bureau of Land Management (BLM) District Resource Advisory Committees (Committees) provided for in Section 205 of the Secure Rural Schools and Community Self Determination Act of 2000 (Pub. L. 106–393).

SUMMARY: This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act. Notice is hereby given that the Secretary of the Interior intends to establish five Resource Advisory Committees, pursuant to Section 205 of the Secure Rural Schools and Community Self Determination Act of 2000, Public Law 106–393 (the Act), for western Oregon BLM districts that contain Oregon and California (O&C) grants lands and Coos Bay Wagon Road grant lands. The public is also requested to submit nominations for membership on the Committees.

DATES: Nomination applications for Resource Advisory Committees can be obtained from your local BLM district office, or on the web at *www.or.blm.gov/planning/advisory.* All applications must be received by the appropriate BLM District office listed below no later than June 1, 2001. All nominations must include letters of reference from represented interests or organizations and a completed application that includes background information, as well as any other information that speaks to the nominee's qualifications.

ADDRESSES:

BLM Resource Advisory Committee Contacts

Coos Bay District Resource Advisory Committee: Sue Richardson, District Manager,1300 Airport Lane, North Bend, Oregon 97459, (541) 756–0100

Eugene District Resource Advisory Committee: Wayne Elliot, Resource Management Advisor, 2890 Chad Drive, Eugene, Oregon 97408–7336, (541) 683–6600

Medford District Resource Advisory Committee: Ron Wenker, District Manager, 3040 Biddle Road, Medford, Oregon 97504, (541) 618–2200

Roseburg District Resource Advisory Committee: Cary Osterhaus, District Manager, 777 NW Garden Valley Blvd., Roseburg, Oregon 97470, (541) 440–4913

Salem District Resource Advisory Committee: Jose Linares, Associate District Manager, 1717 Fabry Road SE, Salem, Oregon 97306, (503) 375–5646

FOR FURTHER INFORMATION CONTACT: Maya Fuller, Oregon/Washington Bureau of Land Management, Oregon State Office, PO Box 2965, Portland, Oregon 97208, (503) 952–6437.

SUPPLEMENTARY INFORMATION: The Secure Rural Schools and Community Self Determination Act establishes a five-year payment schedule to local counties to compensate them in part for the decrease in funds formally derived from the harvest of timber on federal lands. Pursuant to the Act, BLM is establishing five Committees for western Oregon BLM districts that contain O&C grant lands and Coos Bay Wagon Road grant lands. Committees will consist of 15 local citizens representing a wide array of interests.

The Act creates a new mechanism for local community collaboration with federal land management activities in the selection of projects to be conducted on federal lands or that will benefit resources on federal lands using funds under Title II of the Act.

Committee membership must be balanced in terms of the categories of interest represented. Members will serve without monetary compensation, but will be reimbursed for travel and per diem when on Committee business, as authorized by 5 U.S.C. 5703. Prospective members are advised that membership on a Resource Advisory Committee calls for a substantial commitment of time and energy.

Any individual or organization may nominate one or more persons to serve on the Committees. Individuals may also nominate themselves or others. Nominees must reside within one of the counties that are (in whole or part) within the BLM District boundaries of the Committee(s) on which membership is sought. A person may apply for and serve on more than one Committee. Nominees will be evaluated based on their education, training, and experience relating to land use issues and knowledge of the geographical area of the Committee. Nominees must also demonstrate a commitment to collaborative resource decision-making.

You may make nominations for the following categories of interest:

Category One—5 members who:

1. represent organized labor;

2. represent developed outdoor recreation, off-highway vehicle users, or commercial recreation activities;
3. represent energy and mineral development interests;
4. represent the commercial timber industry; or
5. hold federal grazing permits, or other land permits, within the area for which the committee is organized.

Category Two—5 members representing:
1. nationally recognized environmental organizations;
2. regionally or locally recognized environmental organizations;
3. dispersed recreational activities;
4. archeological and historical interests; or
5. nationally or regionally recognized wild horse and burro interest groups.

Category Three—5 members who:
1. hold State elected office or their designee;
2. hold county or local elected office;
3. represent American Indian Tribes within or adjacent to the area for which the committee is organized;
4. are school officials or teachers; or
5. represent the affected public at large.

The Resource Advisory Committees will be based on western Oregon BLM District boundaries. Specifically, the BLM Committees are as follows:

Salem District Resource Advisory Committee advises officials on projects associated with federal lands within the Salem District boundary which includes Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties.

Eugene District Resource Advisory Committee advises federal officials on projects associated with federal lands within the Eugene District boundary. The area covers Benton, Douglas, Lane, and Linn Counties.

Roseburg District Resource Advisory Committee advises federal officials on projects associated with federal lands within the Roseburg District boundary which includes Douglas, Lane, and Jackson Counties.

Medford District Resource Advisory Committee advises federal officials on projects associated with federal lands within the Medford District and Klamath Falls Resource Area in the Lakeview District. The area covers Coos, Curry, Douglas, Jackson, and Josephine Counties, and small portions of west Klamath County.

Coos Bay District Resource Advisory Committee advises federal officials on projects associated with federal lands within the Coos Bay District which includes Coos, Curry, Douglas, and Lane Counties.

Dated: April 18, 2001.

Nina Rose Hatfield,

Acting Director, Bureau of Land Management.

[FR Doc. 01–11061 Filed 5–1–01; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–070–1020–PG]

Resource Advisory Council Meeting; Upper Snake River District

AGENCY: Bureau of Land Management, Interior.

ACTION: Upper Snake River District Resource Advisory Council Meeting: Locations and Times.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C., the Department of the Interior, Bureau of Land Management (BLM) meeting of the Upper Snake River District Resource Advisory Council (RAC) will be held as indicated below. The agenda for this two-day meeting is as follows: A tour of the North Rim project near Twin Falls, Idaho will be held for RAC members on the first day. The second day will include discussions on the Shoshone Land Use Plan Amendment, Craters of the Moon National Monument planning, and issues surrounding the Goose Creek Allotment. Additional items that may be scheduled (depending on time) include Fire Restoration, information on the State of Idaho Federal Lands Task Force, and information on BLM Off-Highway Vehicle Planning in Idaho. The agenda may change as issues warrant between publication of this notice and the meeting.

All meetings are open to the public. The public may present written or oral comments to the council. Each formal council meeting will have a time allocated for hearing public comments. Individuals who plan to attend and need further information about the meetings, or need special assistance such as sign language interpretation or other reasonable accommodations should contact David Howell at the Upper Snake River District Office, 1405 Hollipark Dr., Idaho Falls, ID 83401, or telephone (208) 524–7559.

DATES AND TIMES: The meeting will be held May 30–31, 2001 at the Herrett Center on the College of Southern Idaho campus in Twin Falls. An executive session of the RAC will begin at 1 p.m., and the full RAC meeting will begin at 2 p.m. The meeting will conclude no later than 3 p.m. the following day. Public comments, if any, will be scheduled from 8:30 a.m. to 9 a.m. on May 31, 2001.

SUPPLEMENTARY INFORMATION: The purpose of the Resource Advisory Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the management of the of the public lands.

FOR FURTHER INFORMATION CONTACT: David Howell, Upper Snake River District, 1405 Hollipark Dr., Idaho Falls, ID 83401, (208) 524–7559.

Dated: April 2, 2001.

James E. May,

District Manager.

[FR Doc. 01–10916 Filed 5–1–01; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–930–1310–01; OKNM 101622]

New Mexico: Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97–451, a petition for reinstatement of oil and gas lease OKNM 101622 for lands in Leflore County, Oklahoma, was timely filed and was accompanied by all required rentals and royalties accruing from December 1, 2000, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and has reimbursed the Bureau of Land Management for the cost of this **Federal Register** notice.

The Lessee has met all the requirements for reinstatement of the lease as set out in sections 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate the lease effective December 1, 2000, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

FOR FURTHER INFORMATION CONTACT: Gloria S. Baca, BLM, New Mexico State Office, (505) 438–7566.

Dated: April 19, 2001.

Gloria S. Baca,

Land Law Examiner.

[FR Doc. 01–10913 Filed 5–1–01; 8:45 am]

BILLING CODE 4310–FB–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–020–01–5410–11–A187; AZA–31581]

Notice of Receipt of Conveyance of Mineral Interest Application

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Minerals Segregation.

SUMMARY: The private lands described in this notice aggregating approximately 950 acres, are segregated and made unavailable for filings under the general mining laws and the mineral leasing laws to determine their suitability for conveyance of the reserved mineral interest pursuant to section 209 of the Federal Land Policy and Management Act of October 21, 1976.

The mineral interest will be conveyed in whole or in part upon favorable mineral examination.

The purpose is to allow consolidation of surface and subsurface of minerals ownership where there are no known mineral values or in those instances where the reservation interferes with or precludes appropriate nonmineral development and such development is a more beneficial use of the land than the mineral development.

FOR FURTHER INFORMATION CONTACT: Vivian Titus, Land Law Examiner, Arizona State Office, 222 N. Central Ave., Phoenix, Arizona 85004 (602) 417–9598. Serial Number AZA–31581.

Gila and Salt River Base and Meridian, Maricopa County, Arizona

T. 8 N., R. 2 W.,
Sec. 20, NE¼, N½SE¼, N½SW¼SE¼, N½S½SW¼SE¼, SE¼SE¼;
Sec. 21, All.

Minerals Reservation—All Minerals

Upon publication of this Notice of Segregation in the **Federal Register** as provided in 43 CFR 2720.1–1(b), the mineral interests owned by the United States in the private lands covered by the application shall be segregated to the extent that they will not be subject to appropriation under the mining and mineral leasing laws. The segregative effect of the application shall terminate upon: Issuance of a patent or deed of such mineral interest; upon final rejection of the application; or two years from the date of publication of this notice, whichever occurs first.

Dated: March 28, 2001.

Denise P. Meridith,

State Director.

[FR Doc. 01–10910 Filed 5–1–01; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

[(NM–080–1430–EU; Serial No. NMNM–104317)]

Noncompetitive Sale of Public Lands in Eddy County

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The following land has been found suitable for direct sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value of $20,000. The land will not be offered for sale until at least 60 days after the date of this notice.

T. 17 S., R. 30 E., NMPM

Sec. 20: Lots 13, 14, 15, S½SE¼NE¼SE¼

Containing approximately 5 acres.

The land is hereby segregated from appropriation under the public land laws, including the mining laws. The segregative effect of the notice of realty action shall terminate upon issuance of patent or other document of conveyance to such lands, upon publication in the **Federal Register** of a termination of the segregation, or 270 days from date of publication, whichever occurs first.

The land is to be offered by direct sale to Ray Westall, to correct an encroachment on public land. The subject lands are not required for any other Federal purpose and meet the disposal criteria of the regulations contained in 43 CFR 2711.3–3(a)(2).

The patent, when issued, will reserve all minerals to the United States and will be subject to existing rights-of-way. Detailed information concerning the reservation, as well as specific conditions of the sale, are available for review at the Carlsbad Field Office, Bureau of Land Management, 620 East Greene, Carlsbad, New Mexico 88220.

For a period of 45 days from May 2, 2001, interested parties may submit comments to Bobbe Young, Lead Realty Specialist, P.O. Box 1778, Carlsbad, NM 88220. Any adverse comments will be evaluated by the Field Manager, who may vacate or modify this realty action and issue a final determination. In absence of objections, this realty action will become the final determination of the Department of the Interior.

Dated: April 12, 2001.

Leslie A. Theiss,

Field Manager.

[FR Doc. 01–10914 Filed 5–1–01; 8:45am]

BILLING CODE 4310–VA–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Environmental Assessment Prepared for Proposed Western Gulf Sale 180 on the Gulf of Mexico Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability of the environmental assessment on proposed Western Gulf of Mexico Lease Sale 180.

SUMMARY: The Minerals Management Service (MMS) has prepared an environmental assessment (EA) for the proposed annual Lease Sale 180 for the Western Planning Area of the Gulf of Mexico Outer Continental Shelf.

FOR FURTHER INFORMATION CONTACT: Public Information Unit, Information Services Section at the number below. You may obtain single copies of the EA from the Minerals Management Service, Gulf of Mexico OCS Region, Attention: Public Information Office (MS 5034), 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana 70123–2394 or by calling 1–800–200–GULF.

SUPPLEMENTARY INFORMATION: In this EA, MMS has reexamined the potential environmental effects of the proposed action and alternatives based on any new information regarding potential impacts and issues that were not available at the time the Final Environmental Impact Statement (FEIS) for Lease Sales 171, 174, 177, and 180 was prepared. In summary, no new significant impacts were identified for proposed Lease Sale 180 that were not already assessed in the FEIS for Lease Sales 171, 174, 177, and 180. As a result, MMS determined that a supplemental EIS is not required and prepared a Finding of No New Significant Impact.

Public Comment: If you wish to comment, you may mail or hand-carry written comments to the Department of the Interior, Minerals Management Service, Regional Director (MS 5410), Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or

address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Dated: April 25, 2001.

Ralph Ainger,

Acting Associate Director for Offshore Minerals Management.

[FR Doc. 01–10722 Filed 5–1–01; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf (OCS) Policy Committee of the Minerals Management Advisory Board; Notice and Agenda for Meeting

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Meeting.

SUMMARY: The OCS Policy Committee of the Minerals Management Advisory Board will meet at the Radisson Hotel Old Town in Alexandria, Virginia.

DATES: Wednesday, May 23 and Thursday, May 24, 2001, from 8:30 a.m. to 5 p.m.

ADDRESSES: The Radisson Hotel Old Town, 901 N. Fairfax Street, Alexandria, Virginia 22314, telephone (703) 683–6000.

FOR FURTHER INFORMATION CONTACT: Ms. Jeryne Bryant at Minerals Management Service, 381 Elden Street, Mail Stop 4001, Herndon, Virginia 20170–4187. She can be reached by telephone at (703) 787–1211 or by electronic mail at jeryne.bryant@mms.gov.

SUPPLEMENTARY INFORMATION: The OCS Policy Committee represents the collective viewpoint of coastal States, environmental interests, industry and other parties involved with the OCS Program. It provides policy advice to the Secretary of the Interior through the Director of the MMS on all aspects of leasing, exploration, development, and protection of OCS resources.

The agenda for May 23rd will cover the following principal subjects:

Report on the Vice President's Energy Task Force. This presentation will provide an update on the status of Vice President Cheney's Energy Task Force.

Recent Events Regarding Natural Gas Supply. This presentation will address the winter natural gas supply, the role of the natural gas supply in California, and the proposed Alaska pipeline.

Natural Gas Subcommittee Report. This presentation will provide an update on the activities of the Natural Gas Subcommittee that was established at the October 2000 meeting to assess the contribution that the OCS can make in meeting the short-term and long-term natural gas needs of the United States.

Energy Demands—States' Perspective. This presentation will address what the coastal States perceive their respective energy demand(s) will be over the next 5–10 years and the plans to deal with the demand(s).

Coastal Consistency—Final Regulations. This presentation will address Federal Coastal Zone Management consistency, including new regulations and reauthorization of the Coastal Zone Management Act.

The agenda for May 24th will cover the following principal subjects:

OCS Scientific Committee Update. This presentation will provide an update on the activities of the Scientific Committee. It will also highlight the activities that are related to energy issues/concerns, ocean issues, hard mineral activity, and any other topics that are relevant to both Committees.

Atlantic Region Update. This presentation will address the outcome of the Manteo litigation and contracts/statement of work for Atlantic studies.

Gulf of Mexico (GOM) Region—Panel Discussion. This presentation will address the status of Sale 181; GOM 5-year projection of production; floating production, storage and offloading systems; oil spill contingency plans; new technology in deep water and seismic surveying; and the GOM State Geologist Survey Consortium.

Next 5-Year Program. This presentation will address the next 5-Year Program and its implications.

Hard Minerals Update. This presentation will provide an update on subcommittee activities and other pertinent hard minerals information.

MMS Regional Updates. The Regional Directors will highlight activities off the California and Alaska coasts.

Ocean Activities. This presentation will address the status of the formation of the Oceans Commission and its composition; and the functions and ocean-related activities of the Consortium for Oceanographic Research and Education.

The meeting is open to the public. Approximately 100 visitors can be accommodated on a first-come-first-served basis.

Upon request, interested parties may make oral or written presentations to the OCS Policy Committee. Such requests should be made no later than May 11, 2001, to Jeryne Bryant. Requests to make oral statements should be accompanied by a summary of the statement to be made. Please see **FOR FURTHER INFORMATION CONTACT** section for address and telephone number.

Minutes of the OCS Policy Committee meeting will be available for public inspection and copying at the MMS in Herndon, Virginia.

Authority: Federal Advisory Committee Act, P.L. No. 92–463, 5 U.S.C. Appendix 1, and the Office of Management and Budget's Circular No. A–63, Revised.

Dated: April 26, 2001.

Carolita U. Kallaur,

Associate Director for Offshore Minerals Management.

[FR Doc. 01–10952 Filed 5–1–01; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–924 (Preliminary)]

Mussels From Canada

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. § 1673b(a)), that there is a reasonable indication that an industry in the United States is threatened [2] with material injury by reason of imports from Canada of mussels, provided for in subheading 0307.31.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules upon notice from the Department of Commerce (Commerce) of an affirmative preliminary determination in the

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Chairman Koplan determines that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of mussels from Canada.

investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On March 12, 2001, a petition was filed with the Commission and Commerce by Great Eastern Mussel Farms, Tenants Harbor, ME, alleging that an industry in the United States is threatened with material injury by reason of LTFV imports of mussels from Canada. Accordingly, effective March 12, 2001, the Commission instituted antidumping duty investigation No. 731–TA–924 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 19, 2001 (66 FR 15503). The conference was held in Washington, DC, on April 2, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on April 26, 2001. The views of the Commission are contained in USITC Publication 3416 (May 2001), entitled Mussels from Canada: Investigation No. 731–TA–924 (Preliminary).

Issued: April 27, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–11016 Filed 5–1–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement Pursuant to the Comprehensive Environmental Response Compensation and Liability Act

Notice is hereby given that, on March 23, 2001, a proposed Settlement Agreement in *In Re: Teplitz Auto Parts, Inc.*, No. 00–13384 (ash) (Bankr. S.D.N.Y.), a bankruptcy action involving Teplitz Auto Parts, Inc., a defendant in *United States* v. *Woodward Metal Processing, Corp. et al.*, No. 98–2736 (JWB/GDH) (D.N.J.), was lodged with the United States District Court for the District of New Jersey. By its terms, the Settlement Agreement becomes effective only after approval is obtained from both the Bankruptcy Court and the District Court.

In the District Court action, the United States sought to recover response costs incurred in connection with a removal action at the Woodward Metal Processing Corporation Site, located at 125 Woodward Street, Jersey City, New Jersey (''Site''), pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9607. The proposed Settlement Agreement would allow a general unsecured claim in the bankruptcy action by the United States in the amount of $375,000. Together with other ending settlements, the Settlement Agreement would resolve the District Court action in its entirety.

The U.S. Department of Justice will receive, for period of thirty (30) days from the date of publication of this Notice, comments relating to the proposed Settlement Agreement. Any comments should be addressed to the Assistant Attorney General for the Environmental and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, and should reference the following case name and number: *United States* v. *Metal Processing Corp., et al.*, DJ #90–11–2–1299/1.

The proposed Settlement Agreement may be examined at the offices of EPA Region II, located at 290 Broadway, New York, New York, c/o Virginia Curry, Esq., (212) 637–3134, or at the U.S. Attorney's Office, 970 Broad St., 7th Floor, Newark, NJ 07102, c/o Susan Cassell, Esq., (973) 645–2700. A copy of the proposed Settlement Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, c/o Peggy Fenlon-Gore, (202) 514–5245. In requesting a copy, please enclose a check in the amount of $6.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Ronald G. Gluck, Esq.,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–10883 Filed 5–1–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of March and April, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–38,500; American Pine Products, Prineville, OR

TA–W–38,651; Georgia Pacific Corp., Industrial Wood Products Div., Gaylord Particleboard, Gaylord, MI

TA–W–38,533; Spray Cotton Mills, Eden, NC

TA–W–38,775; Q and M Manufacturing, Inc., Cheboygan, MI

TA–W–38,786; Wing Industries, Division of Atrium Companies, Inc., Greenville, TX
TA–W–38,516; Owens Brockway, Glass Container Div., Fulton, New York
TA–W–38,693; Summit Timber Co., Darrington, WA
TA–W–38,845; Borg-Warner, Inc. Transmission Systems Div., Coldwater, MI
TA–W–38,789; Dietrick's Milk Products, LLC, Middlebury Center, PA
TA–W–38,466, A & B; Armtex, Inc., Pilot Mountain, NC, Gastonia, NC and Surry Industries, LLC, Pilot Mountain, NC

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The workers firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–38,515; Permanent Label Corp., Clifton, NJ
TA–W–38,537; West Texas Energy Services, LLC, Big Spring, TX
TA–W–38,707; Philips Consumer Electronics Co., Knoxville Industrial Design Group (KID), Knoxville, TN
TA–W–38,595; Magnetic Data Technologies, LLC, Eden Prairie, MN
TA–W–38,902; Troy Design, Inc., Small Car Group, Lansing, MI
TA–W–38,806; Chicago Steel, LLP, Gary, IN

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–38,529; Ametek/Prestolite, Motors and Switch Div., Decatur, AL
TA–W–38,992; Coastal Machinery Co., Portland, OR
TA–W–38,814; Hager Hinge Companies, Consumer Div., Oxford, AL
TA–W–38,876; The Worthington Steel Co., Malvern, PA
TA–W–38,667; New ERA Cap Co., Inc., Derby, NY
TA–W–38,515; Permanent Label Corp., Clifton, NJ
TA–W–38,532; United Plastic Group Portland, Hillsboro, OR
TA–W–38,744; Kearfott Guidance and Navigation Corp., Wayne, NJ
TA–W–38,747; Createc Corp., Harrodsburg, KY
TA–W–38,721; HPM Corp., Mt. Gilead, OH
TA–W–38,481; BF Goodrich Aerospace, Cedar Knolls, NJ
TA–W–38,450; Specialty Minerals, Inc., Mobile, AL
TA–W–38,712; Dave Szalay Logging, Whitefish, MT
TA–W–38,607; Owens Corning, Newark, OH
TA–W–38,805; Playtex Apparel, Inc., New York, NY
TA–W–38,769; Deltrol Corp., Milwaukee, WI

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–38,896; Vaagan Bros, Lumber, Inc., Colville, WA
TA–W–38,890; Erie Forge and Steel, Inc., Erie, PA
TA–W–38,629; Seral, Inc., Houston, TX
TA–W–38,698; Powermatic Corp., Walter Meyer Holding AG, McMinnville, TN

The investigation revealed that criteria (2) and (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increased imports did not contribute importantly to worker separations at the firm.

TA–W–38,598; NACCO Materials Handling Group, Danville, IL
TA–W–38,901; Moose River Lumber Co., Inc., Jackman, ME

The investigation revealed that criteria (1) and (2) have not been met. A significant number of proportion of the workers did not become totally or partially separated from employment as required for certification. Sales or production did not decline during the relevant period as required for certification.

TA–W–38,855; Willamette Industries, Inc., Foster Plywood Div., Sweet Home, OR

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–38,871; Vishay Sprague, Inc., Sanford, ME: April 18, 2000.
TA–W–38,801; Converse, Inc., North Reading, MA: April 14, 2000.
TA–W–38,733; Oremet, Div. of Allegheny Technologies, Inc., Albany, OR: February 10, 2000.
TA–W–38,453; Thomas and Betts Corp., Prembroke, MA: December 6, 1999.
TA–W–38,799; Dana Spicer, Off-Hwy Products Div., Plymouth, MN: February 1, 2000.
TA–W–38,689; Sony Music, Inc., Disc Manufacturing, Carrollton, GA: January 30, 2000.
TA–W–38,949; Columbia Forest Products, Klamath Falls, OR: March 15, 2000.
TA–W–38,536; Crawford Furniture Manufacturing Corp., New Bethlehem, PA: December 17, 1999.
TA–W–38,907; Bayer Clothing Group, Inc., New York, NY: March 13, 2000.
TA–W–38,489; Western Supplies Co., St. Louis, MO: December 15, 1999.
TA–W–38,701; Woodgrain Millwork, Inc., Fruitland, ID: February 2, 2000.
TA–W–38,922; Thomas and Betts, St. Matthews, SC: March 13, 2000.
TA–W–38,710; Sure Cutting Services, Inc., Opa Locka, FL: January 25, 2000.
TA–W–38,571; Shorewood Packaging Corp., Cincinnati, OH: January 10, 2000.
TA–W–38,790 & A; Wilkins Industries, Inc., McRae, GA and Athens, GA: February 24, 2001.
TA–W–38,656; The JPM Co., San Jose, CA: January 28, 2000.
TA–W–38,966; Dearborn Brass, 21st Century Companies, Inc., Tyler, TX: February 9, 2000.
TA–W–38,894; Hoffman/New Yorker, Inc., Dushore Plant, Dushore, PA: March 7, 2000.
TA–W–38,631; Slater Steels Melt Shop, Ft. Wayne, IN: January 10, 2000.
TA–W–38,752; F.L. Smithe Machine Co., Inc., Duncansville, PA: February 9, 2000.
TA–W–38,677; Super Snack Manufacturing, Savoy, TX: March 30, 2001.
TA–W–38,737 & A; Hagale Industries, Inc., Ardmore, OK and Idabel, OK: February 16, 2000.
TA–W–38,738,A, B, & C; Hagale Industries, Inc., Republic MO, Stocton, MO and Reeds Spring, MO: February 16, 2000.
TA–W–38,499; CHI, Inc., International, Inc., Crisfield, MD: December 15, 1999.
TA–W–38,739; Allison Manufacturing Co., Albermarle, NC: February 14, 2000.
TA–W–38,686; Pilling Weck Surgical, Irvington, NJ: January 31, 2000.
TA–W–38,812; Regal Headwear USA, Inc., Gladwater, TX: February 22, 2000.
TA–W–846; Black and Decker, Beloit, WI: March 6, 2000.
TA–W–38,732 & A; Haggar Clothing Co., Edinburg Manufacturing, Edinburg, TX and Weslaco Operations Weslaco, TX: February 14, 2000.
TA–W–38,933; Union Knitwear, Inc., Maynardville, TN: March 14, 2000.
TA–W–38,388; Corbin Russwin, Inc., Berlin, CT: November 16, 1999.
TA–W–38,928; Motorola Personal Communication Sector, Harvard, IL: February 14, 2000.

TA–W–38,741; The William Carter Co., Griffin, GA: January 29, 2000.
TA–W–38,646; CSC Ltd, Warren, OH: January 22, 2000.
TA–W–38,633; Venturi Designs Ltd, New York, NY: January 22, 2000.
TA–W–38,829; Anvil Knitwear, Mullins, SC: November 14, 2000.
TA–W–38,534; Hedstrom Lumber Co., Inc., Two Harbor Div., Two Harbor, MN and Grand Marais Div., Grand Marais, MN: December 26, 1999.
TA–W–38,422; CMI Industries, Inc., Clinton Fabric Div., Clinton, SC and Bailey Plant, Clinton, SC: December 4, 1999.
TA–W–38,757; Gorge Lumber Co., Inc., Portland, OR: July 11, 2000.
TA–W–38,763; Donora Sportswear Co., Inc., Donora, PA: October 9, 2000.
TA–W–38,573; Man Edge Tool Co. and White Container Corp. and American Hickory Corp., Lewistown, PA: January 5, 2000.
TA–W–38,800; TI Automotive, New Haven Plant, New Haven, MI: February 28, 2000.
TA–W–38,774; Vera Sportswear, Inc., Charlestown, MA: February 5, 2000.
TA–W–38,837 & A; WCI Steel, Inc., Warren, OH and Youngstown Sinter Plant, Youngstown, OH: January 21, 2001.
TA–W–38,373; Kirkwood Industries, Cleveland, OH: November 7, 1999.
TA–W–38,730; Cardinal industries, Grundy, VA: February 8, 2000.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with section 250(a), subchapter D, chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of March and April, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increased imports contributed improtantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TA–04623; Westark/Dunbrooke Industries, Inc., Versailles, MO
NAFTA–TAA–04535; Owens Corning, Newark, OH
NAFTA–TAA–04514; Summit Timber Co., Darrington, WA
NAFTA–TAA–04567; Crown Pacific Limited Partnership, Bonners Ferry, ID
NAFTA–TAA–04642; Kearfott Guidance & Havigation Corp., Wayne, NJ
NAFTA–TAA–04585; Presto Products Manufacturing Co., Algagordo, NM
NAFTA–TAA–04402; United Plastics Group Portland, Hillsboro, OR
NAFTA–TAA–04665; The Worthington Steel Co., Malvern, PA
NAFTA–TAA–04639; Borg-Warner, Inc., Transmission Systems Div., Coldwater, MI
NAFTA–TAA–04563; HPM Corp., Mt. Gilead, OH
NAFTA–TAA–04550; Freightliner LLC, Mt. Holly Truck Manufacturing Plant, Mt. Holly, NC
NAFTA–TAA–04512; Georgia Pacific Corp., Industrial Wood Products Div., Gaylord Particleboard, Gaylord, MI
NAFTA–TAA–04564; Deltrol Corp., Economy Bushing Company/Deltrol Precision, Milwaukee, WI
NAFTA–TAA–04599; Createc Corp., Harrodsburg, KY
NAFTA–TAA–04418; Owens Brockway, Glass Container Div., Fulton, NY
NAFTA–TAA–04621; Skyjack Rental Equipment, Inc., d/b/a Skyjack Rental Equipment Services, Wathena, KS
NAFTA–TAA–04546; Dave Szalay Logging, Whitefish, MT
NAFTA–TAA–04469; Nova Bus, Inc., Plant III, Roswell, NM
NAFTA–TAA–04647; Wing Industries, Div. of Atrium Companies, Inc., Greenville, TX
NAFTA–TAA–04649; Lionel LLC, Chesterfield, MI
NAFTA–TAA–04537; Dietrich's Milk Products, LLC, Middlebury Center, PA
NAFTA–TAA–04697; Coastal Machinery Co., Portland, OR

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The investigation revealed that workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

NAFTA–TAA–04705; Troy Design, Inc., Small Car Group, Lansing, MI
NAFTA–TAA–04524; Philips Consumer Electronics Co., Knoxville Industrial Design Group (KID), Knoxville, TN
NAFTA–TAA–04345; Hutchinson Moving and Storage, Thief River Falls, MN
NAFTA–TAA–04566; Allison Manufacturing Co., Albermarle, NC
NAFTA–TAA–04450; Magnetic Data Technologies LLC, Eden Prairie, MN
NAFTA–TAA–04628; Chicago Steel LLP, Gary, IN

The investigation revealed that criteria (1) and (2) have not been met. A significant number or proportion of the workers did not become totally or partially separated from employment as required for certification. Sales or production did not decline during the relevant period as required for certification.

NAFTA–TAA–04631; Willamette Industries, Inc., Foster Plywood Div., Sweet Home, OR

The investigation revealed that criteria (1) has not been met. A significant number or proportion of the workers did not become totally or partially separated from employment as required for certification.

NAFTA–TAA–04624; Do Little Logging, LLC, Lewistown, MT

The investigation revealed that criteria (2) and (4) have not been met. Sales or production did not decline during the relevant period as required for certification. There has not been a shift in production of such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

NAFTA–TAA–04560; Erie Forge and Steel, Inc., Erie, PA

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–04686; Thomas and Betts, St. Matthews, SC: March 13, 2000.

NAFTA–TAA–04694; Omniglow Corp., West Springfield, MA: March 19, 2000.
NAFTA–TAA–04656; Motorola Personal Communications Sector, Harvard, IL: February 13, 2000.
NAFTA–TAA–04368; Condor DC Power Supplies, Inc., Todd Products, Group, Brentwood, NY: November 10, 2000.
NAFTA–TAA–04637; Hoffman/New Yorker, Inc., Dushore Plant, Dushore, PA: March 7, 2000.
NAFTA–TAA–04387; Corbin Russwin, Inc., Berlin, CT: November 20, 1999.
NAFTA–TAA–04646; Vera Sportswear, Inc., Charlestown, MA: February 17, 2000.
NAFTA–TAA–04410; Kwikset Corp., Anaheim, CA: April 9, 2000.
NAFTA–TAA–04544; CAE Newnes, Inc., Sherwood, OR: February 8, 2000.
NAFTA–TAA–04533; Woodgrain Millwork, Inc., Fruitland, ID: Feburary 2, 2000.
NAFTA–TAA–04612; Stant Manufacturing, Inc., Commersville, IN: February 22, 2000.
NAFTA–TAA–04305; Berg Lumber Co., Lewistown, MT: November 13, 1999.
NAFTA–TAA–04539; Sony Music, Inc., Sony Disc Manufacturing, Carrollton, GA: January 30, 2000;
NAFTA–TAA–04575; Gorge Lumber Company, Inc., Portland OR: July 11, 2000.
NAFTA–TAA–04510; the JPM Company, San Jose, CA: January 23, 2000.
NAFTA–TAA–04685; Sonoco, Industrial Products Div., Shepherd, MI: March 1, 2000.
NAFTA–TAA–04468; OBG Manufacturing/Distribution Company, Oshkosh B'Gosh, Inc., Liberty, KY: January 12, 2000.
NAFTA–TAA–04451; Titanium Sports Technologies, LLC, Pay Plus Benefits, Inc., Kennewick, WA: January 16, 2000.
NAFTA–TAA–04520; Super Sack Manufacturing, Savoy, TX: March 8, 2000.
NAFTA–TAA–04602 & A; Wilkins Industries, Inc., McRae, GA and Athens, GA: February 24, 2001.
NAFTA–TAA–04565; Cummins, Inc., Charleston Cylinder Head Business, Charleston, SC: February 12, 2000.
NAFTA–TAA–04655; Busy B's Cedar, Priest River, ID: February 14, 2000.
NAFTA–TAA–04688; Columbia Forest Products, Klamath Division, Flamath Falls, OR: March 8, 2000.
NAFTA–TAA–0426; Thomas and Betts, Bainbridge, GA: March 8, 2000.
NAFTA–TAA–04604; Nautel Maine, Inc., Bangor, ME: March 1, 2000.
NAFTA–TAA–04493; Camp, Inc., Jackson, MI: January 12, 2000.
NAFTA–TAA–04643; Invensys Powerware Corp., AKA Best Power, Necedah, WI: March 12, 2000.
NAFTA–TAA–04457; Ametek/Prestolite, Motors and Switch Div., Decatur, AL: January 19, 2000.

I hereby certify that the aforementioned determinations were issued during the month of March and April, 2001. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: April 23, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–10942 Filed 5–1–01; 8:45am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,695]

Drummond Company, Inc., Jasper, Alabama; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 20, 2001, in response to a worker petition which was filed on behalf of workers at Drummond Company, Inc., Jasper, Alabama.

The Department of Labor has determined that the petition is invalid. Under the Trade Act of 1974, a petition may be filed by a group of three or more workers in an appropriate subdivision of a firm, by a company official, or by their union or other duly authorized representative. The petitioners are not employees of Drummond Company, Jasper, Alabama. The petition was signed by three petitioners who are not authorized to file on behalf of workers of the company. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 12th day of April, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–10944 Filed 5–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,824]

Heritage Sportswear Marion, South Carolina; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 12, 2001, in response to a worker petition which was filed on behalf of workers at Heritage Sportswear, Marion, South Carolina.

The petitioners were separated from the subject firm more than a year prior to the postmark date of the petition February 24, 2001. Section 223(b)(1) of the Trade Act of 1974 specifies that no certification may apply to any worker whose last separation occurred more than a year before the date of the petition. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 12th day of April 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–10947 Filed 5–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38, 272]

Renfro Corporation Pulaski, Virginia; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on November 3, 2000, applicable to all workers of Renfro Corporation, Finishing Department, located in Pulaski, Virginia. The notice was published in the **Federal Register** on December 6, 2000 (65 FR 76290).

At the request of petitioners, the Department reviewed the certification for workers of the subject firm. Information provided by the petitioners show that layoffs occurred in the Seaming Department at Renfro Corporation in Pulaski, Virginia. The workers are engaged in employment related to the production of socks.

The intent of the certification is to provide coverage to all workers of the subject firm impacted by increased imports of socks. Therefore, the Department is amending the certification to include all workers of the firm engaged in employment related to the production of socks, not just those in the Finishing Department.

The amended notice applicable to TA–W–38, 272 is hereby issued as follows:

All workers of Renfro Corporation, Pulaski, Virginia, engaged in employment related to the production of socks, who became totally or partially separated from employment on or after October 13, 1999, through November 3, 2002, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC this 17th day of April 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–10946 Filed 5–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Petition for NAFTA-Transitional Adjustment Assistance

ACTION: Notice.

SUMMARY: The Department of Labor, 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 (PRA 95) (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 requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed renewal of the information collection of the Petition For NAFTA Transitional Adjustment Assistance, ETA 9042.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before July 2, 2001. Written comments should evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility, evaluate the accuracy of the agency's estimate of the burden of a proposed collection of information including the validity of the methodology and assumptions used; enhance the quality, utility, and clarity of a information to be collected; and minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

ADDRESSES: Edward A. Tomchick, Division of Trade Adjustment Assistant, Employment and Training Administration, Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210, 202–693–3560 (this is not a toll-free nbumber).

SUPPLEMENTARY INFORMATION:

I. Background

The North American Free Trade Agreement (NAFTA) Implementation Act amended Chapter 2 of Title II of the Trade Act of 1974 to add a Subchapter D—NAFTA Transitional Adjustment Assistance Program. This program provides needed adjustment assistance to workers adversely affected because of imports from Canada or Mexico or shifts of production from the United States to those countries.

Section 250 of the Act authorizes the Governor of each State to accept petitions for certification of eligibility to apply for adjustment assistance. Once a petition for NAFTA adjustment assistance is filed with the Governor in the State where the firm is located, the law gives the Governor ten days to make a preliminary finding of whether the petition meets the group eligibility requirements under Subchapter D, and transmits the finding to the Secretary of Labor. The NAFTA Confidential Data Request Form ETA–9043 establishes the format which has been used by the Governor for making a preliminary finding.

II. Current Actions

This is a request for OMB approval under [the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)] for a collection of information assigned OMB Control No. 1205–0339.

Type of Review: Extension without change.

Agency: Employment and Training Administration, Labor.

Title: NAFTA-Confidential Data Request.

OMB Number: 1205–0339.

Agency Number: ETA–9043.

Affected Public: Business and State.

Total Respondents: Estimated 1,000.

Total Respondents: Estimated 1,000.

Frequency: On occasion.

Average Time per Response:
Respondents = 15 minutes.
State Review = 5 minutes.

Estimated Total Burden Hours:
Respondents = 250 hours.
State review = 80 hours.
Total = 330.

Estimated Respondent cost:
Respondents = $6,250.
State review = $1,406.
Total = $7,656.

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.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–11011 Filed 5–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4478]

Brenner Tank, Inc., Mauston, WI

Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on January 24, 2001, in response to a petition filed by a company official on behalf of workers at Brenner Tank, Inc., Mauston, Wisconsin.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 20th day of April, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–11012 Filed 5–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–04495]

Johnson Electric Automotive, Inc. Brownsville, Texas Including Temporary Workers of Austin Temporary Services Employed at Johnson Electric Automotive, Inc. Brownsville, Texas; Amended Certification Regarding Eligibility To Apply for NAFTA-Transitional Adjustment Assistance

In accordance with Section 250(A), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974 (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on February 22, 2001, applicable to workers of Johnson Electric Automotive, Brownsville, Texas. The notice was published in the **Federal Register** on April 5, 2001 (66 FR 18119).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. Information provided by the State and the company shows that some employees of the subject firm were temporary workers from Austin Temporary Services, Harlingen, Texas to produce shafts of motors for lawnmowers and boats at the Brownsville, Texas location.

Based on these findings, the Department is amending the certification to include temporary workers of Austin Temporary Services, Harlingen, Texas employed at Johnson Electric Automotive, Inc., Brownsville, Texas.

The intent of the Department's certification is to include all workers of Johnson Electric Automotive, Inc., Brownsville, Texas adversely affected by a shift of production to Mexico.

The amended notice applicable to NAFTA—04495 is hereby issued as follows:

All workers of Johnson Electric Automotive, Inc., Brownsville, Texas including temporary workers of Austin Temporary Services, Harlingen, Texas who were engaged in the production of shafts of motors for lawnmowers and boats at Johnson Electric Automotive, Inc., Brownsville, Texas who became totally or partially separated from employment on or after January 26, 2000 through February 22, 2003 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, DC this 13th day of April, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–10948 Filed 5–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4548]

Louisiana-Pacific Corporation, Jasper Stud Mill, Jasper, TX

Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on February 13, 2001, in response to a petition filed by a company official on behalf of workers at Louisiana-Pacific Corporation, Jasper Stud Mill, Jasper, Texas.

This case is being terminated due to the petitioner's request that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 23rd day of April 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–11013 Filed 5–1–01; 8:45 am]

BILLING CODE 4510–31–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub. L. 103–182), hereinafter called (NAFTA–TAA), have been filed with State Governors under Section 250(b)(1) of subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA–TAA petition has been received, the Director of the Division of Trade Adjustment Assistance (DTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes action pursuant to paragraphs (c) and (e) of section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment on or after December 8, 1993 (date of enactment of Pub. L. 103–182) are eligible to apply for NAFTA–TAA under subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Director of DTAA at the U.S. Department of Labor (DOL) in Washington, DC provided such request if filed in writing with the Director of DTAA not later than May 14, 2001.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Director of DTAA at the address shown below not later than May 14, 2001.

Petitions filed with the Governors are available for inspection at the Office of the Director, DTAA, ETA, DOL, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 18th day of April, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

Appendix

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Pathfinders (Co.)	Sedro Wooley, WA	02/27/2001	NAFTA–4,591	Soft lap top computer cases.
Corning Cable Systems (Co.)	Kernersville, NC	02/27/2001	NAFTA–4,592	Telecommunications products.
William Carter (The) (Wkrs)	Griffin, GA	02/20/2001	NAFTA–4,593	Infants wear.
Edscha (UAW)	Jackson, MI	02/13/2001	NAFTA–4,594	Door hinge.
Eaton (Wkrs)	Marshall, MI	02/22/2001	NAFTA–4,595	Automotive.
Q and M Manufacturing (Wkrs)	Cheboygan, MI	02/27/2001	NAFTA–4,596	Gaskets.
Reptron Manufacturing Services (Wkrs)	Caylord, MI	02/27/2001	NAFTA–4,597	Electronic circuit assemblies.
Inman Mills (Co.)	Inman, SC	02/28/2001	NAFTA–4,598	Woven, greige goods.
Createc Corporation (Wkrs)	Harrodsbury, KY	03/01/2001	NAFTA–4,599	Polystrene packaging.
Marcegaglia USA (Wkrs)	Greenville, PA	03/01/2001	NAFTA–4,600	Stainless steel tube & pipe.
Blue Mountain Products (Wkrs)	Pendleton, OR	02/27/2001	NAFTA–4,601	Wood lumber.
Wilkins Industries (Wkrs)	McRae, GA	03/01/2001	NAFTA–4,602	Women's jeans.
Wilkins Industries (Co.)	Athens, GA	03/01/2001	NAFTA–4,602	Women's jeans.
IEC Electronics (Wkrs)	Edinburg, TX	03/02/2001	NAFTA–4,603	Printed circuit boards.
Nautel Maine (Co.)	Bangor, ME	03/02/2001	NAFTA–4,604	Radio transmitters.
Ropak Northwest (Wkrs)	Kent, WA	03/02/2001	NAFTA–4,605	Plastic containers.
Collis, Inc.—SSW Holding (Wkrs)	Elizabethtown, KY	02/27/2001	NAFTA–4,606	Refrigerator shelves and baskets.
U.S. Intec—Permaglas (Wkrs)	Corvallis, OR	02/27/2001	NAFTA–4,607	Roofing materials.
Kazoo (Wkrs)	San Antonio, TX	02/16/2001	NAFTA–4,608	Pants and shirt.
Cooper Standard Automotive (Co.)	Rocky Mount, NC	03/05/2001	NAFTA–4,609	Extruded rubber parts.
Perfect Fit Industries (Co.)	Richfield, NC	03/05/2001	NAFTA–4,610	Comforters, bed spreads and bedding.
Stanley Fastening Systems (Wkrs)	Hamlet, NC	03/05/2001	NAFTA–4,611	Staple production machines.
Stant Manufacturing (UAW)	Connersville, IN	03/02/2001	NAFTA–4,612	Automotive closure caps.
Budd Company (The) (UAW)	Philadelphia, PA	03/09/2001	NAFTA–4,613	Automotive stamping & assemblies.
Sandhills Printing and Finishing (Co.)	Sanford, NC	03/09/2001	NAFTA–4,614	Printing & Finishing.
Westfield Tanning (Wkrs)	Westifled, PA	03/09/2001	NAFTA–4,615	Leather for footwear.
Trinity Industries (Wkrs)	Johnstown, PA	03/12/2001	NAFTA–4,616	Railroad freight car axles.
NAPCO Button (Co.)	Coppell, TX	03/09/2001	NAFTA–4,617	Dyed buttons.
Eagle Knits of Stanfield (Co.)	Norwood, NC	03/08/2001	NAFTA–4,618	Knit goods (fabric).
Thomas and Betts (Co.)	Pembroke, MA	03/08/2001	NAFTA–4,619	Electronic photocontrols.
Super Sack (Co.)	Savoy, TX	03/08/2001	NAFTA–4,620	Semi-bulk packaging containers.
Skyjack Rental Equipment (Wkrs)	Wathena, KS	02/16/2001	NAFTA–4,621	Mobile elevated working platforms.
STB Systems—3D–FX Interactive (Wkrs)	El Paso, TX	03/07/2001	NAFTA–4,622	PC boards, computer games.
Westark—Dunbrooke Industries (Co.)	Versailles, MO	03/07/2001	NAFTA–4,623	Baseball and coaches jackets.
Do Little Logging (Wkrs)	Lewiston, MT	03/06/2001	NAFTA–4,624	Softwood saw logs.
Brach Confections (IBT)	Chicago, IL	03/06/2001	NAFTA–4,625	Candy.
Thomas and Betts (Wkrs)	Bainbridge, GA	03/08/2001	NAFTA–4,626	Street lights.
Samsonite Corporation, (Co.)	Denver, CO	03/07/2001	NAFTA–4,627	Luggage.
Chicago Steel (Wkrs)	Gary, IN	03/05/2001	NAFTA–4,628	Coil to coil tension leveling.
Kolblena Bresse Bleu (UFCW)	Watertown, WI	03/05/2001	NAFTA–4,629	Goat cheese, cream cheese, blue cheese.
Sierra Pacific Industries (WCIW)	Loyalton, CA	03/05/2001	NAFTA–4,630	Lumber products.
Willamette Industries (Wkrs)	Sweet Home, OR	03/05/2001	NAFTA–4,631	Plywood.
Rosboro Lumber (Wkrs)	Springfield, OR	02/09/2001	NAFTA–4,632	Lumber.
Drexel Heritage Furnishings (IBT)	Black Mountain, NC	03/12/2001	NAFTA–4,633	Residential furniture.
PGP, LC (PACE)	Sherman, TX	03/12/2001	NAFTA–4,634	Edible oil.
Viasystems Technologies (CWA)	Richmond, VA	03/12/2001	NAFTA–4,635	Printed circuit boards.
Freightliner (IAM)	Portland, OR	03/12/2001	NAFTA–4,636	Trucks.
Hoffman New Yorker (Wkrs)	Dusuore, PA	03/12/2001	NAFTA–4,637	Pressing equipment.
Schott Corporation (Wkrs)	Marshall, MN	03/12/2001	NAFTA–4,638	Magnetic transformers.
Borg Warner (Wkrs)	Coldwater, MI	03/06/2001	NAFTA–4,639	Automotive transmission components.
Hastings Manufacturing (Wkrs)	Hastings, MI	03/12/2001	NAFTA–4,640	Piston ring.
Graphic Packaging (AWPPW)	Portland, OR	03/09/2001	NAFTA–4,641	Paperboard packaging.
Kearfott Guidance and Navigation (Wkrs)	Wayne, NJ	03/06/2001	NAFTA–4,642	Breakout boards and harnesses.
Invensys-Powerware Corporation (Co.)	Necedah, WI	03/12/2001	NAFTA–4,643	Power protection.
Valeo Climate Control (Co.)	Arcola, IL	03/13/2001	NAFTA–4,644	Automotive air conditioning modules.

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Acme Die Casting (UAW)	Racine, WI	03/12/2001	NAFTA–4,645	Buttom base.
Vera Sportswear (Co.)	Charlestown, MA	02/17/2001	NAFTA–4,646	Skirts, pants and dressers.
Wing Industries (Wkrs)	Greenville, TX	03/14/2001	NAFTA–4,647	Wood doors.
Nucor Bearing Products (Wkrs)	Wilson, NC	03/14/2001	NAFTA–4,648	Bearing components, car hubs.
Lionel LLC (UAW)	Chesterfield, MI	02/27/2001	NAFTA–4,649	Toy trains and accessories.
Avecia (Co.)	Mt. Pleasant, TN	03/14/2001	NAFTA–4,650	Research and laboratory.
Discwax Corporation (Wkrs)	Stanley, NC	03/14/2001	NAFTA–4,651	Wax disc.
Grote Industries (Co.)	Madison, IN	03/12/2001	NAFTA–4,652	Electrical wiring harnesses.
L'Koral (Wkrs)	Vernon, CA	03/14/2001	NAFTA–4,653	Double knit and single knit material.
Fleischmann's Yeast—Burns Phillip Food (Co.).	Oakland, CA	03/14/2001	NAFTA–4,654	Dry yeast products.
Busy B's Cedar (Wkrs)	Priest River, ID	02/14/2001	NAFTA–4,655	Lumber processing.
Motorola Personal Communications Sectors (Wkrs).	Harvard, IL	02/13/2001	NAFTA–4,656	Cellular phones.
Pelton Casteel (Wkrs)	Milwaukee, WI	03/13/2001	NAFTA–4,657	Steel castings.
Racewear Designs (Co.)	El Cajon, CA	03/13/2001	NAFTA–4,658	Jackets and crew shirts.
Kasle Steel (IBT)	Dearborn, MI	03/01/2001	NAFTA–4,659	Coiled and roll steel for auto.
Rayovac Corporation (Wkrs)	Fennimore, WI	03/11/2001	NAFTA–4,660	Alkaline batteries.
Sunshine Precious Metals (Wkrs)	Kellogg, ID	03/16/2001	NAFTA–4,661	Concentrated silver ore.
Federal Mogul (Wkrs)	Malden, MO	03/16/2001	NAFTA–4,662	Aluminum molds and castings.
Bloomsburg Mills (Co.)	Bloomsburg, PA	03/19/2001	NAFTA–4,663	Women's outwear, blouse etc.
Sterling Flibers (Co.)	Pace, FL	03/15/2001	NAFTA–4,664	Acrylic fiber, textile goods.
Worthington Steel (The) (USWA)	Malvern, PA	03/12/2001	NAFTA–4,665	Hot and cold rolled strip steel products.
Nikki Knits (Wkrs)	Goldsboro, NC	03/20/2001	NAFTA–4,666	Girls clothing.
Ten Cate Enbi (Wkrs)	West Henrietta, NY	03/19/2001	NAFTA–4,667	Rubber rollers.
Johnson and Johnson Medical (Wkrs)	El Paso, TX	03/26/2001	NAFTA–4,668	Disposable surgical products.
VF Imagewear (West) (Co.)	Columbus, MS	03/12/2001	NAFTA–4,669	Industrial work pants.
Mayfair Mills (Wkrs)	Starr, SC	03/26/2001	NAFTA–4,670	Greige fabric.
Weyerhaeuser Company (IAMW)	Longview, WA	03/26/2001	NAFTA–4,671	Soft wood dimension lumber.
Bakka Cororation (Wkrs)	El Paso, TX	03/26/2001	NAFTA–4,672	Sewed sporting clothing.
Maxi Switch (Co.)	Tucson, AZ	03/26/2001	NAFTA–4,673	Circuit boards.
SLI Product Lighting (Wkrs)	Mullins, SC	03/26/2001	NAFTA–4,674	Light fixtures.
Specialty Plastic Products (Wkrs)	Jefferson City, TN	03/26/2001	NAFTA–4,675	Child car seat covers.
Dye Works (Co.)	Trenton, NJ	03/26/2001	NAFTA–4,676	Wet processing of garments.
Accuride International (Co.)	Charlotte, NC	03/23/2001	NAFTA–4,677	Metal drawer slides.
Color Edge (Wkrs)	Sturgis, MI	03/15/2001	NAFTA–4,678	Plastic.
Williamson Dickie (Wkrs)	Eagle Pass, TX	03/23/2001	NAFTA–4,679	Jeans.
Thermoplastics Operations—Textron (IUE)	Mishawaka, IN	03/16/2001	NAFTA–4,680	Plastic automotive parts.
Hart Schaffner and marx (UNITE)	Rochester, IN	03/19/2001	NAFTA–4,681	Trousers/slacks, suits, jackets.
ISP Mineral Products (USWA)	Pembine, WI	03/19/2001	NAFTA–4,682	Roffing grapules.
National Steel (Wkrs)	Portage, IN	03/20/2001	NAFTA–4,683	Steel production.
Crane Pumps and Sysem (Wkrs)	Piqua, OH	03/20/2001	NAFTA–4,684	Splitcase casting.
Sonoco (Wkrs)	Shepherd, MI	03/01/2001	NAFTA–4,685	Spiral tubes for tape.
Thomas and Betts (Co.)	St. Matthews, SC	03/20/2001	NAFTA–4,686	Emergency lighting.
Avaya (IBEW)	Shreveport, LA	03/02/2001	NAFTA–4,687	Communication equipment.
Columbia Forest Products (Co.)	Klamath Falls, OR	03/20/2001	NAFTA–4,688	Softwood veneer.
Cajun Bag and Supply (Co.)	Rayne, LA	03/23/2001	NAFTA–4,689	Containers.
Rue Logging, Inc. (Comp.)	South Fork, CO	03/20/2001	NAFTA–4,690	Cut Logs.
Intex Corporation (Co.)	Greensboro, NC	03/28/2001	NAFTA–4,691	Knit Shirts.
Textile Sales And Repair (Co.)	Gastonia, NC	03/27/2001	NAFTA–4,692	Sales of textile & machinery.
Thalman Manufacturing (UNITE)	Hempstead, NY	03/27/2001	NAFTA–4,693	Neckties.
Omniglow Corporation (Co.)	West Springfield, MA	03/19/2001	NAFTA–4,694	Chemiluminescent products.
Ridgeview—Leisure Sock (Wkrs)	Newton, NC	03/28/2001	NAFTA–4,695	Socks.
Americo Group (Wkrs)	New York, NY	03/28/2001	NAFTA–4,696	Short's clothing.
Coastal Machinery (IAMAW)	Portland, OR	03/27/2001	NAFTA–4,697	Planers and feed-tables.
Cummins Power Generation (Co.)	St. Peter, MN	03/29/2001	NAFTA–4,698	Generators, PC board assembly.
American Steel Foundries—Keystone (USWA)	East Chicago, IN	03/28/2001	NAFTA–4,699	Rail car.
Conexant (Wkrs)	El Paso, TX	03/29/2001	NAFTA–4,700	Circuit boards.

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Detroit Tool (Wkrs)	Lebanon, MO	03/29/2001	NAFTA–4,701	Tooling and dies.
Renfro Hosiery (Wkrs)	Mr. Airy, NC	03/20/2001	NAFTA–4,702	Socks.
Labanon Apparel (Co.)	Lebanon, VA	03/30/2001	NAFTA–4,703	Health care uniforms.
Superior Lumber (Wkrs)	Glendale, OR	03/26/2001	NAFTA–4,704	Plywood.
Troy Design (Wkrs)	Lansing, MI	03/13/2001	NAFTA–4,705	Design and engineering.
Form Tech Enterprise—Quick Plastics (Wkrs)	Orwigsburg, PA	03/30/2001	NAFTA–4,706	Plastic profile extrusion.
Wabash Alloys (Wkrs)	Oak Creek, WI	03/30/2001	NAFTA–4,707	Alloys.
General Automotive (Co.)	Franklin, WI	03/30/2001	NAFTA–4,708	Fuel Injection parts.
Orion Bus Industries (UAW)	Oriskany, NY	03/30/2001	NAFTA–4,709	Interior bus components.
Textron Fastening Systems (Co.)	Brooklyn, MI	04/03/2001	NAFTA–4,710	Automotive fasteners.
Snuffy's Pet Products (Co.)	McConnellsburg, PA	04/03/2001	NAFTA–4,711	Dog treats.
Lexington Fabrics (Co.)	Florence, AL	04/03/2001	NAFTA–4,712	Knitted sportwear.
Gateway Company (Wkrs)	North Sioux City, SD	04/02/2001	NAFTA–4,713	Personal computers.
Talon Automotive Group, (Wkrs)	New Baltimore, MI	03/30/2001	NAFTA–4,714	Metal stamping.
Fox River Paper (USWA)	Vicksburg, MI	03/28/2001	NAFTA–4,715	Text and cover paper.
Motor Products (UAW)	Owasso, MI	03/01/2001	NAFTA–4,716	Fractional horsepower motors.
Omicron Industries (Co.)	El Paso, TX	04/05/2001	NAFTA–4,717	Pumice stone.
Basset Furniture Industries (Co.)	Bassett, VA	04/05/2001	NAFTA–4,718	Wood furniture.
Wolverine Roof Truss (Co.)	Milan, MI	03/21/2001	NAFTA–4,719	Wooden roof trusses.
Naturipe Berry Growers (IBT)	Watsonville, CA	03/28/2001	NAFTA–4,720	Process strawberry products.
Atofina Chemicals (Wkrs)	Portland, OR	04/04/2001	NAFTA–4,721	Chemicals.
Fashions International (UNITE)	Scranton, PA	04/04/2001	NAFTA–4,722	Garments.
Taylor Lumber and Treating (IAM)	Sheridan, OR	04/03/2001	NAFTA–4,723	Lumber.
William Carter (The) (Wkrs)	Harlingen, TX	04/04/2001	NAFTA–4,724	Sleepwear and Playwears.
Lyons Falls Pulp and Paper (PACE)	Lyons Falls, NY	03/30/2001	NAFTA–4,725	Paper.
Boise Cascade (UBCA)	Emmett, ID	04/03/2001	NAFTA–4,726	Lumber.
Ludlow Building Products (IAW)	Adrian, MI	04/03/2001	NAFTA–4,727	Laminated fibre board.
Crawford Furnifure (Co.)	New Bethlehem, PA	04/03/2001	NAFTA–4,728	Dressers, chests, night stamp.
Nooter Corp. (Comp.)	St. Louis, MO	04/09/2001	NAFTA–4,729	Plate Steel Fabrication.
Stainless Tank Equipment	Cottage Grove, WI	04/09/2001	NAFTA–4,730	Stainless Tanks.
Meridian Automotive Systems	Lapeer, MI	04/09/2001	NAFTA–4,731	Supply Plastic Composite to GM.
Peerless Pattern Works (Wkrs)	Portland, OR	04/05/2001	NAFTA–4,732	Tooling to Mfg Aluminum Castings.
Boston Scientific Corp (Comp)	Maple Grove, MN	04/09/2001	NAFTA–4,733	Diagnostics, Guide Catheters.
Pleasant River Lumber Co (Wkrs)	Dover Foxcroft, ME	04/09/2001	NAFTA–4,734	Framing Lumber, Dimension Lumber.
SCI Systems, Inc. (Comp)	Augusta, ME	04/09/2001	NAFTA–4,735	Electronic Components.
Quadion Corp. (Comp)	Minneapolis, MN	04/06/2001	NAFTA–4,736	Rubber Products.
Badger Sportwear, Inc (Comp)	Fairmont, NC	04/05/2001	NAFTA–4,737	Cotton Athletic Shirts and Shorts.
C–Cor.Net (Wkrs)	Tipton, PA	04/05/2001	NAFTA–4,738	Cable Television Amplifiers.
Mattel (Comp)	Murray, KY	04/06/2001	NAFTA–4,739	Children's Products.
Travis Knits (Wkrs)	Cherrysville, NC	04/06/2001	NAFTA–4,740	Textile Fabric—Dye and Finish.
Berlog, Inc. (Comp.)	Warren, OR	04/04/2001	NAFTA–4,741	Logging.
Grove Worldwide LLC (Wkrs)	Shady Grove, PA	04/05/2001	NAFTA–4,742	Aerial Work Platforms.
SMTC Manufacturing (Comp)	Thornton, CO	04/06/2001	NAFTA–4,743	Printed Circuit Boards.
White Consolidated Industries (Comp)	El Paso, TX	04/10/2001	NAFTA–4,744	Upright Vacuum Cleaners.
Deferiet Paper Co	Deferiet, NY	03/30/2001	NAFTA–4,745	Groundwood Specialty Paper.
Small Woodland (Co.)	Eagle Point, OR	04/11/2001	NAFTA–4,746	Logs.
Thermodisc (Co.)	El Paso, TX	04/12/2001	NAFTA–4,747	Fabricated molded parts.
Antech Corporation (Wkrs)	El Paso, TX	04/12/2001	NAFTA–4,748	Generators, power machines.
Hammond and Associates (Co.)	Lexington, AL	04/12/2001	NAFTA–4,749	T-shirts.
H.H. Fessler Knitting (Wkrs)	Shoemakersville, PA	04/10/2001	NAFTA–4,750	Knit apparel.
Western Electronics (Wkrs)	Eugene, OR	04/10/2001	NAFTA–4,751	Scanner cables.
Mar Bax Shirt (Co.)	Gassville, AR	03/16/2001	NAFTA–4,752	Men's woven dress shirts.
Rubbermaid Cleaning Products (Co.)	Greenville, NC	04/10/2001	NAFTA–4,753	Toilet bowl brushes.
Fontaine Fifth Wheel, (Co.)	Rocky Mount, NC	04/10/2001	NAFTA–4,754	Wheels.
Daimler Chrysler (Wkrs)	Auburn Hills, MI	03/20/2001	NAFTA–4,755	Vehicles.
Butwin—Rennoc Corp. (Wkrs)	St. Paul, MN	04/12/2001	NAFTA–4,756	Men's and boy's clothes.
Seal Glove (Co.)	Millenburg, PA	04/10/2001	NAFTA–4,757	Industrial work gloves.
Exide Technologies (Wkrs)	Dunmore, PA	04/05/2001	NAFTA–4,758	Automotive batteries.
Thomson Saginaw (UAW)	Saginaw, MI	04/12/2001	NAFTA–4,759	Linear race shaft.
Oxford Automotive (UAW)	Alma, MI	04/16/2001	NAFTA–4,760	Metal automotive stamping parts.

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Sierra Pine (IAM)	Springfield, OR	04/12/2001	NAFTA–4,761	Particle board.
Cendont (Wkrs)	Great Fall, MI	04/09/2001	NAFTA–4,762	Call center.
C.M.S. Hartzell (IBT)	St. Paul, MN	04/13/2001	NAFTA–4,763	Die casting.
Solon Manufacturing (Co.)	Rhinelander, WI	04/12/2001	NAFTA–4,764	Ice cream sticks and corn dog sticks.
Techalloy (Co.)	Florence, MA	04/11/2001	NAFTA–4,765	Fine wire.
Fleetguard Nelson (Co.)	Neillsville, WI	04/11/2001	NAFTA–4,766	Exhaust filtration products.
Percision Twist Drill (Wkrs)	Crystal Lake, IL	04/11/2001	NAFTA–4,767	Drills.
Trumark (UAW)	Lansing, MI	04/17/2001	NAFTA–4,768	Metal stamping.

[FR Doc. 01–10945 Filed 5–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–4389]

Raider Apparel Inc. Alma, Georgia; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), an investigation was initiated on December 14, 2000 in response to a petition filed on behalf of workers at Raider Apparel Inc., Alma, Georgia.

An active certification covering the petitioning group of workers remains in effect (NAFTA–3103). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 23rd day of April, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–10943 Filed 5–1–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0103 (2001)]

Ionizing Radiation Standard; Extension of the Office of Management and Budget's (OMB) Approval of the Information-Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of an opportunity for public comment.

SUMMARY: OSHA solicits comments concerning its proposal to decrease the existing burden-hour estimates, and to extend OMB approval of the collection-of-information requirements, of the Ionizing Radiation Standard (29 CFR 1910.1096).

DATES: Submit written comments on or before July 2, 2001.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR–1218–0103 (2001), OSHA, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2350. Commenters may transmit written comments of 10 pages or less by facsimile to (202) 693–1648.

FOR FURTHER INFORMATION CONTACT: Todd Owen, Directorate of Policy, OSHA, U.S. Department of Labor, Room N–3641, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2444. A copy of the Agency's Information-Collection Request (ICR) supporting the need for the information collections specified in the Ionizing Radiation Standard is available for inspection and copying in the Docket Office, or by requesting a copy from Todd Owen at (202) 693–2444. For electronic copies of the ICR contact OSHA on the Internet at http://www.osha.gov/comp-links.html and select ''Information Collection Requests.''

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and cost) is minimal, collection instruments are understandable, and OSHA's estimate of the information-collection burden is correct.

The information-collection requirements mandated by the Ionizing Radiation Standard (§ 1910.1096; hereafter, ''Standard'') protect employees from the adverse health effects that may result from overexposure to ionizing radiation. These requirements specify that employers must telephone OSHA if they expose employees to radiation above the level defined by the Standard, send written reports of radiation overexposure to OSHA, maintain employee exposure records, and furnish these records to employees on request.

II. Special Issues for Comment

OSHA has particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and cost) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other

technological information-collection and -transmission techniques.

III. Proposed Actions

OSHA proposes to decrease the existing burden-hour estimate, and to extend OMB approval, of the collection-of-information requirements in the Standard. In this regard, the Agency is proposing to decrease the current burden-hour estimate from 42,491 hours to 27,642 hours, a total reduction of 14,849 hours. The Agency will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of these information-collection requirements.

Type of Review: Extension of currently approved information-collection requirements.

Title: Ionizing Radiation (29 CFR 1910.1096).

OMB Number: 1218–0103.

Affected Public: Business or other for-profit; not-for-profit institutions; Federal government; State, local or tribal governments.

Number of Respondents: 12,113.

Frequency of Response: Occasionally.

Average Time per Response: Time per response varies from 5 minutes (.08 hour) to maintain radiation-exposure records to 15 minutes (.25 hour) for employers to prepare a written report of employee overexposure for submission to OSHA.

Estimated Total Burden Hours: 27,642 hours.

Estimated Cost (Operation and Maintenance): $1,719,720.

IV. Authority and Signature

R. Davis Layne, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), Secretary of Labor's Order No. 3–2000 (65 FR 50017).

Signed at Washington, DC on April 27th, 2001.

R. Davis Layne,

Acting Assistant Secretary of Labor.

[FR Doc. 01–11022 Filed 5–1–01; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0198 (2001)]

Logging Operations Standard; Extension of the Office of Management and Budget's (OMB) Approval of an Information-Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of an opportunity for public comment.

SUMMARY: OSHA solicits comments concerning its proposal to decrease the existing burden-hour estimates, and to extend OMB approval of the collection-of-information requirements, of the Logging Operations Standard (29 CFR 1910.266).

DATES: Submit written comments on or before July 2, 2001.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR–1218–0198 (2001), OSHA, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2350. Commenters may transmit written comments of 10 pages or less by facsimile to (202) 693—1648.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Safety Standards Programs. OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2222. A copy of the Agency's Information-Collection Request (ICR) supporting the need for the information collections specified in the Logging Operations Standard is available for inspection and copying in the Docket Office, or by requesting a copy from Theda Kenney at (202) 693–2222. For electronic copies of the ICR contact OSHA on the Internet at http://www.osha.gov/comp-links.html and select ''Information Collection Requests.''

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and cost) is minimal, collection instruments are understandable, and OSHA's estimate of the information-collection burden is correct.

Paragraph (i)(1) of the Logging Operations Standard (§ 1910.266; hereafter, ''Standard'') requires employers to provide training for each employee, including supervisors. To meet this requirement, employers must conduct the training at the frequencies specified by paragraph (i)(2). Paragraph (i)(3) requires that an employee's training must consist of the following elements: Safe work practices, including the use, operation, and maintenance of tools, machines, and vehicles the employee uses or operates, as well as procedures, practices, and requirements of the employer's worksite; recognition and control of health and safety hazards associated with the employee's specific work tasks and logging operations in general; and the requirements of the Standard. Under paragraph (i)(7), employers must assure that every employee, including supervisors, receives first-aid and CPR training; this training must, at a minimum, conform to the requirements listed in Appendix B of the Standard.

Paragraph (i)(10)(i) specifies that employers must certify the training provided to employees. This certification must be in writing and provide the following information: The name or identifier of the employee; the date(s) of the training; and either the signature of the employer or the individual who conducted the training. Paragraph (i)(10)(ii) requires employers to maintain the most recent certification for training completed by an employee.

Training employees and supervisors in safe work practices and to recognize and control the safety and health hazards associated with their work tasks and overall logging operations enables them to avoid or prevent exposure to these hazards. In addition, the requirement to train every employee and supervisor in first-aid and CPR optimizes their availability to administer emergency treatment to employees injured during logging operations; universal training is critical because logging operations occur at isolated locations with employees and supervisors distributed over large work areas.

Establishing and maintaining written certification of the training provided to each employee assures the employer that every employee receives the training specified by the Standard, and at the required frequencies. In addition, these records provide the most efficient means for an OSHA compliance officer

to determine whether or not an employer preformed the required training at the necessary and appropriate frequencies.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and cost) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

III. Proposed Actions

OSHA proposes to decrease the existing burden-hour estimate, and to extend OMB approval, of the collection-of-information requirements specified by the Standard. In this regard, the Agency is proposing to decrease the current burden-hour estimate from 73,106 hours 3,192 hours, a total reduction of 69,914 hours. The Agency will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of this information-collection requirement.

Type of Review: Extension of currently approved information-collection requirement.

Title: Logging Operations (29 CFR 1910.266).

OMB Number: 1218–0198.

Affected Public: Business or other for-profit; not-for-profit institutions; Federal government; State, local or tribal governments.

Number of Respondents: 14,000.

Frequency of Response: Annually; occasionally.

Average Time per Response: Either 2 minutes (0.03 hours) or 5 minutes (.08 hours) depending on type of training.

Estimated Total Burden Hours: 2,940.

Estimated Cost (Operation and Maintenance): $0.

IV. Authority and Signature

R. Davis Layne, Acting Assistant Secretary of Labor and Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), Secretary of Labor's Order No. 3–2000 (65 FR 50017).

Signed at Washington, DC on April 27th, 2001.

R. Davis Layne,

Acting Assistant Secretary of Labor.

[FR Doc. 01–11023 Filed 5–1–01; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0099 (2001)]

Respiratory Protection Standard; Extension of the Office of Management and Budget's (OMB) Approval of the Information-Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of an opportunity for public comment.

SUMMARY: OSHA solicits comments concerning its proposal to decrease the existing burden-hour estimates, and to extend OMB approval of the collection-of-information requirements, of the Respiratory Protection Standard (29 CFR 1910.134).

DATES: Submit written comments on or before July 2, 2001.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR–1218–0099 (2001), OSHA, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2350. Commenters may transmit written comments of 10 pages or less by facsimile to (202) 693–1648.

FOR FURTHER INFORMATION CONTACT: Todd Owen, Directorate of Policy, OSHA, U.S. Department of Labor, Room N–3641, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2444. A copy of the Agency's Information-Collection Request (ICR) supporting the need for the information collections specified in the Respiratory Protection Standard is available for inspection and copying in the Docket Office, or by requesting a copy from Todd Owen at (202) 693–2444. For electronic copies of the ICR contact OSHA on the Internet at http://www.osha.gov/comp-links. html, and select ''Information Collection Requests.''

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and cost) is minimal, collection instruments are understandable, and OSHA's estimate of the information-collection burden is correct.

The Respiratory Protection Standard's (§ 1910.134; hereafter, ''Standard'') information-collection requirements require employers to: Develop a written respirator program; conduct employee medical evaluations and provide follow-up medical evaluations to determine the employee's ability to use a respirator; provide the physician or other licensed health care professional with information about the employee's respirator and the conditions under which the employee will use the respirator; and administer fit-tests for employees who will use negative or positive-pressure, tight-fitting facepieces. In addition, employers must ensure that employees store emergency-use respirators in compartments clearly marked as containing emergency-use respirators. For respirators maintained for emergency use, employers must label or tag the respirator with a certificate stating the date of inspection, the name of the individual who made the inspection, the findings of the inspection, required remedial action, and the identity of the respirator.

The Standard also requires employers to ensure that cylinders used to supply breathing air to respirators have a certificate of analysis from the supplier stating that the breathing air meets the requirements for Type 1—Grade D breathing air; such certification assures employers that the purchased breathing air is safe. Compressors used to supply breathing air to respirators must have a tag containing the most recent change date and the signature of the individual authorized by the employer to perform the change. Employers must maintain this tag at the compressor. These tags provide assurance that the compressors are functioning properly.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;

• The accuracy of OSHA's estimate of the burden (time and cost) of the information-collection requirements, including the validity of the methodology and assumptions used;
• The quality, utility, and clarity of the information collected; and
• Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

III. Proposed Actions

OSHA is requesting to decrease the existing burden-hour estimate, and to extend OMB approval, of the collection-of-information requirements in the Standard. In this regard, the Agency is requesting to decrease the current burden-hour estimate from 8,926,558 hours to 6,502,811 hours, a total reduction of 2,423,747 hours. The Agency will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of this information-collection requirements.

Type of Review: Extension of currently approved information-collection requirements.

Title: Respiratory Protection (29 CFR 1910.134).

OMB Number: 1218–0099.

Affected Public: Business or other for-profit; not-for-profit institutions; Federal government; State, local or tribal governments.

Number of Respondents: 1,300,000.

Frequency of Response: Annually; monthly; occasionally.

Average Time per Response: Time per response varied from 8 hours for large facilities to develop a written respiratory program to 5 minutes for employers to maintain employee medical-evaluation records.

Estimated Total Burden Hours: 6,502,811 hours.

Estimated Cost (Operation and Maintenance): $72,900,680.

IV. Authority and Signature

R. Davis Layne, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), Secretary of Labor's Order No. 3–2000 (65 FR 50017).

Signed at Washington, DC on April 27th, 2001.

R. Davis Layne,

Acting Assistant Secretary of Labor.

[FR Doc. 01–11024 Filed 5–1–01; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL INDIAN GAMING COMMISSION

Paperwork Reduction Act

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: The National Indian Gaming Commission (NIGC), in accordance with the Paperwork Reduction Act of 1995, intends to submit to the Office of Management and Budget (OMB) a request to review and extend approval for information collection activities prescribed by the following NIGC regulations: (1) Annual Fees; (2) Issuance of Certificates of Self Regulation to Tribes for Class II Gaming. As to each information collection activity, the NIGC solicits public comment on: the need for the information, the practical utility of the information and whether the information is necessary for the proper performance of NIGC functions; the accuracy of the burden estimate; and ways that the NIGC might minimize this burden including the use of automated collection techniques or other forms of information technology. When providing comment, a respondent should specify the particular collection activity to which the comment pertains.

DATES AND ADDRESSES: Comments for the NIGC's evaluation of the information collection activities and its request to OMB to extend or approve the information collections must be received by June 29, 2001. Send comments to Ms. Cindy Altimus, National Indian Gaming Commission, 1441 L Street, NW, Suite 9100, Washington, DC 20005. The NIGC regulations to which the information collections pertain are available on the NIGC website, www.nigc.gov, by written request to the NIGC (Attn: Ms. Cindy Altimus), 1441 L Street NW, Suite 9100, Washington, DC, 20005, or by telephone request at (202) 632–7003. There are no toll-free numbers. All other requests for information should be submitted to Ms. Altimus at the above address for the NIGC.

SUPPLEMENTARY INFORMATION:

Title: Annual Fees Payable by Indian Gaming Operations.

OMB Number: 3141–0007.

Abstract: The Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq., authorizes the NIGC to establish a schedule of fees to be paid to the NIGC by each gaming operation under the jurisdiction of the NIGC. Fees are computed using rates set by the NIGC and the assessable gross revenues of each gaming operation. The total of all fees assessed annually cannot exceed $8,000,000. Under its implementing regulation for the fee payment program, 25 C.F.R. Part 514, the NIGC relies on a quarterly statement of gross gaming revenues provided by each gaming operation that is subject to the fee requirement. The required information is needed for the NIGC to both set and adjust fee rates and to support the computation of fees paid by each gaming operation.

Respondents: Indian tribal gaming operations.

Estimated Number of Respondents: 320.

Estimated Annual Responses: 1280.

Estimated Annual Burden Hours per Respondent: 8.

Estimated Total Annual Burden on Respondents: 10,240 hours.

Title: Petitions for Certificates of Self-Regulation for Class II Gaming Operations.

OMB Number: 3141–0008.

Abstract: The Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq., allows any Indian tribe that has conducted class II gaming for at least three years to petition the NIGC for a certificate of self-regulation for its class II gaming operations. The NIGC will issue the certificate if it determines from available information that the tribe has conducted its gaming activity in a manner which has resulted in an effective and honest accounting of all revenues, a reputation for safe, fair, and honest operation of the activity, and an enterprise free of evidence of criminal or dishonest activity. The tribe must also have adopted and implemented proper accounting, licensing, and enforcement systems and conducted the gaming operation on a fiscally and economically sound basis. The implementing regulation of the NIGC, 25 CFR Part 518, requires a tribe interested in receiving the certificate to file a petition with the NIGC describing the tribe's gaming operations, its regulatory process, its tribal revenue allocation plan, and its accounting and record keeping systems for the gaming operation. The tribe must also provide copies of various documents in support of the petition. Submission of the petition and supporting documentation is voluntary. The NIGC will use the information submitted by the respondent tribe in making a determination on whether to issue the certificate of self-regulation.

Respondents: Indian tribes conducting class II gaming.

Estimated Number of Potential Respondents: 200.

Estimated Annual Voluntary Responses: 5.

Estimated Annual Burden Per Voluntary Respondent: 30 hours.

Estimated Total Annual Burden on Respondents: 150 hours.

Jacqueline Agtuca,

Chief of Staff.

[FR Doc. 01–10917 Filed 5–1–01; 8:45 am]

BILLING CODE 7565–01–P

NORTHEAST DAIRY COMPACT COMMISSION

Notice of Meeting

AGENCY: Northeast Dairy Compact Commission.

ACTION: Notice of meeting.

SUMMARY: The Compact Commission will hold its regular monthly meeting to consider matters relating to administration and enforcement of the price regulation. This meeting will be held in Rhode Island, continuing the Commission's program of holding a meeting in each of the Compact states. In addition to receiving reports and recommendations of its standing Committees, the Commission will receive a number of informational reports, including reports on the operation of the wholesale and retail markets and about the impact of the price regulation on the Rhode Island WIC Program.

DATES: The meeting will begin at 10 a.m. on Friday, May 11, 2001.

ADDRESSES: The meeting will be held at the Newport Marriott Hotel, 25 America's Cup Avenue, Newport, Rhode Island.

FOR FURTHER INFORMATION CONTACT: Daniel Smith, Executive Director, Northeast Dairy Compact Commission, 64 Main Street, Room 21, Montpelier, VT 05602. Telephone (802) 229–1941.

Authority: 7 U.S.C. 7256.

Dated: April 25, 2001.

Daniel Smith,

Executive Director.

[FR Doc. 01–10888 Filed 5–1–01; 8:45 am]

BILLING CODE 1650–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–338 and 50–339]

Virginia Electric and Power Company, North Anna Power Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from the requirements of Title 10 of the Code of Federal Regulations (10 CFR) part 50, appendix G, for Facility Operating License Nos. NPF–4 and NPF–7, issued to Virginia Electric and Power Company (the licensee), for operation of the North Anna Power Station, Units 1 and 2, located in Louisa County, Virginia.

Environmental Assessment

Identification of the Proposed Action

10 CFR Part 50, Appendix G, requires that the pressure-temperature (P–T) limits be established for reactor pressure vessels (RPVs) during normal operating and hydrostatic or leak testing conditions. Specifically, 10 CFR part 50, Appendix G, states that ''[t]he appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions.'' Appendix G of 10 CFR part 50 specifies that the requirements for these limits are contained in the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code), Section XI, Appendix G.

To address provisions of an amendment to the Technical Specifications P–T limits and low-temperature overpressure protection (LTOP) system setpoints, the licensee requested in its submittal dated June 22, 2000, as supplemented on January 4, February 14, March 13, and March 22, 2001, that the NRC staff exempt North Anna Power Station from the requirements of 10 CFR Part 50, Appendix G, to allow the use of ASME Code Case N–641.

Code Case N–641 permits the use of an alternate reference fracture toughness (K_{IC} fracture toughness curve instead of the K_{IA} fracture toughness curve) for reactor vessel materials in determining the P–T limits, LTOP system setpoints and T_{enable}, and provides for plant-specific evaluation of T_{enable}. Since the K_{IC} fracture toughness curve shown in ASME Section XI, Appendix A, Figure A–2200–1 (the K_{IC} fracture toughness curve) provides greater allowable fracture toughness than the corresponding K_{Ia} fracture toughness curve of ASME Section XI, Appendix G, Figure G–2210–1 (the K_{Ia} fracture toughness curve), and a plant-specific evaluation of T_{enable} would give lower values of T_{enable} than use of a generic bounding evaluation for T_{enable}, use of Code Case N–641 for establishing the P–T limits, LTOP system setpoints and T_{enable} would be less conservative than the methodology currently endorsed by 10 CFR Part 50, Appendix G. Although the use of the K_{IC} fracture toughness curve in ASME Code Case N–641 was recently incorporated into Appendix G to Section XI of the ASME Code, an exemption is still needed because 10 CFR Part 50, Appendix G requires a licensee's analysis to use an edition and addenda of Section XI of the ASME Code incorporated by reference into 10 CFR Part 50, section 50.55a, i.e., the editions through 1995 and addenda through the 1996 addenda (which do not include the provisions of Code Case N–641). Therefore, an exemption to apply the Code case is required by 10 CFR Part 50, section 50.60. The proposed action is in accordance with the licensee's application for exemption dated June 22, 2000, as supplemented by letters dated January 4, February 14, March 13, and March 22, 2001.

The Need for the Proposed Action

ASME Code Case N–641 is needed to revise the method used to determine the reactor coolant system (RCS) P–T limits, LTOP setpoints, and T_{enable}.

The purpose of 10 CFR part 50, Section 50.60(a), and 10 CFR part 50, appendix G, is to protect the integrity of the reactor coolant pressure boundary in nuclear power plants. This is accomplished through these regulations that, in part, specify fracture toughness requirements for ferritic materials of the reactor coolant pressure boundary. Pursuant to 10 CFR part 50, appendix G, it is required that P–T limits for the RCS be at least as conservative as those obtained by applying the methodology of the ASME Code, Section XI, Appendix G.

Current overpressure protection system (OPPS) setpoints produce operational constraints by limiting the P–T range available to the operator to heat up or cool down the plant. The operating window through which the operator heats up and cools down the RCS becomes more restrictive with continued reactor vessel service. Reducing this operating window could potentially have an adverse safety impact by increasing the possibility of inadvertent OPPS actuation due to pressure surges associated with normal plant evolutions such as reactor coolant pump start and swapping operating charging pumps with the RCS in a water-solid condition. The impact on the P–T limits and OPPS setpoints has been evaluated for an increased service period for operation to 32.3 effective full-power years (EFPYs) for Unit 1 and 34.3 EFPYs for Unit 2, based on ASME Code, Section XI, Appendix G requirements. The results indicate that these OPPS setpoints would significantly restrict the ability to perform plant heatup and cooldown,

create an unnecessary burden to plant operations, and challenge control of plant evolutions required with OPPS enabled. Continued operation of North Anna Units 1 and 2 with P–T curves developed to satisfy ASME Code, Section XI, Appendix G, requirements without the relief provided by ASME Code Case N–641 would unnecessarily restrict the P–T operating window, especially at low temperature conditions.

Use of the K_{Ic} curve in determining the lower bound fracture toughness of RPV steels is more technically correct than use of the K_{Ia} curve since the rate of loading during a heatup or cooldown is slow and is more representative of a static condition than a dynamic condition. The K_{Ic} curve appropriately implements the use of static initiation fracture toughness behavior to evaluate the controlled heatup and cooldown process of a reactor vessel. The staff has required use of the conservatism of the K_{Ia} curve since 1974, when the curve was adopted by the ASME Code. This conservatism was initially necessary due to the limited knowledge of the fracture toughness of RPV materials at that time. Since 1974, additional knowledge has been gained about RPV materials, which demonstrates that the lower bound on fracture toughness provided by the K_{Ia} curve greatly exceeds the margin of safety required, and that the K_{IC} curve is sufficiently conservative, to protect the public health and safety from potential RPV failure. Application of ASME Code Case N–641 will provide results that are sufficiently conservative to ensure the integrity of the reactor coolant pressure boundary while providing P–T curves that are not overly restrictive. Implementation of the proposed P–T curves, as allowed by ASME Code Case N–641, does not significantly reduce the margin of safety.

In the associated exemption, the NRC staff has determined that, pursuant to 10 CFR part 50, section 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be served by the implementation of ASME Code Case N–641.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the proposed action provides adequate margin of safety against brittle failure of the reactor coolant pressure boundary. The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the North Anna Power Station, Units 1 and 2, dated April 1973.

Agencies and Persons Consulted

In accordance with its stated policy, on April 2, 2001, the staff consulted with the Virginia State official, Mr. J. Dekrafft of the Radiological Health Program of the Virginia Department of Health, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Signficant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated June 22, 2000, as supplemented by letters dated January 4, February 14, March 13, and March 22, 2001. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Dated at Rockville, Maryland, this 26th day of April 2001.

For the Nuclear Regulatory Commission.

Gordon E. Edison,

Senior Project Manager, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–10965 Filed 5–1–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–482]

Wolf Creek Nuclear Operating Corporation, Wolf Creek Generating Station; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring of Kansas City Power & Light Company and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an order under 10 CFR 50.80 approving the indirect transfer of Facility Operating License No. NPF–42 for Wolf Creek Generating Station (WCGS) as held by Kansas City Power & Light Company (KCPL), one of three joint owners of WCGS, and Wolf Creek Nuclear Operating Corporation, the operator of the facility, to a new holding company for KCPL, to the extent such indirect transfer would occur in connection with a proposed restructuring of KCPL. The facility is located in Coffey County, Kansas.

According to the February 20, 2001, application filed by KCPL, which was supplemented by letters dated February 27, March 5, and March 8, 2001, from counsel for KCPL, the proposed restructuring of KCPL encompasses the formation of a newly formed holding company as yet unnamed (''*HoldingCo*''). Upon the proposed restructuring, KCPL will cease to be publicly-traded and become a wholly-owned subsidiary of *HoldingCo,* but it will retain ownership of its regulated electric power generation, transmission, and distribution assets, including its interests in WCGS and Wolf Creek Nuclear Operating Corporation (WCNOC). No direct transfer of the license as now held by KCPL and WCNOC to *HoldingCo* is being proposed.

WCNOC would remain as the managing agent for the joint owner licensees (KCPL, Kansas Gas and Electric Company, and Kansas Electric

Power Cooperative, Inc.) of the facility and would continue to have exclusive responsibility for the management, operation, and maintenance of WCGS as the non-owner operator licensee. The application does not propose a change in the rights, obligations, or interests of the licensees of WCGS. In addition, no physical changes to WCGS or operational changes are being proposed.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the underlying transaction that will effectuate the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By May 22, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon counsel for KCPL, Robert W. Warnement, Skadden, Arps, Slate, Meagher & Flom LLP, 1440 New York Avenue, NW., Washington, DC 20005–2111; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: *ogclt@NRC.GOV*); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by June 1, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the license transfer application filed by KCPL dated February 20, 2001, and the supplemental letters dated February 27, March 5, and March 8, 2001, from counsel for KCPL, which are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov).*

Dated at Rockville, Maryland, this 26th day of April 2001.

For the Nuclear Regulatory Commission

Jack N. Donohew,

Senior Project Manager, Section 2, Project Directorate IV and Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–10966 Filed 5–1–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste

Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 126th meeting on May 15–17, 2001, at 11545 Rockville Pike, Rockville, Maryland, Room T–2B3.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

Tuesday, May 15, 2001

A. *8:30–10:15 a.m.: Opening Statement/ Planning and Procedures* (Open)—The Chairman will open the meeting with brief opening remarks. The Committee will then review items under consideration at this meeting and consider topics proposed for future ACNW meetings.

B. *10:30–11:30 a.m. and 1:30–2:30 p.m.: Key Technical Issues (KTIs)—Vertical Slice Report* (Open)—The Committee members will present a progress report on their assigned KTIs.

C. *2:30–3:30 p.m.: Break and Preparation of Draft ACNW Reports* (Open)—Cognizant ACNW members will prepare draft reports, as needed, for consideration by the full Committee.

D. *3:30–5:30 p.m.: Discussion of Proposed ACNW Reports* (Open)—The Committee will discuss proposed ACNW reports on Entombment, Proposed Revisions to 10 CFR Part 71, High Level Waste Chemistry and the Staff Requirements Memorandum (SRM) on the March 22, 2001, ACNW Commission briefing.

Wednesday, May 16, 2001

E. *8:30–8:40 a.m.: Opening Remarks by the ACNW Chairman* (Open)—The ACNW Chairman will make opening remarks regarding the conduct of the meeting.

F. *8:40–10:15 a.m.: Overview of Sequoyah Fuels* (Open)—The Committee will receive an information briefing from the NRC staff on the current status of activities at the Sequoyah Fuels Corporation Facility.

G. *10:30–12 Noon.: Yucca Mountain Draft Environmental Impact Statement (DEIS)* (tentative) (Open)—The Committee will receive an update from a DOE representative on the DEIS for the proposed high level waste repository at Yucca Mountain, Nevada.

H. *1:00–2 p.m.: Supplemental Draft Environmental Impact Statement*

(DEIS) for Yucca Mountain (tentative) (Open)—The Committee will receive an information briefing from the NRC staff on their plans to review the DOE DEIS for the proposed HLW repository at Yucca Mountain, Nevada.

I. *2:00–3 p.m.: Break and Preparation of Draft ACNW Reports* (Open)—Cognizant ACNW members will prepare draft reports, as needed, for consideration by the full Committee.

J. *3:00–5 p.m.: Discussion of Proposed ACNW Reports* (Open)—The Committee will continue its discussion of proposed ACNW reports.

Thursday, May 17, 2001

K. *8:30–8:35 a.m.: Opening Remarks by the ACNW Chairman* (Open)—The ACNW Chairman will make opening remarks regarding the conduct of the meeting.

L. *8:35–10 a.m.: Meeting Reports* (Open)—The Committee will hear reports from the members and staff on meetings attended since the 125th ACNW Meeting, including the National Research Council Meeting on their report on long-term institutional control, the 9th International HLW Conference and the Nuclear Waste Technical Review Board Spring Meeting.

M. *10:15–12 Noon: Discussion of Proposed ACNW Reports* (Open)—The Committee will continue its discussion of proposed ACNW reports.

N. *1:00–1:30 p.m.: Miscellaneous* (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on October 11, 2000 (65 FR 60475). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify Howard J. Larson, ACNW, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW office, prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Larson as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by contacting Mr. Howard J. Larson, ACNW (Telephone 301/415–6805), between 8 A.M. and 5 P.M. EDT.

ACNW meeting notices, meeting transcripts, and letter reports are now available for downloading or viewing on the internet at http://www.nrc.gov/ACRSACNW.

Videoteleconferencing service is available for observing open sessions of ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact Mr. Theron Brown, ACNW Audiovisual Technician (301/415–8066), between 7:30 a.m. and 3:45 p.m. EDT at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Dated: April 26, 2001.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 01–10964 Filed 5–1–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from April 9, 2001, through April 20, 2001. The last biweekly notice was published on April 18, 2001 (66 FR 19998).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission

expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By June 1, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Branch, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona

Date of amendments request: April 1, 2001 (102–04552).

Description of amendments request: The amendments would revise the requirements on the following programs in the administrative controls section of the technical specifications (TSs): (1) Section 5.5.13, ''Diesel Fuel Oil Testing Program,'' (2) Section 5.5.14, ''TS Bases Control Program,'' (3) Section 5.5.15, ''Safety Functions Determination

Program (SFDP),'' and (4) Section 5.6.5, ''Core Operating Limits Report (COLR).'' The proposed changes clarify the program requirements in Section 5.5.13 without changing testing methods or limits, revise the program in Section 5.5.14 based on changes to 10 CFR 50.59 in the regulations, clarify the program requirements in Section 5.5.15 including changing the program name to the plant-specific name for the program, and add the CENTS code to the list of analytical methods used, including the use of CENTS for control element assembly ejection analyses, to determine core operating limits and revise the list of referenced topical reports in the COLR in Section 5.6.5.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Technical Specification (TS) 5.5.13, Diesel Generator Fuel Oil Program. TS 5.5.13.a.3 currently states, ''Water and sediment are within the limits of ASTM D1796,'' for the acceptability of new diesel fuel oil. This is an incorrect reference for the limits of water and sediment of new fuel oil. The water and sediment limits for new fuel oil are contained within the Technical Specification Bases. ASTM D1796 contains testing methods used for analysis of new fuel oil for water and sediment. This proposed amendment changes the wording of TS 5.5.13.a.3 to state, ''Water and sediment within limits when tested in accordance with ASTM D1796.'' This proposed change is an administrative change and will have no affect on plant design, operation, or maintenance. Additionally, this proposed change does not result in any hardware changes or affect plant operating practices. The water and sediment testing methods and limits are not affected by this change. Thus, this proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

TS 5.5.14, TS Bases Control Program, requires a program for processing changes to the Bases of the TS [...]

In the initial sentence to TS 5.5.14.b, the word ''involve'' will be replaced with ''require.'' Additionally, the second allowance for changing TS Bases as described in TS 5.5.14.b will be revised to state, ''A change to the updated FSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.'' This change is based on the changes to 10 CFR 50.59 published in the **Federal Register** (Volume 64, Number 191) dated October 4, 1999. This change is consistent with NRC approved Technical Specifications Task Force (TSTF) traveler number 364-revision 0.

This change will also numerically format the two options listed in TS 5.5.14.b. This is consistent with other listings contained in Section 5.0 of the TS.

This proposed change deletes the reference to ''unreviewed safety question'' as previously used in 10 CFR 50.59[, before the rule change published October 4, 1999, in the **Federal Register**.] Deletion of this definition was approved by the NRC with the revision to 10 CFR 50.59.

[These] proposed change[s to TS 5.5.14 are] administrative change[s] and will have no affect on plant design, operation, or maintenance. Additionally, [these] change[s do] not result in any hardware changes or affect plant operating practices. Therefore, [the] proposed change[s to TS 5.5.14 do] not involve a significant increase in the probability or consequences of an accident previously evaluated.

TS 5.5.15, Safety Functions Determination Program (SFDP). Clarification is being added to TS 5.5.15. The second paragraph of TS 5.5.15 will be changed to read: ''A loss of safety function exists when, assuming no concurrent single failure, no concurrent loss of offsite power, or no concurrent loss of onsite diesel generator(s), a safety function assumed in the accident analysis cannot be performed. For the purpose of this program, a loss of safety function may exist when a support system is inoperable, and * * *''

An additional paragraph will be added to the end of TS 5.5.15 stating, ''When a loss of safety function is caused by the inoperability of a single Technical Specification support system, the appropriate Conditions and Required Actions to enter are those of the support system.''

Additionally, clarification will be added to limiting conditions for operation (LCO) 3.0.6 Bases of the ''appropriate LCO for loss of safety function.'' The Bases will also clarify the requirement for the SFDP that consideration does not have to be made for a loss of power in determining loss of function. This change is consistent with NRC approved TSTF traveler number 273-revision 2, as amended by editorial change WOG–ED–23.

In addition, an editorial change to remove the ''*s*'' from the word ''Function*s*'' in the title for TS 5.5.15 will occur. The change reflects the plant specific name for this program.

[These] proposed change[s to TS Section 5.5.15 are] administrative change[s] and will have no affect on plant design, operation, or maintenance. The change[s] clarif[y] the requirements for determining loss of safety function and the correct LCO to enter for loss of safety function. The proposed change[s do] not result in any hardware changes or affect plant operating practices. The program will still determine when a safety function has been lost and will direct the appropriate action. Therefore, [the] proposed change[s to TS 5.5.15 do] not involve a significant increase in the probability or consequences of an accident previously evaluated.

TS 5.6.5, Core Operating Limits Report (COLR) is being revised to add the option to use the CENTS computer code in licensing analysis by adding CENTS to the list of approved core operating limit analytical methods contained in TS 5.6.5.b. The CENTS computer code has been generally approved for the calculation of transient behavior in Pressurized Water reactors (PWRs) designed by Combustion Engineering (CE). PVNGS intends to qualify CENTS for use in future Palo Verde licensing analyses by following the guidelines prescribed in Generic Letter (GL) 83–11, Supplement 1.

CENTS is a best-estimate code designed to provide realistic simulation of Nuclear Steam Supply System (NSSS) behavior during normal and transient conditions. The CENTS Safety Evaluation (SE) documents the generic NRC approval of the CENTS code for use in the licensing analyses for PWRs designed by CE. The CENTS SE is described in letter, ''Acceptance for Referencing of Licensing Topical Report CE–NPD 282–P, ''Technical Manual for the CENTS Code'' dated March 17, 1994, from USNRC to S. A. Toelle, ABB Combustion Engineering.

The proposed change does not immediately alter any methodology used in [an] reload analysis. It only provides the option to replace the CESEC transient simulation code with an alternate NRC approved code. Providing the option to substitute the NRC approved CESEC code with another NRC approved code (CENTS) will not alter the physical characteristics of any component involved in the initiation or mitigation of an accident. The actual implementation of the CENTS code will be performed by following the guidance provided in Generic Letter (GL) 83–11, Supplement 1. This proposed change does not result in any hardware changes or affect plant operating practices. Thus, this proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

TS 5.6.5, core operating limits report (COLR) which identifies the methodology report(s) by number, title, date, and NRC staff approval document, will be revised to allow the reports to be identified by number and title only. A note will be added to TS 5.6.5.b to specify that a complete citation be included in the COLR for each report, including the report number, title, revision, date, and any supplements.

This change has previously been reviewed and accepted by the NRC in letter, ''Acceptance for Siemens References to Approved Topical Reports in Technical Specifications'' from S.A. Richards, NRC to J.F. Mallay, Siemens Power Corporation dated December 15, 1999. This change is also consistent with NRC accepted TSTF 363-revision 0.

Additionally, TS 5.6.5.b.6 and 5.6.5.b.7 both list the same topical report (Calculative Methods for the CE Small Break LOCA Evaluation Model, CENPD–137). TS 5.6.5.b.7 is the supplement to the topical report listed in [TS] 5.6.5.b.6. TS 5.6.5.b.7 will be deleted and the ''Calculative Methods for the CE Small Break LOCA Evaluation Model, CENPD–137'' topical report (along with its supplement) will be listed in full text within the COLR.

[The] proposed change[s related to the listing of topical reports in TS 5.6.5.b are] administrative change[s] and will have no

affect on plant design, operation, or maintenance. Thus, [these] proposed change[s do] not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

TS 5.5.13, Diesel Generator Fuel Oil Program. The proposed change is an administrative change. This change would have no affect on the physical plant. Consequently, plant configuration and the operational characteristics remain unchanged and the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

TS 5.5.14, TS Bases Control Program. The proposed changes associated with TS 5.5.14.b do not involve any physical changes. These changes allow PVNGS to be in compliance with NRC approved changes to 10 CFR 50.59. This change is an administrative change. Plant configuration and the operational characteristics remain unchanged and thus, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

TS 5.5.15, SFDP. The proposed change to TS 5.5.15 does not involve any physical changes to the plant[s]. This change is an administrative change. The loss of function of the specific component is addressed in its specific TS LCO and plant configuration will be governed by the required actions of those LCOs. Since this proposed change is a clarification that does not degrade the availability or capability of safety related equipment, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

TS 5.6.5, COLR is being revised to add the option to use the CENTS computer code in licensing analysis by adding CENTS to the list of approved core operating limit analytical methods contained in TS 5.6.5.b. The proposed change will not affect reload analysis other than providing an option to replace the CESEC transient simulation code with an equivalent code. Providing this option in and of itself will not alter the physical characteristics of any component in the plant. Since providing the option to use the CENTS code will not alter the physical characteristics of any component in the plant, this proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

TS 5.6.5, Core Operating Limits Report (COLR) which identifies the methodology report(s) by number, title, date, and NRC staff approval document, will be revised to allow the reports to be identified by number and title only. This is an administrative change. This change has no affect on the physical plant. Plant configuration and the operational characteristics remain unchanged and thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

TS 5.5.13, Diesel Generator Fuel Oil Program. The proposed change to TS 5.5.13.a.3 is an administrative change. This change would have no affect on the physical plant and has no effect on any safety analyses assumptions. Therefore, this proposed change does not involve a significant reduction in a margin of safety.

TS 5.5.14, TS Bases Control Program. The proposed changes associated with TS 5.5.14.b will not reduce a margin of safety because it has no direct effect on any safety analyses assumptions. Changes to the TS Bases that result in meeting the criteria in paragraph (c)(2) of 10 CFR 50.59 will still require NRC approval pursuant to 10 CFR 50.59. This change is administrative in nature and is based on NRC reviewed and approved changes to 10 CFR 50.59. Therefore, this proposed change does not involve a significant reduction in a margin of safety.

TS 5.5.15, SFDP. The proposed change to TS 5.5.15 are clarifications only. No changes are made in the LCO, the time required for the TS required actions to be completed, or the out of service time for the components involved. The NRC has approved the proposed administrative changes (TSTF 273-revision 2, as amended by editorial change WOG–ED–23). Safety-related equipment controlled by the TS will still perform as credited in the safety analysis. Therefore, this proposed change does not involve a significant reduction in a margin of safety.

TS 5.6.5, COLR is being revised to add the option to use the CENTS computer code in licensing analysis by adding CENTS to the list of approved core operating limit analytical methods. The proposed change will allow running existing analyses with a different method that has been reviewed and approved by NRC. The actual implementation of the CENTS code will be performed by following the guidance provided in Generic Letter (GL) 83–11, Supplement 1. Thus, this proposed change does not involve a significant reduction in a margin of safety.

TS 5.6.5, Core Operating Limits Report (COLR) which identifies the methodology report(s) by number, title, date, and NRC staff approval document, will be revised to allow the reports to be identified by number and title only. This is an administrative change. This change has no affect on the physical plant. Plant configuration and the operational characteristics remain unchanged. Therefore, change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on that review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Attorney for licensee: Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072–3999.

NRC Section Chief: Stephen Dembek.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona

Date of amendments request: April 4, 2001 (102–04554).

Description of amendments request: The amendments would revise Specification 3.3.12, ''Boron Dilution Alarm System (BDAS),'' and Specification 3.9.2, ''Refueling Operations—Nuclear Instrumentation'' of the technical specification (TSs). Specification 3.9.2 applies to the required operability of startup range monitors (SRMs). The applicability modes for limiting condition for operation (LCO) 3.3.12 would be extended to Mode 6, refueling. A note to ''Enter applicable Conditions and Required Actions of LCO 3.3.12, ''Boron Dilution Alarm System (BDAS),'' for BDAS made inoperable by SRMs'' would be added to the Actions for LCO 3.9.2 and the Required Action B.2 on performing surveillance requirement (SR) 3.9.1.1, and associated completion time, for LCO 3.9.2 would be deleted.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed changes to Technical Specifications 3.3.12 and 3.9.2 do not significantly increase the probability or consequences of an accident previously evaluated in the Updated Final Safety Analysis Report (UFSAR) [for Palo Verde Nuclear Generating Station]. The proposed amendment[s] would add MODE 6 Applicability to TS 3.3.12 for the BDAS. In addition, the proposed amendment[s] would add a note to the Actions of TS 3.9.2 which directs the operator to enter the applicable Conditions and Required Actions of TS 3.3.12 in the event that the BDAS is made inoperable by inoperable startup range monitors (SRMs). Finally, the proposed amendment[s] would delete the TS 3.9.2 Required Action B.2.

The boron dilution alarm system (BDAS) and chemical monitoring of the reactor coolant system (RCS) boron concentration are established in the MODE 6 inadvertent deboration analysis in UFSAR Section 15.4.6 to alert the operator of a boron dilution event at least 30 minutes prior to a loss of subcriticality. The BDAS and RCS boron monitoring are not accident initiators. The proposed changes will ensure that the assumptions of UFSAR Section 15.4.6, for mitigating an inadvertent deboration event, are met. In addition, the proposed changes do

not alter the design or configuration of the plant but establish requirements for operating the plant as analyzed and designed. The amendment[s do] not physically affect the operability or availability of the boron dilution alarm system (BDAS), but ensures it is available as required or that sufficient actions are taken if it becomes inoperable. Furthermore, the inadvertent deboration event analysis does not involve dose consequences since the acceptance criteria is to provide operator notification at least 30 minutes prior to the loss of subcriticality such that the operator may terminate the event before subcriticality is achieved [and exceeded,] and the RCS and fuel clad boundaries are challenged. Therefore, the proposed amendment[s] to TS 3.3.12 and TS 3.9.2 [do] not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed amendment[s] to Technical Specifications 3.3.12 and 3.9.2 [do] not create the possibility of an accident of a new or different kind from any accident previously evaluated. The proposed amendment[s] would add MODE 6 Applicability to TS 3.3.12 for the BDAS. In addition, the proposed amendment[s] would add a note to the Actions of TS 3.9.2 which directs the operator to enter the applicable Conditions and Required Actions of TS 3.3.12 in the event that the BDAS is made inoperable by inoperable startup range monitors (SRMs). Finally, the proposed amendment[s] would delete the TS 3.9.2 Required Action B.2. The proposed changes do not alter the design or configuration of the plant but establish requirements for operating the plant as analyzed and designed.

In MODE 6, the BDAS and the startup range monitors (SRM) are the primary means to monitor reactivity changes during core alterations and to alert the operator of a boron dilution event in time to prevent a loss of subcriticality. Chemical sampling to monitor RCS boron concentration is used when the BDAS is unavailable. Accidents involving reactivity anomalies are evaluated in UFSAR Section 15.4, Reactivity and Power Distribution Anomalies. Inadvertent deboration is described in UFSAR Section 15.4.6 as requiring the BDAS or chemical monitoring of the RCS boron concentration to alert the operator at least 30 minutes prior to the loss of subcriticality in MODE 6. The proposed changes to TS 3.3.12 and 3.9.2 will require the BDAS to be OPERABLE in MODE 6 or perform RCS boron concentration monitoring if the BDAS is inoperable.

The BDAS and RCS boron concentration monitoring are means to detect a boron dilution event. The proposed changes ensure this detection occurs as required. The proposed amendment[s do] not physically affect the response or operation of the plant. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. The proposed changes to Technical Specifications 3.3.12 and 3.9.2 do not involve a significant reduction in a margin of safety. The proposed amendment[s] would add MODE 6 Applicability to TS 3.3.12 for the BDAS. In addition, the proposed amendment[s] would add a note to the Actions of TS 3.9.2 which directs the operator to enter the applicable Conditions and Required Actions of TS 3.3.12 in the event that the BDAS is made inoperable by inoperable startup range monitors (SRMs). Finally, the proposed amendment[s] would delete the TS 3.9.2 Required Action B.2. These changes ensure the adequate detection of a boron dilution event.

The current Technical Specifications 3.3.12 satisfies the inadvertent deboration safety analysis requirements to have the BDAS OPERABLE in MODES 3, 4,and 5. In accordance with UFSAR Section 15.4.6, Inadvertent Deboration, the same requirements and actions apply for MODE 6. Therefore, it is proposed that MODE 6 Applicability for the BDAS be added to TS 3.3.12. In addition, the Action section of TS 3.9.2 would be modified with a note to ensure the safety analysis assumptions are satisfied in MODE 6, since the SRM must be OPERABLE for the corresponding BDAS channel to be OPERABLE. Technical Specification Bases 3.3.12 and UFSAR Section 15.4.6 indicate that the BDAS is necessary to alert the operator of an inadvertent deboration event at least 15 minutes before the reactor loses subcriticality in MODES 3, 4, and 5. UFSAR Section 15.4.6 also indicates that 30 minutes is required in MODE 6. These criteria are in agreement with the guidance of NUREG 0800, [NRC's] Standard Review Plan. Therefore, the margin of safety being considered for [these] proposed amendment[s] is the 30 minutes before the loss of subcriticality that the operator must be notified [...] in the event of a boron dilution event. The proposed changes to TS 3.3.12 and TS 3.9.2 will require the BDAS to be OPERABLE in MODE 6 and, if the BDAS is inoperable, will require that the RSC boron concentration be monitored at pre-analyzed frequencies via chemical sampling in order to satisfy the 30 minute acceptance criteria. Finally, the proposed change[s] also serve to clarify that an inoperable SRM will cause the corresponding BDAS channel to be inoperable, thus requiring action in accordance with TS 3.3.12, in addition to TS 3.9.2. [The proposed changes add a requirement to TS 3.3.12 and account for the BDAS being inoperable because of inoperable SRMS] Therefore, the proposed change[s do] not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on that review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Attorney for licensee: Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072–3999.

NRC Section Chief: Stephen Dembek.

Consumers Energy Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix, County, Michigan

Date of amendment request: October 26, 2000, as supplemented by letters dated February 9, February 28, March 14, March 15, and March 23, 2001.

Description of amendment request: The proposed amendment reflects the replacement of the original 75-ton reactor building gantry crane by an upgraded single-failure proof 125-ton crane designed to meet Crane Manufacturers Association of America (CMAA) Specification 70 and American Society of Mechanical Engineers (ASME) B30.2. The proposed amendment to the Technical Specifications (TSs) would revise (1) Definition 1.8 on fuel handling, (2) the applicability of TS 3/4.2.1 on fuel handling support system requirements, and (3) Section 3.2.2.d of the limiting conditions for operation for TS 3/4.2.2 on fuel handling general requirements, and would delete TS 3/4.3.1 on control of heavy loads. The licensee also submitted revisions to the bases for TSs 3/4.2.2 and 3/4.3.1. The crane has a Design Rated Load (DRL) of 125 tons; however, it has been analyzed to safely retain a load of 105 tons under the site-specific earthquake and the Maximum Critical Load (MCL) for the crane is 105 tons.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee provided its analysis in its letters dated October 26, 2000, and March 14, 2001, which address the issue of no significant hazards consideration, and is presented below:

The proposed [amendment] does not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

A significant increase in the probability of an accident is not created because:

• The replacement crane will not be utilized for a greater number of fuel handling evolutions than was the case for the existing 75-ton crane. The existing crane was utilized for each transfer of fuel assemblies between the reactor and the Spent Fuel Pool; in the case of full-core offloads, which was the normal practice during refueling outages at Big Rock Point [Plant], the existing crane would make 84 transfers of irradiated fuel from the reactor to the Spent Fuel Pool, and a nominal 62 transfers of irradiated fuel from the Spent Fuel Pool back to the reactor. The replacement crane will handle fuel only after it has been placed into the W100 Transfer Cask. It is anticipated that the W100 Fuel Transfer Cask will be handled 14 times while it contains fuel (one movement from the

Spent Fuel Pool to a staging area in Room 444, and one movement from Room 444 to a W150 Storage Cask), during loading of seven W150 Storage Casks. Additional moves of the W100 Transfer Cask when it is loaded with fuel would be required only if an off-normal condition required a loaded cask to be returned to the Spent Fuel Pool.

• The replacement crane has been analyzed to safely handle the 105-ton W100 Fuel Transfer Cask under seismic conditions that include the Big Rock Point [Plant] site-specific safe shutdown earthquake of 0.104g. The UFHSR [Updated Final Hazards Summary Report] is being revised to limit the weight of loads being moved over the Spent Fuel Pool to 105 tons.

• The existing crane has been used to lift the properly rigged 24-ton fuel transfer cask over fuel; the probability of dropping the 24-ton fuel transfer cask was minimized by the proper rigging that consisted of attaching a safety catch device to the transfer cask. In the case of the replacement crane, loads will be prevented from dropping by the design of the single-failure proof Ederer X–SAM hoist, which prevents loads from dropping more than 18 inches in the event of any single failure. Administrative controls will be instituted on the use of the replacement crane to require lifts of any heavy loads over fuel or over structures, the failure of which would jeopardize safe storage of fuel, to be done at a height of greater than 18 inches. Administrative controls will be instituted to prohibit use of the replacement crane for movement of any cask over fuel; these controls will be specified in the Big Rock Point [Plant] UFHSR. Administrative controls that apply to our [the licensee's] current 75-ton crane will be maintained, and strengthened, as appropriate, to provide greater assurance that heavy loads transported over fuel will be safely transported. Strengthened administrative controls include limiting the number of crane operators to approximately 12 individuals, and requiring that they receive Operator Engineer training in the use of the upgraded crane.

• The existing crane met single-failure proof criteria only when it was used to handle the properly-rigged 24-ton fuel transfer cask; the 105-ton single-failure proof crane will be single-failure proof for all lifts of loads which are 105 tons or less.

• The replacement of the existing crane with a 105-ton single-failure proof crane is being performed as a safety-related modification, and 10 CFR [Part] 50 Appendix B [Quality Assurance] criteria are being applied to all critical elements of design, purchasing, installation and testing. Therefore, the replacement crane and trolley can be expected to perform in accordance with their design specifications. As a result, the probability of a trolley failure on the replacement crane is considered to be no greater than the probability of a failure of the safety catch device which was employed with the existing crane when it was used to handle the 24-ton fuel transfer cask.

A significant increase in the consequences of an accident is not created because:

• This change affects fuel handling, and fuel handling accidents have already been analyzed and bound all other categories of accidents at the Big Rock Point Plant. Analysis indicates that the dose from the bounding fuel accident (a 24-ton fuel transfer cask drop), assuming a free release path without isolation of ventilation from containment, falls below the Protective Action Guidelines (PAGs) of Environmental Protection Agency–400 (EPA–400) 68 days following plant shutdown (the reactor was shutdown [as] of 8/29/1997). The analysis assumed a total of 500 damaged assemblies in the Spent Fuel Pool, with 84 of them being freshly discharged from the reactor. The Spent Fuel Pool contains 441 fuel assemblies. With more than three years of radiological and heat decay since the plant was shutdown, the potential source terms for gaseous and volatile radionuclides associated with the remaining design basis accidents has continued to decrease; therefore, the doses at the site boundary associated with a postulated accident involving any number of the available fuel assemblies have also decreased. The design of the Ederer X–SAM trolley and hoist is such that upon a single failure of the trolley that would allow the suspended load to free-fall, the load could fall for a maximum of 18 inches before the drum brake mechanism would engage to stop the downward travel. An 18-inch drop of the 105-ton dry fuel storage system fuel transfer cask has been analyzed and has been determined not to result in failure of the floors of the Spent Fuel Pool, Room 444 or the laydown area at the 599-foot 5-inch elevation of containment. These are the only floors in containment over which the cask will [be] moved with the 105-ton single-failure proof crane at a height of less than 18 inches. The 105-ton W100 Transfer Cask is the largest load that will be handled over the Spent Fuel Pool, when fuel is being stored in the Pool. For other floors/structures, (*i.e.,* the Reactor Deck at elevation 632′ 6″ [632 feet 6 inches]), administrative controls will be imposed to require the 105-ton cask to be suspended at least 18 inches above the floor/structure.

[The proposed amendment reflects the replacement of the original 75-ton non single-failure proof crane, with a single-failure proof crane. The replacement crane addresses malfunctions (e.g., dropping loads under single-failure conditions) that were possible with the original crane.]

Based on this discussion, it is concluded that this proposed change to the Defueled Technical Specifications does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change is requested to reflect the removal of the original 75-ton reactor building non single-failure proof semi-gantry crane and its replacement with a single-failure proof 105-ton crane, which will be designed to meet the applicable criteria and guidelines of NUREG–0554 and NUREG–0612. The change results from installation of a crane that replaces another crane. The general functions performed by the replacement crane (cask handling and movement of heavy loads) do not differ from those performed by the original crane. Therefore, new or different accidents will not be created by elimination of restrictions associated with the original 75-ton crane, since the design of the replacement crane addresses malfunctions (for example, dropping loads under single-failure conditions) that were possible with the original crane.

Based on this discussion, it is concluded that this proposed change to the Defueled Technical Specifications does not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Involve a significant reduction in the margin of safety.

To prevent failure of the Spent Fuel Pool structure when handling loads over the Pool with the existing 75-ton crane, loads were limited to 24 tons, and cask handling evolutions were limited to the southwest corner of the Spent Fuel Pool. These measures ensured that the Spent Fuel pool would not fail as a result of a load being dropped into it. The replacement crane has been designed such that a load will not drop more than 18 inches if a single failure should occur in its trolley. A drop of the 105-ton W100 Fuel Transfer Cask from a height of 18 inches to the Spent Fuel Pool floor has been determined not to result in failure of the Spent Fuel Pool; loads handled by the replacement crane will be restricted to 105 tons to ensure that the structural integrity of the Spent Fuel Pool will not be compromised by a postulated drop of the 105-ton W100 Fuel Transfer Cask.

The existing crane is designed to handle loads up to 75 tons Because the existing crane was not designed as a single-failure proof crane, restrictions were placed on load paths, load weights, and the configuration of the 24-ton fuel transfer cask (the cask was required to have a safety catch device attached between the cask and the crane structure to prevent dropping the transfer cask in the event of a trolley failure) to ensure that a margin of safety existed with respect to dropping heavy loads on spent fuel and to prevent a dropped load from causing structural failure of the Spent Fuel Pool. The replacement crane is designed to withstand the Big Rock Point [Plant] site-specific safe shutdown earthquake of 0.104g while safely retaining a load equal to 105 tons. Therefore, handling the 105-ton W100 transfer cask with this crane provides equivalent margins with respect to crane failure as the current restriction that limits loads being handled over the Spent Fuel Pool to 24 tons. The UFHSR will restrict handling of loads over the Spent Fuel Pool to 105 tons whenever fuel is stored in the Pool. The trolley and hoist for the replacement crane are designed to be single-failure proof, and provide a margin of safety for dropping a suspended load equivalent to the safety catch employed with 24-ton transfer cask safety catch.

[The proposed amendment reflects the replacement of the original 75-ton non single-failure proof crane, with a single-failure proof 125-ton crane having an MCL of 105 tons.. The replacement crane is designed to meet the applicable criteria of NUREG–0554 and

NUREG–0612, CMAA Specification 70, and ASME B30.2.]

Based on this discussion, it is concluded that this proposed change to the Defueled Technical Specifications does not involve a significant decrease in the margin of safety.

The NRC staff has reviewed the licensee's analysis in both letters of October 26, 2000, and March 14, 2001, and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David A. Mikelonis, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Section Chief: Robert A. Gramm.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: March 5, 2001, as revised March 30, 2001.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 5.5.12, ''Technical Specifications (TS) Bases Control Program,'' to be consistent with the changes to 10 CFR 50.59 published in the **Federal Register** on October 4, 1999 (64 FR 53582), as reflected in the Nuclear Energy Institute's Technical Specification Task Force (TSTF) Standard TS Change Traveler, TSTF–364, ''Revision to TS Bases Control Program to Incorporate Changes to 10 CFR 50.59.'' Specifically, Palisades TS 5.5.12b currently states, in part, that licensees may make changes to Bases without prior NRC approval provided the changes do not ''involve * * * [a] change to the updated FSAR [Final Safety Analysis Report] or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59.'' The proposed amendment would change this quoted portion of TS 5.5.12b to state ''require * * * [a] change to the updated FSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The following evaluation supports the finding that operation of the facility in accordance with the proposed changes would not:

a. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change deletes the reference to unreviewed safety question as defined in 10 CFR 50.59. Deletion of the definition of unreviewed safety question was approved by the NRC with the revision of 10 CFR 50.59. Consequently, the probability of an accident previously evaluated is not significantly increased. Changes to the TS Bases are still evaluated in accordance with 10 CFR 50.59. As a result, the consequences of any accident previously evaluated are not significantly affected. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

b. Create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

c. Involve a significant reduction in the margin of safety.

The proposed change will not reduce a margin of safety because it has no direct effect on any safety analyses assumptions. Changes to the TS Bases that result in meeting the criteria in paragraph 10 CFR 50.59(c)(2) will still require NRC approval pursuant to 10 CFR 50.59. This change is administrative in nature based on the revision to 10 CFR 50.59. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Section Chief: Claudia M. Craig.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: April 2, 2001.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) by removing all requirements for, and references to, the ''Assembly Radial Peaking Factor,'' (F_R^A). Consequently, in TS Section 1.0, the definition of Assembly Radial Peaking Factor would be deleted and the definition of the Total Radial Peaking Factor (F_R^T) would be corrected to read: ''F_R^T shall be the maximum ratio of the individual fuel pin power to the core average pin power integrated over the total core height, including tilt.'' In Limiting Condition for Operation (LCO) 3.2.2, the title would be changed to ''TOTAL RADIAL PEAKING FACTOR (F_R^T);'' the wording would state ''F_R^T shall be within the limits specified in the [Core Operating Limits Report] COLR;'' Condition A would state ''F_R^T not within limits specified in the COLR;'' Required Action A.1 would state ''Restore F_R^T to within limits;'' and Surveillance Requirement (SR) 3.2.2.1 would state ''Verify F_R^T is within limits specified in the COLR.'' In LCO 3.2.3, Required Action A.1 would state: Verify F_R^T is within the limits of LCO 3.2.2, ''Total Radial Peaking Factor (F_R^T)'.'' Associated changes would be made to the TS Bases and table of contents.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

There are no changes in plant systems, plant control operating procedures or instrument alarm or trip settings associated with this [TS Change Request] TSCR. Because neither physical equipment, nor operating methods for that equipment change, the probability of accident initiation would not change. Therefore, the proposed technical specification change would not involve a significant increase in the probability of an accident previously evaluated.

The assembly radial peaking (F_R^A) has been used in the past safety analyses and radiological consequence analyses. These analyses utilized the assumption that F_R^A would remain within the Technical Specifications limit during plant operations. These analyses verify, for Anticipated Operational Occurrences (AOOs) and Postulated Accidents (PAs), that:

(1) The Departure from Nucleate Boiling Ratio (DNBR) remains above the appropriate Technical Specifications Safety Limit, and

(2) The calculated offsite doses and control room dose for the affected events remained within the guidelines of 10 CFR 100, Section 11, ''Determination of exclusion area, low population zone and population center distance,'' and 10 CFR 50, Appendix A, General Design Criteria (GDC) 19, ''Control room.''

Improved DNB correlations and better spacer grid design have allowed the safety analysis calculations to be performed using only the total radial peaking factor (F_R^T) limit (which remains unchanged), without exceeding the specified Safety Limits. The radiological consequence events that previously used the F_R^A limit have been re-analyzed using the slightly higher F_R^T limit to determine the source strength. The revised calculated offsite dose and control room dose for the affected events remained within the guidelines of 10 CFR 100 and GDC 19.

Because the results of the transient analyses, which were performed without F_R^A

assumptions, continue to meet the Safety Limits, and because the dose consequences of all analyzed events, which were also performed without F_R^A assumptions, continue to be within the guidelines of 10 CFR 100 and GDC 19, the proposed technical specification change would not involve a significant increase in the consequences of an accident previously evaluated.

Therefore, operation of the plant in accordance with the proposed Technical Specifications would not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Operation of the plant in accordance with the proposed Technical Specifications would not add any new equipment, settings, or alter any plant operating practices. The only change is the deletion of all Technical Specifications references to the Assembly Radial Peaking Factor, F_R^A, (a peaking factor no longer used in core design or safety analyses). Since there will be no change in operating plant equipment, settings, or normal operating practices, operation in accordance with the proposed Technical Specifications would not create the possibility of a new or different kind of accident from any accident previously evaluated.

C. Does this change involve a significant reduction in a margin of safety?

The disposition of the [Standard Review Plan] SRP Chapter 15 events, the setpoint verification, the [fuel centerline melt] FCM and the [minimum departure from nucleate boiling ratio] MDNBR analyses documented in Siemens report EMF–2259 Revision 1, ''Palisades Cycle 15 Safety Analysis Report'' dated August 1999 considered the impact of several changes in fuel design and plant operations for Cycle 15. A detailed and simplified XCOBRA–IIIC model that incorporated limiting radial and axial power distributions, as well as the removal of the F_R^A peaking limit, were developed for Cycle 15. This model was applied to all DNB event analyses for Cycle 15 and the MDNBR values for limiting AOOs and PAs were evaluated with the [High Thermal Performance] HTP DNB correlation. The limiting MDNBR is calculated for SRP event 15.3.3 Reactor Coolant Pump Rotor Seizure and the limiting FCM is calculated for SRP event 15.4.3 Single Rod Withdrawal. The calculated results for the limiting events meet the Safety Limits specified in TS LCO 2.1.

The SRP events were dispositioned in accordance with Siemens approved methodologies listed in Palisades TS Section 5.6.5, Amendment 189. The completed safety analysis supports Palisades plant operation at 2530 Mwt.

The results of the transient analyses, which were performed without F_R^A assumptions, continue to meet the Safety Limits, and the dose consequence of all analyzed events, which were also performed without F_R^A assumptions, continue to be within the guidelines of 10 CFR 100 and GDC 19 * * * [Therefore] operation of the Facility in accordance with the proposed technical specification change would not involve a significant reduction in the margin of safety.

Therefore, operation of the plant in accordance with the proposed Technical Specifications would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Section Chief: Claudia M. Craig.

Duke Energy Corporation, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: March 1, 2001.

Description of amendment request: The amendments would allow implementation of 10 CFR Part 50, Appendix J, Option B, which governs performance-based containment leakage testing requirements for Types B and C testing. Catawba has previously implemented 10 CFR Part 50, Appendix J, Option B requirements for Type A testing. In addition to the changes associated with the adoption of 10 CFR Part 50, Appendix J, Option B, the licensee is also proposing the following two changes: (1) Technical Specification (TS) 3.6.3 will be modified to delete the requirement for conducting soap bubble tests of welded penetrations during Type A tests which are not individually Type B or Type C testable, and (2) the Bases for TS 3.6.2 will be modified to clarify that for the purpose of certain TS 3.6.2 Required Actions, the air lock door bulkhead is considered to be part of the door.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

The following discussion is a summary of the evaluation of the changes contained in this proposed amendment against the 10 CFR 50.92(c) requirements to demonstrate that all three standards are satisfied. A no significant hazards consideration is indicated if operation of the facility in accordance with the proposed amendment would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated, or

2. Create the possibility of a new or different kind of accident from any accident previously evaluated, or

3. Involve a significant reduction in a margin of safety.

First Standard

The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. Implementation of these changes will provide continued assurance that specified parameters associated with containment integrity will remain within acceptance limits as delineated in 10 CFR [Part] 50, Appendix J, Option B. The changes are consistent with current safety analyses. Although some of the proposed changes represent minor relaxation to existing TS requirements, they are consistent with the requirements specified by Option B of 10 CFR [Part] 50, Appendix J. The systems affecting containment integrity related to this proposed amendment request are not assumed in any safety analyses to initiate any accident sequence. Therefore, the probability of any accident previously evaluated is not increased by this proposed amendment. The proposed changes maintain an equivalent level of reliability and availability for all affected systems. In addition, maintaining leakage within analyzed limits assumed in accident analyses does not adversely affect either onsite or offsite dose consequences. Therefore, the proposed amendment does not increase the consequences of any accident previously evaluated.

Second Standard

The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated. No changes are being proposed which will introduce any physical changes to the existing plant design. The proposed changes are consistent with the current safety analyses. Some of the changes may involve revision in the testing of components; however, these are in accordance with the Catawba current safety analyses and provide for appropriate testing or surveillance that is consistent with 10 CFR [Part] 50, Appendix J, Option B. The proposed changes will not introduce new failure mechanisms beyond those already considered in the current safety analyses. No new modes of operation are introduced by the proposed changes. The proposed changes maintain, at minimum, the present level of operability of any system that affects containment integrity.

Third Standard

The proposed amendment will not involve a significant reduction in a margin of safety. The provisions specified in Option B of 10 CFR [Part] 50, Appendix J allow changes to Type B and Type C test intervals based upon the performance of past leak rate tests. 10 CFR [Part] 50, Appendix J, Option B allows longer intervals between leakage tests based on performance trends, but does not relax the leakage acceptance criteria. Changing test intervals from those currently provided in the TS to those provided in 10 CFR [Part] 50, Appendix J, Option B does not increase any risks above and beyond those that the NRC has deemed acceptable for the performance

based option. In addition, there are risk reduction benefits associated with reduction in component cycling, stress, and wear associated with increased test intervals. The proposed changes provide continued assurance of leakage integrity of containment without adversely affecting the public health and safety and will not significantly reduce existing safety margins. Similar proposed changes have been previously reviewed and approved by the NRC, and they are applicable to Catawba.

Based upon the preceding discussion, Duke Energy has concluded that the proposed amendment does not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

Attorney for licensee: Ms. Lisa F. Vaughn, Legal Department (PB05E), Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006.

NRC Section Chief: Richard L. Emch, Jr..

Duke Energy Corporation, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: March 29, 2001.

Description of amendment request: The proposed amendments would revise the Keowee Hydro Unit (KHU) Technical Specifications Surveillance Requirements (SRs) to address concerns related to voltage and frequency overshoot during surveillance testing. This would be accomplished by removing the note that had been implemented by Amendment Nos. 316, 316, and 316 (October 4, 2000) for Oconee Nuclear Station, Units 1, 2, and 3, respectively, to temporarily waive the upper limits specified in Surveillance Requirement 3.8.1.9, thereby reinstalling the original SR. In addition, as a result of an upgrade of the KHU governors, the proposed amendments would reduce the time delay specified in Technical Specification 3.8.1 and SR 3.8.1.17 from 12 seconds ±1 second to 5 seconds ±1 second. In addition, related Bases changes have been proposed.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

No. The License Amendment Request (LAR) removes a Note to Surveillance Requirement (SR) 3.8.1.9 that temporarily waived the surveillance requirements associated with the upper limits for Keowee Hydro Unit (KHU) voltage and frequency. The waiver of these requirements allowed Duke to avoid an unplanned forced shutdown of all three Oconee units, and the potential safety consequences and operational risks associated with that action.

This LAR also changes the arming time delay associated with the out-of-tolerance logic that had been approved for installation in Amendment Nos. 312, 312, and 312. This change lowers the allowed time delay, thereby resulting in the activation of the out-of-tolerance logic more quickly after KHU startup.

Since this LAR assures that each KHU reaches its required operating band within the required time, and that if maloperation of a unit occurs, the KHU will be taken off line, the probability or consequences of an accident previously evaluated is not significantly increased.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

No. The LAR involves removing a Note that temporarily waived SR 3.8.1.9.a associated with the KHUs. This LAR also changes the time delay associated with the activation of out-of-tolerance logic that had been approved for installation in Amendment Nos. 312, 312, and 312. This change lowers the allowed time delay, thereby resulting in the activation of the out-of-tolerance logic more quickly after KHU startup.

Since this LAR restores Technical Specification SR 3.8.1.9 to the condition prior to Amendment Nos. 316, 316, and 316 and provides a shortened arming delay for the out-of-tolerance logic that was approved in Amendment Nos. 312, 312, and 312, no new failure mechanism or accident sequence is introduced. Therefore, the possibility of a new or different kind of accident from any kind of accident previously evaluated is not created.

3. Involve a significant reduction in a margin of safety.

No. The LAR involves removing a Note that allowed temporary waiver of the requirements to meet SR 3.8.1.9.a and shortens the arming time delay associated with the activation of out-of-tolerance logic that had been approved for installation in Amendment Nos. 312, 312, and 312.

This LAR, therefore, improves the margin of safety by assuring that SR 3.8.1.9.a can be implemented. The change to a shorter arming time delay for the out-of-tolerance circuit activation also improves the margin of safety by limiting the time that a KHU would be carrying safety loads in an out-of-tolerance condition.

Therefore, this request does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Anne W. Cottington, Winston and Strawn, 1200 17th Street, NW., Washington, DC 20005.

NRC Section Chief: Richard L. Emch, Jr.

Entergy Operations Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: April 13, 2001.

Description of amendment request: The proposed change relaxes the allowable cooldown rate in the Reactor Coolant System (RCS) Technical Specifications (TS) 3.4.8.1, ''Pressure / Temperature Limits.'' Specifically, the change eliminates the limitation of a 10 °F per hour cooldown rate when the RCS temperature is below 135 °F. The proposed limitations permit a 100 °F per hour cooldown rate to continue down to an RCS temperature of 110 °F, at which point the rate is reduced to 30 °F per hour.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Will the operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

Limitations have been imposed on cooldown of the Reactor Coolant System (RCS) to assure compliance with the minimum temperature requirements of 10 CFR [Part] 50, Appendix G. The proposed changes revise the allowable cooldown limits in a way such that operation remains consistent with the design assumptions and satisfies the stress limits for cyclic operation. By ensuring operation remains within the bounds of the existing design basis and assumptions, the probability of a brittle fracture of the reactor vessel has not been increased.

Therefore, the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Will the operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

The proposed changes will not create the possibility of a new or different kind of accident from any previously analyzed since they do not introduce new systems, failure

modes, or other plant perturbations. The proposed changes revise the cooldown limitations based on the fact the conservatively estimated peak pressure that can occur when the RCS cold leg temperature is below 200 °F is less than the proposed pressure limit. The limits assure that operation remains consistent with the design assumptions and satisfies the stress limits for cyclic operation.

Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously analyzed.

3. Will the operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response:

The margin of safety provided by Technical Specification 3.4.8.1 is based on assuring that the maximum cooldown rates are consistent with the design assumptions and satisfy the stress limits for cyclic operation. The proposed changes will not involve a significant reduction in the margin of safety since equivalent pressure and temperature limit requirements for reactor operation will be applied. The proposed changes were derived in accordance with approved NRC methodology which was developed to assure the reactor coolant system pressure boundary is designed with sufficient margin to withstand any condition during normal operation including anticipated operational occurrences and system in-service leak and hydrostatic tests.

These requirements were revised in accordance with 10 CFR [Part] 50, Appendix G utilizing the latest NRC guidance in Regulatory Guide 1.99, Revision 2 relative to estimating neutron irradiation damage to the reactor vessel. In addition, the 16 EFPY [effective full power year] basis for these pressure/temperature limits has been found to include sufficient margin to account for the limits of uncertainty described in Draft Regulatory Guide DG–1053.

Therefore, the proposed change will not involve in a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: N.S. Reynolds, Esquire, Winston & Strawn, 1400 L Street NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of amendment request: February 9, 2001.

Description of amendment request: The proposed amendment (one-time change) revises the Steam Generator (SG) inspection frequency requirements in TS 5.5.9.d.2, ''Steam Generator (SG) Tube Surveillance Program, Inspection Frequencies,'' for the Braidwood Station, Unit 1, Fall 2001 refueling outage, to allow a 40 month inspection interval after one SG inspection, rather than after two consecutive inspections resulting in C–1 classification. This one-time change is proposed to eliminate unnecessary SG inspections during the upcoming Unit 1, Fall 2001 refueling outage, thus, resulting in significant dose, schedule, and cost savings.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed one-time change revises the Steam Generator (SG) inspection interval requirements in Technical Specifications (TS) 5.5.9.d.2, ''Steam Generator (SG) Tube Surveillance Program, Inspection Frequencies,'' for the Braidwood Station, Unit 1, Fall 2001 refueling outage, to allow a 40 month inspection frequency after one inspection, rather than after two consecutive inspections results that are within the C–1 category. C–1 category is defined as ''<5% of the total tubes inspected are degraded tubes and none of the inspected tubes are defective.''

The proposed one-time extension of the Unit 1, SG tube inservice inspection interval does not involve changing any structure, system, or component, or affect reactor operations. It is not an initiator of an accident and does not change any existing safety analysis previously analyzed in the Byron/Braidwood Stations' Updated Final Safety Analysis Report (UFSAR). As such, the proposed changes do not involve a significant increase in the probability of an accident previously evaluated.

Since the proposed change does not alter the plant design, there is no direct increase in SG leakage. Industry experience indicates that the probability of increased SG tube degradation would not go undetected. Additionally, steps described below will further minimize the risk associated with this extension. For example, the scope of inspections performed during the last Braidwood Station, Unit 1, refueling outage (i.e., the first refueling outage following SG replacement) exceeded the TS requirements for the first two refueling outages after SG replacement. That is, more tubes were inspected than were required by TS. Currently, Braidwood Station, Unit 1, does not have an active SG damage mechanism, and will meet the current industry examination guidelines without performing SG inspections during the next refueling outage. Additionally, as part of our SG Tube Surveillance Program, both a Condition Monitoring Assessment and an Operational Assessment are performed after each inspection and compared to the Nuclear Energy Institute (NEI) 97–06, ''Steam Generator Program Guidelines,'' performance criteria. The results of the Condition Monitoring Assessment demonstrated that all performance criteria were met during the Braidwood Station, Unit 1, Spring 2000 refueling outage, and the results of the Operational Assessment show that all performance criteria will be met over the proposed operating period. Considering these actions, along with the improved SG design and reliability of Babcock and Wilcox International (BWI) replacement SGs, extending the SG tube inspection frequency does not involve a significant increase in the consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change revises the SG inspection frequency requirements in TS 5.5.9.d.2, ''Steam Generator (SG) Tube Surveillance Program, Inspection Frequencies,'' for the Braidwood Station, Unit 1, Fall 2001 refueling outage, to allow a 40 month inspection interval after one inspection, rather than after two consecutive inspections with inspection results within the C–1 category.

The proposed change will not alter any plant design basis or postulated accident resulting from potential SG tube degradation. The scope of inspections performed during the last Braidwood Station, Unit 1, refueling outage (i.e., the first refueling outage following SG replacement) significantly exceeded the TS requirements for the scope of the first two refueling outages after SG replacement.

Primary to secondary leakage that may be experienced during all plant conditions is expected to remain within current accident analysis assumptions. The proposed change does not affect the design of the SGs, the method of SG operation, or reactor coolant chemistry controls. No new equipment is being introduced, and installed equipment is not being operated in a new or different manner. The proposed change involves a one-time extension to the SG tube inservice inspection frequency, and therefore will not give rise to new failure modes. In addition, the proposed change does not impact any other plant system or components.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

The SG tubes are an integral part of the Reactor Coolant System (RCS) pressure boundary that are relied upon to maintain the RCS pressure and inventory. The SG tubes isolate the radioactive fission products in the reactor coolant from the secondary system.

The safety function of the SGs is maintained by ensuring the integrity of the SG tubes. In addition, the SG tubes comprise the heat transfer surface between the primary and secondary systems such that residual heat can be removed from the primary system.

SG tube integrity is a function of the design, environment, and current physical condition. Extending the SG tube inservice inspection frequency by one operating cycle will not alter the function or design of the SGs. SG inspections conducted during the first refueling outage following SG replacement demonstrated that the SGs do not have an active damage mechanism, and the scope of those inspections significantly exceeded those required by the TS. These inspection results were comparable to similar inspection results for the same model of replacement SGs installed at other plants, and subsequent inspections at those plants yielded results that support this extension request. The improved design of the replacement SGs also provides reasonable assurance that significant tube degradation is not likely to occur over the proposed operating period.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Mr. Robert Helfrich, Senior Counsel, Nuclear, Mid-West Regional Operating Group, Exelon Generation Company, LLC, 1400 Opus Place, Suite 900, Downers Grove, Illinois 60515.

NRC Section Chief: Anthony J. Mendiola.

Nuclear Management Company, LLC, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of amendment request: April 6, 2001.

Description of amendment request: The proposed amendment would change the Kewaunee Nuclear Power Plant Technical Specification Section 6.2, ''Organization,'' and Section 6.13, ''High Radiation Area'' to reflect the title change from Shift Supervisor to Shift Manager.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change will not alter the intent of the TS. Changing the title from Shift Supervisor to Shift Manager is administrative in nature. It has no impact on accident initiators or plant equipment, and thus, does not affect the probability or consequences of an accident.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not involve a change to the physical plant or operations. Since this is an administrative change it does not contribute to accident initiation. Therefore, it does not produce a new accident scenario or produce a new type of equipment malfunction.

(3) Involve a significant reduction in the margin of safety.

Since this is an administrative change, it does not involve a significant reduction in the margin of safety. The proposed change does not affect plant equipment or operation. Safety limits and limiting safety system settings are not affected by this change.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Bradley D. Jackson, Esq., Foley and Lardner, P.O. Box 1497, Madison, WI 53701–1497.

NRC Section Chief: Claudia M. Craig.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: February 7, 2001.

Description of amendment request: The proposed amendment would revise the technical specifications to replace the accident source term used in all design basis site boundary and control room dose analysis with the alternate source term. Additionally, the proposed amendment would implement regulatory guidance provided in Regulatory Guide (RG) 1.183, ''Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors,'' regarding the licensing basis source term for design basis events.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes to FCS [Fort Calhoun Station] TS [Technical Specifications] modify requirements to: place the control room ventilation system in operation and in filtered air mode during refueling operations in the containment or spent fuel pool, place a spent fuel pool area radiation monitor in operation during refueling operations at the spent fuel pool, delete a specification that requires a ventilation isolation actuation signal (VIAS) and two radiation monitors to be operable, increase the volume of trisodium phosphate (TSP) in the reactor containment building, include both internal and external leakage for the residual heat removal (RHR) system leakage test, perform an internal leakage test on the RHR system, and credit the alternative source term (AST) for the design basis site boundary and control room dose analyses. These TS changes do not impact operation of other equipment or systems important to safety. The proposed TS changes reflect the parameters used in the radiological consequences calculations described in Attachment E [to the licensee's February 7, 2001, letter].

The current TS 3.16 limits RHR system leakage to 1243 cc/hour from external sources and does not provide a limit for leakage from internal sources due to valve seat back leakage to the safety injection refueling water tank (SIRWT) or require an internal leakage test to be performed. The re-analysis for LOCA [loss-of-coolant accident] assumed a total leakage from all RHR sources of 3800 cc/hour. The internal leakage would leak back into the water remaining in the SIRWT. While it appears the allowable leakage is being increased, the limit is more inclusive, and therefore, more conservative than the current leakage limit. The internal leakage test performed on the RHR system will measure and quantify the back leakage into the SIRWT.

The proposed changes to TSs 2.3 and 3.6 are necessary to ensure the post-LOCA pH of the recirculation water is equal to or greater than 7.0. Radiation levels in containment following a LOCA may cause the generation of hydrochloric and nitric acids from radiolysis of cable insulation and sump water. TSP will neutralize these acids. The radiolysis analysis performed demonstrates that the sump pH will be greater than or equal to 7.0 post design basis accident (DBA), which meets the intent of RG 1.183 regarding iodine revolatization. Therefore, there is no increase in the probability or consequences of an accident previously evaluated due to radiolysis concerns.

The proposed change to TS 2.8.2(4) requires the control room ventilation system to be in operation and in the Filtered Air mode. This is a conservative action to reduce control room operator exposure. This action is credited in the fuel handling accident analysis. 10 CFR 50.36 requires, in part, that if an operating restriction is an initial condition of a DBA, then a Limiting Condition for Operation (LCO) should be established. Therefore, this action, which will reduce operator exposure, will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to TS 2.8.3(5) will delete the requirement for the ventilation

isolation actuation signal (VIAS) to be operable with two radiation monitors operable, and require the control room ventilation system to be in operation and in the Filtered Air mode and a spent fuel pool area radiation monitor to be in operation during refueling operations in the spent fuel pool. The current basis for TS 2.8.3(5) is to ensure the control room ventilation system is operated in Filtered Air mode upon receipt of a VIAS. The proposed change will require the control room ventilation system placed in the Filtered Air mode during refueling operations, thereby eliminating the need for the VIAS to be operable. Therefore, this change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The changes proposed do not affect the precursors for accidents or transients analyzed in Chapter 14 of the FCS USAR. Therefore, there is no increase in the probability of accidents previously evaluated. The probability remains the same since the accident analyses performed and discussed in the basis for the TS changes, involve no change to a system, component or structure that affects initiating events for any USAR Chapter 14 accident evaluated. A re-analysis of USAR Chapter 14 events was conducted with respect to radiological consequences. This re-analysis was performed in accordance with current accepted methodology, and consequences were expressed in terms of TEDE [total effective dose equivalent] dose. The current methodology is no longer exactly comparable to the previous methods used for dose consequences. The previous dose calculations analyzed the dose consequences to thyroid and whole body as a result of postulated DBA events. The previous dose calculations were shown to be well below the regulatory limits of 10 CFR 100.11 (25 percent) with respect to thyroid and whole body dose. The current accepted NRC methodology, as described in 10 CFR 50.67, specifies new dose acceptance criteria in terms of TEDE dose. The revised analyses for all evaluated DBA events meet the applicable TEDE dose acceptance criteria (specified also in RG 1.183) for alternative source term implementation. The most current analyses do not credit several engineered safeguards features (ESF) filtration systems as the previous analyses did, and hence, are more conservative in that aspect. If a comparison is performed between the previous calculations (thyroid and whole body dose) and revised analyses TEDE results (per method shown in footnote 7 of RG 1.183), a slight increase in dose consequences is exhibited but is not significant, and the TEDE results are below regulatory acceptance criteria.

The changes proposed do not increase the probability of an accident previously evaluated. Because of the new regulatory requirements related to AST implementation, the dose consequences, if compared to previous ones, are only slightly increased (using guidance in footnote 7 of RG 1.183). However, the dose consequences of the revised analyses are below the AST regulatory acceptance criteria.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The implementation of the proposed changes does not create the possibility of an accident of a different type than was previously evaluated in the USAR. The proposed changes to FCS TS modify requirements to: place the control room ventilation system in operation and in filtered air mode during refueling operations in the containment or spent fuel pool, place a spent fuel pool area radiation monitor in operation during refueling operations at the spent fuel pool, delete a specification that requires a ventilation isolation actuation signal (VIAS) and two radiation monitors to be operable, increase the volume of trisodium phosphate (TSP) in the reactor containment building, include both internal and external leakage for the residual heat removal (RHR) system leakage test, perform an internal leakage test on the RHR system, and credit the alternative source term (AST) for the design basis site boundary and control room dose analyses[.]

The changes proposed do not change how DBA events were postulated nor do the changes themselves initiate a new kind of accident with a unique set of conditions. The changes proposed were based on a complete re-analysis of offsite and control room operator doses, where the system requirements being revised were not credited in the calculations. The revised analyses are consistent with the regulatory guidance established in RG 1.183. The revised analyses utilize the most current understanding of source term timing and chemical forms as a more appropriate mitigation technique. Not crediting filtration systems and only crediting natural forces is conservative from the aspect of dose consequences. Through this re-analysis, no new accident initiator or failure mode was identified.

3. The proposed change does not involve a significant reduction in a margin of safety.

The implementation of the proposed changes does not reduce the margin of safety. The radiological analyses results, with the proposed changes, remain within the regulatory acceptance criteria (10 CFR 50 Appendix A, 10 CFR 50.67) utilizing the TEDE dose acceptance criteria directed in RG 1.183. These criteria have been developed for application to analyses performed with alternative source terms. These acceptance criteria have been developed for the purpose of use in design basis accident analyses such that meeting these limits demonstrates adequate protection of public health and safety. An acceptable margin of safety is inherent in these licensing limits. Therefore, there is no significant reduction in the margin of safety as a result of the proposed changes.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: James R. Curtiss, Esq., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Stephen Dembek.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment requests: April 6, 2001.

Description of amendment requests: The amendment application proposes to revise the Facility Operating License No. NPF–10, and Facility Operating License No. NPF–15 for San Onofre Nuclear Generating Station, Units 2 and 3, respectively. The licensee proposed to add annotations to technical specification Surveillance Requirements 3.8.1.2, 3.8.1.3, 3.8.1.9, 3.8.1.10 and 3.8.1.19 that provide guidance to ensure a diesel generator sub-component, an automatic voltage regulator (AVR), is operable and regularly tested. The proposed annotations clarify that only one AVR is required for the associated diesel generator to be operable and only one AVR can be in service at any one time.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The diesel generators provide emergency power to accident mitigation equipment in the event of a loss of offsite power. They cannot cause an accident. The San Onofre Nuclear Generating Station (SONGS) emergency diesel generators (EDG) each have two automatic voltage regulators (AVRs) that are 100% redundant to each other. Maintaining both AVRs for each diesel in a high state of readiness, while minimizing unnecessary testing on the diesels, optimizes the overall availability of the diesel generator systems to perform their function if required.

This change allows testing the two AVRs for each diesel on a staggered monthly basis. In addition, it clarifies that each AVR only needs to be subjected to a dynamically challenging test once every 24 months provided that its dynamic performance is measured and determined to be acceptable. These testing requirements demonstrate a high level of assurance that each AVR will be capable of performing its design function while minimizing unnecessary wear on the diesels. The reliability of the diesel generators to provide emergency power will not be degraded as a result of this change. Therefore, this change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The AVRs are a subcomponent of the EDGs. This change to the surveillance test frequency does not physically change the use, function, or design of the EDG or its subcomponent, the AVR.

This change ensures both 100% capacity AVRs are adequately tested to ensure operability without increasing the number of test starts of the EDGs.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Involve a significant reduction in a margin of safety?

Response: No.

This change allows testing the two AVRs for each diesel on a staggered monthly basis. In addition, it clarifies that each AVR only needs to be subjected to a dynamically challenging test once every 24 months provided that its dynamic performance is measured and determined to be acceptable. These testing requirements demonstrate a high level of assurance that each AVR will be capable of performing its design function while minimizing unnecessary wear on the diesels. This proposed change does not involve an alteration of the SONGS 2 and 3 design. The reliability of the diesel generators to provide emergency power will not be degraded as a result of this change.

Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Section Chief: Stephen Dembek.

Southern Nuclear Operating Company, Inc., et al., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: January 11, 2001.

Description of amendment request: The proposed amendments would revise Technical Specifications 5.5.17, ''Containment Leakage Rate Testing Program,'' to add an exception to Regulatory Guide (RG) 1.163, ''Performance-Based Containment Leak-Testing Program.'' Specifically, the licensee proposes to use America Society of Mechanical Engineering, Subsections IWL and IWE to meet the intent of RG 1.163. The proposed change will affect the frequency of containment concrete visual examinations and allow the examinations to be preformed during power operation instead of exclusively during refueling outages.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed change affects the frequency of visual examinations that will be performed for the concrete surfaces of the Vogtle Electric Generating Plant (VEGP) Unit 1 and Unit 2 containments for the purpose of the Containment Leakage Rate Testing Program. In addition, the proposed change allows those examinations to be performed during power operation as opposed to during a refueling outage. The frequency of visual examinations of the concrete surfaces of the containments and the mode of operation during which those examinations are performed has no relationship to or adverse impact on the probability of any of the initiating events assumed for the accident analyses. Therefore, the proposed change does not involve a significant increase in the probability of any accident previously evaluated. The proposed change would allow visual examinations that are performed pursuant to NRC-approved [American Society of Mechanical Engineering] ASME Section XI Code requirements (except where relief has been granted by the NRC) to meet the intent of visual examinations required by Regulatory Guide 1.163, without requiring additional visual examinations pursuant to the Regulatory Guide. The intent of early detection of deterioration will continue to be met by the more rigorous requirements of the Code-required visual examinations. Therefore, the safety function of the VEGP containments as a fission product barrier will be maintained, and there will not be a significant increase in the consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

No. The proposed change affects the frequency of visual examinations that will be performed for the concrete surfaces of the Vogtle Electric Generating Plant (VEGP) Unit 1 and Unit 2 containments for the purpose of the Containment Leakage Rate Testing Program. In addition, the proposed change allows those examinations to be performed during power operation as opposed to during a refueling outage. The proposed change does not adversely affect or otherwise alter plant operation. No new equipment is introduced, and no new limiting single failures are created. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

No. The proposed change affects the frequency of visual examinations that will be performed for the concrete surfaces of the Vogtle Electric Generating Plant (VEGP) Unit 1 and Unit 2 containments for the purpose of the Containment Leakage Rate Testing Program. In addition, the proposed change allows those examinations to be performed during power operation as opposed to during a refueling outage. The proposed change would allow visual examinations that are performed pursuant to NRC-approved ASME Section XI Code requirements (except where relief has been granted by the NRC) to meet the intent of visual examinations required by Regulatory Guide 1.163, without requiring additional visual examinations pursuant to the Regulatory Guide. The intent of early detection of deterioration will continue to be met by the more rigorous requirements of the Code-required visual examinations. Therefore, the safety function of the VEGP containments as a fission product barrier will be maintained, and there will not be a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. Arthur H. Domby, Troutman Sanders, NationsBank Plaza, Suite 5200, 600 Peachtree Street, NE., Atlanta, Georgia 30308–2216.

NRC Section Chief: Richard L. Emch, Jr.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: April 12, 2001 (TS 00–02).

Brief description of amendments: The proposed amendment would change the Sequoyah Nuclear Plant Technical Specification (TS) surveillance requirements for the ice condenser. The request would change the method and frequency for determining boron concentration and pH of the ice and proposes an additional test requirement for ice that is to be added to the ice condenser.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), Tennessee Valley Authority (TVA), the licensee, has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The only analyzed accidents of possible consideration in regards to changes potentially affecting the ice condenser are a

loss of coolant accident (LOCA) and a main steam line break (MSLB) inside containment. However, the ice condenser is not postulated as being the initiator of any LOCA or MSLB. This is because it is designed to remain functional following a design basis earthquake, and the ice condenser does not interconnect or interact with any systems that interconnect or interact with the reactor coolant or main steam systems. Since the proposed changes to the TS and TS bases are solely to revise and provide clarification of the ice sampling and chemical analysis requirements, and are not the result of or require any physical change to the ice condenser, there can be no change in the probability of an accident previously evaluated in the Safety Analysis Report.

In order for the consequences of any previously evaluated event to be changed, there would have to be a change in the ice condenser's physical operation during a LOCA or MSLB, or in the chemical composition of the stored ice. The proposed changes do not alter either from existing requirements, except to add an upper limit on boron concentration, which is the bounding value for the hot leg switchover timing calculation. Though the frequency of the existing surveillance requirement (SR) for sampling the stored ice is changed from once every 18 months to once every 54 months, the sampling requirements are strengthened overall with: (1) the requirement to obtain one randomly selected sample from each ice condenser bay (24 total samples) rather than 9 ''representative'' samples, and (2) the addition of a new SR to verify each addition of ice meets the existing requirements for boron concentration and pH value. The only other change is to clarify that each sample of stored ice is individually analyzed for boron concentration and pH, but that the acceptance criteria for each parameter is based on the average values obtained for the 24 samples. This is consistent with the bases for the boron concentration of the ice, which is to ensure the accident analysis assumptions for containment sump pH and boron concentration are not altered following complete melting of the ice condenser. Historically, chemical analysis of the stored ice has had a very limited number of instances where an individual sample did not meet the boron or pH requirements, with all subsequent evaluations (follow-up sampling) showing the ice condenser as a whole was well within these requirements. Requiring chemical analysis of each sample is provided to preclude the practice of melting all samples together before performing the analysis, and to ensure the licensee is alerted to any localized anomalies for investigation and resolution without the burden of entering a 24-hour action, provided the averaged results are acceptable. Thus, based on the above, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Because the TS and TS bases changes do not involve any physical changes to the ice condenser, any physical or chemical changes to the ice contained therein, or make any changes in the operational or maintenance aspects of the ice condenser as required by the TS, there can be no new accidents created from those already identified and evaluated.

C. The proposed amendment does not involve a significant reduction in a margin of safety.

The ice condenser TSs ensure that during a LOCA or MSLB the ice condenser will initially pass sufficient air and steam mass to preclude over pressurizing lower containment, that it will absorb sufficient heat energy initially and over a prescribed time period to assist in precluding containment vessel failure, and that it will not alter the bulk containment sump pH and boron concentration assumed in the accident analysis. Since the proposed changes do not physically alter the ice condenser, but rather only serve to strengthen and clarify ice sampling and analysis requirements, the only area of potential concern is the effect these changes could have on bulk containment sump pH and boron concentration following ice melt. However, this is not affected because there is no change in the existing requirements for pH and boron concentration, except to add an upper limit on boron concentration. This upper limit is the bounding value for the hot leg switchover timing calculation. Averaging the pH and boron values obtained from analysis of the individual samples taken is not a new practice, just one that was not consistently used by all ice condenser plants. Using the averaged values provides an equivalent bulk value for the ice condenser, which is consistent with the accident analysis for the bulk pH and boron concentration of the containment sump following ice melt. Changing the performance frequency for sampling the stored ice does not reduce any margin of safety because: (1) the newly proposed surveillance (SR 4.6.5.1.f) ensures ice additions meet the existing boron concentration and pH requirements, (2) there are no normal operating mechanisms, including sublimation, that reduce the ice condenser bulk pH and boron concentration, and (3) the number of required samples has been increased from 9 to 24 (1 randomly selected ice basket per bay), which is approximately the same number of samples that would have been taken in the same time period under the existing requirements. Thus, it can be concluded that the proposed TS and TS bases changes do not involve a significant reduction in the margin of safety.

The NRC has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 10H, Knoxville, Tennessee 37902.

NRC Section Chief: Richard P. Correia.

TXU Electric, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Units 1 and 2, Somervell County, Texas

Date of amendment request: April 3, 2001.

Brief description of amendments: The proposed change would revise Technical Specification (TS) 3.3.6, ''Containment Ventilation Isolation Instrumentation'' to modify the Note for Required Action B.1 such that it applies only to ''Required Action and associated Completion Time of Condition A not met.'' The proposed change is the result of the discovery of an error which occurred when the TS was converted to the ''improved TS format'' with issuance of License Amendment Nos. 64 and 64, for Comanche Peak Steam Electric Station, Units 1 and 2 on February 26, 1999.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change removes an allowance to open containment pressure relief valves under administrative controls when one train of Automatic Actuation Logic and Actuation Relays is inoperable. The proposed change corrects a non-conservative technical specification and thus makes the technical specifications consistent with the previously evaluated accident analyses. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change makes the technical specifications consistent with the previously evaluated accident analyses. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The proposed change makes the technical specifications consistent with the previously evaluated accident analyses. Therefore the proposed change does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff

proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: George L. Edgar, Esq., Morgan, Lewis and Bockius, 1800 M Street, NW., Washington, DC 20036.

NRC Section Chief: Robert A. Gramm.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: March 22, 2001 (ET 01–0012).

Description of amendment request: The amendment would (1) decrease the allowable values for Function 8, pressurizer pressure-low, pressurizer pressure-high, in Table 3.3.1–1, ''Reactor Trip System Instrumentation,'' and (2) decrease the allowable value for pressurizer pressure-low for safety injection in Table 3.3.2–1, ''Engineered Safety Feature Actuation System Instrumentation.'' The changes are needed because the licensee will be replacing the existing Tobar pressurizer pressure transmitters with Rosemount transmitters in the next refueling outage.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The existing safety related pressurizer pressure transmitters are being replaced with ones of similar characteristics and functions, and without changing the design or functional basis of the system, structure, or components associated with the pressure transmitters.

The protection system performance will remain within the bounds of the previously performed accident analysis. The Reactor Trip System (RTS) and Engineered Safety Feature Actuation System (ESFAS) instrumentation will continue to function in a manner consistent with the plant design basis. The replacement of the pressurizer pressure transmitters and proposed changes to the affected Allowable Values will not affect any of the analysis assumptions for any of the accidents previously evaluated, since the changes are consistent with the setpoint methodology and ensure adequate margin to the Safety Analysis Limit. The proposed changes will not affect any event initiators nor will the proposed changes affect the ability of any safety related equipment to perform its intended function. There will be no degradation in the performance of nor an increase in the number of challenges imposed on safety related equipment assumed to function during an accident situation. There will be no change to normal plant operating parameters or accident mitigation capabilities.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

A review of the failure modes and effects in Updated Safety Analysis Report Section 7.7.2 found that failure of the replacement pressure transmitters will be the same as for the existing pressure transmitters. As such, the effects of such failures on [the safety] functions of the other equipment are concluded to be similar to those previously evaluated.

There are no changes in the method by which any safety related plant system performs its safety function. The normal manner of plant operation remains unchanged. The increase [or decrease] in the pressurizer pressure functions Allowable Values still provides acceptable margin between the nominal Trip Setpoint and Allowable Value. The changes in Allowable Value does not impact the systems capability to provide both control and protection functions. No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of the proposed changes.

Therefore, the proposed changes do not create a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed changes do not affect the acceptance criteria for any analyzed event nor is there a change in any Safety Analysis Limit. There will be no effect on the manner in which safety limits or RTS and ESFAS settings are determined nor will there be any affect on those plant systems necessary to assure the accomplishment of protection functions. [The proposed changes to the pressurizer pressure Allowable Values will maintain the accident analyses in the Updated Safety Analysis Report.]

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Stephen Dembek.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: March 23, 2001 (CO 01–0013).

Description of amendment request: The amendment proposes to (1) delete certain license conditions from the operating license, and (2) revise Table 5.5.9–2, ''Steam Generator Tube Inspection,'' in Section 5.5.9, ''Steam Generator (SG) Tube Surveillance Program,'' of the technical specifications (TSs). License Conditions 2.C.(4) and 2.C.(6) through 2.C.(14) of the facility operating license are considered to have been completed and obsolete, or to duplicate other license requirements, and are proposed to be deleted. Attachments 2 and 3 to the facility operating license are also proposed to be deleted. Section 2.F of the facility operating license is considered to duplicate the reporting requirements in 10 CFR 50.72 and 50.73 and is proposed to be deleted. The reporting requirements in two ''Action Required'' columns of TS Table 5.5.9–2 are also considered to duplicate the reporting requirements in 10 CFR 50.72 and 50.73 and are proposed to be deleted. The list of the attachments and appendices to the facility operating license would also be revised to reflect the proposed deletion of Attachments 2 and 3.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

This request involves administrative changes only. No actual plant equipment or accident analyses will be affected by the proposed changes. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

This request involves administrative changes only. No actual plant equipment or accident analyses will be affected by the proposed change and no failure modes not bounded by previously evaluated accidents will be created. Therefore, the proposed changes do not create a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

Margin of safety is associated with confidence in the ability of the fission product barriers (i.e., fuel and fuel cladding, Reactor Coolant System pressure boundary, and containment structure) to limit the level of radiation dose to the public. This request involves administrative changes only [and does not change these barriers].

No actual plant equipment or accident analyses will be affected by the proposed change. Additionally, the proposed changes

will not relax any criteria used to establish safety limits, will not relax any safety system settings, or will not relax the bases for any limiting conditions of operation [in the TSs]. Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Stephen Dembek.

Wolf Creek Nuclear Operating Corporation, Docket No. 50–482, Wolf Creek Generating Station, Coffey County, Kansas

Date of amendment request: April 3, 2001 (ET 01–0008).

Description of amendment request: The amendment would make the following changes to the technical specifications (TSs):

(1) Revise Safety Limit 2.1.1 by replacing Figure 2.1.1–1, ''Reactor Core Safety Limits,'' with a reference to limits being specified in the Core Operating Limits Report (COLR) and by adding two reactor core safety limits on departure from nucleate boiling ratio (DNBR) and peak fuel centerline temperature.

(2) Revise Note 1 on the over temperature ΔT in Table 3.3.1–1 of TS 3.3.1, ''Reactor Trip System Instrumentation,'' by replacing values of parameters with a reference to the values being specified in the COLR and correcting the expression for one term in the inequality for over temperature ΔT.

(3) Revise Note 2 on the overpower ΔT in Table 3.3.1–1 by replacing values of parameters with a reference to the values being specified in the COLR.

(4) Replace the limits for the reactor coolant system (RCS) pressure and average temperature with a reference to the limits being specified in the COLR for Limiting Condition for Operation (LCO) 3.4.1 and Surveillance Requirements (SRs) 3.4.1.1 and 3.4.1.2.

(5) Add the phrase ''and greater than or equal to the limit specified in the COLR'' to the RCS total flow rate in LCO 3.4.1 and SRs 3.4.1.3 and 3.4.1.4.

(6) Move items a. and b. to the left in the Note to the applicability in LCO 3.4.1.

(7) Revise TS Section 5.6.5 by adding TS 3.3.1 on over temperature and overpower ''T trip setpoints and TS 3.4.1 on RCS pressure, temperature, and flow limits to the existing list of core operating limits for each reload cycle that are documented in the COLR and revising the list of topical reports in the COLR that represent the analytical methods approved by the Commission to determine core operating limits.

The proposed changes remove cycle-specific parameter limits and relocate them to the COLR, but they (1) do not change any of the limits, (2) add more specific requirements regarding DNBR limit and peak fuel centerline temperature limit to the TSs, (3) revise the list of topical reports in the list of NRC-approved analytical methods, (4) correct one term of an expression, and (5) move terms in a Note to the mode applicability for an LCO.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes are programmatic and administrative in nature which do not physically alter safety related systems, nor affect the way in which safety related systems perform their functions. More specific requirements regarding the safety limits (i.e., DNBR limit and peak fuel centerline temperature limit) are being imposed in TS 2.1.1, ''Reactor Core Safety Limits,'' which replace the Reactor Core Safety Limits figure and are consistent with the values stated in the USAR [Updated Safety Analysis Report]. The proposed changes remove the cycle-specific parameter limits from TS 3.4.1 and relocate them to the COLR which do not change plant design or affect system operating parameters. In addition, the minimum limit for RCS total flow rate is being retained in TS 3.4.1 to assure that a lower flow rate than reviewed by the NRC will not be used. The proposed changes do not, by themselves, alter any of the parameter limits. The removal of the cycle-specific parameter limits from the TS does not eliminate existing requirements to comply with the parameter limits. The existing TS Section 5.6.5b, COLR Reporting Requirements, continues to ensure that the analytical methods used to determine the core operating limits meet NRC reviewed and approved methodologies. The existing TS Section 5.6.5c, COLR Reporting Requirements, continues to ensure that applicable limits of the safety analyses are met.

The proposed changes to reference only the Topical Report number and title do not alter the use of the analytical methods used to determine core operating limits that have been reviewed and approved by the NRC. This method of referencing Topical Reports would allow the use of current Topical Reports to support limits in the COLR without having to submit an amendment to [the TS of] the operating license. Implementation of revisions to Topical Reports would still be reviewed in accordance with 10 CFR 50.59 and where required receive NRC review and approval.

Although the relocation of the cycle-specific parameter limits to the COLR would allow revision of the affected parameter limits without prior NRC approval, there is no significant effect on the probability or consequences of an accident previously evaluated. Future changes to the COLR parameter limits could result in event consequences which are either slightly less or slightly more severe than the consequences for the same event using the present parameter limits. The differences would not be significant and would be bounded by the existing requirement of TS Section 5.6.5c to meet the applicable limits of the safety analyses.

The cycle-specific parameter limits being transferred from the TS to the COLR will continue to be controlled under existing programs and procedures. The USAR accident analyses will continue to be examined with respect to changes in the cycle-dependent parameters obtained using NRC reviewed and approved reload design methodologies, ensuring that the transient evaluation of new reload designs are bounded by previously accepted analyses. This examination will continue to be performed pursuant to 10 CFR 50.59 requirements ensuring that future reload designs will not involve a significant increase in the probability or consequences of an accident previously evaluated. Additionally, the proposed changes do not allow for an increase in plant power levels, do not increase the production, nor alter the flow path or method of disposal of radioactive waste or byproducts. Therefore, the proposed changes do not change the types or increase the amounts of any effluents released offsite.

[The proposed changes to the expression of the $f_1(\Delta I)$ term, which is in the over temperature ΔT inequality, clarifies and corrects the term. Moving the terms in a Note to the LCO mode applicability is an administrative action.]

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

[The proposed changes are programmatic and administrative in nature which do not physically alter safety related systems, nor affect the way in which safety related systems perform their functions.]

The proposed changes that retain the minimum limit for RCS total flow rate in the TS, and that relocate certain cycle-specific parameter limits from the TS to the COLR, thus removing the requirement for prior NRC approval of revisions to those parameters, do not involve a physical change to the plant. No new equipment is being introduced, and installed equipment is not being operated in a new or different manner. There are no

changes being made to the parameters within which the plant is operated, other than their relocation to the COLR. There are no setpoints affected by the proposed changes at which protective or mitigative actions are initiated. The proposed changes will not alter the manner in which equipment operation is initiated, nor will the function demands on credited equipment be changed. No alteration in the procedures which ensure the plant remains within analytical limits is being proposed, and no change is being made to the procedures relied upon to respond to an off-normal event. As such, no new failure modes are being introduced.

The proposed changes to reference only the Topical Report number and title do not alter the use of the analytical methods used to determine core operating limits that have been reviewed and approved by the NRC. This method of referencing Topical Reports would allow the use of current Topical Reports to support limits in the COLR without having to submit an amendment to [the TS of] the operating license. Implementation of revisions to Topical Reports would still be reviewed in accordance with 10 CFR 50.59 and where required receive NRC review and approval.

Relocation of cycle-specific parameter limits has no influence or impact on, nor does it contribute in any way to the possibility of a new or different kind of accident. The relocated cycle-specific parameter limits will continue to be calculated using the NRC reviewed and approved methodology. The proposed changes do not alter assumptions made in the safety analysis and operation within the core operating limits will continue.

[The proposed changes to the expression of the $f_1(\Delta I)$ term, which is in the over temperature ΔT inequality, clarifies and corrects the term.]

Therefore, the proposed changes do not create a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The margin of safety is established through equipment design, operating parameters, and the setpoints at which automatic actions are initiated. The proposed changes [are programmatic and administrative in nature and] do not physically alter safety related systems, nor does it [a]ffect the way in which safety-related systems perform their functions. The setpoints at which protective actions are initiated are not altered by the proposed changes. Therefore, sufficient equipment remains available to actuate upon demand for the purpose of mitigating an analyzed event. As the proposed changes to relocate cycle-specific parameter limits to the COLR will not affect plant design or system operating parameters, there is no detrimental impact on any equipment design parameter, and the plant will continue to operate within prescribed limits.

The development of cycle-specific parameter limits for future reload designs will continue to conform to NRC reviewed and approved methodologies, and will be performed pursuant to 10 CFR 50.59 to assure that plant operation [is] within cycle-specific parameter limits.

The proposed changes to reference only the Topical Report number and title do not alter the use of the analytical methods used to determine core operating limits that have been reviewed and approved by the NRC. This method of referencing Topical Reports would allow the use of [the] current Topical Reports to support limits in the COLR without having to submit an amendment to [the TS of] the operating license. Implementation of revisions to Topical Reports would still be reviewed in accordance with 10 CFR 50.59 and where required receive NRC review and approval.

[The proposed changes to the expression of the $f_1(\Delta I)$ term, which is in the over temperature ΔT inequality, clarifies and corrects the term. Moving the terms in a Note to the LCO mode applicability is an administrative action.]

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Stephen Dembek.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available records will be accessible and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units Nos. 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: February 28, 2001.

Brief description of amendments: The amendments revise the definitions of engineered safety feature response time and reactor protection system response time in Technical Specification (TS) 1.1, ''Definitions,'' to add the following statement: ''In lieu of measurement, response time may be verified for selected components provided that the components and methodology for verification have been previously reviewed and approved by the [Nuclear Regulatory Commission] NRC.'' Approval of the amendments will allow either an allocated sensor response time or a measured sensor response time for the identified Reactor Protection System and Engineered Safety Features Actuation System pressure sensors when performing response time testing.

Date of issuance: April 19, 2001.

Effective date: April 19, 2001, and shall be implemented within 45 days of the date of issuance.

Amendment Nos.: Unit 1–135, Unit 2–135, Unit 3–135.

Facility Operating License Nos. NPF–41, NPF–51, and NPF–74: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 20, 2001 (66 FR 15766).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 19, 2001.

No significant hazards consideration comments received: No. Calvert Cliffs Nuclear Power Plant, Inc., Docket Nos. 50–317 and 50–318, Calvert.

Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendments: December 21, 2000, as supplemented on February 12, 2001, and March 5, 2001.

Brief description of amendments: The amendments revise Technical Specification 5.2.2.e by removing the reference to the Nuclear Regulatory Commission Policy Statement on working hours.

Date of issuance: April 5, 2001.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment Nos.: 245 and 219.

Renewed Facility Operating License Nos. DPR–53 and DPR–69: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** February 7, 2001 (66 FR 9380).

The February 12, 2001, and March 5, 2001, letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated April 5, 2001.

No significant hazards consideration comments received: No.

Calvert Cliffs Nuclear Power Plant, Inc., Docket No. 50–318, Calvert Cliffs Nuclear Power Plant, Unit No. 2, Calvert County, Maryland

Date of application for amendment: September 14, 2000, as supplemented on December 21, 2000.

Brief description of amendment: The amendment permits operation of Calvert Cliffs Unit 2 with a core containing a lead fuel (test) assembly that includes fuel rods with advanced zirconium alloy cladding.

Date of issuance: April 5, 2001.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 220.

Renewed License No. DPR–69: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 10, 2001 (66 FR 2012).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 5, 2001.

No significant hazards consideration comments received: No.

Commonwealth Edison Company, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois.

Date of application for amendments: June 19, 2000, as supplemented by letters dated March 16, 2001, and April 4, 2001.

Brief description of amendments: The proposed amendments revised the technical specifications to remove their applicability related to the Boron Dilution Protection System (BDPS) after the next refueling outage for each unit. During the refueling outages, modifications are scheduled to be made which will permit mitigation of a boron dilution event without the use of the BDPS.

Date of issuance: April 6, 2001.

Effective date: Immediately, to be implemented upon completion of the modifications scheduled to be completed after cycle 9 for Byron, Unit 2, and Braidwood, Units 1 and 2, and after cycle 11 for Byron, Unit 1.

Amendment Nos.: 117 and 111.

Facility Operating License Nos. NPF–37, NPF–66, NPF–72 and NPF–77: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** September 6, 2000 (65 FR 54084).

Since the proposed additional changes provided in this supplement are more restrictive than the originally proposed changes, it does not change the previous determination of no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 6, 2001.

No significant hazards consideration comments received: No.

Consumers Energy Company, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: February 12, 2001.

Brief description of amendment: The amendment changes Technical Specification Section 5.6.5b, ''Reporting Requirements—Core Operating Limits Report (COLR),'' to add a report pertaining to statistical setpoint methodology to the list of approved methodology references.

Date of issuance: April 9, 2001.

Effective date: As of the date of issuance, to be implemented within 30 days.

Amendment No.: 195.

Facility Operating License No. DPR–20. Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 7, 2001 (66 FR 13801).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 9, 2001.

No significant hazards consideration comments received: No.

Duke Energy Corporation, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: August 22, 2000, as supplemented by letter dated November 7, 2000.

Brief description of amendments: The amendments revise the Technical Specifications (TS) of each unit to restore a time limit for an allowable condition for the occurrence of an inoperable refueling water storage tank level transmitter in TS 3.3.2.

Date of issuance: April 12, 2001.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 198 and 179.

Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** *November 1, 2000 (65 FR 65341).*

The supplement dated November 7, 2000, provided clarifying information that did not change the scope of the August 22, 2000, application nor the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 12, 2001.

No significant hazards consideration comments received: No.

Entergy Nuclear Operations, Inc., Docket No. 50–286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of application for amendment: September 6, 2000, as supplemented on January 18, and April 2, 2001.

Brief description of amendment: The amendment revises Technical Specification 5.5.15 to allow a one time change in the 10 CFR part 50, Appendix J, Type A test interval from the required 10 years to a test interval of 15 years.

Date of issuance: April 17, 2001.

Effective date: April 17, 2001.

Amendment No.: 206.

Facility Operating License No. DPR–64:

Date of initial notice in ***Federal Register:*** January 24, 2000 (66 FR 7665).

The January 18, and April 2, 2001, submittals contained clarifying information only, and did not change the initial no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 17, 2001.

No significant hazards consideration comments received: No.

Entergy Nuclear Generation Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of application for amendment: February 16, 2001.

Brief description of amendment: This amendment substitutes a surveillance interval of ''Once/Operating Cycle'' for the current surveillance interval of ''Each Refueling Outage,'' for the following instruments in Technical Specification Table 4.2.F: Containment High Radiation Monitor, Reactor Building Vent Radiation Monitor, Main Stack Vent Radiation Monitor, and Turbine Building Vent Radiation Monitor.

Date of issuance: April 9, 2001.

Effective date: As of the date of issuance, and shall be implemented within 30 days.

Amendment No.: 189.

Facility Operating License No. DPR–35: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 7, 2001 (66 FR 13802).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 9, 2001.

No significant hazards consideration comments received: No.

Entergy Nuclear Generation Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of application for amendment: November 22, 2000, as supplemented on January 30 and February 2, 2001.

Brief description of amendment: This amendment changes the pressure-temperature limit curves of Figures 3.6.1, 3.6.2, and 3.6.3 of the Technical Specifications (TS) over operation between 20, 32, and 48 Effective Full Power Years. However, these curves will only apply for the remainder of operating cycles 13 and 14. The Bases section has been modified to reflect these TS changes.

Date of issuance: April 13, 2001.

Effective date: As of the date of issuance, and shall be implemented within 30 days.

Amendment No.: 190.

Facility Operating License No. DPR–35: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 27, 2000 (65 FR 81915).

The January 30 and February 2, 2001, letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 13, 2001.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of application for amendment: August 10, 2000, as supplemented by letter dated March 22, 2001.

Brief description of amendment: The amendment revised Technical Specification 3/4.9.4, ''Refueling Operations, Containment Building Penetrations,'' by deleting the requirements for the containment purge and exhaust system and by revising the closure requirements for containment building penetrations to require that containment penetrations are capable of being closed during the handling of irradiated fuel within the containment.

Date of issuance: April 18, 2001.

Effective date: As of the date of issuance to be implemented within 60 days from the date of issuance.

Amendment No.: 230.

Facility Operating License No. NPF–6: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** September 20, 2000 (65 FR 56950).

The March 22, 2001, supplemental letter provided clarifying information that was within the scope of the original **Federal Register** notice and did not change the staff's initial no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 18, 2001.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–353, Limerick Generating Station, Unit 2, Montgomery County, Pennsylvania

Date of application for amendment: February 1, 2001, as supplemented March 6 and 23, 2001.

Brief description of amendment: This amendment revises the minimum critical power ratio safety limits for operating cycle 7.

Date of issuance: April 12, 2001.

Effective date: As of date of issuance, and shall be implemented within 30 days.

Amendment No.: 114.

Facility Operating License No. NPF–85. This amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** February 21, 2001 (66 FR 11061).

The March 6 and 23, 2001, letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 12, 2001.

No significant hazards consideration comments received: No.

Florida Power and Light Company, Docket No. 50–335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of application for amendment: December 4, 2000, as supplemented February 9, 2001.

Brief description of amendment: This amendment changes the licensing bases to incorporate a revised analysis of the Main Steam Line Break inside containment.

Date of Issuance: April 20, 2001.

Effective Date: April 20, 2001.

Amendment No.: 175.

Facility Operating License No. DPR–67: Amendment revised the Updated Final Safety Analysis Report.

Date of initial notice in ***Federal Register:*** February 7, 2001 (66 FR 9383).

The February 9, 2001, Supplement did not affect the original proposed no significant hazards determination, or expand the scope of the request as noticed in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 20, 2001.

No significant hazards consideration comments received: No.

North Atlantic Energy Service Corporation, et al., Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: December 18, 2000.

Description of amendment request: The amendment deletes Technical Specifications Section 6.7.6.e, ''Post-Accident Sampling,'' for Seabrook Station, Unit No. 1 and thereby eliminates the requirements to have and maintain the post-accident sampling system.

Date of issuance: April 17, 2001.

Effective date: As of its date of issuance, and shall be implemented within 60 days.

Amendment No.: 78.

Facility Operating License No. NPF–86: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 24, 2000 (66 FR 7683).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 17, 2001.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: October 19, 2000, as supplemented November 16, 2000, and April 9, 2001, and as limited in scope by letter dated March 23, 2001.

Brief description of amendment: The amendment revises the Technical Specifications regarding operability requirements during core alterations and while moving irradiated fuel assemblies within the secondary containment. The amendment also provides for a change in design and licensing bases for a selective application of the alternate radiological source term in accordance with 10 CFR 50.67, ''Accident Source Term,'' and revised meteorology dispersion values, both being limited to a design-basis fuel handling accident.

Date of issuance: April 16, 2001.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 237.

Facility Operating License No. DPR–49: The amendment revised the Technical Specifications and the licensing and design bases regarding a design-basis fuel handling accident.

Date of initial notice in ***Federal Register:*** March 6, 2001 (66 FR 13598).

NMC's letters dated March 23 and April 9, 2001, are within the scope of the changes proposed in NMC's letter of October 19, 2000, that was noticed in the **Federal Register** on March 6, 2001.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 16, 2001.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of application for amendments: April 17, 2000, as supplemented February 2, 2001.

Brief description of amendments: The amendments change the Technical Specifications (TSs) for removal of boric acid storage tanks from the safety injection (SI) system. These changes accomplish two objectives: (1) Eliminate high concentration boric acid from the SI system and (2) align this specific TS section with the standard TSs.

Date of issuance: April 16, 2001.

Effective date: As of the date of issuance and shall be implemented within 90 days.

Amendment Nos.: 156 and 147.

Facility Operating License Nos. DPR–42 and DPR–60: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 7, 2001 (66 FR 13806).

The February 2, 2001, supplement provided clarifying information that was within the scope of the original application and did not change the staff's initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 16, 2001.

No significant hazards consideration comments received: No.

PPL Susquehanna, LLC, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: October 4, 2000, as supplemented March 12, April 2, and April 5, 2001.

Brief description of amendments: The amendments revise the surveillance test requirements for excess flow check valves (EFCVs) to allow testing of a representative sample at 24-month intervals such that each EFCV is tested at least once every 10 years.

Date of issuance: April 11, 2001.

Effective date: As of date of issuance to be implemented within 30 days.

Amendment Nos.: 193 and 168.

Facility Operating License Nos. NPF–14 and NPF–22. The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 10, 2001 (66 FR 2021).

The March 12, April 2, and April 5, letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the amendment beyond the scope of the initial notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 11, 2001.

No significant hazards consideration comments received: No.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: January 18, 2001, as supplemented by letter dated February 21, 2001.

Brief description of amendment: The amendment authorizes the installation of new engineered safety feature transformers as an improvement. This amendment will allow the installation and use of the new transformers equipped with automatic load tap changers and an update to the Final Safety Analysis Report (FSAR) to reflect their installation.

Date of issuance: April 6, 2001.

Effective date: April 6, 2001, and shall be implemented in the next periodic update to the FSAR in accordance with 10 CFR 50.71(e).

Amendment No.: 143.

Facility Operating License No. NPF–30: The amendment revised the FSAR.

Date of initial notice in ***Federal Register:*** February 21, 2001 (66 FR 11063).

The February 21, 2001, supplemental letter provided additional clarifying information, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 6, 2001.

No significant hazards consideration comments received: No.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: January 18, 2001.

Brief description of amendment: The amendment deletes Section 5.5.3, ''Post Accident Sampling,'' of the Technical Specifications for the Callaway Plant and thereby eliminates the requirements to have and maintain the post-accident sampling system (PASS).

Date of issuance: April 6, 2001.

Effective date: April 6, 2001, to be implemented within 60 days of the date of issuance.

Amendment No.: 144.

Facility Operating License No. NPF–30: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 7, 2001 (66 FR 13808).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 6, 2001.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland this 25th day of April 2001.

For The Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation

[FR Doc. 01–10822 Filed 5–1–01; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Draft Report to Congress on the Costs and Benefits of Federal Regulations

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice and request for comments.

SUMMARY: OMB requests comments on the attached Draft Report to Congress on the Costs and Benefits of Federal Regulation. The Draft Report is divided into an Introduction and three chapters. The Introduction sets the context and provides the background for the next three chapters. Chapter I discusses the various types of regulations and the problems we have encountered in our past attempts to estimate the total costs and benefits of Federal regulations, especially in the aggregate and by regulatory program. The chapter also proposes several new approaches to produce better estimates and asks for comments on these proposals as well as other suggestions to improve our estimates. Chapter II provides data on the costs and benefits of each of the major regulations reviewed by OMB under Executive Order 12866 from April 1, 1999 through March 31, 2000 as well as information on the costs and benefits of the major regulations issued by the independent agencies during this period. Chapter III discusses last year's recommendation to improve the regulatory information provided by the agencies. It also asks for comments on that proposal as well as for suggestions that would improve the transparency and the public's understanding of the regulatory analyses provided by the agencies.

DATES: To ensure consideration of comments as OMB prepares this Draft Report for submission to Congress, comments must be in writing and received by OMB no later than July 2, 2001.

ADDRESSES: Comments on this Draft Report should be addressed to John F. Morrall III, Office of Information and Regulatory Affairs, Office of Management and Budget, NEOB, Room 10235, 725 17th Street, NW., Washington, DC 20503.

You may also submit comments by facsimile to (202) 395–6974, or by electronic mail to *jmorrall@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: John F. Morrall III, Office of Information and Regulatory Affairs, Office of Management and Budget, NEOB, Room 10235, 725 17th Street, NW., Washington, DC 20503. Telephone: (202) 395–7316.

SUPPLEMENTARY INFORMATION: Congress directed the Office of Management and Budget (OMB) to prepare a Report to Congress on the Costs and Benefits of Federal Regulations. Specifically, Section 628 of the FY2000 Treasury and General Government Appropriations Act (the Act) requires OMB to submit a report on the costs and benefits of Federal regulations together with recommendation for reform. The Act says that the report should contain estimates of the costs and benefits of regulations in the aggregate, by agency and agency program, and by major rule, as well as an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth. The Act also states that the report should go through notice and comment and peer review.

Donald R. Arbuckle,

Acting Administrator, Office of Information and Regulatory Affairs.

Draft Report to Congress on the Costs and Benefits of Federal Regulations Introduction

This is a draft for public comment of the Office of Management and Budget's fourth report to Congress on the costs and benefits of Federal regulation.[1] This report is required by Section 628(a) of the FY2000 Treasury and General Government Appropriations Act (the Act). The Act requires OMB to submit ''an accounting statement and associated report'' containing:

''(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible:

''(A) in the aggregate;

''(B) by agency and agency program; and

''(C) by major rule;

''(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

''(3) recommendations for reform.

The Act at Section 628 (b), (c), and (d) also specifies how we are to produce the report. We must:

''(b) * * * provide public notice and an opportunity to comment on the statement and report,

''(c) * * * issue guidelines to agencies to standardize (1) measures of costs and benefits and (2) the format of accounting statements, and

''(d) * * * provide for independent and external review of the guidelines and each accounting statement and associated report under this section.''

This draft report provides the public with an opportunity to comment on the ''statement and report'' before we submit it to Congress. We are also asking independent and external experts in the economics of Federal regulation to review this draft report. After taking the public comments and peer reviews into account, we will submit the final report to Congress.

In early October 1999, we drafted ''Guidelines to Standardize Measures of Costs and Benefits and the Format of Accounting Statements'' (Guidelines). We circulated them for ''independent and external review'' by nine experts in the field of benefit cost analysis. Based on these comments we finalized the Guidelines and issued them as a Memorandum for the Heads of Departments and Agencies (M–00–08) on March 22, 2000.[2] On August 7, 2000, we asked the Departments and Agencies to use the Guidelines to provide the ''accounting statements'' on the benefits and costs of regulations that we would use to prepare the report to Congress on the costs and benefits of Federal regulations. Using this information as well as other information from the agencies and published literature on the costs, benefits, and impacts of Federal regulation, we prepared this draft report.

This draft report is OMB's fourth report to Congress on the costs and benefits of Federal regulation required by a series of appropriations' riders that ask for substantially the same regulatory information. Starting next year, Section 624 of the Consolidated Appropriations Act of 2001 requires us to update this report and deliver it to Congress with the Budget on an annual basis. This requirement gives us an opportunity to develop a longer run and permanent strategy to produce more comprehensive and higher quality reports. In addition, we are aware of only a limited amount of additional information on aggregate effects that has become available since the third report was issued on June 2, 2000. The new information we present in this draft report for comment are the benefit and cost estimates, both quantitative and qualitative, of the major regulations issued between April 1, 1999, and March 31, 2000. This information was not included in the 2000 report. We are also taking this opportunity to ask for comments on the 2000 final report and for citations to any

[1] This report uses the terms ''rule'' and ''regulation'' interchangeably.

[2] See http://www.whitehouse.gov/omb/memoranda/m00–08.pdf

pertinent articles of information left out of that report. Finally, we are asking for recommendations for regulatory reform, including areas where the public interest would be served by updating, revising, or rescinding Federal regulations.

Chapter I discusses the 2000 report's estimates of total annual costs and benefits of Federal regulation and paperwork in the aggregate, and by agency and agency program, and asks for comments on them. It also asks for comments and discusses our analysis of the impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth.

Chapter II uses agency regulatory impact analyses to present new quantitative estimates and qualitative descriptions of the benefits and costs of the 31 major rules issued by Federal agencies for which we concluded review during the 12-month period between April 1, 1999 and March 31, 2000. It also discusses cost and benefit information for the ten major rules issued during this period by the independent agencies. This ''regulatory year'' is the same period we used for the first three reports.

Chapter III discusses general recommendations for reform aimed at improving the agencies' estimates of costs and benefits and the quality of regulations that we included in last year's report. It also solicits suggestions and recommendations for reforms for existing regulations and regulatory programs and provides a format to summarize the recommendations. Finally, Chapter III asks for suggestions that would improve the regulatory development and oversight process.

Chapter I: Estimating the Total Annual Costs, Benefits, and Impacts of Federal Regulations and Paperwork

I. Overview

This chapter discusses the estimates of the total annual costs and benefits of Federal rules and paperwork in the aggregate and by agency and agency program presented in Chapter II of last year's Report, Report to Congress On the Costs and Benefits of Federal Regulations (OMB, 2000).[3] After discussing some of the problems we have encountered in estimating their costs and benefits, we explain why we decided to take a fresh and thorough look at our approach to aggregating these estimates. We then propose various new approaches to estimation and ask for comments on them and any other suggestions on how to improve our estimates.

Last year's estimates represented our third estimation attempt. Each successive report added new information, both on new and existing regulations, as it became available during the intervening period. The new information significantly affected our estimates. Because of uncertainty, we characterized the estimates with wide ranges. Even then, we pointed out that wide gaps remained in both the cost and benefit estimates due to our inability to quantify and monetize many types of costs and benefits. Many commenters including the peer reviewers expressed doubts about the accuracy of the estimates and suggested ways to improve the estimates, but few offered alternative estimates.[4]

Given the concerns with our estimates, the relatively short time that has passed since we issued our last report on June 2, 2000, and new statutory requirements to do this report on an annual basis, we are taking this opportunity to step back and take a more careful look at both the methodologies and assumptions behind the hundred or so individual studies upon which our estimates are based and our approach to aggregating them.

On March 22, 2000, we issued ''Guidelines to Standardize Measures of Costs and Benefits and the Formats of Accounting Statements'' (OMB Memorandum M–00–08), which dealt with many of the problems that analysts face in estimating the costs and benefits of individual regulations. Most analyses of the impacts of regulations are not simple or clear cut.

Clearly we cannot identify fully the aggregate estimates of the costs and benefits of all Federal regulation. In particular, we are most uncertain about the costs and benefits of regulations issued before 1990. At that time, OMB and others began systematically keeping track of the total costs and benefits of major regulations by using estimates from agency regulatory impact analyses. Before that time, the aggregate estimates were a combination of studies from academics, agencies, and industry using a variety of methods and assumptions. Moreover, some of the studies were retrospective, others prospective.

In addition, using the standards of our new Guidelines, it is apparent that many of the regulatory estimates for regulations issued since 1990 are also not fully satisfactory. Thus, for the reasons discussed above, we have decided this year to reassess the approach and methodology we have used to estimate the aggregate costs and benefits of Federal regulation. To do this, we are asking for advice and guidance from the public and peer reviewers on ways to improve our past estimates and implementation of the Act.

II. Developing Aggregate Estimates of the Benefits and Costs of Regulation

Although we expressed significant methodological concerns with aggregate estimates of the benefits and costs of regulation in our previous three reports, we did present estimates of the total benefits and costs of Federal rules and paperwork in the three reports.[5] We are not aware of new information that would provide the basis for a major revision to these estimates. We are interested, though, in identifying appropriate next steps in supporting a major overhaul of these estimates. To this end, we are considering several possibilities.

Should We Assess Older Regulations? One possibility would be to drop the benefits and costs of Federal regulatory action for regulations issued prior to 1990. Several peers and commenters on the draft of last year's report expressed concern with the methodology used to estimate the costs and benefits of some of the most important regulations issued before 1990. Also, in a dynamic economy changes in product mix, consumer taste, per capita income, production technologies, etc., all operate to change the effect of regulations adopted two or three decades ago. Over time, these requirements become absorbed in a broader economic milieu and the merits of identifying independent benefit and cost estimates for these older rules is at least arguable.

Should We Focus on Specific Statutes or Categories of Regulations? A second possibility would be to focus efforts on developing estimates of the benefits and costs of specific programs—for example, regulation of automobile safety or drinking water systems. This approach could yield estimates of benefits and costs associated with a specific program and at the same time offer some insight into specific areas where the program is

[3] The June 2000 report may be found on OMB's home page at: *http://www.whitehouse.gov/omb/inforeg/2000fedreg-report.pdf*. The charts are in a separate file at: *http://www.whitehouse.gov/omb/inforeg/2000fedreg-charts.pdf*.

[4] See Chapter I of last year's report, which presents a discussion of the peer reviewers' and public's comments on last year's draft report (OMB 2000).

[5] See the detailed discussions of the various problems encountered in estimating aggregate costs and benefits that caveated the estimates in the previous reports (OMB 1997, 1998, and 2000). These reports are on our home page at http://www.whitehouse.gov/omb/inforeg/index.html.

effective and, perhaps, areas where the program is less effective.

This approach is similar to the approach adopted by EPA in its Report to Congress on the Benefits and Costs of the 1990 Clean Air Act Amendments. In this case, EPA identified a well-defined baseline—the Clean Air Act prior to adoption of the 1990 amendments. However, we believe a review of this type ought to go beyond just providing estimates of total benefits and costs to assess the specific regulatory provisions that make up the regulatory program.

This approach, of course, will not yield aggregate estimates of the benefits and costs of Federal regulations unless all regulatory programs are evaluated. However, it may help to bring into focus the effects of specific programs and help to identify what elements of the program are working—and what elements are not working and need to be over-hauled.

Should We Seek to Develop A Better Way to Estimate the Aggregate Cost of Federal Regulation?

Rather than using the bottom up approach of adding up individual estimates of regulatory programs and regulations, a top down approach could be used to estimate the costs of all regulation. At least for some regulations, survey techniques could be used to ask firms and other entities what expenditures they make to comply with Federal regulation. In this regard, the Department of Commerce has recently reinstated (after a five year lapse) its national survey for pollution abatement costs and expenditures (know as the PACE survey for short). This approach could be expanded for other regulations.

How Should We Estimate Effects on State, Local, and Tribal Government, Small Business, Wages, and Economic Growth?

Last year we presented a general theoretical discussion of the effects of regulation on State, Local, and Tribal Government, Small Business, Wages, and Economic Growth without any empirical estimates. We received several comments on last year's report asking for empirical estimates. We have asked agencies to provide this information in their reports and accounting statements to us. We would also appreciate receiving any additional information that commenters would like to provide us.

How Can We Improve the Estimates of Costs and Benefits of Major Regulations?

In our previous reports, we relied heavily on agency estimates for major regulations. Our approach has been to work with the agencies as we reviewed their regulatory impact analyses to help them improve their estimates. As mentioned, we also issued Guidance to help them standardize and improve their estimates of costs and benefits of regulations. And in some instances we monetize agency estimates where they had provided quantified information, but for whatever reason had not monetized themselves. We also made attempts to use consistent discount rates. Still, many commenters continue to ask us to do a better job of assuring consistency in the methodologies and assumptions used by the agencies in their estimates. We will continue to emphasize to the agencies the importance of complying with the Guidelines.

Some commenters have also urged us to provide our own independent estimates of costs and benefits in the place of agency estimates. We of course will continue to work with the agencies to improve the agency estimates at the time we review their regulations. But the question arises whether we should include the agency estimates in our report if, with the passage of time and the addition of new information in the course of preparing the Report to Congress, we find that revised estimates would be more accurate.

How Should We Treat EPA's Aggregate Estimates of the Benefits of the Clean Air Act?

The aggregate estimate of the benefits of Federal Regulations reported in the last two Reports is dominated by EPA's estimates of the benefits of regulations required by the Clean Air Act (CAA) from their two Reports to Congress on the Benefits and Costs of the Clean Air Act. The magnitude and importance of these estimates demand careful attention to their derivation and accuracy.

These Reports were developed through an EPA Science Advisory Board (SAB) peer review process. In both cases, the SAB panels reviewing these two Reports concluded review by stating that these Reports were serious, careful studies employing sound methods and data. The SAB panel also stated that ''While we do not endorse all details of the study, we believe that the study's conclusions are generally consistent with the weight of available evidence.'' [6]

Public commenters on both of those reports criticized the methodology and several of the key assumptions in those reports. We share some of those concerns and spent considerable time in our last two reports discussing them.

[6] See council review closure letter to EPA Administrator Browner, p. 1, EPA–SAB–Council–ADV–00–003, Nov. 19, 1999.

II. Summary

In order to improve our estimates of the total annual costs and benefits of Federal rules and paperwork in the aggregate and by agency and agency program presented in last year's Report, we are asking for comments and suggestions on those estimates, as well as for comments and suggestions on how to improve the ongoing estimation of the costs and benefits of agency rules. In addition to the questions and issues raised above, we also invite comments on any other aspect of last year's report (see Chapter II) that commenters feel would improve future reports.

Chapter II: Estimates of Benefits and Costs of This Year's ''Major'' Rules

In this chapter, we examine the benefits and costs of each ''major rule,'' as required by section 628(a)(1)(C). We have included in our review those final regulations on which OMB concluded review during the 12-month period April 1, 1999, through March 31, 2000. This ''regulatory year'' is the same calendar period we have used for our three previous reports.

For purposes of section 628(a)(1)(C), we have interpreted ''major rule'' to include all final rules promulgated by an Executive branch agency that meet any one of the following three measures:

- Rules designated as ''economically significant'' under section 3(f)(1) of Executive Order 12866.
- Rules designated as ''major'' under 5 U.S.C. 804(2) (Congressional Review Act).
- Rules designated as meeting the threshold under Title II of the Unfunded Mandates Reform Act (2 U.S.C. 1531–1538).

We also include a discussion of major rules issued by independent regulatory agencies, although OMB does not review these rules under Executive Order 12866. This discussion is based on data provided by these agencies to the General Accounting Office (GAO) under the Congressional Review Act.

During the regulatory year, OMB reviewed 31 final rules that met the criteria noted above. Of these final rules, HHS submitted eight; EPA six; USDA six; DOT three; DOI three; and DOC, HUD, FEMA, and the Emergency Oil and Gas Guarantee Loan Board and the Emergency Steel Guarantee Loan Board, one each. These 31 rules represent about 16 percent of the 190 final rules reviewed by OMB between April 1, 1999, and March 31, 2000, and less than

one percent of the 4,679 final rule documents published in the **Federal Register** during this period. Nevertheless, because of their scale and scope, we believe that they represent the vast majority of the costs and benefits of new Federal regulations issued during this period.

I. Overview

We found that the benefit cost analyses accompanying the 31 final rules listed in Table 1 vary substantially in type, form, and format of the estimates the agencies generated and presented. For example, agencies developed estimates of benefits, costs, and transfers that were sometimes monetized, sometimes quantified but not monetized, sometimes qualitative, and, most often, some combination of the three.

II. Benefits and Costs of Economically Significant/Major Final Rules (April 1999 to March 2000)

A. Social Regulation

Of the 31 rules reviewed by OMB, 12 are regulations requiring substantial additional private expenditures and/or providing new social benefits,[7] as described in Table 1.[8] EPA issued six of these rules; DOI two; and USDA, DOC, HUD, and DOT one each. Agency estimates and discussion are presented in a variety of ways, ranging from a purely qualitative discussion, for example, the benefits of USDA's irradiation rule, to a more complete benefit-cost analysis, for example, EPA's storm water discharges rule.

1. Benefits Analysis

Agencies monetized at least some benefit estimates for seven of the 12 rules including: (1) HUD's estimate of $715.6 million over the first five years from reduced lead exposure; (2) DOI's estimate of $50 million to $192 million per year in benefits from it's migratory bird hunting regulations; and (3) EPA's $800 million to $19.3 billion per year in human health and visibility improvements from its regional haze rule. In one case, the agency provided some of the benefit estimates in monetized and quantified form, but did not monetize other, important quantified components of benefits. EPA's analysis of its handheld engines rule monetized the projected fuel savings, but not the estimated hydrocarbon and nitrogen oxide emission reductions.

In three cases, agencies did not report any quantified (or monetized) benefit estimates. In one case, the agency provided a qualitative description of benefits. USDA's irradiation rule discusses the benefits associated with the reductions in diseases associated with reduced pathogen exposure.

[7] The other 19 are ''transfer'' rules that set terms for monetary payments from one group to another that do not directly affect total resources available to society.

[8] Note that all dollar figures Table 1 are in 1996 dollars unless otherwise noted.

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TABLE 1: SUMMARY OF AGENCY ESTIMATES FOR FINAL RULES 4/1/99 - 3/31/00
(As of date of completion of OMB review)

AGENCY	RULE	BENEFITS	COSTS	OTHER INFORMATION
USDA	Irradiation of Meat Food Products	Not Estimated	$35 - 105 million/yr. (1995 dollars) assuming 25 percent of ground beef irradiated	"Society also may realize benefits from these final regulations if the use of irradiation results in a reduction of illnesses beyond what is achieved by current technologies. Several types of harmful microbial pathogens can be present in meat food products, including E. coli O157:H7, Salmonella, Clostridium perfringens, and the protozoan parasite Toxoplasma gondii. Irradiation at the dose levels allowed by this action can reduce the levels of these pathogens substantially. Economic benefits associated with these reductions would be decreases in the diseases associated with these pathogens. The reductions in the disease rates would translate into a reduction in the number of visits to physicians and hospitals." [64FR72163]
DOC	Endangered and Threatened Species; Threatened Status for Two Chinook Salmon ESUs	Not Estimated	Not Estimated	

TABLE 1: SUMMARY OF AGENCY ESTIMATES FOR FINAL RULES 4/1/99 - 3/31/00
(As of date of completion of OMB review)

AGENCY	RULE	BENEFITS	COSTS	OTHER INFORMATION
HUD	Lead-Based Paint Hazards	$715.6 million (1996 dollars) for first five years of activity	$564.2 million (1996 dollars) for first five years of activity	Costs and benefits include the present value of future costs and benefits associated with the first five years of hazard reduction activities. Monetized benefits based on prevention of elevated blood lead levels (EBLs) in children. "Such benefits include avoiding the costs of special education and medical treatment for EBL children, as well as increasing lifetime earnings associated with higher IQs for children with lower blood lead levels." [64FR50187] "The monetized benefit of increased lifetime earnings due to lower blood lead levels accounts for 99 percent of all monetized health benefits of the rule." [64FR50187] "HUD believes that an intergenerational discount rate is applicable to the final rule because the costs will be borne by adult taxpayers, and lifetime earnings will be realized by the children and grandchildren of these adult taxpayers." [64FR50186] Application of a 3% discount rate implies a benefit estimate of $2.65 billion for the first five years of activity.
DOI	Migratory Bird Hunting (Early Season Frameworks)	$50-192 million/yr.	Not Estimated	"Estimates of individual's willingness to pay indicate the size of this benefit. Willingness to pay for generally improved duck hunting in California was $32. Willingness to pay for taking twice as many birds in Montana was $123. Expanding these estimates nationwide, the welfare benefit of the duck hunting frameworks in on the order of $50 to $192 million" (RIA, p. 1).
DOI	Migratory Bird Hunting (Late Season Frameworks)	$50-192 million/yr.	Not Estimated	"Estimates of individual's willingness to pay indicate the size of this benefit. Willingness to pay for generally improved duck hunting in California was $32. Willingness to pay for taking twice as many birds in Montana was $123. Expanding these estimates nationwide, the welfare benefit of the duck hunting frameworks in on the order of $50 to $192 million" (RIA, p. 1).

TABLE 1: SUMMARY OF AGENCY ESTIMATES FOR FINAL RULES 4/1/99 - 3/31/00
(As of date of completion of OMB review)

AGENCY	RULE	BENEFITS	COSTS	OTHER INFORMATION
DOT	Light Truck CAFÉ Model-Year 2002	Not Estimated	Not Estimated	
EPA	Storm Water Discharges (Phase II)	$671.5 million/yr.- 1.628 billion/yr. (1998 dollars)	$847.6 - 981.3 million/yr. (1998 dollars)	Estimates of individual willingness to pay for water quality improvements in fresh water and marine water indicate the size of the monetized benefit. "There are additional benefits to storm water control that cannot be quantified or monetized. Thus, the current estimate of monetized benefits may understate the true value of storm water controls because it omits many ways in which society is likely to benefit from reduced storm water pollution, such as improved aesthetic quality of waters, benefits to wildlife and to threatened and endangered species, cultural values, and biodiversity benefits." [64FR68794]

TABLE 1: SUMMARY OF AGENCY ESTIMATES FOR FINAL RULES 4/1/99 - 3/31/00
(As of date of completion of OMB review)

AGENCY	RULE	BENEFITS	COSTS	OTHER INFORMATION
EPA	Tier 2 / New Motor Vehicle Emissions Standards	$13.7 - 25.2 billion/yr. (1997 dollars) in 2030.	$5.3 billion/yr. (1997 dollars) in 2030.	Agency estimates are based on analysis of 2030. Estimates represent "a single year 'snapshot' of the yearly benefits and costs expected to be realized once the standards have been fully implemented and non-compliant vehicles have all been retired. Near-term costs will be higher than long-run costs as vehicle manufacturers and oil companies invest in new capital equipment and develop and implement new technologies. In addition, near-term benefits will be lower than long-run benefits because it will take a number of years for Tier 2-compliant vehicles to fully displace older, more polluting vehicles." [65FR6783] Monetized benefits are based on reductions in cases of respiratory illness and premature mortality. Savings in associated medical costs are also included in the monetized portion of the benefits. Non-quantified benefits include possible improvements in visibility and avoided crop damage. "A full appreciation of the overall economic consequences of the Tier 2/gasoline sulfur standards requires consideration of all benefits and costs expected to result from the new standards, not just those benefits and costs which could be expressed here in dollar terms." [65FR6785]

TABLE 1: SUMMARY OF AGENCY ESTIMATES FOR FINAL RULES 4/1/99 - 3/31/00
(As of date of completion of OMB review)

AGENCY	RULE	BENEFITS	COSTS	OTHER INFORMATION
EPA	Regional Haze Rule	$0.8 - 19.3 billion/yr. (1990 dollars) in 2015	$0.8 - 4.4 billion/yr. (1990 dollars) in 2015	Agency estimates are based on analysis of effects in 2015. Monetized benefits reflect improvements in health and visibility. "This benefit analysis does not quantify all potential benefits or disbenefits. The magnitude of the unquantified benefits associated with omitted categories, such as damage to ecosystems or damage to industrial equipment and national monuments, is not known." [RIA, p.9-1] EPA notes that "the RIA is not a precise reflection of the actual costs, economic impacts, and benefits associated with the progress goals and emission management strategies developed as a result of the final regional haze rule. This is due to the fact that under the regional haze rule, the States bear the primary responsibility for establishing reasonable progress goals as well as emission management strategies for meeting these goals. Until such time as the States make those decisions, EPA can only speculate as to which goals may be established and what types of control requirements or emission limits might result from the associated emission management strategies." [64FR35760]
EPA	Handheld Engines	$80 million /yr. in fuel savings (1998 dollars) plus 310,000 tons/yr. combined annualized emission reductions in tons of nitrogen oxides and hydrocarbons	$180 - $240 million/year (1998 dollars)	Agency expects additional reductions in CO levels beyond Phase I levels, due to improved technology. These potential benefits have not been estimated. [65FR24296]

TABLE 1: SUMMARY OF AGENCY ESTIMATES FOR FINAL RULES 4/1/99 - 3/31/00
(As of date of completion of OMB review)

AGENCY	RULE	BENEFITS	COSTS	OTHER INFORMATION
EPA	Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport	$1.18 billion/yr. (1997 dollars)	$1.15 billion/yr. (1997 dollars)	EPA did not provide a quantified and monetized benefits analysis for the promulgated trading program as part of this section 126 rulemaking. The EPA promised to provide a benefits assessment for the final section 126 rule at a later time.
EPA	Persistent Bio-accumulative Toxic Chemicals	Not estimated	$147 million in the first year; $82 million/yr. thereafter	"Because the state of knowledge about the economics of information is not highly developed, EPA has not attempted to quantify the benefits of adding chemicals to EPCRA section 313 or changing reporting thresholds. Furthermore, because of the inherent uncertainty in the subsequent chain of events, EPA has also not attempted to predict the changes in behavior that result from the information, or the resultant net benefits (i.e., the difference between benefits and costs). EPA does not believe that there are adequate methodologies to make reasonable monetary estimates of either the benefits of the activities required by the rule, or the follow-on activities. The economic analysis of the rule, however, does provide illustrative examples of how the rule will improve the availability of information on PBT chemicals (Ref. 67)." [64FR58743]

TABLE 1: SUMMARY OF AGENCY ESTIMATES FOR FINAL RULES 4/1/99 - 3/31/00

(As of date of completion of OMB review)

TRANSFER RULES

Dept. of Agriculture (USDA)

Dairy Market Loss assistance Program
Crop Loss Disaster Assistance Program (1998)
Crop Loss Disaster Assistance Program (1999)
Food Stamp Provisions
New England Milk Marketing Orders

Dept. of Health and Human Services (HHS)

Physician Fee Schedule for CY2000
Vaccine Injury Compensation Program: Addition of Rotavirus Vaccines
Medicare Program: Prospective Payment System for Hospital Outpatient Services
Medicare Program: Changes to Hospital Inpatient Prospective Payment Systems
Medicare Program: Medicare Disproportionate Share Hospital Adjustment Calculation

Dept. of the Interior (DOI)

Bureau of Indian Affairs: Indian Reservation Roads Funds for FY2000

Dept. of Transportation (DOT)

Credit Assistance for Surface Transportation Projects
Operation of Motor Vehicles by Intoxicated Drivers

Emergency Oil and Gas Guaranteed Loan Program

TABLE 1: SUMMARY OF AGENCY ESTIMATES FOR FINAL RULES 4/1/99 - 3/31/00
(As of date of completion of OMB review)

TRANSFER RULES

Emergency Oil and Gas Guaranteed Loan Board

Emergency Oil and Gas Guaranteed Loan Program

Emergency Steel Guarantee Loan Board

Emergency Steel Guarantee Loan Program

Federal Emergency Management Agency (FEMA)

Hurricane Floyd Property Acquisition and Relocation Grants

Social Security Administration

Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for Aged, Blind, and Disabled
Revised Medical Criteria for Determination of Disability, Endocrine System and Related Criteria
Effective Date of Application for Supplemental Security Income (SSI) Benefits

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2. Cost Analysis

For eight of the 12 rules, agencies provided monetized cost estimates. These include such items as USDA's estimate of $35 million to $105 million per year as the cost of its irradiation rule and EPA's estimate of $5.3 billion in the year 2030 as the cost of its Tier 2 rule.

For the remaining four rules, the agencies did not estimate costs. These rules included DOI's two migratory bird hunting rules, DOC's endangered species rule and NHTSA's light truck fuel economy rule.

3. Net Monetized Benefits

Six of the 12 rules provided at least some monetized estimates of both benefits and costs. Of those, three have positive net monetized benefits, that is, estimated monetized benefits that unambiguously exceed the estimated monetized costs of the rules. For example, HUD's lead-based paint rule will generate an estimated net benefit of about $150 million (present value) over its first five years. EPA's tier 2 rule will result in an estimated net benefit of between $8.4 billion and $19.9 billion in 2030. One, EPA's handheld engines rule, has negative net monetized benefits.

Two EPA rules yielded estimates that included the possibility of both positive or negative net benefits. For example, EPA's storm water rule was estimated to generate between $671.5 million and $1.63 billion in benefits and between $848 million and $981 million in costs. The monetized benefit and cost estimates for EPA's Section 126 rule are essentially equal.

4. Rules Without Quantified Effects

Two of the rules in Table 1 are classified as economically significant even though the agency did not provide any quantified estimates of their effects.

DOC—Threatened Status for Two Chinook Salmon ESUs: Based upon publicly available information, OMB determined that rules covering these species were major. Citing the Conference Report on the 1982 amendments to the Endangered Species Act, the agency did not perform a benefit-cost analysis of the final rules.

DOT—Light Truck CAFE: For each model year, DOT must establish a corporate average fuel economy (CAFE) standard for light trucks, including sport-utility vehicles and minivans. (DOT also sets a separate standard for passenger cars, but is not required to revisit the standard each year.) For the past five years, however, appropriations language has prohibited NHTSA from spending any funds to change the standards. In effect, it has frozen the light truck standard at its existing level of 20.7 miles per gallon (mpg) and has prohibited NHTSA from analyzing effects at either 20.7 mpg or alternative levels. Although DOT did not estimate the benefits and costs of the standards, the agency's experience in previous years indicates that they may be substantial. Over 5 million new light trucks are subject to these standards each year, and the standard, at 20.7 mpg, is binding on several manufacturers. In view of these likely, substantial effects, we designated the rule as economically significant.

B. Transfer Regulations

Of the 31 rules listed in Table 1, 19 implement Federal budgetary programs. The budget outlays associated with these rules are ''transfers'' to program beneficiaries. Of the 19, three are USDA rules implementing Federal appropriations language regarding disaster aid for farmers; one deals with the food stamp program; five are HHS rules implementing Medicare and Medicaid policy; three deal with social security eligibility; two are DOT rules regarding grants to states to pay for highway projects and reduce intoxicated driving; one is a BIA rule regarding funding for road-building on Indian reservations; two are loan guarantees (oil and gas, and steel); and one is a FEMA rule providing assistance to the victims of Hurricane Floyd.

III. Major Rules for Independent Agencies

The Congressional review provisions of the Small Business Regulatory Enforcement Fairness Act (SBREFA) require the General Accounting Office (GAO) to submit reports on major rules to the Committees of jurisdiction in both Houses of Congress, including rules issued by agencies not subject to Executive Order 12866 (the ''independent'' agencies). We reviewed the information on the costs and benefits of major rules contained in GAO reports for the period of April 1, 1999 to March 31, 2000. GAO reported that four independent agencies issued ten major rules during this period. GAO reported that the agencies said they were not required to do benefit-cost analysis for the ten rules. We list the agencies and the type of information provided by them (as summarized by GAO) in Table 2.

In comparison to the agencies subject to E.O. 12866, the independent agencies provided relatively little quantitative information on the costs and benefits of the major rules. As Table 2 indicates, seven of the ten rules included some discussion of benefits and costs. None of the ten regulations had any monetized cost information; one regulation monetized the benefits associated with the regulation.

The one rule that estimated benefits was ''Regional Transmission Organizations (RTO)'' by the Federal Energy Regulatory Commission. The rule cited an estimate that EPA produced in connection with the environmental assessment that RTO formation would result in annual benefits of $2.4 billion.

TABLE 2.—BENEFIT AND COST INFORMATION ON INDEPENDENT AGENCY RULES

Agency	Total rules	Rules with some information on costs or benefits	Monetized information on costs	Monetized information on benefits
Federal Communications Commission (FCC)	5	2	0	0
Securities and Exchange Commission (SEC)	3	3	0	0
Nuclear Regulatory Commission (NRC)	1	1	0	0
Federal Energy Regulatory Commission (FERC)	1	1	0	1
Total	10	7	0	1

Chapter III: Recommendations for Reform

Section 628(a)(3) of the FY2000 Treasury and General Government Appropriations Act (the Act) requires OMB to submit ''recommendations for reform'' with its report on the costs and benefits of Federal regulations. As we have pointed out in our previous reports, much of OMB's job in reviewing regulations and regulatory impact analyses submitted by the agencies is to suggest regulatory reforms and improvements.

Last year we issued guidelines for the agencies to use in preparing the regulatory impact analyses that accompany major regulatory actions. We hoped that The Guidelines to Standardize Measures of Costs and Benefits and the Format of Accounting Statements, issued in final form as Memorandum M–00–08 on March 22, 2000, would improve the quality of the data and analyses underlying major regulations, thereby leading to improvements in Federal regulation. In order to improve transparency and understanding of regulatory impacts by the public, we asked the agencies last year to use the format of the accounting statements to summarize regulatory impacts in the preambles to the **Federal Register** notices announcing their rules. We believe these guidelines and the accounting statement provide a sound foundation for estimating and presenting the benefits and costs of Federal regulation. OMB expects agencies to use the guidelines and the format of the accounting statements as they prepare regulatory impact analyses in the coming months. We are interested in suggestions on further actions we should take to improve the overall performance of the agencies in their responsibility to provide transparent and understandable regulatory analyses to the public.

In addition, in our previous reports to Congress, we highlighted some of the individual and incremental reforms that were underway by drawing from the key entries in the Regulatory Plan that is published in the **Federal Register** each Fall. With the change in Administrations, we are now in the process of reviewing a variety of existing regulations and regulatory programs in an effort to identify areas where sensible changes will yield greater benefits for the public at lower costs. At this point in the process, we do not have enough information to present a set of recommendations for the reform of specific regulations or regulatory programs. To help us in this effort, we are asking for recommendations and comments on regulations and regulatory programs that may be of concern to the public.

Specifically, we would like to receive suggestions on specific regulations that could be rescinded or changed that would increase net benefits to the public by either reducing costs and/or increasing benefits. We would appreciate if commenters identified regulations that are obsolete or outmoded, and could be rescinded or updated. If possible we would appreciate commenters being as specific as possible in their suggested reforms including whether the reform could be accomplished by agencies through rulemaking or would require statutory changes. In addition to supplying whatever documentation and supporting materials (including citations to published studies) you feel is appropriate, we would appreciate it if you used the following suggested format to summarize the recommendations.

Format for Suggested Regulatory Reform Improvements

Name of Regulation:

Agency Regulating: (Include any subagency).

Citation: (Code of Federal Regulations).

Authority: (Statute).

Description of Problem: (Harmful impact and on whom).

Proposed Solution: (Both the fix and the procedure to fix it).

Estimate of Economic Impacts (Quantified benefits and costs if possible).

Finally, we also invite commenters to suggest any other reforms to the regulatory development and oversight processes that would improve regulatory outcomes.

[FR Doc. 01–11006 Filed 5–1–01; 8:45 am]

BILLING CODE 3110–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB review; Comment Request

AGENCY: Overseas Private Investment Corporation.

ACTION: Request for Comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the Agency is preparing an information collection request for OMB review and approval and to request public review and comment on the submission. Comments are being solicited on the need for the information, its practical utility, the accuracy of the Agency's burden estimate, and on ways to minimize the reporting burden, including automated collection techniques and uses of other forms of technology. The proposed form under review is summarized below.

DATES: Comments msut be received on or before July 2, 2001.

ADDRESSES: Copies of the subject form and the request for review prepared for submission to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer.

FOR FURTHER INFORMATION CONTACT: *OPIC Agency Submitting Officer:* Carol Brock, Records Manager, Overseas Private Investment Corporation, 1100 New York Avenue, NW., Washington, DC 20527; 202/336–8563.

Summary of Form Under Review

Type of Request: Form Renewal.

Title: Request for Registration for Political Risk Investment Insurance.

Form Number: OPIC–50.

Frequency of USE: Once per investor, per project.

Type of Respondents: Business or other institutions.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies investing overseas.

Reporting Hours: ½ hour per project.

Number of Responses: 850 per year.

Federal Cost: $1,600 per year.

Authority for Information Collection: Sections 231 and 234(a) of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The OPIC 50 form is submitted by eligible investors to register their intent to make international investments, and ultimately, to seek OPIC insurance. By submitting Form 50 to OPIC prior to making an irrevocable commitment, the incentive effect of OPIC is demonstrated.

Dated: April 27, 2001.

Rumu Sarkar,

Assistant General Counsel, Administrative Affairs, Department of Legal Affairs.

[FR Doc. 01–10956 Filed 5–1–01; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

[Extension: Proposed Form N–6; SEC File No. 270–446; OMB Control No. 3235–0503]

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for an extension of the previously approved collection of information discussed below.

The title for the collection of information is ''Form N–6 Under the Investment Company Act of 1940 and the Securities Act of 1933, Registration Statement of Variable Life Insurance Separate Accounts Registered as Unit Investment Trusts.''

On March 13, 1998, the Securities and Exchange Commission proposed a new Form N–6 for insurance company separate accounts that are registered as unit investment trusts that offer variable life insurance policies. The form would be used by these separate accounts to register under the Investment Company Act of 1940 and to offer their securities under the Securities Act of 1933. For these registrants, the proposed form would replace Form N–8B–2, currently used by all unit investment trusts to register under the Investment Company Act, and Form S–6, currently used by all unit investment trusts to offer their securities under the Securities Act. Forms S–6 and N–8B–2 were not designed for variable life insurance registrants and do not reflect fundamental improvements that the Commission has made to other investment company registration forms, including Forms N–1A and N–4, which facilitate clearer and more concise disclosure. If adopted, proposed Form N–6 would:

- Eliminate requirements in the current registration forms that are not relevant to variable life insurance and include items that are specifically addressed to variable life insurance;
- Streamline variable life prospectus disclosure by adopting a two-part format consisting of a simplified prospectus, designed to contain essential information, and a Statement of Additional Information, containing more extensive information that investors could obtain upon request; and
- Provide variable life separate accounts a single, integrated form for Investment Company Act and Securities Act registration, thereby eliminating unnecessary paperwork and duplicative reporting.

The Commission estimates that there are approximately 200 separate accounts registered as unit investment trusts and offering variable life insurance policies that would file registration statements on proposed Form N–6. The Commission estimates that there will be as many as 50 initial registration statements on proposed Form N–6 filed annually. The Commission estimates, therefore, that approximately 250 registration statements (200 post-effective amendments plus 50 initial registration statements) will be filed on Form N–6 annually.

The Commission estimates that the hour burden for preparing and filing a post-effective amendment on proposed Form N–6 will be 100 hours. Thus, the total annual hour burden for preparing and filing post-effective amendments would be 20,000 hours (200 post-effective amendments annually times 100 hours per amendment). The Commission estimates that the hour burden for preparing and filing an initial registration statement on proposed Form N–6 will be 800 hours. Thus, the annual hour burden for preparing and filing initial registration statements would be 40,000 hours (50 initial registration statements annually times 800 hours per registration statement). The total annual hour burden for proposed Form N–6, therefore, is estimated to be 60,000 hours (20,000 hours for post-effective amendments plus 40,000 hours for initial registration statements).

The Commission estimates that the cost burden for preparing and filing a post-effective amendment on proposed Form N–6 will be $7,500. Thus, the total annual cost burden for preparing and filing post-effective amendments would be $1,500,000 (200 post-effective amendments annually times $7,500 per amendment). The Commission estimates that the cost burden for preparing and filing an initial registration statement on proposed Form N–6 will be $20,000. Thus, the annual cost burden for preparing and filing initial registration statements would be $1,000,000 (50 initial registration statements annually times $20,000 per registration statement). The total annual cost burden for proposed Form N–6, therefore, is estimated to be $2,500,000 ($1,500,000 for post-effective amendments plus $1,000,000 for initial registration statements).

The hour and cost burdens would be offset by a decrease in the burdens attributable to Forms N–8B–2 and S–6 because separate accounts registering on Form N–6 would no longer be required to register on Forms N–8B–2 and S–6. The Commission expects that the aggregate burden imposed by Forms N–6, S–6, and N–8B–6 after Form N–6 is adopted will be no greater, and may be less, than the burden currently imposed by Forms S–6 and N–8B–2.

Form N–6 has not yet been adopted, and therefore no variable life separate accounts are currently using Form N–2 to register pursuant to the Securities Act and the Investment Company Act.

The information collection requirements that would be imposed by Form N–6 are mandatory. Responses to the collection of information will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: April 25, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–10979 Filed 5–1–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27385]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

April 27, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The

application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 17, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After May 17, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

DTE Energy Company, *et al.* **(70–9589)**

DTE Energy Company (''DTE''), a public-utility holding company that claims exemption from registration under section 3(a)(1) of the Act by rule 2, and DTE Enterprises, Inc. (''Merger Sub''), an inactive, wholly owned subsidiary of DTE (collectively, ''Applicants''), both located at 2000 Second Avenue, Detroit, Michigan 48226–1279, have filed an amended application under sections 3(a)(1), 3(a)(2), 9(a)(2), and 10 of the Act.

On February 23, 2001, the Commission issued a notice of these proposed acquisitions.[1] The terms of the underlying agreement, however, were subsequently changed. Applicants have amended their application to reflect this change, and this supplemental notice is therefore necessary.

Under the terms of an Agreement and Plan of Merger dated October 4, 1999, as amended on November 12, 1999 and February 28, 2001, Merger Sub will merge with MCN Energy Group Inc. (''MCN''), a Michigan public-utility holding company claiming exemption under section 3(a)(1) of the Act by rule 2 under the Act, with Merger Sub surviving as a wholly owned direct subsidiary of DTE. Each share of outstanding MCN common stock (including the associated right to purchase Series A Junior Participating Preferred Stock) will be converted into a right to receive either $24.00 in cash or .715 shares of DTE common stock. DTE and Merger Sub therefore request authority to acquire indirectly and directly, respectively, all of the ownership interests that MCN holds in the three public-utility companies described below. Applicants state that, except as discussed below (and except for the merger of MCN into Merger Sub), the current corporate structures of DTE and MCN will not change.

DTE, a Michigan corporation, is engaged, through subsidiaries, in various utility and nonutility activities.[2] Its common stock is listed on the New York Stock Exchange (''NYSE'') and, as of January 31, 2001, 142,649,172 of its shares were outstanding. For the year ended December 31, 2000, DTE had consolidated operating revenues of $5.6 billion, approximately $1.47 billion of which were attributable to nonutility activities. Applicants state that the total value of the assets of DTE and its subsidiaries as of December 31, 2000 was approximately $12.7 billion, of which approximately $7.4 billion consisted of the net value of electric plant and equipment. Applicants state that, as of December 31, 2000, The Detroit Edison Company (''Detroit Edison''), a direct public-utility company subsidiary of DTE, had 8,691 employees and the other subsidiaries of DTE had 453 employees.

DTE owns directly or indirectly all of the outstanding common stock of two public-utility companies, Detroit Edison and International Transmission Company (''ITC''), a direct subsidiary of Detroit Edison.[3] Detroit Edison is engaged in, among other things, the generation and distribution of electric energy in a 7,600 square-mile area in southeastern Michigan. Detroit Edison's service area includes about thirteen percent of Michigan's total land area and about half of the population of the State (approximately five million people). Applicants state that, for the year that ended December 31, 2000, Detroit Edison's operating revenues and net income were approximately $4.13 billion and $413 million, respectively. As of December 31, 2000, Detroit Edison's assets had a book value of $10.99 billion. As of December 31, 2000, Detroit Edison had a summer net rated capability of approximately 11,030 MW. Detroit Edison is subject to general regulation by the Michigan Public Service Commission (''MPSC'') regarding the conditions of its service, rates and recovery of certain costs, accounting and various other matters. Its wholesale electric rates are also subject to regulation by the Federal Energy Regulatory Commission (''FERC''). In addition, the Nuclear Regulatory Commission has jurisdiction over all phases of the operation, construction (including plant modifications), licensing and decommissioning of Detroit Edison's Fermi 2 nuclear power plant.

ITC, having acquired the transmission assets of Detroit Edison in January of 2001, is an electric public-utility company. Its transmission system consists of approximately 6,472 miles of transmission lines, operated at up to 345 kilovolts, through 41 transmission stations. The FERC has jurisdiction over the rates, terms, and conditions of ITC's transmission service, and the MPSC has jurisdiction over the siting of transmission facilities.

MCN, a Michigan corporation is engaged in the distribution of natural gas through three public-utility company subsidiaries: Michigan Consolidated Gas Company (''MichCon''), Citizens Gas Fuel Company (''Citizens''), and Southern Missouri Gas Company, LP (''SMGC''). MCN is also indirectly engaged in various nonutility activities.[4] The common stock of MCN is listed on the NYSE, and Applicants state that, as of the close of business on February 28, 2001, there were 90,185,793 shares of MCN common stock issued and outstanding. For the year that ended on December 31, 2000, MCN's operating revenues on a consolidated basis were approximately $2.8 billion, of which approximately $1.2 billion were attributable to utility activities. Applicants state that the consolidated assets of MCN and its subsidiaries, as of December 31, 2000, were valued at more than $4.8 billion, of which approximately $1.5 billion consisted of the net value of gas utility plant and equipment. As of December 31, 2000, MichCon employed 2,707 people, while

[1] *See* HCAR No. 27349.

[2] DTE is indirectly engaged in many nonutility activities, including operating pulverized coal facilities and coke oven batteries, coal sourcing, blending and transportation, landfill gas-to-energy facilities, providing expertise in the application of new energy technologies, real estate development, merchant generation, and power marketing and trading.

[3] Applicants state that DTE will become the direct parent company of ITC, as contemplated by an order dated September 13, 2000. *See DTE*, HCAR No. 27229 (authorizing DTE to acquire directly all of the issued and outstanding voting securities of ITC). In the interim, as the current owner of all ownership interests in ITC, Detroit Edison claims to be entitled to an exemption from registration under section 3(a)(2) of the Act.

[4] MCN is indirectly engaged in many nonutility activities that are managed primarily through MCN's Diversified Energy group which consists of predominately two segments: Pipelines and Processing and Energy Marketing. Diversified Energy also holds investments in oil and gas exploration and production properties.

MCN and its other subsidiaries had 239 employees.

MichCon, a Michigan corporation, is a natural gas distribution and transmission company that owns distribution, transmission, production and storage properties and facilities and serves approximately 1.2 million customers in more than 500 communities throughout Michigan.[5] As of December 31, 2000, its distribution system included 17,313 miles of distribution mains, 1,109,528 service lines and 1,222,287 active meters. MichCon owns 2,604 miles of transmission and production lines that deliver natural gas to the distribution districts and interconnect its storage fields with the sources of supply and the market areas, as well as properties relating to four underground natural gas storage fields with an aggregate working gas storage capacity of approximately 124 Bcf. For the year that ended December 31, 2000, MichCon's operating revenues and net income were approximately $1.1 billion and $109.5 million, respectively. As of December 31, 2000, MichCon had $2.3 billion in assets. MichCon's rates are regulated by the MPSC.

Citizens, a wholly owned public-utility company subsidiary of MCN, is engaged in the distribution of natural gas in Michigan. Citizens serves approximately 16,000 residential, commercial and industrial customers in and around Adrian, Michigan. For the year that ended December 31, 2000, Citizen's operating revenues and net income were approximately $18.4 million and $1.3 million, respectively, and its assets were valued at $26.4 million. Applicants state that the Adrian Gas Rate Commission establishes Citizens' rates, and that the MPSC has jurisdiction over Citizens with respect to gas safety, service in other areas served by other gas utilities, intrastate lines and accounting matters.

MCN also owns a 46.5% limited partnership interest, and a 1% general partnership interest in Southern Missouri Gas Company, L.P. (''SMGC''), a public-utility company engaged in the distribution of natural gas. SMGC serves approximately 7,000 residential, commercial, and industrial customers in southern Missouri. For the year that ended on December 31, 2000, MCN's share of SMGC's operating revenues were approximately $3.7 million, MCN's share of SMGC's net loss was approximately $1.1 million, and MCN's share of SMGC's assets were valued at $25 million. Applicants state that the Missouri Public Service Commission has jurisdiction over SMGC's rates, safety practices, long-term financing, and mergers and acquisitions directly involving SMGC.

Additionally, Applicants request that the Commission issued an order under section 3(a)(1) of the Act exempting DTE and Merger Sub, after the Merger, from all of the requirements of the Act, except for section 9(a)(2) of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–10980 Filed 5–1–01; 8:45 am]

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[5] All of the issued and outstanding common stock of MichCon is held by MichCon Holdings, a wholly owned direct subsidiary of MCN. MichCon Holdings claims exception from registration under section 3(a)(1) of the Act by rule 2.

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of April 30, 2001.

A closed meeting will be held on Tuesday, May 1, 2001, at 11 a.m.

Commissioner Hunt, as duty officer, determined that no earlier notice thereof was possible.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (4), (5), (7), (8), (9)(A), 9(B), and (10) and 17 CFR 200.402(a)(3), (4), (5), (7), (8) (9)(i), 9(ii) and (10), permit consideration of the scheduled matters at the closed meeting.

The subject matters of the closed meeting scheduled for Tuesday, May 1, 2001 will be:

- Institution and settlement of injunctive actions; and
- Institution and settlement of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 942–7070.

Dated: April 26, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–11037 Filed 4–27–01; 4:16 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44222; File No. SR–DTC–00–16]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Revising The Depository Trust Company's Fee Schedule and Amending the Electronic Dividend System Procedures

April 25, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on November 14, 2000, The Depository Trust Company (''DTC'') 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 primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change revises DTC's fee schedule and amends the elective dividend system (EDS) procedures.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule

In its filing with the Commission, DTC included statements concerning the purpose of and statutory basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to revise the EDS procedures so that they adequately describe the functioning of the EDS system. The

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

proposed rule change also revises DTC's fee schedule so that the fees align with the services referenced.

Service	Present fee	Proposed fee
For each reclaim instruction processed over the EDS after payable date in respect of withholding tax relief on Netherlands securities as part of the DTC Tax Relief service.	None	$25.00
For each EDS instruction relating to cash-in-lieu of fractional shares, or round-up for additional shares	None	25.00
For each dividend, interest or principal payment arranged to be paid at a participant's request directly from agent to participant, where such payment is made by a foreign issuer to such participant.	None	16.26

DTC believes that the proposed rule change is consistent with section 17A of the Act [3] and the rules thereunder because fees will be more equitably allocated among users of DTC's services and EDS procedures will better describe current EDS functionality.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives on impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments from DTC participants or others have not been solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Act

Because the foregoing rule change establishes or changes a due, fee, or other charge imposed by DTC, it has become effective pursuant to section 19(b)(3)(A)(ii) of the Act [4] and Rule 19b–4(f)(2) thereunder.[5] At any time within sixty 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.

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 Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at DTC. All submissions should refer to the File No. SR–DTC–00–16 and should be submitted by May 23, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–10981 Filed 5–1–01; 8:45 am]

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[3] 15 U.S.C. 78q–1.

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 17 CFR 240.19b–4(f)(2)

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44213; File No. SR–Phlx–01–21]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Primary Trading Session Hours for Equities Whose Primary Market Is Not the Exchange

April 23, 2001.

On March 16, 2001, the Philadelphia Stock Exchange, Inc. (Phlx) 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 [2] thereunder, a proposal to amend Phlx Rule 101 to establish the Primary Trading Session hours of securities whose primary market is not Phlx. On March 28, 2001, the Commission published the proposed rule change in the **Federal Register.**[3] The Commission received no comments on the proposal. This order approves the proposed rule change.

The Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[4] In particular, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act which requires, among other things, that the rules of an exchange be designed 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.[5]

Many securities are traded on Phlx pursuant to unlisted trading privileges (''UTP''). The proposed rule change would make the hours of the Phlx Primary Trading Session for these securities the same hours that they are traded on their primary markets (except if the primary market is PCX Equities, Inc.). The Commission has previously stated that, absent any regulatory concerns, the decision to change an exchange's trading hours is a matter that falls within the business discretion of the exchange.[6] The Commission does not believe that the proposal raises any regulatory concerns and notes that no comments on the proposal were submitted. In addition, although the proposed rule change will not affect the current equity trading hours on Phlx,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 44088 (March 20, 2001), 66 FR 16966.

[4] In approving the proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[5] 15 U.S.C. 78f(b)(5).

[6] *See, e.g.,* Securities Exchange Act Release No. 38766 (June 24, 1997), 62 FR 35244, 35245 (June 30, 1997) (approving proposal by the Pacific Exchange to change the closing time of its equity floor from 1:50 to 1:30 Pacific Time).

the hours of Phlx's Primary Trading Session will automatically change whenever the hours of a primary market change, thereby alleviating the need for additional rule changes. Accordingly, the Commission concludes that Phlx's proposal is reasonable and consistent with the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[7] that the proposed rule change (SR–Phlx–01–21) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–10886 Filed 5–1–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44220; File No. SR–Phlx–2001–45]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Amending Rule 930

April 25, 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 April 20, 2001, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in items I, II, and III, below which Items have been prepared by the Phlx. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx, pursuant to Rule 19b–4 of the Act, proposes to amend Exchange Rule 930, *Lease Agreement,* to add new paragraph (k). Proposed Rule 930(k) relates to the Exchange's ability to allow a member who leases a membership (''leasee'') to pay past-due fees owed to the Exchange by the lessor under a lease agreement, on behalf of the lessor. The Exchange also proposes to amend Rule 930 to make certain minor technical amendments to the text of the rule in order to make the various paragraphs contained in the rule more consistent.

Proposed Rule 930(k) states that the Exchange is a third party beneficiary of the lease agreement, and shall have the right to permit payment by a lessee of past-due fees owed to the Exchange by the lessor. The proposed rule further states that should the lessee pay such past due amounts, the lessee shall provide written notice to the lessor and the Exchange. Once the lessee has elected to make such payments, the lessee may continue to make such payments for a period of up to three months and set off such amounts, with notice to the Exchange and lessor against amounts due the lessor by the lessee. Furthermore, proposed Rule 930(k) states that notwithstanding the terms of the lease agreement, a lessee will not be considered in default of the lease agreement solely by virtue of having elected to make such payments.

In addition, certain minor technical amendments will be made to Rule 930 in order to make the text more consistent. For example, the word ''agreement'' will be added after the word ''lease'' in order to make it consistent with other references to ''lease agreements.'' Also, the words ''Certificate of Incorporation'' are added to make the text more consistent and to clarify that various terms of a lease agreement must be in accordance with the Exchange's Certificate of Incorporation, as well as its by-laws and rules.

A. Discussion

1. Authority Under Delaware Law

The Exchange represents that, as a non-stock corporation organized under the Delaware General Corporation law (''DGCL''), it has the authority to adopt proposed Rule 930(k). Article Nineteenth of the Exchange's Certificate of incorporation expressly empowers the Board of Governors (''Board'') of the Exchange:

> to determine whether, and under what terms and conditions, memberships may be leased, and to adopt by resolution or to set forth in the Rules of the Board of Governors such rules with respect to lease agreements, lessors and lesses as the board may from time to time determine to be advisable, including, without limitation, rules regulating and setting forth the rights and obligations of lessors and lessees, the required terms of lease agreements, and the fees, dues and other charges required to be paid by lessors and lessees (or either of them) to the Corporation in connection with and for the privilege of leasing memberships.[3]

Thus, the Exchange represents that Rule 930(k) clearly falls within Article Nineteenth's grant of authority.

In addition, Section 141(j) of the DGCL empowers the Board to direct the business and affairs of the Exchange, and the Exchange's by-laws give the Board broad power to adopt rules of the Exchange. 8 *Del. C.*§ 141(j);[4] By-Law Art. IV, § 4–4.

The Exchange represents that numerous provisions of its by-laws and rules already address matters similar to those addressed by proposed Rule 930(k).[5] Moreover, the Exchange's by-laws require lessors and lessees (as members) to pledge to abide by the rules as they may be amended from time time.[6]

Accordingly, the Exchange states that the Board has the authority to adopt Rule 930(k) under the DGCL and the Exchange's Certificate of Incorporation, by-laws and rules.

2. Permissibility Under Pennsylvania Contract Law

The Exchange believes that proposed Rule 930(k) is also permissible as a matter of Pennsylvania contract law. The terms of the Exchange's contractual relationships with both lessors and lessees permit adoption of the rule, and, in any event, the Exchange is already a

[7] 15 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 43987 (February 20, 2001), 66 FR 12582 (February 27, 2001) (approving adoption of Article Nineteenth, SR–Phlx–99–50.

[4] *See also 8 Del. C.* § 121(a) (providing that in addition to powers expressly granted by law or the Certificate of Incorporation, the corporation and its directors may exercise ''any powers incidental thereto, so far as such powers and privileges are necessary or convenient to the conduct, promotion or attainment of the business or purposes set forth in its certificate of incorporation''); Certificate of Incorporation, Article Third (stating, in part, that the Exchange may operate in any lawful act or activity for which corporations may be organized under the DGCL).

[5] *See, e.g.*, By-Law Art, XV, § 15–1(a) (providing that a membership may be leased in accordance with such rules as the Board may adopt); By-Law Art. XII, § 12–8 (authorizing lessor application fee as fixed from time to time by the Board, lessor initiation fee and fee upon transfer of equitable title to a membership); Rule 930 (setting forth required terms of lease agreement and providing, among other things, that the Exchange may dispose of a membership subject to a lease agreement); Rule 960.1 (providing that all members, member organizations and any persons associated with any member are subject to expulsion, suspension, termination as to activities at the Exchange or any other fitting sanction for violation of the Rules of the Exchange); *see also* Certificate of Incorporation, Article Twentieth (giving Board plenary authority to assess fees, dues and other charges and to impose penalties, including cancellation of a membership and forfeiture of all rights as a lessor or lessee, for nonpayment.)

[6] *See* Exchange By-Law Art. XII, § 12–9. As a condition of the right to lease their seats, lessors agree ''to abide by the [Exchange's] By-laws as they have or shall be from time to time amended, and by all rules and regulations adopted pursuant to the By-Laws.'' Lessees, as members, likewise make the same commitment.

third party beneficiary to the lease agreements as a matter of law. Each of these reasons separately provides a sufficient legal basis under Pennsylvania contract law for the adoption of Rule 930(k). (Future lease agreements would of course by deemed to incorporate the terms of Rule 930(k) within them, and thus obviate any contract law question).

a. Lease Terms Incorporate Relevant Terms of the Exchange's Certificate of Incorporation, By-Laws and Rules

Under the terms and conditions pursuant to which the Exchange awards the privileges of membership and approves the right to lease a seat, the Exchange reserves the right to adopt authorized by-laws, rules, or regulations that affect those lessors and lessees; accordingly, the Exchange represents that any potential impact on lease agreements of Rule 930(k) would be contractually permissible. Both lessors and lessees (as members) agree respectively as a condition of approval of the right to lease seats and as a condition of approval for membership that the Exchange may effectuate changes to their lease agreements. As a condition of the right to lease their seats, lessors agree ''to abide by the [Exchange's] By-Laws as they have or shall be from time-to-time amended, and by all rules and regulations adopted pursuant to the By-Laws.'' [7] Lessees (as members) likewise make the same commitment.[8] By agreeing to abide by future by-laws, rules, and regulations, lessors and lessors and lessees necessarily grant permission to the Exchange to adopt rules pursuant to which their lease agreements may be affected.

Accordingly, the Exchange represents that Rule 930(k), which would provide in express form the authorization for the modification of lease agreements, would simply authorize that which is countenanced by the terms of the Exchange's existing relationships with lessors and lessees. It is thereby permissible as a matter of Pennsylvania contract law.

b. The Exchange Is a Third-Party Beneficiary of All Lease Agreements

The Exchange is already, as a matter of Pennsylvania law, a third party beneficiary of lease agreements and would as such be entitled to collect Exchange fees from a lessee upon the default of a lessor, and to permit set-off by the lessee. Pennsylvania law provides that as a third-party beneficiary the Exchange is entitled to enforce, in its own name, as a real party in interest, the rights that accrue to it under the lease agreement. Generally, a non-party to a contract is a third party beneficiary either (i) when the parties to a contract express an intention in the contract itself to benefit the third party, or (ii) if the surrounding circumstances are sufficiently compelling that recognition of the beneficiary's right is appropriate to effectuate the intention of the parties, and the performance satisfies an obligation of the parties to pay money to the beneficiary or the circumstances indicate that the parties intend to give the beneficiary the benefit of the promised performance.

Here, the Exchange represents that it is a third party beneficiary of lease agreements in accordance with the intention expressed in the lease agreements themselves even in the absence of Rule 930(k). Rule 930(c) provides that the lease agreement ''shall require a lessee to pay the Corporation [the Exchange] * * * all applicable dues, fees, charges, and other debts arising from the use of membership.'' As the purpose of the lease agreement is to permit the lessee the ''use of membership,'' proposed Rule 930(k) specifies the circumstances in which the Exchange, rather than *requiring* payment by the lessee of one such fee, is simply *allowing* payment by a lessee.

In addition, the Exchange believes that many of the other terms of the lease agreements also manifest the parties' clear intent to make the Exchange a beneficiary. *See* for example, Rule 930(a) (the Exchange must approve the transfer of membership); 930(d) (the lessee may not encumber legal title to the membership during the lease agreement); 930(e) (legal title to the membership must be transferred to the lessor in accordance with the Exchange's by-laws upon the expiration of the lease agreement or other such event); and 930(j) (the Exchange may dispose of a membership subject to a lease agreement in accordance with its by-laws and rules).

Moreover, in addition to the intent manifested in the lease agreements, which is itself sufficient to render the Exchange a third party beneficiary, the Exchange represents and the circumstances surrounding the lease agreements independently compel the same conclusion. As noted, the lease agreements are required to contain mandatory provisions that make reference to the Exchange, *see* Rule 930. Reference to a third party in the contract itself is a strong indication that the party is a third party beneficiary. The Exchange also exercises numerous rights related to the lease agreements. It approves lessors, as well as lessers, Rule 931 (approval of lessors); By-Law Art, XV, § 51–1 (approval of lessees), and requires lessors and lessees to abide by the Exchange's by-laws, By-Law Art. XII, § 12–9(a), (b); Rule 930(j). Indeed, the purpose of the lease agreement is to permit trade on the Exchange.[9] The Exchange also reserves the right to approve all transfers of membership pursuant to a lease agreement.[10] Finally, as noted, Rule 930 already requires that lessees be responsible for payment to the Exchange of all applicable dues, fees, charges and other debts, and proposed Rule 930(k) identifies under what circumstances the lessee may, at his or her option, remit one such fee to the Exchange.[11]

Accordingly, the Exchange represents that it is a third party beneficiary to the lease agreements with the right to enforce the provisions of Rule 930(k).

In sum, the Exchange states that adoption by the Exchange of proposed Rule 930(k) would be consistent with applicable corporate governance and contract law.

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 Phlx included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements maybe examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[7] *See* By-Law Art. XII, § 12–9(b).

[8] *See id.* at 12–9(a).

[9] *See* By-Law Art. XII, § 21–1 (a member conducts business on the Exchange).

[10] *See* Rule 930(a), (d) and (e).

[11] Indeed, the Exchange may well be a constructive party to the lease agreement. While Pennsylvania courts have not had the opportunity to address the issue of constructive parties, there exists persuasive caselaw elsewhere that when the contracting parties, and a third party have a sufficiently intertwined business relationship, the third party is deemed to be constructive party to the contract. Here, for the various reasons outlined in the text, the Exchange, lessors, and lessees, possess such an extraordinarily intertwined business relationship that the Exchange could be considered a constructive party to lease agreements. This would provide yet another alternate basis for the legal adequacy of the Exchange's proposed Rule 930(k)

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Exchange Rule 930 to add paragraph (k), which allows the lessee of membership to pay fees owed to the Exchange by the lessor that are past due and to set off such amounts from amounts due the lessor by the lessee.[12] This provision, which the Phlx represents is in accordance with proposed Exchange Rule 51,[13] allows a lessee to pay, on behalf of the lessor, any fees, including the capital funding fee,[14] owed to the Exchange by the lessor. Proposed Rule 930(k) helps to protect innocent lessees from being unexpectedly dispossessed from their membership and trading rights in the event of nonpayment by their lessors. Pursuant to proposed Rule 930(k), the lessee should be able to continue trading under his/her current lease provisions, for a period of up to three months. Therefore, the lessee's trading privileges should not be interrupted if the lessor does not pay its fees, including the capital funding fee referred to in footnotes 12, 13 and 14. In addition, the provisions of proposed Rule 930(k) should give the lessee sufficient time to execute a new lease agreement, if necessary.[15] The Exchange believes that provisions (contained in its Certificate of Incorporation and by-laws) give the Exchange the authority to modify lease agreements in the manner described above.[16]

The Phlx further represents that the purpose of the minor technical amendments to Rule 930 is to make the language in the paragraphs of the existing rule more consistent with each other. References to the Certificate of Incorporation are being added throughout Rule 930. For example, paragraph (a) of Rule 930 would state that a lease agreement shall not be effective unless the transfer of membership was approved under the Exchange's Certificate of Incorporation, by-laws or rules. The Exchange represents that, as a matter of Delaware corporation law, a certificate of incorporation is preeminent and accordingly, by-laws and any rules adopted thereto cannot conflict with the certificate of incorporation.[17] Further, the Exchange is amending Rule 930 to consistently refer to the lease as a ''lease agreement.''

2. Statutory Basis

For these reasons, the Exchange believes that the proposed rule change is consistent with Section 6 of the Act,[18] in general, and with Section 6(b)(5),[19] in particular, in that it is designed to promote just and equitable principles of trade and protects investors and the public interest by enabling lessees to continue trading, even with their respective lessors fail to pay fees owed the Exchange when due.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which Phlx consents, the Commission will:

A. By order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change in 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 Phlx. All submissions should refer to File No. SR–Phlx–2001–45 and should be submitted by May 23, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[20]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–10887 Filed 5–1–01; 8:45 am]

BILLING CODE 8010–01–M

[12] The principal fee that the Phlx currently charges to lessors and other owners of memberships in the ''capital funding fee.'' *See* Securities Exchange Act Release No. 42993 (June 29, 2000), 65 FR 42415 (July 10, 2000) (approving adoption of capital funding fee, SR–Phlx–99–51). *See* footnote 14 below for a further discussion of the capital funding fee.

[13] On December 6, 1999, the Exchange submitted a proposed rule change relating to the adotion of new Rule 51, *Enforcement,* which relates to the ability of the Exchange's Board to take certain specified measures if any owner of a membership fails to pay (or have paid on its behalf) any capital funding fee when due. The roposal is ending (SR–Phlx–99–52).

[14] On January 5, 2000, the Commission approved as a three-month pilot program, a capital funding fee applicable to owners of memberships. *See* Securities Exchange Act Release No. 42318 (January 5, 2000), 65 FR 2216 (January 13, 2000) (SR–Phlx–99–49). On April 24, 2000, the Commission approved the extension of the three-month pilot program until July 6, 2000. *See* Securities Exchange Act Release No. 42714 (April 24, 2000), 65 FR 25782 (May 3, 2000) (SR–Phlx-00–29). Permanent approval of the capital funding fee was received on June 29, 2000. *See* Securities Exchange Act Release No. 42993 (June 29, 2000), 65 FR 42415 (July 10, 2000)(SR–Phlx–99–51).

[15] Under proposed Rule 51, *supra* note 13, the Exchange may issue temporary trading rights to members whose leases are suspended due to nonpayment of the capital funding fee by the lessor.

[16] *See* Certificate of Incorporation Article Third, proposed Article Nineteenth and Article Twentieth, By-Law Art. XII, § 12–9, and proposed Rule 51.

[17] *See* 8 *Del. C.* § 102 and 109(b)

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(5).

[1] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

Office of Defense Trade Controls

[Public Notice 3650]

Notifications to the Congress of Proposed Commercial Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates shown on the attachments pursuant to section 36(c) and 36(d) and in compliance with section 36(e) of the

Arms Export Control Act (22 U.S.C. 2776).

EFFECTIVE DATE: As shown on each of the twenty-four letters.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Lowell, Director, Office of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202 663–2700).

SUPPLEMENTARY INFORMATION: Section 38(e) of the Arms Export Control Act mandates that notifications to the Congress pursuant to section 36(c) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Dated: April 16, 2001.

William J. Lowell,

Director, Office of Defense Trade Controls, Department of State.

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

April 4, 2001.

Dear Mr. Speaker:

Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Manufacturing License Agreement with the Republic of Korea.

The transaction described in the attached certification involves the manufacture of Multiple Launch Rocket System (MLRS) M26A2 rocket pods with extended range rockets and M77 submunitions for use by the Republic of Korea.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Michael E. Guest,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 132–00

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

March 21, 2001.

Dear Mr. Speaker:

Pursuant to Section 36 (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Manufacturing License Agreement with Greece.

The transaction described in the attached certification involves the transfer of technical data and assistance in the manufacture of upgrades to the TOW weapon system for end use by the Hellenic Army.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Michael A. Guest,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. 002–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

March 21, 2001.

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of four (4) MK15 MOD12 Phalanx Close-In-Weapon systems with 20mm guns for vessels, type Destroyer (DD) and type LST to the Government of Japan for use by the Japan Defense Agency.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Michael A. Guest,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 003–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

March 21, 2001.

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of unclassified hardware to Germany for incorporation into the Eurofighter 2000 center fuselage.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Michael A. Guest,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 004–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

March 21, 2001.

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves launch services for the Hispasat-1D communications satellite on an Atlas IIAS launch vehicle from Cape Canaveral, Florida. The satellite will provide commercial communications services as well as communications services for the Spanish Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Michael A. Guest,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 005–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

March 26, 2001.

Dear Mr. Speaker:

Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense services and technical data to support the manufacture of F100–PW–229/–229A Engine Parts in Norway for F–16 Aircraft.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Michael E. Guest,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 007–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

April 6, 2001.

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license

for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to Canada of know-how sufficient for the performance of depot level support for the AN/APG–65 radar for end use by the Government of Canada (Canadian CF–18 Aircraft) and Commonwealth of Australia (Australian F/A–18 Aircraft).

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 008–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
April 6, 2001.
Dear Mr. Speaker:

Pursuant to Section 36 (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Manufacturing License Agreement with Japan.

The transaction described in the attached certification involves the transfer of technical data and assistance in the manufacture and overhaul of Propellant Actuated Devices (PAD) utilized in the Crew Escape Systems for the F–15, FS–X, and F–2 Aircraft for end use by the Japanese Defense Agency.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. 010–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
April 6, 2001.
Dear Mr. Speaker:

Pursuant to Section 36(c) & (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for defense articles and defense services in the amount of $50,000,000.

The transaction described in the attached certification involves the of technical data and assistance for the joint design, development, and manufacture of new and existing rounds of military ordnance in the 20mm to 40mm range of Medium Caliber Ammunition for end-use in the United States and Norway.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 013–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
April 6, 2001.
Dear Mr. Speaker:

Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Manufacturing License Agreement with Italy.

The transaction described in the attached certification involves the transfer of technical data and assistance in the manufacture of TOW Missile Gyroscopes. The Gyroscopes will be for end use in the United States and Italy.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. 014–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
April 6, 2001.
Dear Mr. Speaker:

Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed Manufacturing License Agreement with France.

The transaction described in the attached certification involves the transfer of technical data and assistance in the manufacture of a vehicle-based biological agent detection lab. The vehicle-based biological agent detection labs will be for end use by the French Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. 015–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
April 6, 2001.
Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the manufacture of components and spare parts for the ALQ–88AK Electronic Countermeasure System in the Republic of Korea.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 016–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
March 21, 2001.
Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export to Luxembourg of the ASTRA 3A commercial communications satellite and associated ground systems, training and customer operations support. The transaction also includes launch operations support in French Guiana.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 020–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
March 21, 2001.
Dear Mr. Speaker:

Pursuant to Section 36(c)&(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed Technical Assistance Agreement with Canada, Australia and New Zealand.

The transaction described in the attached certification involves the transfer of technical data and defense services to Australia for the establishment of a LAV–25 turret production and assembly facility in support of Canadian, Australian and New Zealand LAV–25 programs.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 021–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
March 21, 2001.
Dear Mr. Speaker:

Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed Technical Assistance Agreement with Israel.

The transaction described in the attached certification involves the transfer of technical data and defense services to Israel for the manufacture, assembly and repair of the H–764G Inertial Navigation System for various fixed wing and rotary aircraft used by the Israeli Ministry of Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 022–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
March 21, 2001.
Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the manufacture in Japan of Strapdown Inertial Systems for an additional ten years for the Japan Defense Agency's ASM and Cruising Target Drone Programs.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 024–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
March 21, 2001.
Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the manufacture in Japan of aircraft wheel and brake components for the Japanese Defense Force.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 025–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
March 21, 2001.
Dear Mr. Speaker:

Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed Manufacturing License Agreement with the United Kingdom.

The transaction described in the attached certification involves the transfer of technical data and defense services to the United Kingdom for the design, development and manufacture of the Joint Services General Purpose Mask for the US Armed Forces.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 026–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
March 26, 2001.
Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and assistance for the manufacture in Japan of UH–60 electrical components for the Japan Defense Agency.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 027–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.
March 26, 2001.
Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense services and technical data to support Enhanced Structural Repair of the F/A–18 Airframe, in Canada.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Michael E. Guest,
Acting Assistant Secretary, Legislative Affairs.
Enclosure: Transmittal No. DTC 029–01

The Honorable J. Dennis Hastert, Speaker of

the House of Representatives.

March 26, 2001.

Dear Mr. Speaker:

Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense services and technical data for the manufacture of the JFC–115 Fuel Control Units, in Japan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Michael E. Guest,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 030–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

March 26, 2001.

Dear Mr. Speaker:

Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense services and technical data to support the manufacture of F100–PW–229/–229A Engine Parts in Belgium for F–16 Aircraft.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Michael E. Guest,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 031–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

April 6, 2001.

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves the manufacture of LN–39A Inertial Navigation Units for use on Italian and Brazilian AMX aircraft and Italian F–104 aircraft.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Michael E. Guest,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 035–01

April 2, 2001.

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting herewith certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount $50,000,000 or more.

The transaction contained in the attached certification involves ongoing activities associated with technical assistance agreements with Russia beyond those addressed in DTC 39–98, dated March 19, 1998, DTC 98–99, dated August 5, 1999, DTC 014–00, dated March 7, 2000, and DTC 034–01, dated March 1, 2001, providing for the marketing and sale of satellite launch services utilizing Proton rocket boosters and the performance of associated integration and launch services from Kazakhstan.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Michael E. Guest,

Acting Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DTC 046–01

The Honorable J. Dennis Hastert, Speaker of the House of Representatives.

[FR Doc. 01–10832 Filed 5–1–01; 8:45 am]

BILLING CODE 4710–25–U

DEPARTMENT OF STATE

[Delegation of Authority DA1–244]

Delegation of Duties, Functions and Responsibilities Vested in the Under Secretary of State for Management

By virtue of the authority vested in me as Under Secretary of State for Management, I hereby delegate, during periods of my absence, the duties functions and responsibilities vested in me as Under Secretary of State for Management to the following officials of the Department of State in an order as may be specified from time to time: Assistant Secretary for Administration; Assistant Secretary for Consular Affairs; Assistant Secretary for Diplomatic Security; Director General of the Foreign Service and Human Resources.

This delegation shall not include the duties, functions and responsibilities vested in me by Public Notice 802 dated April 14, 1982, as amended (relating to the designated order of succession to the Secretary of State), nor duties, functions, and responsibilities required by law to be exercised by higher authority than the delegate.

This delegation supersedes the Delegation of Authority on this subject dated March 6, 1998. This memorandum shall be published in the **Federal Register**.

Dated: April 25, 2001.

Grant S. Green, Jr.,

Under Secretary of State For Management, Department of State.

[FR Doc. 01–11014 Filed 5–1–01; 8:45 am]

BILLING CODE 4710–35–P

DEPARTMENT OF STATE

[Delegation of Authority 245]

Organization, Functions, and Authority Delegations; Deputy Secretary of State

By virtue of the authority vested in me as Secretary of State, including the authority of section 4 of the State Department Basic Authorities Act, as amended (22 U.S.C. 2651a), I hereby delegate to the Deputy Secretary, to the extent authorized by law, all authorities and functions vested in the Secretary of State or the head of agency by any act, order, determination, delegation of authority, regulation, or executive order, now or hereafter issued. This delegation includes all authorities and functions that have been or may be delegated or redelegated to other Department officials but does not repeal delegations to such officials.

Notwithstanding this delegation of authority, the Secretary of State may exercise any function or authority delegated by this delegation. The Deputy Secretary may, to the extent consistent with law, (1) redelegate such functions and authorities and authorize their successive redelegation, and (2) promulgate such rules and regulations as may be necessary to carry out such functions.

This memorandum shall be published in the **Federal Register**.

Dated: April 23, 2001.

Colin L. Powell,

Secretary of State, Department of State.

[FR Doc. 01–11015 Filed 5–1–01; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements filed during week ending April 20, 2001.

The following Agreements were filed with the Department of Transportation under provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days after the filing of the applications.

Docket Number: OST–2001–9480.
Date Filed: April 19, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC2 AFR 0104 dated 17 April 2001 Mail Vote 121—Resolution 010y. TC2 Within Africa Special Passenger Amending Resolution from Botswana to Malawi. *Intended effective date:* 1 May 2001.

Docket Number: OST–2001–9499.
Date Filed: April 20, 2001.
Parties: Members of the International Air Transport Association.
Subject: PTC12 NMS–AFR 0105 dated 26 March 2001 (Mail Vote 119). North Atlantic-Africa Resolutions r21-r22. PTC12 NMS–AFR 0111 dated April 2001 adopting (Mail Vote 119). Minutes—PTC12 NMS–AFR 0107 dated 30 March 2001. Summary of Agreement (Applicable to/from USA, US Territories). Description of Agreement (Not Applicable to/from US, USA Territories). Tables—PTC12 NMS–AFR Fares 0061 dated 20 April 2001. *Intended effective date:* 1 May 2001.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–10968 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (formerly Subpart Q) during the Week Ending April 20, 2001

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period, DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2001–9455.
Date Filed: April 17, 2001.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 8, 2001.
Description: Application of Kuwait Airways Corporation, pursuant to Section 402(c), 14 CFR Parts 211 and 377, and Subpart B, requesting renewal of its foreign air carrier permit, authorizing Kuwait Airways to engage in scheduled air transportation and charter operations of persons, property and mail between the State of Kuwait and the United States.

Docket Number: OST–2001–9484.
Date Filed: April 19, 2001.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 10, 2001.
Description: Application of Singapore Airlines Cargo PTE Limited, pursuant to 49 U.S.C. Section 41301 and Subpart B, requesting a foreign air carrier permit to provide scheduled and nonscheduled foreign air transportation of property and mail on any and all routes authorized pursuant to the April 8, 1997, Air Transportation Service Agreement between the Government of the United States and the Government of the Republic of Singapore on the following routes: from points behind Singapore via Singapore and intermediate points to a point or points in the United States and beyond, and between the United States and any point or points.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–10967 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Marin and Sonoma County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Marin and Sonoma County, California.

FOR FURTHER INFORMATION CONTACT: Mr. C. Glenn Clinton, Team Leader, Project Delivery Team-North, Federal Highway Administration, 980 9th Street, Suite 400, Sacramento, California 95814–2724, Telephone: (916) 498–5020.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the California Department of Transportation (Caltrans) will prepare an environmental impact statement (EIS) for a proposal to relieve recurring traffic congestion and to reduce high occupancy vehicle (HOV) lane user delay on US 101 between State Route 37 in Marin County and the Old Redwood Highway Interchange in Sonoma County, a distance of approximately 27.5 kilometers (16 miles). The proposed project is an important component of a comprehensive, multi-modal transportation plan.

The Marin-Sonoma Narrows Project proposes to extend the existing high occupancy vehicle (HOV) lane system in Marin County northward into southern Sonoma County. Alternatives under consideration include: (1) taking no action; (2) addition of a northbound and a southbound high occupancy vehicle (HOV) lane; (3) constructing a reversible HOV lane; and (4) construction of high occupancy toll (HOT) lanes. The project proposes conversion of existing expressway to access-controlled freeway and the addition and/or upgrade of intersections. Additional alternatives and design options will be developed during public scoping meetings.

Information describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. Public scoping meetings will be held in Marin County and in Sonoma County in late spring and early summer 2001. A public hearing will be held later in the environmental process, after the draft environmental impact statement (DEIS) is completed. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are

addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. Regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: April 23, 2001.

C. Glenn Clinton,

Team Leader, Program Delivery Team, North Sacramento, California.

[FR Doc. 01–10891 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Programmatic Environmental Impact Statement for the California High Speed Train System

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

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

SUMMARY: FRA is issuing this notice to advise the public that FRA will join the California High Speed Rail Authority (Authority) in the preparation of a programmatic environmental impact statement (EIS) and programmatic environmental impact report (EIR) for the California High-Speed Train System. FRA is also issuing this notice to solicit public and agency input into the development of the scope of the EIR/EIS and to advise the public that outreach activities conducted by the Authority and its representatives will be considered in the preparation of the EIR/EIS. Alternatives to be evaluated and analyzed in the Programmatic EIR/EIS include (1) take no action (No-Project or No-Build); (2) construction of a steel-wheel-on-steel-rail or Maglev high-speed train system and stations; and (3) modal alternatives that would include a combination of air, highway, and conventional passenger rail improvements. Possible environmental impacts include displacement of commercial and residential properties; disproportionate impacts to minority and low-income populations; community and neighborhood disruption; increased noise and electro-magnetic interference along rail corridors; traffic impacts associated with stations; effects to historic properties or archaeological sites; impacts to parks and recreation resources; visual quality effects; exposure to seismic and flood hazards; impacts to water resources, wetlands, and sensitive biological species and habitat; land use compatibility impacts; energy use; and impacts to agricultural lands.

FOR FURTHER INFORMATION CONTACT: For further information regarding the programmatic environmental review, please contact: Mr. John Barna, Deputy Director of the California High-Speed Rail Authority, 925 L Street, Suite 1425, Sacramento, CA 95814, (telephone 916–322–0827) or Mr. David Valenstein, Environmental Program Manager, Office of Passenger Programs, Federal Railroad Administration, 1120 Vermont Avenue (Mail Stop 20), Washington, DC 20590, (telephone 202 493–6368).

SUPPLEMENTARY INFORMATION: The Authority has determined that the need for a high-speed train system is directly related to the expected growth in population and resulting increases in intercity travel demand in California over the next twenty years and beyond. As a result of this growth in travel demand, there will be increases in travel delays from the growing congestion on California's highways and at airports. In addition, there will be effects on the economy and quality of life from a transportation system that is less and less reliable as travel demand increases and from deteriorating air quality in and around California's metropolitan areas. The intercity highway system, commercial airports, and conventional passenger rail serving the intercity travel market are currently operating at or near capacity, and will require large public investments for maintenance and expansion in order to meet existing demand and future growth. The proposed high-speed train system would provide a new mode of high-speed intercity travel that would link the major metropolitan areas of the state; interface with international airports, mass transit, and highways; and provide added capacity to meet increases in intercity travel demand in California in a manner sensitive to and protective of California's unique natural resources.

Background

The California High-Speed Rail Commission, established in 1993 to investigate the feasibility of high-speed rail in California, concluded that a high-speed train system is technically, environmentally, and economically feasible and set forth recommendations for the technology, corridors, financing, and operations of a proposed system. Following the Commission's work, a new nine-member California High-Speed Rail Authority (Authority) was established in 1996 and is authorized and directed by statute to undertake the planning for the development of a proposed statewide high-speed train network that is fully coordinated with other public transportation services. The Legislature has granted the Authority the powers necessary to oversee the construction and operation of a statewide high-speed train network once financing is secured. As part of the Authority's efforts to implement a high-speed train system, the Authority adopted a Final Business Plan in June 2000, which reviewed the economic feasibility of a 700-mile-long high-speed train system capable of speeds in excess of 200 miles per hour on a dedicated, fully grade-separated state-of-the-art track. The FRA has responsibility for oversight of the safety of railroad operations, including the safety of any proposed high-speed ground transportation system. For the California proposal, the FRA would need to take certain regulatory actions before any new high-speed train system could operate.

Alternatives

An initial system alternatives evaluation will consider all reasonable system alternatives at a broad level of analysis. This analysis will be followed by a more detailed consideration of the most practical and feasible alternatives in the Programmatic EIR/EIS. The alternatives will include:

No-Build Alternative

The take no action (No-Project or No-Build) alternative is defined to serve as the baseline for comparison of all alternatives. The No-Build Alternative represents the state's transportation system (highway, air, and conventional rail) as it existed in 1999–2000, and as it would exist after completion of programs or projects currently planned for funding and implementation by 2020.

The No-Build Alternative defines the existing and future statewide intercity transportation system based on programmed and funded improvements to the intercity transportation system through 2020, according to the following sources of information:

- State Transportation Improvement Program (STIP)
- Regional Transportation Plans (RTPs) for all modes of travel
- Airport plans
- Intercity passenger rail plans (Amtrak Five- and Twenty-year Plans)

High-Speed Train Alternative

The Authority has defined a 700-mile-long (1,126-kilometer-long) high-speed train system capable of speeds in excess of 200 miles per hour (mph) (320 kilometers per hour [km/h]) on dedicated, fully grade-separated tracks, with state-of-the-art safety, signaling, and automated train control systems. Both steel-wheel-on-steel-rail and magnetic levitation (maglev) train technologies are being considered for the system that would serve the major metropolitan centers of California, extending from Sacramento and the San Francisco Bay Area, through the Central Valley, to Los Angeles and San Diego.

The Authority has identified high-speed train corridors and station locations in their 2000 Business Plan. Within these corridors, there are several potential alignment and station location options that will undergo a screening evaluation prior to detailed environmental and engineering technical studies. In heavily constrained urban areas, alignment options that assume sharing corridors and/or tracks with other passenger rail services will also be considered. The high-speed train corridors are defined as follows:

San Diego To Los Angeles: Mainline service connecting Los Angeles and San Diego would follow either an inland route (along existing transportation corridors) and/or a coastal route (along the existing LOSSAN corridor). The inland route runs from Los Angeles Union Station to Riverside along existing rail corridors and new rights-of-way, continuing to San Diego along the I–15/I–215 Corridor. The coastal route extends from Los Angeles Union Station to San Diego along the existing LOSSAN rail corridor. A link between Los Angeles Union Station and Los Angeles International Airport (LAX) will also be studied.

Los Angeles To Bakersfield: From Los Angeles Union Station to Santa Clarita, existing rail corridors would be followed. There are two corridors crossing the Tehachapi Mountains, the first links Bakersfield to Los Angeles via the I–5 Grapevine Corridor. The second corridor connects Bakersfield and Los Angeles through the Antelope Valley (Palmdale).

Bakersfield To Sacramento: Between Bakersfield and Sacramento, specific options to be evaluated will include minimizing impacts to prime agricultural lands, utilizing existing rail corridors, and serving downtown stations or airports in Bakersfield and Fresno.

Merced To Bay Area: From the vicinity of Merced in the Central Valley, the alignment would follow the Pacheco Pass to Gilroy. From Gilroy to San Jose, the alignment would follow the existing Caltrain corridor. North of San Jose, mainline service would continue to follow the existing Caltrain corridor along the peninsula to San Francisco and/or existing rail corridors in the East Bay to Oakland.

Stations: Station placement would be determined on the basis of ridership potential, system-wide needs, and local planning constraints/conditions. Station placement will be coordinated with local and regional planning agencies, and will provide for seamless connectivity with other modes of travel. Potential station locations to be evaluated in the screening evaluation prior to detailed environmental and engineering technical studies in the Programmatic EIR/EIS include: San Diego, Mira Mesa, Escondido, Temecula, Riverside, Ontario International Airport (ONT), East San Gabriel Valley, University Town Center (La Jolla), Oceanside, Irvine, Anaheim, Norwalk, Los Angeles International Airport (LAX), Los Angeles Union Station, Burbank, Santa Clarita, Palmdale, Bakersfield, Tulare County/Visalia, Fresno, Merced, Modesto, Stockton, Sacramento, Los Banos, Gilroy, San Jose, Redwood City, San Francisco International Airport (SFO), San Francisco, Fremont/Newark, Oakland International Airport (OAK), and Oakland. The potential sites listed represent general locations for planning purposes.

Other Modal Alternatives

There are currently three main options for intercity travel between the major urban areas of San Diego, Los Angeles, the Central Valley, San Jose, Oakland/San Francisco, and Sacramento: vehicles on the highway system, commercial air service, and conventional passenger trains (Amtrak). The FRA and the Authority will evaluate a set of Modal/System Alternatives consisting of expansion of highways, airports, and intercity and commuter rail systems serving the markets identified for the High-Speed Train Alternative at a similar level of investment. The modal alternatives will be defined by assigning the expected incremental travel demand forecasted for the horizon years of 2020 and 2040 to the state's transportation infrastructure, then identifying alternatives for accommodating that travel demand without a high-speed train system.

Scoping and Comments

FRA encourages broad participation in the EIS process during scoping and review of the resulting environmental documents. Comments and suggestions are invited from all interested agencies and the public at large to insure the full range of issues related to the proposed action and all reasonable alternatives are addressed and all significant issues are identified. In particular, FRA is interested in determining whether there are areas of environmental concern where there might be the potential for significant impacts identifiable at a program level. Public agencies with jurisdiction are requested to advise the FRA and the Authority of the applicable permit and environmental review requirements of each agency, and the scope and content of the environmental information that is germane to the agency's statutory responsibilities in connection with the proposed project.

A statewide scoping meeting is scheduled for 1:00—3:30 p.m. on Tuesday, April 24, 2001 in Sacramento, California, at 1416 Ninth Street. Scoping meetings will be advertised locally and are planned for the following major cities along the planned 700-mile-long high-speed train corridor alternatives at the dates and times indicated:

- Oakland on April 25—Oakland City Hall, Council Chambers, 3rd Floor One Frank H. Ogawa Plaza, Oakland 94612, from 11 a.m.–12:30 p.m. and in Hearing Rm. 3 from 6:00–8 p.m.
- Bakersfield on April 30—Kern County Administration Building, 1115 Truxtun Ave., Bakersfield 93301, from 3:00–5 p.m. and from 6:00–8 p.m.
- Los Angeles on May 2—Japanese/American National Museum, 369 East First St., Los Angeles 90012, from 4:00–6 p.m. and from 6:30–9 p.m.
- Fresno on May 7—Fresno City Hall, 2600 Fresno St., Fresno 93721 from 3:00–5 p.m. and from 6:00–8 p.m.
- Riverside on May 8—Riverside Convention Center, La Sierra Rm., 3443 Orange St., Riverside 92501, from 6:30–9 p.m.
- San Diego on May 10—San Diego Association of Governments, Main Boardroom, 401 B St., Suite 800, San Diego 92101, from 2:30–4 p.m. and at the University Town Center, Forum Room, 4545 La Jolla Village Dr., Suite E25, San Diego 92122, from 6:00–8:30 p.m
- Modesto on May 14—Modesto City/County Administration Building, 1010 Tenth St., Modesto 95354, from 3:00–5 p.m. and from 6:00–8 p.m.
- San Jose on May 15—Berger Drive Facility, Auditorium, 1555 Berger Dr., San Jose 95112, from 1:30–3 p.m. and from 6:00–8 p.m.

• Irvine on May 23—Irvine Civic Center, Conference and Training Center, One Civic Center Plaza, Irvine 92623, from 3:00–5 p.m. and from 6:00–8 p.m.

Persons interested in providing comments on the scope of the programmatic EIR/EIS should do so by May 31, 2001. Comments can be sent in writing to Mr. David Valenstein at the FRA address identified above. Comments may also be addressed to Mr. John Barna of the Authority at their address identified above. Information and documents regarding the environmental review process will also be made available through the Authority's Internet site: [http://www.cahighspeedrail.gov/].

Signed on Thursday, April 19, 2001.

Mark E. Yachmetz,

Associate Administrator for Railroad Development.

[FR Doc. 01–10903 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–06–U

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–98–3848; Notice 4]

Beall Trailers of Washington, Inc.; Grant of Petition for Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224

This notice grants the petition by Beall Trailers of Washington, Inc., of Kent, Washington (''Beall''), a wholly-owned subsidiary of Beall Corporation, for a renewal of the temporary exemption we granted it in July 1998 from Federal Motor Vehicle Safety Standard No. 224 *Rear Impact Protection.* The basis of the petition is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.

Notice of receipt of the petition was published on January 20, 2000, and an opportunity afforded for comment (65 FR 3267).

On July 8, 1998, we granted Beall's initial exemption petition, assigning it NHTSA Temporary Exemption No. 98–5, expiring July 1, 1999 (63 FR 36989). On April 20, 1999, we received Beall's application for renewal , which was filed in time to stay the expiration date of the exemption, as provided by 49 CFR 555.8(e). Following our request, Beall provided more current financial and production information on October 28, 1999 to supplement its new petition.

Beall manufactures and sells dump body trailers. It (identified in the petition as ''Truckweld'') produced a total of 311 trailers in 1997, of which 124 were dump body types. Truckweld trailer production in 1998 was down to 135 units but the number of dump body types was not stated.

Standard No. 224 requires, effective January 26, 1998, that all trailers with a GVWR of 4536 Kg or more, including dump body types, be fitted with a rear impact guard that conforms to Standard No. 223 *Rear impact guards.* Beall argued earlier that ''alterations may have to be made to the trailer chassis or even raising the dump box to provide space for the retractable guard,'' indicating that a guard that retracts when the dump body is in operation is the solution it is seeking in order to comply. During the time that its exemption has been in effect, Beall ''has, in good faith, made attempts to design a compliant device.'' It states that it has developed ''a number of potential designs'' including an articulating design, but ''these devices * * * do not meet FMVSS 224, have interferences with paving equipment, or have severe maintenance issues.'' The company is still testing hinged, retractable devices but three issues must be overcome. First, space for a retracted device is not readily available ''due to the clearance issues in connecting to pavers.'' Raising the box also raises the center of gravity and reduces the stability of the trailers ''thereby endangering others.'' Second, ''asphalt service will, over a period of time, render such devices unusable.'' Finally, ''it would be possible to operate a trailer with these type (sic) of devices in the retracted position, therefore not in compliance.'' It will continue its efforts to conform during the three-year exemption period it has requested.

If a renewal of the exemption is not granted, substantial economic hardship will result. First, it would lose a trailer that accounts for 40 percent of its overall production. In addition, ''some percentage of the remaining 60% would be lost since our customers typically purchase matching truck mounted dump bodies which may also be lost.'' It also believes that 31 of its 63 employees would have to be laid off if its application is denied. It argues that maintenance of full employment would be in the public interest . Beall's net income was $39,317 in fiscal year 1995, $72,213 in 1996, $697,040 before income taxes in 1997, and $326,255 in 1998.

One comment was received on the petition, from Pioneer Truck Equipment of Salem, Oregon, which opposed it. Pioneer, a manufacturer of ''multi axle dump body trailers,'' argues that Beall's exemption has given it a competitive advantage. It believes that Beall's petition should be denied, or, alternatively, that there be ''a blanket exemption for all affected manufacturers.'' In considering whether to grant a temporary exemption, however, the test we must apply is whether denying an exemption would cause substantial economic hardship to a manufacturer that has tried in good faith to comply.

Beall is a small volume manufacturer by any standard, producing only 135 units in the year preceding the filing of its application for renewal. Its net income at that point was $326,255. We note that this figure reflects Beall's financial situation during the first year that Standard No. 224 and its exemption was in effect. This new income was substantially lower than the previous year, before Standard No. 224's effective date, when it was $697,040 (which, however, was more than six times the combined net income for the two years prior to that). While the company is not showing net losses, its average net income over the four-year period 1995–98 is roughly $284,000. If we assume that Beall's net income is reduced 50% if an exemption is not granted, the possible result is a net income of only $142,000. In the meantime, it must continue to expend resources in searching for means to conform to Standard No. 224 within the strictures of reduced income. The company assures us that it has been testing hinged, retractable devices, but reports that it continues to experience difficulty. An exemption will be in the public interest because it will allow it to retain full employment. The effect upon safety will be minimal due to the low volume of production.

In consideration of the foregoing, we hereby find that the petitioner has met its burden of persuasion that compliance would cause substantial economic hardship to a manufacturer that has tried to meet the standard in good faith, and that a temporary exemption would be in the public interest and consistent with the objectives of motor vehicle safety. Given the facts that more than two years have passed between our receipt of Beall's petition and our decision to grant it, and that Beall has continued to manufacture its trailers as allowed by the tolled expiration date, we are providing an exemption until August 1, 2001, which, is in effect, slightly more than a two-year exemption. In view of the comment from Pioneer, we are not providing the three-year exemption Beall requested. If Beall has still not achieved compliance, this exemption period should be sufficient to allow the company to file

a further exemption request in time to toll the new expiration date, and to provide us with updated compliance and financial information. Accordingly, NHTSA Temporary Exemption No. 98–5 from 49 CFR 571.224 Standard No. 224, Rear Impact Protection is hereby extended to, and will expire on, August 1, 2001.

L. Robert Shelton,

Executive Director.

[FR Doc. 01–10971 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Submission for OMB review; comment request

April 25, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before June 1, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0927.

Form Number: IRS Form 8390.

Type of Review: Extension.

Title: Information Return for Determination of Life Insurance Company Earnings Rate Under Section 809.

Description: Life insurance companies are required to provide data so the Secretary of the Treasury can compute the: (1) Stock earnings rate of the 50 largest stock companies; and (2) average mutual earnings rate. These factors are used to compute the differential earnings rate which will determine the tax liability for mutual life insurance companies.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 150.

ESTIMATED BURDEN HOURS PER RESPONDENT/RECORDKEEPER

Recordkeeping	55 hr., 57 min.
Learning about the law or the form.	2 hr., 34 min.
Preparing and sending the form to the IRS.	3 hr., 36 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 9,323 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Mary A. Able,

Departmental Reports, Management Officer.

[FR Doc. 01–10885 Filed 5–1–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 26, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before June 1, 2001 to be assured of consideration.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: 1512–0092.

Form Number: ATF F 5100.31.

Type of Review: Extension.

Description: The Federal Alcohol Administration Act regulates the labeling of alcoholic beverages and designates the Treasury Department to oversee compliance with regulations. This form is completed by the regulated industry and submitted to Treasury as an application to label their products. Treasury oversees label applications to prevent consumer deception and to deter falsification of unfair advertising practices on alcoholic beverages.

Respondents: Business or other for-profit.

Estimated Number of Recordkeepers: 8,624.

Estimated Burden Hours Per Recordkeeper: 30 minutes.

Frequency of Response Other (3 years).

Estimated Total Recordkeeping Burden: 28,565.

OMB Number: 1512–0115.

Form Number: ATF F 2140 (5220.4).

Type of Review: Extension.

Title: Monthly Report—Export Warehouse Proprietor.

Description: Proprietors who are qualified to operate export warehouses that handled untaxpaid tobacco products are required to file a monthly report. This report summarizes all transactions by the proprietor handling receipts, dispositions and on-hand quantities. The form is used for product accountability and is examined by regional office personnel.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 221.

Estimated Burden Hours Per Respondent: 48 minutes.

Frequency of Response: Monthly.

Estimated Total Reporting Burden: 2,148 hours.

OMB Number: 1512–0184.

Form Number: ATF F 5400.4.

Type of Review: Extension.

Title: Explosives Transaction Record.

Description: This form is used to verify the qualification and identification of unlicensed persons wishing to purchase explosive materials from licensed dealers, as well as the location in which the explosives are intended for storage and/or use. ATF used the information in its investigations and inspections to establish leads and determine compliance.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Respondents/Recordkeepers: 1,140.

Estimated Burden Hours Per Respondent/Recordkeeper: 20 minutes.

Frequency of Response: Other (whenever sales are made).

Estimated Total Reporting/Recordkeeping Burden: 7,227 hours.

OMB Number: 1512–0188.

Form Number: ATF F 5100.1.

Type of Review: Extension.

Title: Signing Authority for Corporate Officials.

Description: ATF F 5100.1 is substituted instead of a regulatory

requirement to submit corporate documents or minutes of a meeting of the Board of Directors to authorize an individual or office to sign for the corporation in ATF matters. The form identifies the corporations, the individual or office authorized to sign, and documents to authorization.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 1,000

Estimated Burden Hours Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 250 hours.

OMB Number: 1512–0198.

Form Number: ATF F 5110.28.

Recordkeeping Requirement ID Number: ATF REC 5110/03.

Type of Review: Extension.

Title: Distilled Spirits Plant Monthly Report of Processing Operations.

Description: The information collected is necessary to account for and verify the processing of distilled spirits in bond. It is used to audit plant operations, and the compilation of statistics.

Respondents: Business or other for-profit, State, Local or Tribal Government.

Estimated Number of Respondents/Recordkeepers: 134.

Estimated Burden Hours Per Respondent/Recordkeeper: 2 hours.

Frequency of Response: Monthly.

Estimated Total Reporting/Recordkeeping Burden: 3,886 hours.

OMB Number: 1512–0500.

Form Number: ATF F 5630.5R and ATF F 5630.RC.

Type of Review: Extension.

Title: Special Tax Renewal Registration and Return/Special Tax Location Registration Listing.

Description: 26 U.S.C. Chapters 51, 52 and 53 authorize collection of special taxes from persons engaging in certain businesses. ATF Forms 5630.5R and 5630.5RC are used to compute tax and as an application for registry.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 350,000.

Estimated Burden Hours Per Respondent: 15 minutes for each form.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 100,500 hours.

Clearance Officer: Frank Bowers, (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 01–10959 Filed 5–1–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 26, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before June 1, 2001 to be assured of consideration.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: 1512–0544.

Form Number: None.

Type of Review: Extension.

Title: Implementation of Public Law 103–159, Relating to the Permanent Provisions of the Brady Handgun Violence Prevention Act (Final Rule)

Description: The information collection is submitted to implement the permanent provisions of the Brady Law. These provisions provide for the establishment of a national instant criminal background check system (NICS) that a firearms licensee must contact before transferring any firearm to unlicensed individuals.

Respondents: Business or other for-profit, Individuals or households.

Estimated Number of Recordkeepers: 106,000.

Estimated Burden Hours Per Recordkeeper: 1 hour.

Frequency of Response: On occasion.

Estimated Total Recordkeeping Burden: 1 hour.

Clearance Officer: Frank Bowers (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 01–10960 Filed 5–1–01; 8:45 am]

BILLING CODE 4810–31–U

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 24, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before June 1, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0042.

Form Number: IRS Form 970.

Type of Review: Extension.

Title: Application To Use LIFO Inventory Method.

Description: Form 970 is filed by individuals, partnerships, trusts, estates, or corporations to elect to use the LIFO inventory method or to extend the LIFO method to additional goods. The IRS uses Form 970 to determine if the election was properly made.

Respondents: Individuals or households, Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 3,000.

ESTIMATED BURDEN HOURS PER RESPONDENT/RECORDKEEPER

Recordkeeping	8 hr., 7 min.
Learning about the law or the form.	2 hr., 47 min.
Preparing and sending the form to the IRA.	3 hr., 2 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 41,850 hours.

OMB Number: 1545–1668.

Form Number: IRS Form 8865 and Schedules.

Type of Review: Extension.

Title: Return of U.S. Persons With Respect to Certain Foreign Partnerships.

Description: The Taxpayer Relief Act of 1997 significantly modified the information reporting requirements with respect to foreign partnerships. The Act made the following three changes (1) Expanded section 6038B to require U.S. persons transferring property to foreign partnerships in certain transactions to report those transfers; (2) expanded section 6038 to require certain U.S. Partners of controlled foreign partnerships to report information about the partnerships; and (3) modified the reporting required under section 6046A with respect to acquisitions and dispositions of foreign partnership interests. Form 8865 is used by U.S. persons to fulfill their reporting obligations under sections 6038B, 6038, and 6046A.

Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions.

Estimated Number of Respondents/Recordkeepers: 5,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form/Schedule	Recordkeeping	Learning about the law or the form	Preparing, copying, assembling and sending the form to the IRS
8865	96 hr., 45 min	21 hr., 32 min	35 hr., 59 min.
Schedule K–1 (Form 8865)	30 hr., 7 min	9 hr., 39 min	17 hr., 45 min.
Schedule O (Form 8865)	13 hr., 9 min	2 hr., 22 min	2 hr., 42 min.
Schedule P (Form 8865)	5 hr., 15 min	30 min	36 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 444,600.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 01–10961 Filed 5–1–01; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4852

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 4852, Substitute for Form W–2, Wage and Tax Statement, or Form 1099–R, Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, Etc.

DATES: Written comments should be received on or before July 2, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Substitute for Form W–2, Wage and Tax Statement, or Form 1099–R, Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, Etc.

OMB Number: 1545–0458.

Form Number: Form 4852.

Abstract: In the absence of a Form W–2 or 1099R from the employer or payer, Form 4852 is used by the taxpayer to estimate gross wages, pensions, annuities, retirement or IRA payments received as well as income or FICA tax withheld during the year. The form is attached to the tax return so the return can be processed through normal channels the same as those with Forms W–2 or 1099R attached.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, farms, and Federal, state, local or tribal governments.

Estimated Number of Responses: 1,500,000.

Estimated Time Per Response: 18 minutes.

Estimated Total Annual Burden Hours: 450,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 25, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–10870 Filed 5–1–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4562

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 4562, Depreciation and Amortization (Including Information on Listed Property).

DATES: Written comments should be received on or before July 2, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Depreciation and Amortization (Including Information on Listed Property).

OMB Number: 1545–0172.

Form Number: Form 4562.

Abstract: Form 4562 is used to claim a deduction for depreciation and amortization; to make the election to expense certain tangible property under Internal Revenue Code section 179; and to provide information on the business/investment use of automobiles and other listed property. The form provides the IRS with the information necessary to determine that the correct depreciation deduction is being claimed.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, farms, and individuals.

Estimated Number of Respondents: 6,500,000.

Estimated Time Per Respondent: 45 hours, 54 minutes.

Estimated Total Annual Burden Hours: 298,367,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 24, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–10871 Filed 5–1–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[FI–3–91]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, FI–3–91 (TD 8456), Capitalization of Certain Policy Acquisition Expenses (§§ 1.848–2(g)(8), 1.848–2(h)(3) and 1.848–2(i)(4)).

DATES: Written comments should be received on or before July 2, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Allan Hopkins, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Capitalization of Certain Policy Acquisition Expenses.

OMB Number: 1545–1287.

Regulation Project Number: FI–3–91.

Abstract: Internal Revenue Code section 848 provides that insurance companies must capitalize ''specified policy acquisition expenses.'' In lieu of identifying the categories of expenses that must be capitalized, section 848 requires that a company capitalize an amount of otherwise deductible expenses equal to specified percentages of net premiums with respect to certain types of insurance contracts. Insurance companies that enter into reinsurance agreements must determine the amounts to be capitalized under those agreements consistently. This regulation provides elections to permit the parties to a reinsurance agreement to shift the burden of capitalization for their mutual benefit.

Current Actions: There is no change to this existing regulation.

Type of review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,070.

Estimated Time Per Respondent: 1 hr.

Estimated Total Annual Burden Hours: 2,070.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long

as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 25, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–10872 Filed 5–1–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[LR–77–86]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing temporary regulation, LR–77–86 (TD 8124), Certain Elections Under the Tax Reform Act of 1986(§ 5h.5).

DATES: Written comments should be received on or before July 2, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Certain Elections Under the Tax Reform Act of 1986.

OMB Number: 1545–0982.

Regulation Project Numbers: LR–77–86.

Abstract: Section 5h.5(a) of this regulation sets forth general rules for the time and manner of making various elections under the Tax Reform Act of 1986. The regulation enables taxpayers to take advantage of various benefits provided by the Internal Revenue Code.

Current Actions: There is no change to this existing regulation.

Type of review: Extension of OMB approval.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, and state, local, or tribal governments.

Estimated Number of Respondents: 114,710.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 28,678.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 25, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–10873 Filed 5–1–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS (VA)

Department of Veterans Affairs (VA) Claims Processing Task Force, Notice of Establishment

As required by Section 9(a)(2) of the Federal Advisory Committee Act, U.S.C. (App. 1) 9(c), the Department of Veterans Affairs (VA) hereby gives notice of the establishment of the VA Claims Processing Task Force. The Secretary of Veterans Affairs has determined that establishing this Task Force is in the public interest.

The Task Force will critique the Veterans Benefits Administration's (VBA) organization and management with a primary focus on the compensation and pension processes. The Task Force will evaluate the procedures and processes for deciding veterans' appeals of VBA rating decisions. The Task Force will also assess various issues and develop findings that are aimed at improving VA's ability to process veterans' claims for disability compensation and pension.

The Task Force will report to the Secretary recommendations that VA can take to increase productivity, reduce claims processing times, and shrink the disability claims backlog without compromising either the accuracy of decisions or service to the Nation's veterans.

The Task Force will consist of ten (10) to eleven (11) members and a Chairperson. Selection criteria for Task Force membership will be based on expertise in areas such as organizational assessment, functional analysis, evaluation of existing practices, and improving operational processes. VA will give attention to equitable geographic distribution and to ethnic and gender representation when appointing Task Force members.

The Designated Federal Officer for the Task Force is John R. O'Hara. His phone number is (202) 273–5130.

Dated: April 27, 2001.

By Direction of the Secretary.

Robert W. Schultz,

Acting Assistant Secretary for Human Resources and Administration.

[FR Doc. 01–11029 Filed 5–1–01; 8:45 am]

BILLING CODE 8320–01–U

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Former Prisoners of War, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 that a meeting of the Advisory Committee on Former Prisoners of War will be held on April 30 through May 2, 2001, at the Washington, DC, Headquarters of The American Legion, Room 700, 1608 K Street NW, Washington DC. Each day the meeting will convene at 9 a.m. and end at 4:30 p.m. The meeting is open to the public.

The purpose of the committee is to advise the Secretary of Veterans Affairs on the administration of benefits under Title 38, United States Code, for veterans who are former prisoners of war, and to make recommendations on the needs of such veterans for compensation, health care and rehabilitation.

The agenda for April 30th will begin with an introduction of committee members and dignitaries, a review of Committee reports, an update of activities since the last meeting, and a period for POW veterans and/or the public to address the committee. The Committee will also reveiw the Secretary's response to the April and October, 2000, report of meeting, and receive presentations on Veterans Benefits Administration and Veterans Health Administration activities, as well as on the One VA POW Learning Seminars. The agenda on May 1 will include an update on VA long term health care, a report from the Center on POW Studies, an update by the National Institute of Health on the follow-up report on morbidity and mortality among POWs and a report on the development of the Data Merge project as a follow-up to the findings of the Expert Panel on Stroke. The committee will also take up consideration of priority for POWs in long-term Health Care programs and other issues. On May 2, the Committee's Medical and Administrative working committees will break out to discuss their activities and report back to the Committee.

Additionally, the Committee will review and analyze the comments discussed throughout the meeting for the purpose of assisting and compiling a final report to be sent to the Secretary.

Members of the public may direct questions or submit prepared statements for review by the Committee in advance of the meeting, in writing only, to Mr. John F. McCourt, Acting Director, Compensation and Pension Service (21), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Submitted materials must be received by April 20, 2001. A report of the meeting and roster of Committee members may be obtained from Mr. McCourt.

Dated: April 10, 2001.

By Direction of the Secretary.

Ventris C. Gibson,

Committee Management Officer.

[FR Doc. 01–10954 Filed 5–1–01; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Rehabilitation (VACOR)

Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 that a meeting of the Veterans' Advisory Committee on Rehabilitation (VACOR), authorized by Public Law 96–466, Subsection 1521, will be held on May 22 through 24, 2001.

The meeting schedule is as follows:

Date	Address	Room number	Time
May 22	Department of Veterans Affairs, Central Office, 810 Vermont Avenue, NW., Washington, DC 20420.	230 and 530	8 a.m.–5 p.m.
May 23	Veterans Benefits Administration, 1800 G Street, NW., Washington, DC 20006	542	9:30 a.m.–4:30 p.m.
May 24	Veterans Benefits Administration, 1800 G Street NW., Washington, DC 20006	542	9 a.m.–11:30 p.m.

The purpose of the meeting is to review the quality of the services which the Department of Veterans Affairs provides to disabled veterans who participate in VA-sponsored programs of rehabilitation.

On the morning of May 22, the Committee will hold a joint meeting with the VA Advisory Committee on Prosthetics and Special-Disabilities Programs to discuss mutual issues and concerns. Both Committees will also receive a briefing on the current status of the rehabilitation bed issues by the Chief Consultant of the Rehabilitation Strategic Healthcare Group. At the conclusion of the joint meeting, the Advisory Committee on Rehabilitation will move to room #530 for the remainder of the day. In the afternoon, the Committee will receive briefings regarding veteran demographics and the linkage between the Department of Veterans Affairs and the Department of Labor.

On the morning of May 23, the Committee will receive a briefing on the current status of the Vocational Rehabilitation and Employment (VR&E) program. In the afternoon, the Committee will receive a briefing concerning the recommendations from VR&E's Blue Ribbon Panel of rehabilitation experts. On the morning of May 24, the Committee will discuss future meeting dates, agenda items and recommendations.

The meeting is open to the public. For those wishing to attend, contact Jada G. Jones, Veterans Benefits Administration (28), phone (202) 273–7425, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, prior to May 17, 2001.

Dated: April 27, 2001.

By Direction of the Secretary.

Ventris C. Gibson,

Committee Management Officer.

[FR Doc. 01–11030 Filed 5–1–01; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Research and Development Cooperative Studies Evaluation Committee

Notice of Meeting

The Department of Veterans Affairs gives notice under Public Law 92–463 (Federal Advisory Committee Act) as amended, by section 5(c) of Public Law 94–409, that a meeting of the Research and Development Cooperative Studies Evaluation Committee will be held at The River Inn, 924 Twenty-Fifth Street, NW., Washington, DC 20037, on May 9–10, 2001. The session is scheduled to begin at 7:30 a.m. and end at 5 p.m. A total of six studies and three sub-studies will be reviewed. One study, including its two sub-studies, ''Testosterone Treatment to Prevent Fractures in Aging Hypogonadal Men'' is a resubmission. Three studies are undergoing mid-term reviews: ''18-F-Fluorodeoxyglucose (FDG) Positron Emission Tomography (PET) Imaging in the Management of Patients with Solitary Pulmonary Nodules,'' ''Genetic Tissues Banking in VA Clinical Research: A Cooperative Studies Program Demonstration Project,'' and ''The Coronary Artery Revascularization Prophylasix Trial (CARP).'' The two new studies and one new sub-study submitted for review are: ''Veterans Affairs Open Versus Endovascular Repair (OVER) Trial for Abdominal Aortic Aneurysm,'' ''Total Myocardial Revascularization On and Off Cardiopulmonary Bypass: A Prospective Randomized Study,'' and a sub-study ''Homocysteinemia in Kidney and End Stage Renal Disease—DNA Bank.''

The Committee advises the Chief Research and Development Officer through the Director of the Cooperative Studies Program on the relevance and feasibility of the studies, the adequacy of the protocols, and the scientific validity and propriety of technical details, including protection of human subjects.

The meeting will be open to the public from 7:30 a.m. to 8 a.m. to discuss the general status of the program. Those who plan to attend should contact Ms. Denise Shorter, Coordinator, Department of Veterans Affairs, Washington, DC at (202) 273–8265.

The meeting will be closed from 8 a.m. to 5 p.m. This portion of the meeting involves consideration of specific proposals in accordance with provisions set forth in section 10(d) of Public Law 92–463, as amended by sections 5(c) of Public Law 94–409, and 5 U.S.C. 552b(c)(6). During the closed session of the meeting, discussions and recommendations will deal with qualifications of personnel conducting the studies, staff and consultant critiques of research proposals, and similar documents, and the medical records of patients who are study subjects, the disclosures of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: April 27, 2001.

By Direction of the Secretary.

Robert W. Schultz,

Acting Assistant Secretary for Human Resources and Administration.

[FR Doc. 01–11032 Filed 5–1–01; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Structural Safety of Department of Veterans Affairs Facilities, Notice of Meeting

The Department of Veterans Affairs (VA), in accordance with Public Law 92–463, gives notice that a meeting of the Advisory Committee on Structural Safety of Department of Veterans Affairs Facilities (Committee) will be held on:

Thursday, May 3, 2001: 10 a.m. to 5 p.m.

Friday, May 4, 2001: 9 a.m. to 12:30 p.m.

The location of the meet will be 811 Vermont Avenue, NW., Washington, DC, in Room 442 on both days.

The purpose of the Committee is to advise the Secretary on matters of structural safety in the construction and remodeling of VA facilities and to recommend standards for use by VA in the construction and alteration of facilities as prescribed under Section 8105 of Title 38, United States Code.

On Thursday, May 3, 2001, the Committee will review the developments in the field of structural design, as they relate to seismic safety of buildings, and fire safety issues. On Friday, May 4, 2001, the Committee will vote on structural and fine safety issues for inclusion in VA's standards.

Both meetings will be open to the public. It will be necessary for those wishing to attend to contact Krishna K. Banga, Senior Structural Engineer, Facilities Quality Service, Office of Facilities Management, Department of Veterans Affairs Central Office, at 202–565–9370, prior to the meeting.

Dated: April 24, 2001.

By Direction of the Secretary.

Ventris C. Gibson,

Committee Management Officer.

[FR Doc. 01–11031 Filed 5–1–01; 8:45 am]

BILLING CODE 8320–01–M

Federal Register

Wednesday,
May 2, 2001

Part II

Department of Transportation

Research and Special Programs Administration

49 CFR Part 107

Hazardous Materials: Temporary Reduction of Registration Fees; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 107

[Docket No. RSPA–00–8439 (HM–208D)]

RIN 2137–AD53

Hazardous Materials: Temporary Reduction of Registration Fees

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking; status.

SUMMARY: RSPA is issuing this document to inform persons of the status of a Notice of Proposed Rulemaking (NPRM) which it published in the **Federal Register** on December 7, 2000, proposing to: temporarily lower the registration fees paid by persons who transport or offer for transportation in commerce certain categories and quantities of hazardous materials; charge not-for-profit organizations the same registration fee as a small business; and use the North American Industry Classification System for size criteria for determining if an entity is a small business. Consistent with the President's fiscal year 2002 budget request to Congress, RSPA is delaying final action on these proposals pending enactment of the Fiscal Year 2002 Department of Transportation appropriations. Therefore, under the existing regulations, for registration year 2001–2002, which begins July 1, 2001, the registration fees remain $300 (including a $25 processing fee) for small businesses and $2,000 (including a $25 processing fee) for all other businesses.

FOR FURTHER INFORMATION CONTACT: Mr. David Donaldson, Office of Hazardous Materials Planning and Analysis, (202) 366–4484, or Ms. Deborah Boothe, Office of Hazardous Materials Standards, (202) 366–8553, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: On December 7, 2000 (65 FR 76889), RSPA issued an NPRM proposing to temporarily lower the registration fee for all registrants for the next six registration years (2001–2002 through 2006–2007) in order to eliminate an unexpended balance (or surplus) in the Hazardous Materials Emergency Preparedness (HMEP) grants fund. The HMEP grants program supports hazardous material emergency response planning and training activities by States, local governments, and Indian tribes and related activities. RSPA also proposed to amend its reference to the Small Business Administration (SBA) small business criteria to reflect SBA's recent replacement of the Standard Industrial Classification (SIC) code system with the North American Industry Classification System. In addition, RSPA proposed to allow payment by additional credit cards than previously authorized.

On April 9, 2001 the President submitted his fiscal year 2002 budget request to Congress. In that budget request, the President proposes to fund a portion of RSPA's hazardous materials safety program budget from fees collected through the Hazardous Materials Registration program. Consistent with the President's budget request to Congress, RSPA is delaying final action on all proposals contained in this rulemaking pending enactment of the Fiscal Year 2002 Department of Transportation appropriations.

Therefore, under the existing regulations, for registration year 2001–2002, which begins July 1, 2001, the registration fees remain unchanged at $300 (including a $25 processing fee) for small businesses and $2,000 (including a $25 processing fee) for all other businesses. RSPA is also delaying action on all other proposals contained in the December 7, 2000 NPRM. RSPA received 19 comments to the NPRM. These comments will be considered in any future rulemaking action published under this docket. A copy of the 2001–2002 registration form can be obtained after May 1, 2001, from our web site at http://hazmat.dot.gov/register.htm and from our fax-on-demand service at 1–800–467–4922 (extension 2; document 700) .

Issued in Washington, DC, on April 27, 2001.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 01–10953 Filed 5–1–01; 8:45 am]

BILLING CODE 4910–60–P

Federal Register

Wednesday,
May 2, 2001

Part III

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Chapter 1, et al.
Federal Acquisition Regulations; Interim Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

Federal Acquisition Circular 97–25; Introduction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of interim rules.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council in this Federal Acquisition Circular (FAC) 97–25. A companion document, the Small Entity Compliance Guide (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at http://www.arnet.gov/far.

DATES: For effective dates and comment dates, see separate documents which follow.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact the analyst whose name appears in the table below in relation to each FAR case or subject area. Please cite FAC 97–25 and specific FAR case number(s). Interested parties may also visit our website at http://www.arnet.gov/far.

Item	Subject	FAR case	Analyst
I	Preference for Performance-Based Contracting	2000–307	Wise.
II	Contractor Personnel in the Procurement of Information Technology Services	2000–609	Nelson.

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments to these FAR cases, refer to the specific item number and subject set forth in the documents following these item summaries.

Federal Acquisition Circular 97–25 amends the FAR as specified below:

ITEM I—Preference for Performance-Based Contracting (FAR Case 2000–307)

This interim rule amends FAR 2.101, Definitions, and 37.102, Policy, to implement Section 821 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398). The rule affects contracting officers that buy services by explicitly establishing a preference for performance-based contracts or task orders.

Item II—Contractor Personnel in the Procurement of Information Technology Services (FAR Case 2000–609)

This interim rule adds FAR 39.104 to implement Section 813 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398). Section 813 prohibits the use of minimum experience or education requirements for contractor personnel in solicitations for the acquisition of information technology services, unless—

1. The contracting officer first determines that the needs of the agency cannot be met without such requirement; or

2. The needs of the agency require the use of a type of contract other than a performance-based contract.

Dated: April 27, 2001.

Al Matera,

Director, Acquisition Policy Division.

Federal Acquisition Circular

Federal Acquisition Circular (FAC) 97–25 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administration for the National Aeronautics and Space Administration.

All Federal Acquisition Regulation (FAR) changes and other directive materal contained in FAC 97–25 are effective May 2, 2001.

April 5, 2001.

David A. Drabkin,

Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration.

Dated: April 25, 2001.

Deidre A. Lee,

Director, Defense Procurement.

April 6, 2001.

Tom Luedtke,

Associate Administrator for Procurement, National Aereonautics and Space Administration.

[FR Doc. 01–11007 Filed 5–1–01; 8:45 am]

BILLING CODE 6820–EP–U

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2 and 37

[FAC 97–25; FAR Case 2000–307; Item I]

RIN 9000–AJ12

Federal Acquisition Regulation; Preference for Performance-Based Contracting

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule amending the Federal Acquisition Regulation (FAR) to implement Section 821 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. The FAR rule explicitly establishes a preference for performance-based contracting when acquiring services.

DATES: Effective Date: May 2, 2001.

Comment Date: Interested parties should submit comments to the FAR Secretariat at the address shown below on or before July 2, 2001 to be considered in the formulation of a final rule.

ADDRESSES: Submit written comments to: General Services Administration, FAR Secretariat (MVP), 1800 F Street,

NW, Room 4035, Attn: Ms. Laurie Duarte, Washington, DC 20405.

Submit electronic comments via the Internet to: farcase.2000–307@gsa.gov.

Please submit comments only and cite FAC 97–25, FAR case 2000–307 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Julia Wise, Procurement Analyst, at (202) 208–1168. Please cite FAC 97–25, FAR case 2000–307.

SUPPLEMENTARY INFORMATION:

A. Background

Section 821(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398) establishes, Governmentwide, the following order of precedence when acquiring services—

1. A firm-fixed-price performance-based contract or task order.
2. A performance-based contract or task order that is not firm-fixed-price.
3. A contract or task order that is not performance-based.

Section 821(e)(1) provides a definition for ''performance-based'' that applies to Section 821(a): ''The term ''performance-based,'' with respect to a contract, a task order, or contracting means that the contract, task order, or contracting, respectively, includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.''

This interim FAR rule—

1. Moves the existing definition ''performance-based contracting'' at FAR 37.101 to FAR 2.101, Definitions, and revises it to include the substance of the Section 821(e) definition; and
2. Revises FAR 37.102, Policy, to explicitly state that performance-based contracting is the preferred method for acquiring services and to enumerate the order of precedence established by statute.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The interim rule is not expected to 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.*, because the rule does not impose a new policy requirement on small entities. The FAR currently promotes the use of performance-based service contracting and the use of firm-fixed-price type of contracts and task orders when it is appropriate to do so. For example, in the current FAR—

1. Paragraph (a) of 37.102, policy, states ''Agencies shall use performance-based contracting methods * * * to the maximum extent practicable, for the acquisition of services. * * *''
2. Subpart 37.6, Performance-Based Contracting, exclusively addresses performance-based contracting; and
3. Subpart 16.1, Selecting Contract Types, addresses a preference, under certain conditions, for a firm-fixed-price type of contract that best utilizes the basic profit motive of business enterprise.

Therefore, an Initial Regulatory Flexibility Analysis has not been performed. The Councils will consider comments from small entities concerning the affected FAR Parts 2 and 37 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAC 97–25, FAR case 2000–307), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. The Councils have been tasked with publishing an interim rule to implement Section 821 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), which is effective 180 days after the date of enactment (October 30, 2000) of Public Law 106–398. However, pursuant to Public Law 98–577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Parts 2 and 37

Government procurement.

Dated: April 27, 2001.

Al Matera,

Director, Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 2 and 37 as set forth below:

1. The authority citation for 48 CFR parts 2 and 37 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 2—DEFINITIONS OF WORDS AND TERMS

2. Amend section 2.101 by adding, in alphabetical order, the definition ''Performance-based contracting'' to read as follows:

2.101 Definitions.

* * * * *

(b) * * *

Performance-based contracting means structuring all aspects of an acquisition around the purpose of the work to be performed with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes as opposed to either the manner by which the work is to be performed or broad and imprecise statements of work.

* * * * *

PART 37—SERVICE CONTRACTING

37.101 [Amended]

3. Amend section 37.101 by removing the definition ''Performance-based contracting.''

4. Amend section 37.102 by revising paragraph (a) to read as follows:

37.102 Policy.

(a) Performance-based contracting (see Subpart 37.6) is the preferred method for acquiring services (Public Law 106–398, section 821). When acquiring services, including those acquired under supply contracts, agencies must—

(1) Use performance-based contracting methods to the maximum extent practicable, except for—

(i) Architect-engineer services acquired in accordance with 40 U.S.C. 541–544 (see part 36);

(ii) Construction (see part 36);

(iii) Utility services (see part 41); or

(iv) Services that are incidental to supply purchases; and

(2) Use the following order of precedence (Public Law 106–398, section 821(a));

(i) A firm-fixed price performance-based contract or task order.

(ii) A performance-based contract or task order that is not firm-fixed price.

(iii) A contract or task order that is not performance-based.

* * * * *

[FR Doc. 01–11008 Filed 5–1–01; 8:45 am]

BILLING CODE 6820–EP–U

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 39

[FAC 97–25; FAR Case 2000–609; Item II]

RIN 9000–AJ11

Federal Acquisition Regulation; Contractor Personnel in the Procurement of Information Technology Services

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on an interim rule amending the Federal Acquisition Regulation (FAR) to implement Section 813 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. The Act requires that the FAR be amended to address the use, in the procurement of information technology services, of requirements regarding the experience and education of contractor personnel.

DATES: *Effective Date:* May 2, 2001.

Comment Date: Interested parties should submit comments to the FAR Secretariat at the address shown below on or before July 2, 2001 to be considered in the formulation of a final rule.

ADDRESSES: Submit written comments to: General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Attn: Ms. Laurie Duarte, Washington, DC 20405.

Submit electronic comments via the Internet to: farcase.2000–609@gsa.gov.

Please submit comments only and cite FAC 97–25, FAR case 2000–609 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Linda Nelson, Procurement Analyst, at (202) 501–1900. Please cite FAC 97–25, FAR case 2000–609.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule amends the FAR to implement Section 813 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398). The Act prohibits the use of minimum experience or education requirements for contractor personnel in solicitations for the acquisition of information technology services, unless—

1. The contracting officer first determines that the needs of the agency cannot be met without such requirement; or

2. The needs of the agency require the use of a type of contract other than a performance-based contract.

This interim rule implements the Act by adding a new section to Subpart 39.1 to implement Section 813 of the Act.

This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The changes may 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.,* because it will make it easier for them to hire employees to work on information technology service contracts, as well as increase their business opportunities in obtaining Government contracts. Therefore, we have prepared an Initial Regulatory Flexibility Analysis that is summarized as follows:

The interim rule amends FAR Part 39 to implement Section 813 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398). The Act requires that the Federal Acquisition Regulation be revised to address the use, in the procurement of information technology services, of requirements regarding the experience and education of contractor personnel. The rule prohibits the use of minimum experience or education requirements for contractor personnel in solicitations for the acquisition of information technology services, unless the contracting officer first determines the needs of the agency cannot be met without that requirement; or the needs of the agency require the use of a type of contract other than a performance-based contract. The interim rule will apply to all large and small entities that seek award of Federal information service contracts. The rule should have a positive economic impact on small businesses because it will make it easier for them to hire employees to work on information technology service contracts, as well as increase their business opportunities in obtaining Federal contracts.

The FAR Secretariat has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. Interested parties may obtain a copy from the FAR Secretariat. The Councils will consider comments from small entities concerning the affected FAR Part 39 in accordance with 5 U.S.C. 610. Submit such comments separately and cite 5 U.S.C. 601, *et seq.* (FAC 97–25, FAR case 2000–609), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense (DoD), the Administrator of General Services (GSA), and the Administrator of the National Aeronautics and Space Administration (NASA) that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary in order to implement section 813 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398). The Act requires that the FAR be amended within 180 days of enactment; enactment was on October 30, 2000. However, pursuant to Public Law 98–577 and FAR 1.501, the Councils will consider public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Part 39

Government procurement.

Dated: April 27, 2001.

Al Matera,

Director, Acquisition Policy Division.

Therefore, DoD, GSA, and NASA amend 48 CFR part 39 as set forth below:

PART 39—ACQUISITION OF INFORMATION TECHNOLOGY

1. The authority citation for 48 CFR part 39 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Add § 39.104 to read as follows:

39.104 Information technology services.

When acquiring information technology services, solicitations must not describe any minimum experience or educational requirement for proposed contractor personnel unless the contracting officer determines that the needs of the agency—

(a) Cannot be met without that requirement; or

(b) Require the use of other than a performance-based contract (see subpart 37.6).

[FR Doc. 01–11009 Filed 5–1–01; 8:45 am]

BILLING CODE 6820–EP–M

DEPARTMENT OF DEFENSE

General Services Administration

National Aeronautics and Space Administration

48 CFR Chapter 1

Federal Acquisition Regulation; Small Entity Compliance Guide

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator for the National Aeronautics and Space Administration. This *Small Entity Compliance Guide* has been prepared in accordance with section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of rules appearing in Federal Acquisition Circular (FAC) 97–25 which amends the FAR. An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared in accordance with 5 U.S.C. 604. Interested parties may obtain further information regarding these rules by referring to FAC 97–25 which precedes this document. These documents are also available via the Internet at http://www.arnet.gov/far.

FOR FURTHER INFORMATION CONTACT: Laurie Duarte, FAR Secretariat, (202) 501–4225. For clarification of content, contact the analyst whose name appears in the table below.

SUPPLEMENTARY INFORMATION:

LIST OF RULES IN FAC 97–25

Item	Subject	FAR case	Analyst
I	Preference for Performance-Based Contracting	2000–307	Wise.
II	Contractor Personnel in the Procurement of Information Technology Services.	2000–609	Nelson.

Item I—Preference for Performance-Based Contracting (FAR Case 2000–307)

This interim rule amends FAR 2.101, Definitions, and 37.102, Policy, to implement section 821 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398). The rule affects contracting officers that buy services by explicitly establishing a preference for performance-based contracts or task orders.

Item II—Contractor Personnel in the Procurement of Information Technology Services (FAR Case 2000–609)

This interim rule adds FAR 39.104 to implement Section 813 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398). Section 813 prohibits the use of minimum experience or education requirements for contractor personnel in solicitations for the acquisition of information technology services, unless—

1. The contracting officer first determines that the needs of the agency cannot be met without such requirement; or

2. The needs of the agency require the use of a type of contract other than a performance-based contract.

Dated: April 27, 2001.

Al Matera,

Director, Acquisition Policy Division.

[FR Doc. 01–11010 Filed 5–1–01; 8:45 am]

BILLING CODE 6820–EP–U

Federal Register

Wednesday,
May 2, 2001

Part IV

Federal Retirement Thrift Investment Board

5 CFR Parts 1600, 1601

Employee Elections to Contribute to the Thrift Savings Plan; Participants' Choices of Investment Funds; Final Rules

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1600

Employee Elections to Contribute to the Thrift Savings Plan

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Final rule.

SUMMARY: The Executive Director of the Federal Retirement Thrift Investment Board (Board) is amending the regulations on employee elections to contribute to the Thrift Savings Plan (TSP) to provide for employee participation in the TSP to begin immediately upon the employee's appointment to a position covered by FERS or CSRS, or an equivalent retirement plan. Beginning July 1, 2001, participants also will be able to transfer into their TSP accounts funds from certain qualified retirement plans or conduit individual retirement accounts (IRAs). In addition, the limitations on employee contributions (as a percentage of basic pay) are phased out over the next 5 years.

EFFECTIVE DATE: May 2, 2001.

FOR FURTHER INFORMATION CONTACT: Salomon Gomez on (202) 942–1661; Merritt A. Willing on (202) 942–1666; or Patrick J. Forrest on (202) 942–1659. FAX (202) 942–1676.

SUPPLEMENTARY INFORMATION: The Board administers the TSP, which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514, which has been codified, as amended, largely at 5 U.S.C. 8351 and 8401–8479. The TSP is a tax-deferred retirement savings plan for Federal employees, which is similar to cash or deferred arrangements established under section 401(k) of the Internal Revenue Code. Sums in a TSP participant's account are held in trust for that participant.

On October 27, 2000, Congress passed Public Law 106–361. In it, Congress eliminates the waiting period for new and rehired employees to begin making employee contributions. The Act also permits participants to transfer moneys from certain qualified retirement accounts and conduit IRAs into their TSP accounts. Also, on December 21, 2000, Congress passed the Consolidated Appropriations Act for Fiscal Year 2001, Public Law 106–554, which includes a provision changing the limits on FERS and CSRS TSP employee contributions (i.e., 10 and 5 percent of basic pay, respectively) by raising the percentage limitation one percent each year until 2006, when the limits are removed altogether. However, the Internal Revenue Code annual limits on elective deferrals, I.R.C. sections 402(g) and 415(c), will continue to be applicable to TSP contributions.

On March 26, 2001, the Board published a proposed rule with a request for comments in the **Federal Register** (66 FR 16415). The Board received two comments on the proposed rule, one from a Federal agency and the other from a Washington, D.C., attorney who represents federal employees in domestic relations disputes.

The Federal agency commenter suggested that § 1600.13(a), describing the effective date of TSP contribution elections made after May 15, 2001, be clarified by omitting redundant language. The Board accepted the suggestion and revised § 1600.13(a).

The other commenter suggested that the rule be amended to permit Federal employees to transfer into their TSP accounts retirement funds they received through a domestic relations court order, either from the spouse's TSP account or other qualified retirement plan or from an IRA set up to receive funds transferred from a qualified retirement plan. Public Law 106–361 authorizes the TSP to accept any eligible rollover distribution that a qualified trust can accept under the Internal Revenue Code. A qualified trust can accept a transfer of funds received pursuant to a qualified domestic relations court order, and the proposed regulation is sufficiently broad to permit the TSP to accept a similar transfer. There is nothing in the Board's current court order regulation at 5 CFR § 1653.5(b) which would lead to a contrary result. Thus, the Board believes that the proposed regulation is sufficiently broad to include the transfers contemplated by the commenter. The Board will, however, include a more specific description of these transfers when it revises its court order regulations at 5 CFR part 1653.

Therefore, with the one exception discussed above to § 1600.13, the Board adopts the provisions of the proposed rule as the final rule.

Analysis

Subpart A includes definitions that are relevant to contributions; the definition of highly compensated employee in the existing regulation is deleted because it is obsolete.

Subpart B combines the provisions that relate to contribution elections. The rule deletes obsolete references to the initial open season in 1987, and makes changes necessary to permit immediate employee contributions. It eliminates the requirement that an employee who was previously eligible to participate in the TSP must wait until an open season to make a contribution election. Under the amended rule, an employee is immediately eligible to make a contribution election for employee contributions. If the employee was previously eligible to receive employer contributions, the employee will also be immediately eligible to receive employer contributions. The amendment makes other changes to differentiate between contribution elections, provided for in this part, and contribution allocations, provided for in part 1601.

In subpart C, the Board has reorganized the provisions that describe the contributions program in general. The amendment phases out the limits on employee contributions as a percentage of basic pay and explains the Internal Revenue Code's limitations on TSP contributions, which still apply.

Subpart D describes the kinds of qualified retirement accounts and conduit IRAs that may be transferred to the TSP, the method by which a transfer may be made, and the treatment accorded such funds in the TSP.

CROSS-REFERENCE TABLES

Old section	New section
1600.1	1600.1.
1600.2(a)	Deleted.
1600.2(b)	1600.12(b).
1600.2(c)	1600.15.
1600.2(d)	1600.16.
1600.3	Deleted.
1600.4(a)	1600.11(a).
1600.4(b)	Deleted.
1600.5	1600.12(c).
1600.6	1600.14.
1600.7	1600.13.
1600.8	Deleted.
1600.9	1600.21.
1600.10	1600.22.
1600.11	1600.23.
1600.12	1600.18.
1600.13	Deleted.
1600.14	Deleted.
1600.15	Deleted.
1600.16	Deleted.
1600.17	Deleted.
1600.18	Deleted.
1600.1	1600.1.
1600.11	1600.4.
1600.12	1600.2(b), 1600.5.
1600.13	1600.7.
1600.14	1600.6.
1600.15	1600.2(c).
1600.16	1600.2(d).
1600.17	New.
1600.18	1600.12.
1600.21	1600.9.
1600.22	1600.10.
1600.23	1600.11.
1600.31	New.
1600.32	New.

CROSS-REFERENCE TABLES—Continued

Old section	New section
1600.33	New.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities. They will affect only employees of the Federal Government.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.

Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, and 1501–1571, the effects of this regulation on state, local, and tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of $100 million or more by state, local, and tribal governments, in the aggregate, or by the private sector. Therefore, a statement under section 1532 is not required.

Submission to Congress and the General Accounting Office

Pursuant to 5 U.S.C. 801(a)(1)(A), the Board submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in today's **Federal Register**. This rule is not a major rule as defined at 5 U.S.C. 804(2).

List of Subjects in 5 CFR Part 1600

Employment benefit plans, Government employees, Pensions, Retirement.

Roger W. Mehle,

Executive Director, Federal Retirement Thrift Investment Board.

For the reasons set out in the preamble, 5 CFR part 1600 is revised to read as follows:

PART 1600—EMPLOYEE ELECTIONS TO CONTRIBUTE TO THE THRIFT SAVINGS PLAN

Subpart A—General

Sec.
1600.1 Definitions.

Subpart B—Elections

1600.11 Types of elections.
1600.12 Period for making contribution elections.
1600.13 Effective dates of contribution elections.
1600.14 Method of election.
1600.15 Number of elections.
1600.16 Belated elections.
1600.17 Timing of agency contributions.
1600.18 Effect of transfer to FERS.

Subpart C—Program of Contributions

1600.21 Contributions in whole numbers.
1600.22 Maximum contributions.
1600.23 Required reduction of contribution rates.

Subpart D—Transfers From Other Qualified Retirement Plans

1600.31 Accounts eligible for transfer.
1600.32 Methods for transferring account from qualified retirement plan or conduit IRA to TSP.
1600.33 Treatment accorded transferred funds.

Authority: 5 U.S.C. 8351, 8432(b)(1)(A), 8474(b)(5) and (c)(1).

Subpart A—General

§ 1600.1 Definitions.

Terms used in this part have the following meanings:

Account or *individual account* means the account established for a participant in the Thrift Savings Plan under 5 U.S.C. 8439(a).

Agency automatic (1%) contributions means any contributions made under 5 U.S.C. 8432(c)(1) and (c)(3).

Agency matching contributions means any contributions made under 5 U.S.C. 8432(c)(2).

Basic pay means basic pay as defined in 5 U.S.C. 8331(3). For CSRS and FERS employees, it is the rate of pay used in computing any amount the individual is otherwise required to contribute to the Civil Service Retirement and Disability Fund as a condition of participating in the Civil Service Retirement System or the Federal Employees' Retirement System, as the case may be.

Board means the Federal Retirement Thrift Investment Board established under 5 U.S.C. 8472.

Contribution allocation means the apportionment of a participant's future contributions and loan payments among the TSP investment funds.

Contribution election means a request by an employee to start contributing to the TSP, to change the amount of contributions made to the TSP each pay period, or to terminate contributions to the TSP.

CSRS means the Civil Service Retirement System established by 5 U.S.C. chapter 83, subchapter III, or any equivalent Federal retirement system.

CSRS employee or *CSRS participant* means any employee or participant covered by CSRS.

Date of appointment means the effective date of an employee's accession by the current employing agency.

Election period means the last calendar month of a TSP open season. It is the earliest period during which a TSP contribution election can become effective.

Employee contributions means any contributions to the Thrift Savings Plan made under 5 U.S.C. 8351(a), 8432(a), or 8440a through 8440e.

Employer contributions means agency automatic (1%) contributions under 5 U.S.C. 8432(c)(1) or 8432(c)(3) and agency matching contributions under 5 U.S.C. 8432(c)(2).

Employing agency means the organization that employs an individual eligible to contribute to the TSP and that has authority to make personnel compensation decisions for the individual.

Executive Director means the Executive Director of the Federal Retirement Thrift Investment Board under 5 U.S.C. 8474.

FERS means the Federal Employees' Retirement System established by 5 U.S.C. chapter 84 or any equivalent Federal retirement system.

FERS employee or *FERS participant* means any employee or TSP participant covered by FERS.

Open season means the period during which employees may elect to make contributions to the TSP, change the amount of contributions, or terminate contributions (without losing the right to resume contributions during the next open season).

Separation from Government service means the cessation of employment with the Federal Government, the U.S. Postal Service, or with any other employer, from a position that is deemed to be Government employment for purposes of participating in the TSP, for 31 or more full calendar days.

Thrift Savings Plan, TSP, or *Plan* means the Thrift Savings Plan established under subchapters III and VII of the Federal Employees' Retirement System Act of 1986, 5 U.S.C. 8351 and 8401–8479.

Thrift Savings Plan Service Office (TSPSO) means the office of the TSP recordkeeper which provides service to participants. The TSPSO's address is: Thrift Savings Plan Service Office, National Finance Center, P.O. Box 61500, New Orleans, Louisiana 70161–1500.

TSP recordkeeper means the entity that is engaged by the Board to perform recordkeeping services for the Thrift Savings Plan. The TSP recordkeeper is the National Finance Center, Office of

Finance and Management, United States Department of Agriculture, located in New Orleans, Louisiana.

Subpart B—Elections

§ 1600.11 Types of elections.

(a) *Contribution elections.* A contribution election can be made on a Form TSP–1, Thrift Savings Plan Election Form, and includes any one of the following elections:

(1) To make employee contributions;

(2) To change the amount of employee contributions; or

(3) To terminate employee contributions.

(b) *Contribution allocation.* A participant may make or change the manner in which future deposits to his or her account are allocated among the TSP's investment funds only in accordance with 5 CFR part 1601.

§ 1600.12 Period for making contribution elections.

(a) *Participation upon initial appointment or reappointment.* An employee may make a contribution election as follows:

(1) *Appointments made during the period January 1 through June 30, 2001.* An employee appointed, or reappointed following a separation from Government service, to a position covered by FERS or CSRS during the period January 1 through June 30, 2001, may make a TSP contribution election during the May 15 through July 31, 2001, open season.

(2) *Appointments made on or after July 1, 2001.* An employee appointed, or reappointed following a separation from Government service, to a position covered by FERS or CSRS may make a TSP contribution election within 60 days after the effective date of the appointment.

(b) *Open season elections.* Any employee may make a contribution election during an open season. Each year an open season will begin on May 15 and will end on July 31; a second open season will begin on November 15 and will end on January 31 of the following year. If the last day of an open season falls on a Saturday, Sunday, or legal holiday, the open season will be extended through the end of the next business day.

(c) *Election to terminate contributions.* An employee may elect to terminate employee contributions to the TSP at any time. If an employee's election to terminate contributions is received by the employing agency during an open season, the employee, if otherwise eligible, may make an election to resume contributions during the next open season. If the election to terminate contributions is received by the employing agency outside an open season, the employee may not make an election to resume contributions until the second open season beginning after the election to terminate.

(d) *Forced termination of employee contributions due to in-service hardship withdrawal restrictions under 5 CFR part 1650.* If an employee is reappointed to a position covered by FERS or CSRS following a separation from Government service and, at the time of separation, he or she had been previously ineligible to make employee contributions or receive agency matching contributions because of the restrictions on participants' ability to make contributions after having received an in-service hardship distribution, described in 5 CFR part 1650, the employee continues to be ineligible to make employee contributions or have agency matching contributions made on the employee's behalf during the six-month period described at 5 CFR 1650.32.

§ 1600.13 Effective dates of contribution elections.

(a) *Participation upon initial appointment or reappointment.* (1) TSP contribution elections made pursuant to § 1600.12(a)(1) that are received by the employing agency between May 15, 2001, and June 30, 2001, will become effective the first full pay period in July 2001. TSP contribution elections made pursuant to § 1600.12(a)(1) that are received by the employing agency during July 2001 will become effective no later than the first full pay period after the date the employing agency receives the election.

(2) TSP contribution elections made pursuant to § 1600.12(a)(2) will become effective no later than the first full pay period after the election is received by the employing agency.

(b) *Open season elections.* TSP contribution elections made pursuant to § 1600.12(b) that are received by an employing agency during a portion of an open season which precedes the election period, except for an election to terminate contributions, will become effective the first full pay period of the election period. TSP contribution elections made pursuant to § 1600.12(b) that are received by an employing agency during the election period will become effective no later than the first full pay period after the date the employing agency receives the election.

(c) *Election to terminate contributions.* An election to terminate contributions, whenever it is made, will become effective no later than the first full pay period after the date the employing agency receives the election.

(d) *Elections resulting from transfer to FERS.* Elections made pursuant to § 1600.18 will become effective no later than the first full pay period after the date the employing agency receives the election. If the employee submits a contribution election at the same time that he or she submits the FERS transfer election, both elections will become effective the same pay period.

§ 1600.14 Method of election.

(a) A participant must submit a contribution election to his or her employing agency. Employees may use either the paper TSP election form, Form TSP–1, or, if provided by their employing agency, electronic media to make an election. If an electronic medium is used, all relevant elements contained on the paper Form TSP–1 must be included in the electronic medium.

(b) A contribution election must:

(1) Be completed in accordance with the instructions on Form TSP–1, if a paper form is used;

(2) Be made in accordance with the employing agency's instructions, if the submission is made electronically; and

(3) Not exceed the maximum contribution limitations described in § 1600.22.

§ 1600.15 Number of elections.

Once a contribution election made during an open season becomes effective, no further contribution elections may be made during the same open season, except an election to terminate contributions.

§ 1600.16 Belated elections.

When an employing agency determines that an employee was unable, for reasons that were beyond the employee's control (other than agency administrative error, as provided in 5 CFR part 1605), to make a contribution election within the time limits prescribed by this part, the agency may accept the employee's election within 30 calendar days after it advises the employee of its determination. The election will become effective no later than the first full pay period after the date the employing agency receives the election.

§ 1600.17 Timing of agency contributions.

(a) *Employees not previously eligible to receive agency contributions.* An employee appointed or reappointed to a position covered by FERS who had not been previously eligible to receive agency contributions is eligible to receive agency contributions the full second election period following the effective date of the appointment. If an

employee is appointed during an election period, that election period is not counted as the first election period.

(b) *Employees previously eligible to receive agency contributions.* An employee reappointed to a position covered by FERS who was previously eligible to receive agency contributions is immediately eligible to receive agency contributions.

(c) Agency matching contributions that are attributable to the employee contributions made to the account of a FERS participant must change or terminate, as applicable, when the employee's contribution election becomes effective.

§ 1600.18 Effect of transfer to FERS.

(a) If an employee appointed to a position covered by CSRS elects to transfer to FERS, the employee may make a contribution election simultaneously with the election to transfer to FERS, or within 30 calendar days after the effective date of his or her transfer.

(b) Eligibility to make employee contributions, and therefore to have agency matching contributions made on the employee's behalf, is subject to the restrictions on making employee contributions after receipt of a financial hardship in-service withdrawal described at 5 CFR part 1650.

(c) If the employee had elected to make TSP contributions while covered by CSRS, the election continues to be valid until the employee makes a new valid election.

(d) Agency automatic (1%) contributions for all employees covered under this section and, if applicable, agency matching contributions attributable to employee contributions must begin the same pay period that the transfer to FERS becomes effective.

Subpart C—Program of Contributions

§ 1600.21 Contributions in whole numbers.

Employees may elect to contribute a percentage of basic pay or a dollar amount, subject to the limits described in § 1600.22. The election must be expressed in whole percentages or whole dollar amounts.

§ 1600.22 Maximum contributions.

(a) *Percentage of basic pay.* (1) Subject to paragraphs (b) and (c) of this section, the maximum FERS employee contribution for 2001 is 11 percent of basic pay per pay period. The maximum contribution will increase one percent a year until 2005, after which the percentage of basic pay limit will not apply and the maximum contribution will be limited only as provided in paragraphs (b) and (c) of this section.

(2) Subject to paragraphs (b) and (c) of this section, the maximum CSRS employee contribution for 2001 is 6 percent of basic pay per pay period. The maximum contribution will increase one percent a year until 2005, after which the percentage of basic pay limit will not apply and the maximum contribution will be limited only as provided in paragraphs (b) and (c) of this section.

(b) *Internal Revenue Code (I.R.C.) limit on elective deferrals.* Section 402(g) of the I.R.C. (26 U.S.C. 402(g)) places a limit on the amount an employee may save on a tax-deferred basis through the TSP. Employee contributions to the TSP will be restricted to the I.R.C. limit; the TSP will not accept any contribution that exceeds the I.R.C. section 402(g) limit. If a participant contributes to the TSP and another plan, and the combined contributions exceed the I.R.C. section 402(g) limit, he or she may request a refund of employee contributions from the TSP to conform with the limit.

(c) *I.R.C. limit on contributions to qualified plans.* Section 415(c) of the I.R.C. (26 U.S.C. 415(c)) also places a limit on the amount an employee may save on a tax-deferred basis through the TSP. Employee contributions, described in this section, and employer contributions, described in § 1600.17, made to the TSP will be restricted to the I.R.C. section 415(c) limit. No employee contribution may be made to the TSP for any year to the extent that the sum of the employee contributions and the employer contributions for that year would exceed the I.R.C. section 415(c) limit.

§ 1600.23 Required reduction of contribution rates.

(a) The employing agency will reduce the contribution of any FERS or CSRS employee who has elected a whole dollar amount but whose elected contribution for any pay period exceeds any of the applicable maximum percentages set forth in § 1600.22. The employing agency will reduce the whole dollar amount to the highest whole dollar amount that does not exceed the applicable maximum percentage.

(b) An employing agency will not contribute to a participant's TSP account any amounts in excess of the limits referred to in § 1600.22(b) or (c).

Subpart D—Transfers From Other Qualified Retirement Plans

§ 1600.31 Accounts eligible for transfer.

Effective July 1, 2001, participants may transfer funds in the following types of accounts into their existing TSP accounts. This option is not available to participants who have already made a full withdrawal of their account or who are receiving monthly payments.

(a) *Qualified retirement plan.* For the purposes of this part, a qualified retirement plan is a qualified trust, described in section 401(a) of the I.R.C. (26 U.S.C. 401(a)), which is exempt from taxation under I.R.C. section 501(a) (26 U.S.C. 501(a)), or an annuity plan, described in section 403(a) of the I.R.C. (26 U.S.C. 403(a)).

(b) *Conduit individual retirement account* (conduit IRA). For the purposes of this part, a conduit IRA is an individual retirement account, described in I.R.C. section 408(a) (26 U.S.C. 408(a)), or an individual retirement annuity, described in I.R.C. section 408(b) (26 U.S.C. 408(b)), that contains only funds transferred or rolled over from a qualified retirement plan (and earnings on those amounts).

(c) *Eligible rollover distribution.* In order to be eligible for transfer to the TSP, distributions from accounts that qualify under either paragraph (a) or (b) of this section must also be eligible rollover distributions pursuant to I.R.C. section 402(c)(4) (26 U.S.C. 402(c)(4)).

§ 1600.32 Methods for transferring account from qualified retirement plan or conduit IRA to TSP.

(a) *Trustee to trustee transfer.* Participants may request that the administrator of their qualified retirement plan or the custodian of their conduit IRA transfer any or all of their account directly to the TSP by completing and submitting a Form TSP–60, Request for a Rollover into the TSP, to the administrator or custodian and requesting that the transaction be completed.

(b) *Rollover by participant.* Participants who have already received a distribution from their plan or conduit IRA may roll over all or part of the distribution into the TSP in accordance with the following requirements:

(1) The participant must complete a Form TSP–60, Request for a Rollover into the TSP.

(2) The administrator of the qualified retirement plan or the custodian of the conduit IRA must certify on the TSP transfer form the amount and date of the distribution, and that the distribution is an eligible rollover distribution in accordance with I.R.C. section 402(c)(4) (26 U.S.C. 402(c)(4)).

(3) The participant must submit the completed Form TSP–60, together with a certified check, cashier's check, cashier's draft, money order, or treasurer's check from a credit union, made out to the Thrift Savings Plan for

the entire amount of the rollover. A participant may roll over the full amount of the distribution by making up, from his or her own funds, the amount that was withheld from the distribution for the payment of federal taxes.

(4) The transaction must be completed within 60 days of the participant's receipt of the distribution from the retirement plan or conduit IRA. The transaction is not complete until the TSP recordkeeper receives the Form TSP–60, executed by both the participant and plan administrator or IRA custodian, together with the guaranteed funds for the amount to be rolled over.

§ 1600.33 Treatment accorded transferred funds.

(a) All funds transferred to the TSP pursuant to §§ 1600.31 and 1600.32 will be treated as employee contributions.

(b) All funds transferred to the TSP pursuant to §§ 1600.31 and 1600.32 will be invested in accordance with the participant's contribution allocation on file at the time the transfer is completed.

(c) Funds transferred to the TSP pursuant to §§ 1600.31 and 1600.32 are not subject to the limits on contributions described in § 1600.22.

[FR Doc. 01–10962 Filed 5–1–01; 8:45 am]

BILLING CODE 6760–01–U

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

5 CFR Part 1601

Participants' Choices of Investment Funds

AGENCY: Federal Retirement Thrift Investment Board

ACTION: Final rule.

SUMMARY: The Executive Director of the Federal Retirement Thrift Investment Board (Board) is amending the regulations on participants' choices of investment funds. This amendment implements a provision of the Thrift Savings Plan Act of 1996, which added two new investment funds to the Thrift Savings Plan (TSP). It also implements a decision by the Board to transfer the processing of contribution allocations from the employing agencies to the TSP recordkeeper.

EFFECTIVE DATE: May 2, 2001.

FOR FURTHER INFORMATION CONTACT: Salomon Gomez on (202) 942–1661; Merritt A. Willing on (202) 942–1666; or Patrick J. Forrest on (202) 942–1659. FAX (202) 942–1676.

SUPPLEMENTARY INFORMATION: The Board administers the TSP which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99–335, 100 Stat. 514. The Thrift Savings Plan Act of 1996, Public Law 104–208, 110 Stat. 3009, amended FERSA to create two new TSP investment funds. The TSP provisions of FERSA have been codified, as amended, largely at 5 U.S.C. 8351 and 8401–8479. The TSP is a tax-deferred retirement savings plan for Federal employees, similar to cash or deferred arrangements established under section 401(k) of the Internal Revenue Code. Sums in a TSP participant's account are held in trust for that participant.

On March 26, 2001, the Board published a proposed rule with a request for comments in the **Federal Register** (66 FR 16415). The Board received no comment on the proposed rule. Therefore, the Board is adopting the provisions of the proposed rule as a final rule without change.

Analysis

The final rule eliminates §§ 1601.2(a), (c) and (d), 1601.4(b), and 1601.6 because those sections are obsolete. Sections 1601.3 and 1601.7 have been redesignated as § 1602.36; effective May 1, 2001, error correction will be processed in accordance with part 1605.

Subpart A contains definitions relevant to participants' choices of investment funds, as it does currently. The definitions of allocation election, election form, and election period in the existing regulation are deleted as unnecessary. Other definitions, such as Board and CSRS, are deleted because they are not specifically applicable to participants' choices of investment funds.

In subpart B, the Board explains a new process for making a contribution allocation. Contribution allocations apply to future TSP contributions and loan payments. Currently, participants make a contribution election and a contribution allocation at the same time, on Form TSP–1; this form is submitted to the participant's employing agency. Participants will continue to use Form TSP–1 to make contribution elections and will submit that form to their employing agency. However, on May 1, 2001, when the new funds are implemented, contribution allocations will be submitted to the TSP recordkeeper following the procedures described in Subpart B.

Subpart B includes a transition rule that explains how new contributions will initially be invested upon implementation of the new funds. This transition rule will apply to contributions and loan payments posted after April 30, 2001. In particular, § 1601.12 provides that beginning on May 1, 2001, contributions and loan payments for each TSP account will be invested based on the allocation of the most recent contribution posted to a participant's account between March 15 and April 30, 2001. If there was none, contributions and loan payments will be invested based upon any interfund transfer request pending for April 30, 2001. If there is no interfund transfer request pending for April 30, 2001, contributions and loan payments will be allocated based upon the participant's March 31, 2001 month-end account balance. If a participant's March month-end account balance is zero, his or her contributions and loan payments will be invested in the G Fund. This derived allocation will continue until a valid contribution allocation is received and processed.

For accounts first established on or after May 1, 2001, contributions and other deposits received will be invested in the G Fund until the participant makes a different contribution allocation. The participant may subsequently make a contribution allocation to change the investment of future contributions or an interfund transfer to change the investment of his or her existing account balance at any time after he or she is notified by the TSP recordkeeper that the account has been established. Effective May 1, 2001, all TSP participants may elect to invest all or part of their new contributions and loan payments in any of the five investment funds.

Section 1601.13 explains that, effective May 1, 2001, a participant may make a contribution allocation by using the TSP Web site, the ThriftLine, or by completing a Form TSP–50, Investment Allocation. Section 1601.13 also explains the requirements for a valid contribution allocation, largely incorporating existing § 1601.2(b). It also explains that participants will be able to make contribution allocations in increments of one percent instead of the current five percent.

Subpart C describes the rules that a participant must follow in order to make an interfund transfer of his or her existing TSP account balance. Section 1601.22 of the final regulation essentially incorporates § 1601.5 of the existing regulations and also provides that, effective May 1, 2001, a participant may use the TSP Web site, the ThriftLine, or a Form TSP–50 to request an interfund transfer.

Subpart D has been added to part 1601 to consolidate rules that apply to

participants' choices of investment funds for new contributions (contribution allocations) and to redistributing existing account balances (interfund transfers). For example, § 1602.32 describes the timing and posting dates for contribution allocations and interfund transfer requests. Section 1602.33 provides that a participant who elects to make an interfund transfer to the F Fund, C Fund, S Fund, or I Fund must execute an acknowledgment of risk (that the investment is made at the participant's risk and the participant understands that the TSP does not guarantee investment returns or guarantee against a loss in the value of the investment). Section 1602.34 prescribes the rules for giving effect to a Form TSP–50.

CROSS-REFERENCE TABLES

Old section	New section
1601.1	1601.1
1601.2(a), (c), (d)	Deleted.
1601.2(b)	1601.13
1601.3	1601.36
Con't.	*Con't.*
1601.4(a)	1601.21
1601.4(b)	Deleted.
1601.5	1601.22
1601.6	1601.32
1601.7	1601.36
1601.1	1601.1
1601.11	New.
1601.12	New.
1601.13	1601.2(b)
1601.21	New.
1601.22	1601.5
1601.31	New.
1601.32	1601.6
1601.33	New.
1601.34	New.
1601.35	New.
1601.36	1601.3, 1601.7

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities. They will affect only employees of the Federal Government.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.

Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, and 1501–1571, the effects of this regulation on state, local, and tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of $100 million or more by state, local, and tribal governments, in the aggregate, or by the private sector. Therefore, a statement under section 1532 is not required.

Submission to Congress and the General Accounting Office

Pursuant to 5 U.S.C. 801(a)(1)(A), the Board submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in today's **Federal Register**. This rule is not a major rule as defined at 5 U.S.C. 804(2).

List of Subjects in 5 CFR Part 1601

Employment benefit plans, Government employees, Pensions, Retirement.

Roger W. Mehle,

Executive Director, Federal Retirement Thrift Investment Board.

For the reasons set out in the preamble, 5 CFR part 1601 is revised to read as follows:

PART 1601—PARTICIPANTS' CHOICES OF INVESTMENT FUNDS

Subpart A—General

Sec.
1601.1 Definitions.

Subpart B—Investing Future Contributions and Loan Payments

1601.11 Applicability.
1601.12 Investing future contributions and loan payments in the TSP investment funds.
1601.13 Elections.

Subpart C—Redistributing Participants' Existing Account Balances

1601.21 Applicability.
1601.22 Methods of requesting an interfund transfer.

Subpart D—Contribution Allocations and Interfund Transfer Requests

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Authority: 5 U.S.C. 8351, 8438, 7474(b)(5) and (c)(1).

Subpart A—General

§ 1601.1 Definitions.

As used in this part:

Account balance means the sum of the dollar balances for each source of contributions in each investment fund for an individual account.

Acknowledgment of risk means an acknowledgment that any investment in the F Fund, C Fund, S Fund, or I Fund is made at the participant's risk, that the participant is not protected by the United States Government or the Board against any loss on the investment, and that neither the United States Government nor the Board guarantees any return on the investment.

C Fund means the Common Stock Index Investment Fund established under 5 U.S.C. 8438(b)(1)(C).

Contribution allocation means the apportionment of a participant's future contributions and loan payments among the TSP investment funds.

Day means calendar day, unless otherwise stated.

Employing agency means the organization that employs an individual eligible to contribute to the TSP and that has authority to make personnel compensation decisions for the individual.

F Fund means the Fixed Income Investment Fund established under 5 U.S.C. 8438(b)(1)(B).

G Fund means the Government Securities Investment Fund established under 5 U.S.C. 8438(b)(1)(A).

I Fund means the International Stock Index Investment Fund established under 5 U.S.C. 8438(b)(1)(E).

Interfund transfer means the reapportionment, under this part, of a participant's existing account balance among the various TSP investment funds.

Investment fund means any investment fund authorized under 5 U.S.C. 8438.

S Fund means the Small Capitalization Stock Index Fund established under 5 U.S.C. 8438(b)(1)(D).

Source of contributions means employee contributions, agency automatic (1%) contributions, or agency matching contributions.

ThriftLine means the automated voice response system by which TSP participants may, among other things, access their accounts by telephone. The ThriftLine can be reached at (504) 255–8777.

TSP recordkeeper means the entity that is engaged by the Board to perform recordkeeping services for the Thrift Savings Plan. The TSP recordkeeper is the National Finance Center, United States Department of Agriculture, located in New Orleans, Louisiana.

TSP Web site means the Internet location maintained by the Board, which contains information about the TSP and by which TSP participants may, among other things, access their accounts by computer. The TSP Web site address is http://www.tsp.gov.

Subpart B—Investing Future Contributions and Loan Payments

§ 1601.11 Applicability.

This subpart applies only to the investment of future contributions and loan payments in the TSP's investment funds; it does not apply to redistributing participants' existing account balances among the investment funds, which is covered in subpart C of this part.

§ 1601.12 Investing future contributions and loan payments in the TSP investment funds.

(a) *Transition rule.* Effective May 1, 2001, contributions and loan payments will be allocated among the investment funds based on the allocation of the most recent contribution posted to the account between March 15, 2001, and April 30, 2001. If no contributions have been posted to an account between March 15, 2001, and April 30, 2001, the allocation will be based on the allocation shown on an interfund transfer request pending for April 30, 2001. If there is no interfund transfer pending for April 30, 2001, the allocation will be based on the allocation of the account as of the March 31, 2001, account balance. If the March 31, 2001, account balance is zero, the contributions and loan payments will be allocated 100% to the G Fund. The allocation derived under this section will be applied to all contributions and loan payments posted as of a date after April 30, 2001, until a new contribution allocation is made by the participant pursuant to § 1600.12.

(b) *Investment fund availability.* Effective May 1, 2001, all participants may elect to invest all or any portion of their future contributions and loan payments in any of the TSP's five investment funds.

§ 1601.13 Elections.

(a) *Contribution allocation.* Effective May 1, 2001, each participant may indicate his or her choice of investment funds for the allocation of future contributions and loan payments by using the TSP Web site or the ThriftLine, or completing Form TSP–50, Investment Allocation. The following rules apply to contribution allocations:

(1) Contribution allocations must be made in one percent increments. The sum of the percentages elected for all of the investment funds must equal 100%;

(2) The percentage elected by a participant for investment of future contributions in an investment fund will be applied to all sources of contributions and loan payments. A participant may not make different percentage elections for different sources of contributions or for loan payments;

(3) A participant who elects for the first time to invest contributions and loan payments in the F Fund, C Fund, S Fund, or I Fund must execute an acknowledgment of risk in accordance with § 1601.33;

(4) All contributions and loan payments made on behalf of a participant who does not have a contribution allocation in effect will be invested in the G Fund;

(5) Once a contribution allocation becomes effective, it remains in effect until it is superseded by a subsequent contribution allocation. If a separated participant is rehired, his or her last contribution allocation before separation from service will be given effect until a new allocation is made.

(b) *Effect of rejection of form.* If a Form TSP–50 is rejected, the purported contribution allocation made on the form will have no effect. The TSP will provide the participant with a written statement of the reason the form was rejected.

(c) *Contribution elections.* A participant may designate the amount of employee contributions he or she wishes to make to the TSP or may stop contributions only in accordance with 5 CFR part 1600.

Subpart C—Redistributing Participants' Existing Account Balances

§ 1601.21 Applicability.

This subpart applies only to redistributing participants' existing account balances among the TSP's investment funds; it does not apply to the investment of future contributions and loan payments, which is covered in subpart B of this part.

§ 1601.22 Methods of requesting an interfund transfer.

(a) Effective May 1, 2001, participants may make an interfund transfer using the TSP Web site or the ThriftLine, or by completing a Form TSP–50, Investment Allocation. The following rules apply to an interfund transfer request:

(1) Interfund transfer requests must be made in one percent increments. The sum of the percentages elected for all of the investment funds must equal 100%;

(2) The percentages elected by the participant will be applied to the balances from each source of contributions that make up the participant's total account balance on the effective date of the interfund transfer;

(3) Any participant who elects to invest in the F Fund, C Fund, S Fund, or I Fund for the first time must execute an acknowledgment of risk in accordance with § 1601.33.

(b) An interfund transfer request has no effect on contributions and loan payments made after the effective date of the interfund transfer request; subsequent contributions and loan payments will continue to be allocated among the investment funds in accordance with the participant's contribution allocation made under subpart B of this part.

Subpart D—Contribution Allocations and Interfund Transfer Requests

§ 1601.31 Applicability.

This subpart applies both to contribution allocations made under subpart B of this part and interfund transfers made under subpart C of this part.

§ 1601.32 Timing and posting dates.

(a) *Posting dates.* (1) A contribution allocation will ordinarily be posted within 2 business days after it is received.

(2) An interfund transfer request received by midnight (central time) on the 15th of the month will be posted to a participant's account as of the last day of the month. (If the 15th of the months falls on a weekend, holiday, or other nonbusiness day, the deadline will be the next business day.) Requests received after the deadline will be posted to a participant's account as of the last day of the following month.

(b) *Limit.* There is no limit on the number of contribution allocations or interfund transfer requests that may be made by a participant; however, only one interfund transfer will be processed per month.

(c) *Multiple contribution allocations or interfund transfer requests.* (1) If two or more contribution allocations or two or more interfund transfer requests with different dates are received for a participant and would be posted on the same day under the rules set forth in paragraph (a) of this section, only the last contribution allocation or interfund transfer request with the latest date will be posted.

(2) If two or more contribution allocations or two or more interfund transfer requests with the same date are received for a participant and would be posted on the same day, the following rules will apply:

(i) If one or more of the contribution allocations or interfund transfer requests are submitted through the TSP Web site or the ThriftLine and one or more are made on a Form TSP–50 and would be posted on the same day, only the latest

contribution allocation or interfund transfer request made through the TSP Web site or the ThriftLine will be posted;

(ii) If one or more of the contribution allocations or interfund transfer requests are made through the TSP Web site or the ThriftLine, only the contribution allocation or interfund transfer request entered at the latest time will be posted; and

(iii) If the contribution allocations or interfund transfer requests are submitted using Form TSP–50, all of the forms will be rejected unless the percentage allocations among the investment funds are identical, in which case one will be accepted.

(3) For purposes of determining the date and time of a contribution allocation or an interfund transfer request, the following rules apply:

(i) The date of a contribution allocation or interfund transfer request made through the TSP Web site or the ThriftLine, is the date the participant enters the investment percentages;

(ii) The date of a contribution allocation or interfund transfer request made on Form TSP–50 is the date the form is signed by the participant; and

(iii) Central time is used for determining the date and time on which a transaction is entered and confirmed through the TSP Web site or the ThriftLine.

(d) *Cancellation of contribution allocation or interfund transfer request.* (1) A contribution allocation or an interfund transfer request may be canceled only through the TSP Web site, the ThriftLine, or through written correspondence.

(2) *Cancellation on the TSP Web site or ThriftLine.* A contribution allocation or an interfund transfer request may be canceled by entering the cancellation on the TSP Web site or the ThriftLine only up to the deadline, described in paragraph (a) of this section, that is applicable to the original request. If a change or cancellation is received after the deadline, the original request will be processed as scheduled. The second request will then be processed in turn.

(3) *Cancellation by correspondence.* A participant may also cancel a contribution allocation or an interfund transfer request by submitting a letter to the TSP recordkeeper requesting cancellation. To be accepted, the cancellation letter must be signed and dated and must contain the participant's name, Social Security number, and date of birth. To be effective, the cancellation must be received by the deadline described in paragraph (a) of this section. Unless the letter states unambiguously the specific contribution allocation or interfund transfer request it seeks to cancel, the written cancellation will apply to any contribution allocation or interfund transfer request with a date (as determined under paragraph (c)(3) of this section) before the date of the cancellation letter. If the date of a cancellation letter is the same as the date of a contribution allocation or an interfund transfer request and the request was made on Form TSP–50, the form will be canceled. If the request was made on the TSP Web site or ThriftLine, it will only be canceled if the written cancellation specifies the date of the TSP Web site or ThriftLine request to be canceled.

§ 1601.33 Acknowledgment of risk.

(a) A participant who wants to invest in any investment fund other than the G Fund must execute an acknowledgment of risk for that fund. If a required acknowledgment of risk has not been executed, no transactions involving the fund(s) for which the acknowledgment is required will be accepted.

(b) The acknowledgment of risk may be executed in association with a contribution allocation or an interfund transfer using the TSP Web site, the ThriftLine, or Form TSP–50.

§ 1601.34 Effectiveness of Form TSP–50.

(a) A Form TSP–50 will not be effective if:

(1) It is not signed and dated;

(2) It is missing a Social Security number or date of birth;

(3) The contribution allocation or interfund transfer percentages do not total 100%; or

(4) The form is otherwise not properly completed in accordance with the instructions on the form.

(b) If a Form TSP–50 is rejected, the TSP will provide the participant with a written statement of the reason the form was rejected.

§ 1601.35 Posting of transaction requests.

The Board fully expects to meet the standards of § 1601.32. However, the Board cannot and does not guarantee that the TSP Web site or the ThriftLine will always be available to accept and process transaction requests.

§ 1601.36 Error correction.

Errors in processing contribution allocations and interfund transfer requests, or errors that otherwise cause money to be invested in the wrong investment fund, will be corrected in accordance with the error correction regulations found at 5 CFR part 1605.

[FR Doc. 01–10963 Filed 5–1–01; 8:45 am]

BILLING CODE 6760–01–U

Federal Register

Wednesday,
May 2, 2001

Part V

Department of Agriculture

Commodity Credit Corporation

7 CFR Part 1410

Conservation Reserve Program—Farmable Wetlands Pilot Program; Final Rule

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1410

RIN 0560–AG38

Conservation Reserve Program—Farmable Wetlands Pilot Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Conservation Reserve Program (CRP) regulations to implement provisions of Title XI of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (the 2001 Act), that provide for enrollment, in the States of Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota, of certain wetlands and buffer acreage on a pilot basis into the CRP under the Farmable Wetlands Pilot Program.

DATES: This regulation is effective April 30, 2001.

FOR FURTHER INFORMATION CONTACT: Beverly Preston, Conservation and Environmental Programs Division, USDA/FSA/CEPD/STOP 0513, 1400 Independence Avenue, SW., Washington, DC 20250–0513, Telephone (202) 720–9563.

SUPPLEMENTARY INFORMATION:

Notice and Comment

Section 1105 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387) requires that the regulations necessary to implement these provisions be issued as soon as practicable. It also provides that the regulations be promulgated and administered without regard to the notice and comment provisions of 5 U.S.C. 553 or the Statement of Policy of the Secretary of Agriculture (the Secretary) effective July 24, 1971 (36 FR 13804) relating to notices of proposed rulemaking and public participation in rulemaking. These provisions are thus issued as final and are effective immediately.

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866 and has been determined to be significant and, therefore, was reviewed by the Office of Management and Budget (OMB).

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental impact assessment nor an Environmental Impact Statement is needed.

Executive Order 12988

This final rule has been reviewed in accordance with Executive Order 12988. This final rule is not retroactive and does not pre-empt State laws. Before any judicial action may be taken with respect to the provisions of the final rule, administrative remedies at 7 CFR parts 11 and 780 must be exhausted.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Unfunded Mandates

Title II of the Unfunded Mandate Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions that impose ''Federal mandates'' that may result in expenditures to State, local, or tribal governments, in the aggregate, or the private sector, of $100 million or more in any 1 year. This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Federal Domestic Assistance Program

The title and number of the Federal Domestic Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies, are: Conservation Reserve Program—10.069.

Paperwork Reduction Act

Section 1105 of Public Law 106–78 requires that the regulations implementing these provisions be promulgated and administered without regard to the Paperwork Reduction Act. This means that the normal 60-day public comment period and OMB approval of the information collections required by this rule are not required.

Background

The purpose of the Conservation Reserve Program (CRP) is to cost-effectively assist owners and operators in conserving and improving soil, water, and wildlife resources by converting highly erodible and other environmentally sensitive acreage normally devoted to the production of agricultural commodities to a long-term vegetative cover. CRP participants enter into contracts for 10 to 15 years in exchange for annual rental payments and cost-share assistance for installing certain conservation practices. In determining the amount of annual rental payments to be paid, CCC considers, among other things, the amount necessary to encourage owners or operators of eligible cropland to participate in the CRP. Offers are submitted in such a manner as the Secretary prescribes. The maximum rental payments CCC will pay reflect site-based soil productivity, prevailing local cash equivalent rental rates, and maintenance costs. Offers by producers who request rental payments greater than the amount CCC is willing to pay for their soil type are automatically rejected by CCC. Except for the continuous signup process, remaining offers are evaluated for possible acceptance based on a comparison of environmental benefits indicators with the rental payment cost. The continuous signup process does not include an evaluation based on environmental benefits indicators because only those practices designed to obtain high environmental benefits are eligible to be offered during the continuous signup. Acreage determined eligible and suitable to be devoted to continuous signup practices by the Secretary is automatically accepted into the CRP provided all other eligibility requirements are met.

Substantive Changes

Section 1102 of the 2001 Act amended section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831), which provides statutory authority for the CRP, to provide a Farmable Wetlands Pilot Program for the enrollment, in the States of Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota, of certain wetlands and buffer acreage on a pilot basis into the CRP. Accordingly, as specified in the new statute, the

substantive CRP regulations are changed by this notice to create a new section, 7 CFR 1410.12, that provides that eligible owners and operators in the States of Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota may enroll certain wetland and buffer acreage into a new Farmable Wetland Pilot Program. Enrollment under this pilot may not exceed 500,000 acres for all States, and 150,000 acres in any one State. The maximum enrollment for both the wetland and buffer acreage, of an owner or operator, must not exceed 40 acres per tract. Wetlands also must not exceed 5 acres in size to be eligible for enrollment. Acreage enrolled must be cropland that has a cropping history in at least 3 of the most recent 10 years. These limitations are statutory. General CRP criteria that currently requires cropland to be physically and legally capable of being cropped will apply to this pilot program as will other requirements not inconsistent with the new law.

Acreage offered under this pilot program will be offered using the CRP's continuous signup procedures. Incentives that apply to certain continuous signup practices will be authorized for acreage enrolled under the Farmable Wetlands Pilot Program. Although the signup will be continuous, acreage enrolled through the Farmable Wetlands Pilot Program will not accrue to diminish previous continuous signup acreage goals. However, the 25 percent cropland limitation that applies to the amount of a county's cropland that may be enrolled in the CRP will apply to pilot enrollments.

List of Subjects in 7 CFR Part 1410

Administrative practices and procedures, agriculture, conservation plan, grazing lands, and natural resources.

Accordingly, 7 CFR part 1410 is amended as follows:

PART 1410—CONSERVATION RESERVE PROGRAM

1. The authority citation for 7 CFR part 1410 continues to reads as follows:

Authority: 15 U.S.C. 714b and 714c; 16 U.S.C. 3801–3847.

2. A new section, § 1410.12, is added to read as follows:

§ 1410.12 Farmable Wetlands Pilot Program.

* * * * *

(a) In addition to other allowable enrollments, land may be enrolled in this program through the Farmable Wetlands Pilot provided for in this section, except that:

(b)(1) This pilot program is authorized only in the States of Iowa, Minnesota, Montana, Nebraska, North Dakota, and South Dakota;

(2) As determined by the Deputy Administrator, owners and operators in each of the States in paragraph (b)(1) of this section may enroll cropland that has been annually planted or considered planted to an agricultural commodity in 3 of the 10 most recent crop years, that:

(i) Is a wetland, including a converted wetland, as determined by NRCS or other technical authority, that does not exceed the size limitations of this section; and

(ii) Subject to other provisions of this section, is buffer acreage that provides protection for and is contiguous to the wetlands.

(3) An owner or operator may not enroll in this pilot program any wetland, or land in a flood plain, that:

(i) Is located adjacent to a perennial riverine system wetland as identified on the final national wetland inventory map of the Department of the Interior; or

(ii) Is located adjacent to a perennial stream identified on a 1–24,000 scale map of the United States Geological Service, when the area is not delineated on a final national wetland inventory map.

(4) Enrollment in the CRP under this pilot program must not exceed:

(i) 500,000 acres in all eligible States; and

(ii) 150,000 acres in any one State.

(5) The maximum size of any wetland described in paragraph (b)(2)(i) of this section shall be five contiguous acres.

(6) The maximum size of any buffer acreage described in paragraph (b)(2)(ii) of this section shall be the greater of:

(i) Three times the size of the wetland described in paragraph (b)(2)(i) of this section, or

(ii) 150 feet on either side of the wetland.

(7) The maximum total acreage enrolled in the CRP under this section, including any wetland and buffer acreage described in paragraph (b)(2)(ii) of this section, in a tract, as determined by the Deputy Administrator, of an owner or operator, is 40 acres.

(8) All participants subject to a CRP contract under this section must agree to restore the hydrology of the wetland described in paragraph (b)(2)(i) of this section to the maximum extent possible, as determined by the Deputy Administrator, in accordance with the FOTG.

(9) Offers for contracts under this section shall be submitted under continuous signup provisions as authorized in § 1410.30 of this part.

(10) Except as otherwise determined by the Deputy Administrator, all other requirements of this part shall apply to enrollments under this section and the Deputy Administrator by contract or otherwise may add such other requirements or conditions as are deemed needed or appropriate. Such additional limitations as apply include but are not limited to payment limitations and limitations on the amount of acreage that can be enrolled in any one county.

Signed at Washington, DC, on April 27, 2001.

James R. Little,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 01–11069 Filed 4–30–01; 4:49pm]

BILLING CODE 3410–05–P

Federal Register

Wednesday,
May 2, 2001

Part VI

The President

Proclamation 7430—National Day of Prayer, 2001

Executive Order 13209—Amendment to Executive Order 13183, Establishment of the President's Task Force on Puerto Rico's Status

Federal Register
Vol. 66, No. 85
Wednesday, May 2, 2001

Presidential Documents

Title 3—

The President

Proclamation 7430 of April 27, 2001

National Day of Prayer, 2001

By the President of the United States of America

A Proclamation

Turning to prayer in times of joy and celebration, strife and tragedy is an integral part of our national heritage. When the first settlers landed on the rocky shores of the New World, they celebrated with prayer, and the practice has continued through our history. In 1775, the Continental Congress asked the citizens of the colonies to pray for wisdom in forming a Nation. General George Washington, encamped at Valley Forge, also sought God's guidance as Americans fought for their independence. The faith of our Founding Fathers established the precedent that prayers and national days of prayer are an honored part of our American way of life.

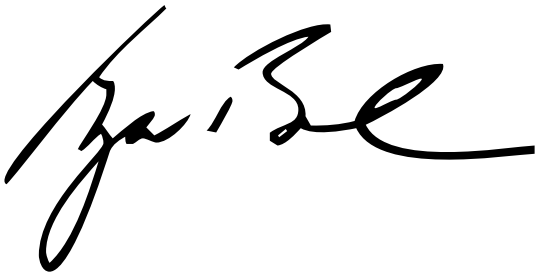
Continuing in that tradition, many of the men and women who have served at the highest levels of our Nation also have turned to prayer seeking wisdom from the Almighty. President Lincoln, who proclaimed a day of ''humiliation, fasting, and prayer'' in 1863, once stated: ''I have been driven many times to my knees by the overwhelming conviction that I had nowhere else to go. My own wisdom, and that of all about me, seemed insufficient for the day.'' Today, millions of Americans continue to hold dear that conviction President Lincoln so eloquently expressed. Gathering in churches, synagogues, mosques, temples, and homes, we ask for strength, direction, and compassion for our neighbors and ourselves.

The theme of the 2001 National Day of Prayer is ''One Nation Under God.'' In a prayer written specially for the occasion, Americans are asked to pray for ''a moral and spiritual renewal to help us meet the many problems we face.'' Special observances are scheduled for all 50 States, with local volunteers planning a variety of activities including prayer breakfasts, concerts, rallies, and student gatherings. These events will bring people of all faiths together, each according to his or her own beliefs, to give thanks to the Almighty and to ask for strength and guidance.

The Congress, by Public Law 100–307, has called on our citizens to reaffirm the role of prayer in our society and to honor the religious diversity our freedom permits by recognizing annually a ''National Day of Prayer.''

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States of America, do hereby proclaim May 3, 2001, as a National Day of Prayer. I encourage the citizens of our Nation to pray each in his or her own manner, seeking God's blessings on our families and government officials and personal renewal, moral awakening, and a new spirit of harmony across our land. I urge all Americans to join in observing this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of April, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



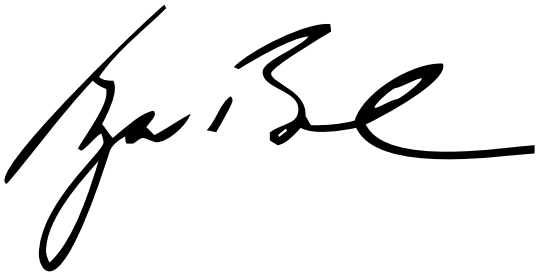
[FR Doc. 01–11209
Filed 5–1–01; 9:07 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13209 of April 30, 2001

Amendment to Executive Order 13183, Establishment of the President's Task Force on Puerto Rico's Statis

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to extend by 3 months the time in which the President's Task Force on Puerto Rico's Status is to report to the President as directed in Executive Order 13183 of December 23, 2000, it is hereby ordered that section 4 of Executive Order 13183 is amended by deleting ''May 1, 2001'' and inserting in lieu thereof ''August 1, 2001''.



THE WHITE HOUSE,
April 30, 2001.

[FR Doc. 01–11210
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Billing code 3195–01–P

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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 MAY 2, 2001

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Cherries (tart) grown in—
Michigan et al.; published 5-1-01

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):
Information technology services procurement; contractor personnel; published 5-2-01
Performance-based contracting; preferred method for acquiring services; published 5-2-01

ENVIRONMENTAL PROTECTION AGENCY

Hazardous waste:
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Exclusions; published 5-2-01

Toxic substances:
Polychlorinated biphenyls (PCBs)—
PCB and PCB-contaminated electrical equipment; reclassification requirements; published 4-2-01

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Thrift Savings Plan:
Employee elections to contribute; published 5-2-01

Thrift Savings Plans:
Investment funds; participants' choices; published 5-2-01

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):
Information technology services procurement; contractor personnel; published 5-2-01
Performance-based contracting; preferred method for acquiring services; published 5-2-01

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Animal drugs, feeds, and related products:
Monensin, sulfadimethoxine, and ormetoprim; published 5-2-01

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation (FAR):
Information technology services procurement; contractor personnel; published 5-2-01
Performance-based contracting; preferred method for acquiring services; published 5-2-01

TRANSPORTATION DEPARTMENT

Coast Guard

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San Diego Bay, CA; security zone; published 5-2-01

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Fuel economy standards:
Light trucks; 2003 model year; published 4-2-01

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AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Cotton classing, testing, and standards:
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Olives grown in—
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Spearmint oil produced in Far West; comments due by 5-9-01; published 4-24-01

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

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Caribbean, Gulf, and South Atlantic fisheries—
Gulf of Mexico fishery management plans; generic amendment; comments due by 5-7-01; published 3-7-01

CONSUMER PRODUCT SAFETY COMMISSION

Poison prevention packaging:
Child-resistant packaging requirements—
Household products containing low-viscosity hydrocarbons; comments due by 5-11-01; published 4-11-01

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Sterilization facilities; ethylene oxide; comments due by 5-7-01; published 3-6-01

Air pollution; standards of performance for new stationary sources:
Electric utility and industrial-commercial-institutional steam generating units; comments due by 5-10-01; published 4-10-01

Air quality implementation plans; approval and promulgation; various States:
Missouri; comments due by 5-7-01; published 4-6-01

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Chlorothalonil; comments due by 5-11-01; published 3-12-01

Radiation protection programs:
Rocky Flats Environmental Technology Site—
Transuranic radioactive waste for disposal at Waste Isolation Pilot Plant; waste characterization program documents availability; comments due by 5-7-01; published 4-5-01

Water supply:
National primary drinking water regulations—
Arsenic; maximum containment level goal, etc.; effective date delay; comments due by 5-7-01; published 4-23-01

FEDERAL COMMUNICATIONS COMMISSION

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Telecommunications relay services; coin sent-paid calls; comments due by 5-7-01; published 4-5-01

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Arizona and Louisiana; comments due by 5-7-01; published 4-4-01
Illinois; comments due by 5-7-01; published 3-28-01
Louisiana; comments due by 5-7-01; published 3-28-01

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Multipoint distribution service; two-way transmissions; Basic Trading Area authorization holders; five-year build-out requirement extension by two years; comments due by 5-9-01; published 4-30-01

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HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

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Land Management Bureau

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INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:
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INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:
Arkansas; comments due by 5-7-01; published 4-6-01

TRANSPORTATION DEPARTMENT

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Drawbridge operations:
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Gulfstream Model GV airplanes; comments due by 5-7-01; published 4-6-01

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Alcohol, Tobacco and Firearms Bureau

Alcohol, tobacco, and other excise taxes:

Tobacco products—

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 132/P.L. 107–6

To designate the facility of the United States Postal Service located at 620 Jacaranda Street in Lanai City, Hawaii, as the ''Goro Hokama Post Office Building''. (Apr. 12, 2001; 115 Stat. 8)

H.R. 395/P.L. 107–7

To designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the ''Ronald W. Reagan Post Office of West Melbourne, Florida''. (Apr. 12, 2001; 115 Stat. 9)

Last List March 21, 2001

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